We wish Ambassador Franklin Williams well, and we look forward to a continued cooperation between our two countries.

We hope that when he returns home, he will continue to take interest in the affairs of Ghana as a private citizen.

Mr. Speaker, these comments from three separate newspapers are convincing testimony to the marvelous job performed by Mr. and Mrs. Williams. All Americans should be truly grateful for their outstanding and unselfish service.

HOUSE REPUBLICAN POLICY COMMITTEE STATEMENT ON THE WHOLESOME POULTRY PRODUCTS ACT—H.R. 16363

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RHODES of Arizona. Mr. Speaker, the 1957 Poultry Products Inspection Act that was enacted into law under the Eisenhower administration, was an important milestone in the development of adequate poultry inspection. It established a Federal inspection system for poultry and poultry products processed by plants shipping in interstate and foreign commerce. It gave assurance to the consumer that products bearing the Federal inspection mark were wholesome, unadulterated, and honestly labeled.

H.R. 16363 would update and expand the original act as follows:

First. The establishment of a Federal-State cooperative inspection service for poultry products comparable to that provided under the Federal Meat Inspection Act, as amended in 1967 is authorized.

Second. Through the development of trained staffs and the provision of funds by the Federal Government, the States are encouraged to enact and administer effective mandatory inspection programs under State administration or jointly with the Federal Government.

Third. The States are given 2 years in which to implement such a system. If the Secretary has reason to believe a State will meet this requirement, an additional year will be given to complete the installation and employment of the system.

Fourth. Federal inspection and regulation is extended to poultry processed for shipment within the States where the States do not enforce requirements at least equal to the Federal requirements within the specified time.

Fifth. Where poultry products processed solely for intrastate commerce endanger the public health, the Federal requirements could, under specified conditions, be applied at any time.

The provisions of H.R. 16363 would extend essential inspection requirements to the bulk of all poultry slaughtered. It would require sanitary facilities and practices in plants which will prevent movement in commerce of unwholesome or adulterated poultry. It would clarify the authority of the Secretary in the matter of labeling and would conform this act with the recently enacted Federal Meat Inspection Act.

Through the adoption of a Republican-sponsored amendment, the small producer who processes his or her own poultry and the small businessman handling poultry would be exempt from the provisions of this act so long as such poultry are sound, healthful and clean and do not move in interstate commerce. This exemption is limited to those cases where the wholesale dressed value of the poultry does not exceed $15,000 a year. This will mean that the farmer or the farmer's wife who raises and sells poultry to local customers in order to supplement the family income will not be subject to costly inspection procedures and mandatory recordkeeping requirements.

We believe that H.R. 16363 provides additional safeguards to the poultry consuming public. It would help to insure that dressed poultry has been processed in a wholesame manner and is properly labeled. We urge its adoption.

INDUSTRY STEPS UP SCHOOL ROLE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. PUCINSKI. Mr. Speaker, the weekly publication, Education, U.S.A., has carried an excellent article on the growing role of American industry in education.

I believe my colleagues will be interested to know what the various cities throughout the country are doing in developing a new relationship between the public schools and industry in their respective communities.

I believe the programs described in this publication are excellent examples of how industry can help local educators meet the challenge of our times.

The article follows:

INDUSTRY STEPS UP SCHOOL ROLE

Education's "sleeping giant"—cooperative education combining the efforts of schools and industry—is beginning to stir. A survey conducted by Education U.S.A. shows a sharp acceleration of partnership programs involving big business and nearby schools during the current year. The idea is not new, but the intensity and the large-scale comprehensiveness of newly launched efforts are definitely new, according to John R. Miles, education manager, Chamber of Commerce of the United States.

Several innovative "partnership" programs have been launched this year in Detroit—and more are being encouraged by Supt. Norman Drachler of the Detroit public school system. They include: "Adoption" of the predominantly Negro Northwestern High School by the Chrysler Corp.—The auto maker's contribution is a joint development by Northwestern's faculty, the central school administration, and Chrysler—and it has the full backing of the board of education. Chrysler provides students with work experience; employment and job application guidance and training; equipment for an auto mechanics school; employment services to assist students in gaining employment.

Operation of an anti-dropout program by the J. L. Hudson Co., a large department store—Half the 500 participants are potential high school dropouts. The program provides jobs and stresses interview techniques, proper attitude, and opportunities for upgrading.

A partnership between Northern High School and the Michigan Bell Telephone Co.—In its efforts to prepare students for the world of work, the Michigan Bell's effort is now including retail experience for students. A mock store has been established; market research is done; stocks of goods are bought; sales prices are determined; and margin of profit is calculated.

An ambitious partnership program has just been announced in Hartford, Conn., by the Aetna Life and Casualty Co. It is "adopting" Weaver High School, an overcrowded plant with 60% Negro enrollment. Typical activities include counseling by Aetna employees on the operation of the school's newspaper; photographic assistance to a class currently engaged in a special photography assignment; field trips for members of the printing class; and office machine training at the home office on Saturdays.

A joint school-industry job training program is being launched by the Cleveland public schools, the General Electric Co., and a number of other local industries. The plan includes the donation by GE to the school district of a three-story, air-conditioned warehouse worth nearly $5 million. Five hundred unemployed inner-city youngsters will be trained for permanent jobs. The building will bring together basic education, industry-sponsored job training, and on-site employment facilities.

One of the boldest plans of partnership is proposed for Philadelphia. The district is planning a new 2,400-student downtown high school with no plant. Its classrooms will be held in downtown business and community buildings. The idea, Supt. Mark R. Shedd says, is not only to save $19 million required for a new high school plant, but to "dramatize the fact that the schools are the community and the community, the schools."

"This trend towards more school-industry cooperation is just beginning," in the opinion of Gordon F. Law, director of research for the American Vocational Assn. "We believe it's education's sleeping giant," he added.

SENATE—*Friday, May 24, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

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

O God, the light of our minds, the power of our thought, the breath of our lives, draw closer to us in this moment of prayer. For we need quietness. Shouting and tumult are always about us, and the noise of the world never dies down. But in Thy presence there is healing quietness. Let us find Thy presence now. Help us to make room for thought that ennobles, and to turn our self-love into a love that goes out to others, in a flow of sympathy.

In the crises of our times undergird us with Thy might to exercise the potent ministry to all the world to which, in Thy providence, we believe Thou hast called us in this age on ages telling. As the toil of a new day opens before us,

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we lay before Thee the meditations of our hearts; may they be acceptable in Thy sight.

We ask it in the hallowed name of Him for whose coming kingdom we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 23, 1968, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 22, 1968, the President had approved and signed the joint resolution (S.J. Res. 129) to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of George A. Avery, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia, which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 168) to authorize the temporary funding of the emergency credit revolving fund.

The message also announced that the House had passed the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 2158) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 44. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator;

H. Con. Res. 614. Concurrent resolution to provide for the printing of 1,000 additional copies of anticrime hearings; and

H. Con. Res. 702. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

HOUSE BILL REFERRED

The bill (H.R. 2158) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, was read twice by its title and referred to the Committee on Finance.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 44. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator;

H. Con. Res. 614. Concurrent resolution to provide for the printing of 1,000 additional copies of anticrime hearings; and

H. Con. Res. 702. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which H.R. 5037 was passed yesterday be reconsidered together with the third reading and that the bill be amended on page 17, line 2, to strike out "1967" and insert "1968," and on page 93, in the last line of the amendment adopted to paragraph (2), after the word "would" insert "not", and that the bill be read a third time and passed.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 5037) was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN subsequently said: Mr. President, I ask unanimous consent that H.R. 5037, the Omnibus Crime Control and Safe Streets Act of 1967, be printed as passed by the Senate.

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

AMENDMENT OF THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1120, H.R. 5404.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5404) to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 2, after line 14, insert:

(4) to foster and support the development and use of computer and other scientific methods and technologies, primarily for research and education in the sciences;

At the beginning of line 19, strike out "(4)" and insert "(5)"; on page 3, at the beginning of line 6, strike out "(5)" and insert "(6)"; at the beginning of line 14, strike out "(6)" and insert "(7)"; in line 18, after the word "educational" strike out "institution," and insert "institution and appropriate"; in line 19, after the word "organization" strike out "and private contractor"; after line 23, strike out:

(b) When requested by the Secretary of State or the Secretary of Defense, the Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to internatoinal cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities.

And, in lieu thereof, insert:

(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities. Such activities when initiated or supported pursuant to requests made by the Secretary of State or the Secretary of Defense shall be financed solely from funds transferred to the Foundation by the requesting Secretary as provided in section 15(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate Secretary.

On page 5, line 7, after the word "Board" insert "and the Director"; on page 6, line 6, after the word "establish" strike out "and be responsible for"; in line 15, after the word "education," insert "research management"; in line 25, after the word "Colleges," insert "the Association of State Colleges and Universities"; on page 9, line 6, strike out "14" and insert "15"; on page 10, after line 21, strike out:

(e) The Director shall not make any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board if such contract, grant, or other arrangement involves a new type of program, or involves a total commitment of over $2,000,000, or over $500,000 in any one year, or a commitment of such other amount or amounts and subject to such other conditions as the Board in its discretion may determine and publish in the Federal Register.

And, in lieu thereof, insert:

(e) The Director shall not make any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board, except that a grant, contract, or other arrangement involving a total commitment of less than $2,000,000, or less than $500,000 in any one year, or a commitment of such lesser amount or amounts and subject to such other conditions as the Board in its discretion may from time to time determine to be appropriate and publish in the Federal Register, may be made if such action is taken pursuant to the terms and condi-

tions set forth by the Board, and if each such action is reported to the Board at the Board meeting next following such action.

On page 15, after line 2, strike out:

(1) by striking out "section 17" and inserting in lieu thereof "section 16";

At the beginning of line 5, strike out "(2)" and insert "(1)"; at the beginning of line 7, strike out "(3)" and insert "(2)"; on page 16, after line 2, insert:

(d) Section 11 of such Act is further amended by striking out the word "and" at the end of clause (h), by striking out the period at the end of clause (i) and inserting in lieu thereof a semicolon and the word "and", and by inserting at the end thereof a new clause as follows:

"(j) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct."

After line 16, strike out:

SEC. 11. Section 14 of the National Science Foundation Act of 1950 is repealed.

And, in lieu thereof, insert:

SEC. 11. Effective September 1, 1968—

(1) section 14 of the National Science Foundation Act of 1950 is repealed, and notwithstanding the provisions of the first section of this Act, until such date the provisions of section 3(a)(9) of such Act of 1950 shall remain in effect for the purposes of such section 14; and

(2) sections 15, 16, and 17 of such Act, and all references thereto in such Act, are redesignated as sections 14, 15, and 16, respectively.

On page 17, line 5, after the word "is" where it appears the first time, strike out "redesignated as section 14 and is"; at the beginning of line 8, change the section number from "14" to "15"; on page 20, line 3, after "Sec. 13" strike out "Sections" and insert "Section"; in the same line after "16" strike out "and 17"; in line 4, after "1950" strike out "are redesignated as sections 15 and 16, respectively. Subsection (a) of the section redesignated as section 15"; in line 8, after the word "of" strike out "the" and insert "such"; in the same line, after "section" strike out "redesignated as section 15"; in line 10, after the word "section" strike out "14" and insert "15"; after line 10, insert a new section, as follows:

SEC. 14. Subsection (a) of section 17 of the National Science Foundation Act of 1950 is amended to read as follows:

"(a) To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1969, the sum of $525,000,000; but for the fiscal year ending June 30, 1970, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Sums authorized by this subsection shall be in addition to sums authorized by section 201(b)(1) of the Marine Resources and Engineering Development Act of 1966."

At the beginning of line 24, change the section number from "14" to "15"; and on page 21, at the beginning of line 21, change the section number from "15" to "16".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1137), explaining the purposes of the bill.

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

SUMMARY

The purpose of H.R. 5404 is to facilitate the mission of the National Science Foundation by making much-needed reforms in the organization and operation of both the Foundation and its governing body, the National Science Board.

To carry out the foregoing, the bill, as approved by this committee, is directed to four major goals:

(1) Broadening the Foundation's mission and giving statutory effect to the several reorganization plans in regard thereto;

(2) Strengthening and adding to the functions of the National Science Board;

(3) Unifying and augmenting the operational authority of the Foundation's Director; and

(4) Adding a requirement for annual authorizations by the Congress.

BACKGROUND

The National Science Foundation (NSF) was created in 1950, in the wake of extensive congressional debate and some controversy over its mission and form. Its creation was largely the result of public realization of the values of research and development in connection with World War II, plus the war's technological aftermath. Fundamentally, the Foundation was charged with the duty of fostering basic research throughout the United States, together with promoting education and training of those needed to do the research.

For the most part, once organized and functioning, the Foundation carried out its programs in an atmosphere of relative quiet and moderate growth. Its contacts with the Congress were, and until recently have remained, casual and generally confined to an annual inspection of the NSF budget.

But, in the post-Sputnik era, public opinion crystallized around a concept that basic science was no longer an ancillary but a primary instrument for guarding the national safety, health, interest, and economy.

From an organizational point of view, the Congress responded to the new emphasis on science in a variety of ways—including the establishment of the Senate Committee on Aeronautical and Space Sciences in 1958, and the House Committee on Science and Astronautics. The House committee was given legislative jurisdiction over the NSF, as well as scientific research and development in general, space exploration, and other matters. In the Senate, legislative jurisdiction over the NSF remained in the Committee on Labor, and Public Welfare, primarily because of the NSF's strong links to education policies and programs.

House of Representatives action

Late in 1964, pursuant to a directive from the chairman of the House Committee on Science and Astronautics, Mr. George P. Miller of California, its Subcommittee on Science, Research, and Development, under the chairmanship of Mr. Emilio Q. Daddario of Connecticut, began a comprehensive review of the Foundation and its operations.

At that time, the subcommittee arranged with the newly formed Science Policy Research Division of the Library of Congress for a complete background report on the Foundation. The report was completed and submitted to the subcommittee in May 1965. ("The National Science Foundation: A General Review of Its First 15 Years," a report of the Science Policy Research Division, Library of Congress, to the House Committee on Science and Astronautics, May 1965). Shortly thereafter, the subcommittee met in executive session over a period of time to familiarize itself with the contents of the study—which was a factual one and made no effort to evaluate NSF performance. The purpose was to assimilate a still more detailed working knowledge of the Foundation, its operations, and place in the scheme of the executive family.

In June 1965, the House subcommittee began its public review of the Foundation in hearings which ran through the first week of August. More than 40 witnesses, government and nongovernment, testified. ("Government and Science: A Review of the National Science Foundation," hearings before the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics, vol. I.) A broad base of additional statements and pertinent information was solicited for subsequent analysis. (Ibid., vol. II.)

In December 1965, the House subcommittee unanimously issued a comprehensive report entitled "The National Science Foundation—Its Present and Future." The report outlined the difficulties and problems which had been uncovered in the previous hearings and set forth a number of recommendations for legislative change. Subsequently, in January of 1966, the House Committee on Science and Astronautics took this subcommittee report under consideration and unanimously voted to adopt the report as that of the full committee. (H. Rept. 1236, 89th Cong., 2d sess., Feb. 1, 1966.)

Using the committee's report as a basis, Chairman Daddario, of the Subcommittee on Science, Research, and Development, introduced a bill incorporating the recommendations contained in the report. The bill, H.R. 13696, was introduced on March 16, 1966. Hearings were held on this bill on April 19, 20, and 21. On May 3, Mr. Daddario introduced a clean bill, H.R. 14838, incorporating the changes approved by the subcommittee following the hearings on H.R. 13696.

H.R. 14838 was then reported favorably to the full committee. The committee met to consider the bill on May 10 and unanimously voted its approval, ordering the bill reported to the House. The bill was passed by the House with minor amendments on July 18, 1966, but was not acted upon by the Senate prior to the close of the 89th Congress.

H.R. 5404 was introduced by Mr. Daddario on February 15, 1967. It is identical to H.R. 14838 as it passed the House with the exception of a minor substantive change (sec. 4(f) of the proposed amendments to the NSF Act), plus several technical alterations necessary to conform to the subsequently enacted title 5, United States Code.

H.R. 5404 was considered by the full Science and Astronautics Committee on February 21, 1967, and unanimously ordered reported to the House. It was passed by the House on April 12, 1967, and received in the Senate on April 13, 1967.

Senate action

On April 13, 1967, H.R. 5404 was referred to the Senate Committee on Labor and Public Welfare. Reports were requested on the bill from the Bureau of the Budget, the NSF, and the Department of Health, Education, and Welfare.

On October 19, 1967, the chairman of the Committee on Labor and Public Welfare, Senator Lister Hill, appointed a Special Subcommittee on Science, pursuant to a request from Senator Edward M. Kennedy of Massachusetts. Chairman Hill appointed Senator Kennedy of Massachusetts, chairman of the Special Subcommittee on Science, and appointed Senator Claiborne Pell of Rhode Island and Senator Robert P. Griffin of Michigan as subcommittee members.

On October 30, 1967, Senator Kennedy of Massachusetts introduced S. 2598, the "Na-

tional Science Foundation Act Amendments of 1967." This bill was similar to H.R. 5404, but incorporated a number of significant changes suggested both by the executive branch and by private citizens. Reports on S. 2598 were requested from the National Science Foundation, the Department of Health, Education, and Welfare, the Department of State, the Department of Defense, and the Bureau of the Budget.

The Special Subcommittee on Science held 2 days of hearings on S. 2598 and H.R. 5404, on November 15 and 16, 1967. When he opened the hearings on November 15, Subcommittee Chairman Kennedy of Massachusetts said that:

"We begin today the first Senate hearings since 1950 devoted to a broad review of the National Science Foundation Act. I hope that the hearings will give us the base of information we need if we are to streamline and modify the act to assure its continued participation in the forward march of American science."

In this broad review, the subcommittee examined the work of the House Committee on Science and Astronautics, as it bore on the NSF. Further, it questioned each of seven witnesses closely and sought considerable supplementary information. In its review, the subcommittee discovered that a 1966 House Report, "The National Science Foundation: Its Present and Future," was out of print and therefore virtually unavailable to Senators. Consequently, Subcommittee Chairman Kennedy of Massachusetts ordered the report printed in the appendix of the hearings, and it appears at pages 197–332 of the hearings.

The subcommittee met in executive session on February 29, 1968, to consider the two bills, S. 2598 and H.R. 5404. It voted unanimously to report an amended version of H.R. 5404 to the full Committee on Labor and Public Welfare. This amended version of H.R. 5404 adopts many of the provisions of S. 2598.

BACKGROUND OF THE FOUNDATION

Before World War II ended, President Roosevelt wrote Dr. Vannevar Bush, the Director of the Office of Scientific Research and Development, to request preparation of a study on various aspects of postwar science. With the aid of four special committees, Dr. Bush submitted his report entitled "Science, the Endless Frontier," to President Truman in July 1945. A principal recommendation in that report was that a new agency, then called the National Research Foundation, be established with broad powers and functions to advance American science. Dr. Bush envisaged a group of eminent scientists (the National Science Board), who would form science policy and designate a director of the proposed new foundation to execute their decisions, largely by way of grants to educational institutions for the conduct of basic research deemed important to the national defense and welfare.

Intensive Congressional action followed release of that report, but initial legislation was vetoed by President Truman because the authority vested in a part-time board appeared to violate the President's constitutional duties; that is, the formulation of vital national policies, the expenditure of large public funds, and the administration of important governmental functions.

It was not until May 10, 1950, that Public Law 81–507 was enacted to establish a novel and unusual agency—the National Science Foundation—to foster basic research and science education. The act was a result of a fairly simple but rather unique compromise between scientific autonomy in the top policy board and Government responsibility for direction of the agency's work. The Director, as well as the National Science Board, was to be appointed by the President and confirmed by the Senate, the Director being answerable to the President and responsive to the Board.

The creation of the Foundation was largely the result of public realization of the demonstrated role of research and development in World War II, plus a realization that here was a new and potent means of developing new strength in our industrial economy. The Foundation was created to meet a widely recognized need for an organization to develop and encourage a national policy for the promotion of basic research and education in the sciences, to support basic research and education of scientists, to evaluate scientific research programs undertaken by Federal agencies, and to perform related functions. This NSF legislation symbolized an intent of Congress as a matter of public purpose that the Nation endeavor to support whatever activities were necessary to sustain its world leadership in science, a position in which the United States unexpectedly found itself following the disruption of the European scientific world during World War II.

The birth of the National Science Foundation entailed much controversy both within the Congress and within the executive branch. Questions rose regarding the necessity of Federal aid to science. Even more intensively argued was the question of whether Federal support for research and graduate education would inadvertently lead to that degree of Federal control which could stifle the very creative forces which strive best in the atmosphere of academic freedom. The proposed structure of the organization was contested, especially on the mechanisms of insuring guidance from responsible leaders in science, education, and public affairs, while insulating them as far as practicable from political pressures.

Changes made

Since its establishment in 1950, the authority of the Foundation has undergone few amendments. Responsibilities were added in 1958 for weather modification (Public Law 85–510, July 11, 1958; 73 Stat. 353), and also in the science information area (Public Law 85–864, title IX, sec. 901, Sept 2, 1958; 72 Stat. 1601). The Foundation on September 8, 1965, published in the Federal Register a new regulation (45 CFR, pt. 635, "Keeping of Records and Furnishing of Reports in Connection With Weather Modification Activities"), which required all weather modification efforts to be reported in advance. Responsibility for carrying out the National Sea Grant College and Program Act (33 U.S.C. 1121–24) was added in 1966.

Other significant changes in the Foundation's authority and organization are as follows:

(1) Executive Order 10521, "Administration of Scientific Research," March 17, 1954 (19 F.R. 1499). In 1954, the President focused attention on the policymaking functions through his Executive Order No. 10521. It broadened the scope of NSF interests in the national scientific effort and scientific research by specifically providing:

"The National Science Foundation * * * shall from time to time recommend to the President policies for the Federal Government which will strengthen the national scientific effort and furnish guidance toward defining the responsibilities of the Federal Government in the conduct and support of scientific research.

"The Foundation shall continue to make comprehensive studies and recommendations regarding the Nation's scientific research effort and its resources for scientific activities, including facilities and scientific personnel, and its foreseeable scientific needs, with particular attention to the extent of the Federal Government's activities and the resulting effects upon trained scientific personnel. In making such studies, the Foundation shall make full use of information and research facilities with the Federal Government.

"* * * * *

"The head of each Federal agency engaged in scientific research shall make certain that effective executive, organizational, and fiscal practices exist to insure that the Foundation is consulted on policies concerning the support of basic research * * *"

This order again spoke of policies to "strengthen the national scientific effort * * * and support of scientific research." It also directed attention to science resources, and put an obligation on agency heads to consult with the Foundation.

(2) Executive Order 10807, Federal Council for Science and Technology, March 13, 1959 (24 F.R. 1897). The Foundation's advisory role was altered toward that of the original congressional specification of basic research and science education in 1959, when the Federal Council for Science and Technology was established by the President. His Executive Order 10807 creating the Federal Council amended the earlier 1954 (10521) order to read:

"The National Science Foundation * * * shall from time to time recommend to the President policies for the promotion and support of basic research and education in the sciences including policies with respect to furnishing guidance toward defining the responsibilities of the Federal Government in the conduct and support of basic scientific research."

(3) Reorganization Plan No. 2 of 1962, June 8, 1962 (27 F.R. 5419; 76 Stat. 1253). The most far-reaching change occurred in 1962, when, under Reorganization Plan No. 2, President John F. Kennedy transferred elements of Government-wide policymaking and program evaluation to a new Office of Science and Technology (OST) within the Executive Office of the President.

Specifically, the plan transferred from the Foundation to OST so much of the NSF's functions under the National Science Foundation Act of 1950 as would enable the Director of OST to advise and assist the President in achieving coordinated Federal policies for the promotion of basic research and education in the sciences. It also transferred to OST the function of evaluating scientific research programs of Federal agencies. Finally, it provided that the NSF's Director should assist the President as he may request, with respect to the coordination of Federal scientific and technological functions and agencies.

It is notable that this transfer included the evaluation and coordinating function. The National Science Foundation Act of 1950 had authorized and directed the Foundation to evaluate scientific research programs undertaken by agencies of the Federal Government and to correlate the Foundation's scientific research programs with those undertaken by individuals and by public and private research groups. This function, however, was never strongly implemented by the Foundation. It was contended that the NSF, being at the same organizational level as other agencies, could not satisfactorily coordinate Federal science policies or evaluate programs of other agencies. Accordingly, the evaluation function was transferred to the Director of the Office of Science and Technology, who as part of the Executive Office of the President, had a better strategic position vis-a-vis the agencies.

The Foundation continues to originate policy proposals and recommendations concerning the support of basic research and education in the sciences, and the Office of Science and Technology depends upon the Foundation to provide studies and information on which sound national policies in science and technology can be based.

Part II of Reorganization Plan No. 2 of

1962 provided for internal reorganization of the National Science Foundation, to strengthen the leadership of the Director and to make the administration of the Foundation more effective. Specifically, the plan:

(*a*) Made the Director of the Foundation, who had been an ex officio nonvoting member of the National Science Board, a full voting member and eligible to be elected Chairman or Vice Chairman of the Board.

(*b*) Created a new executive committee, composed of the Director of the National Science Foundation, ex officio, as a voting member and Chairman of the committee, and of four other members elected by the National Science Board from among its appointive members.

(*c*) Specified that advisory committees to each of the NSF divisions would make their recommendations to the Director only rather than to both the Director and the National Science Board.

The NSF Act had provided that each divisional committee would be appointed by the Board and would consist of not less than five *persons*, each for a term of 2 years. It also had provided that—

"Each divisional committee shall make recommendations to, and advise and consult with the Board and the Director with respect to matters relating to the program of its division." (42 U.S.C. 1867.)

This dual advisory function was curtailed by Reorganization Plan No. 2, which cut the committees off from the Board.

(4) Reorganization Plan No. 5 of 1965, July 27, 1965 (30 F.R. 9355; 79 Stat. 1323), authorized the Director to "* * * make such provisions as he shall deem appropriate authorizing the performance by any other officer or by any agency or employee of the National Science Foundation of any of his functions (including functions delegated to him by the National Science Board)."

Reorganization Plan No. 5 also abolished the divisional committees required under the original National Science Foundation Act of 1950.

Growth of NSF

In the years since the Foundation was established, it has grown and increased its activities in scale and diversity, as the following table illustrates:

Fiscal year	Budget requests	Appropriations
1951	$475,000	$225,000
1952	14,000,000	3,500,000
1953	15,000,000	4,750,000
1954	15,000,000	8,000,000
1955	14,000,000	12,250,000
1956	20,000,000	16,000,000
1957	41,300,000	40,000,000
1958	65,000,000	40,000,000
1959	140,000,000	130,000,000
1960	160,300,000	152,773,000
1961	190,000,000	175,800,000
1962	275,000,000	263,250,000
1963	358,000,000	322,500,000
1964	589,000,000	353,200,000
1965	487,700,000	420,400,000
1966	530,000,000	479,999,000
1967	525,000,000	479,999,000
1968	526,000,000	495,000,000
1969	500,000,000	

The Committee notes the increase from the Foundation's initial appropriation for fiscal year 1951 of $225,000 (largely for administrative expenses) to the appropriation for fiscal year 1966 of approximately $495 million. In 1953, a $15 million budget ceiling was eliminated from the act, permitting this expansion. During the same period, NSF programs have grown from the initial, small individual project grants and fellowships to a constellation of grants, contracts, fellowships, traineeships, national research programs, national laboratories, science information, data collection, analysis, institutional, and developmental aid programs.

NATURE OF THE SENATE HEARINGS

The following is a chronological list of witnesses appearing before the Special Subcommittee on Science of the Committee on Labor and Public Welfare, in its hearings on H.R. 5404 and S. 2598, on November 15 and 16, 1967.

Senator Edward M. Kennedy.

Dr. Donald F. Hornig, Director of the Office of Science and Technology, Executive Office of the President.

Dr. Leland J. Haworth, Director of the National Science Foundation.

Dr. Philip Handler, Chairman of the National Science Board.

Dr. Frederick Seitz, President of the National Academy of Sciences.

Dr. Harvey Brooks, member of the National Science Board and dean of engineering and applied physics, Harvard University.

Hon. Emilio O. Daddario, U.S. Representative from Connecticut.

Senator Fred R. Harris.

Senator Claiborne Pell.

Herman Pollack, Director of International Scientific and Technological Affairs, Department of State.

The hearings revealed a consensus: that America's future requires expanded operations in the existing areas of the Foundation's mission to support basic research and scientific education.

As stated by Senator Harris in his testimony:

"The mission of the National Science Foundation is central to American educational, economic and scientific progress. No past investment America has made in any field has brought returns which exceed those it has received from its investment in scientific research. American affluence and our standard of living are in large measure attestations of this fact.

"History alone, then, should teach us the true and obvious lesson of the need for continued Federal support of scientific research. But the ever-widening frontiers of knowledge and technology are even more compelling reasons why our support for scientific research should be more than just maintained; it must expand with greatly expanded needs." (Hearings, p. 127.)

But there was also agreement that the Foundation should begin to undertake new areas of responsibility, including especially support of applied research. As the subcommittee chairman, Senator Kennedy of Massachusetts, stated:

"The testimony we heard yesterday pointed up the areas in which changes must be made if the National Science Foundation is to continue its position as a leader in science education and innovation in the United States. For example, our distinguished witnesses told us of the great need for applied research as one of the activities supported by the NSF. They also told us of the need to strengthen the authorization for the NSF to undertake research in the social sciences, and in the environmental sciences." (Hearings, p. 109.)

With reference to applied research Dr. Donald Hornig stated:

"With respect to applied research (sec. 3(c)), the existing restrictions to basic research have limited the Foundation because the boundary between basic and applied research is often indistinct, particularly when the distinction rests on the motivation of the investigator rather than on the nature of the research itself.

"The limitation to basic research has produced problems in dealing with engineering research and the training of engineers. It has also caused NSF to draw back from research which might be designated 'exploratory but practical.' Finally, the existing limitation tends to place an artificial restriction on the evolution of what starts as basic research. Surely if a project initiated as basic research turns out to present practical possibilities, it should not have to be dropped as if it were contaminated." (Hearings, p. 61.)

On the same subject, Senator Claiborne Pell stated:

"As I see it, one of the most important features of the pending measures is the addition of responsibility for applied research and technology to the National Science Foundation's traditional sponsorship of basic research. Outside of the short-lived Mohole project, and a somewhat application-oriented program in weather modification, the only such program thus far encompassed by the Foundation is the national sea grant program.

"The original idea of having the NSF house this program was based on the close association which NSF has enjoyed with the academic institutions who will, in the majority of cases, be performers of the program's functions. While wishing to see the program move ahead as fast as possible, I am, on the whole, satisfied with the way the Foundation is managing the program:

"1. Foundation officials are as knowledgeable in the realm of technology as they are in science; they have apparently experienced little difficulty in locating, identifying, and recruiting competent consultants in technological fields.

"2. The Foundation has demonstrated similar ease and facility in acquiring a staff competent to carry out the program's assignments.

"3. The Foundation is generating program doctrine and policy with a minimum of fuss and hesitancy.

"4. Similarly, there is little hesitancy on the part of the applied research and technological community to submit this type of proposal to the Foundation.

"5. The Foundation has formed useful alliances with strongly application-oriented organizations, such as the National Academy of Engineering's Committee on Ocean Engineering, the Panel on Ocean Engineering of the National Council for Marine Resources and Engineering Development, and the Ocean Sciences Technological Advisory Committee of the National Security Industrial Association.

"6. State governments and intrastate, intercollegiate consortia have joined in common technological programs and projects and have declared willingness to participate in the NSF programs on this basis.

"Based on these observations, and assuming that increased Federal agency sponsorship of technology and applied research is needed in the first place, I would have no hesitation in assigning added responsibility to the National Science Foundation." (Hearings, pp. 145, 146.)

Finally, in summarizing the importance of the Foundation's role, Senator Kennedy of Massachusetts said:

"The National Science Foundation is charged with supporting the development of American scientific expertise. This is a very broad charge. It is also a very great challenge. The record of the National Science Foundation in carrying out the charge and meeting the challenge is a proud one—but one which I think is too little known.

"Let me cite a few examples of the extent of the National Science Foundation activity:

"From 1952 to 1966, the NSF invested more than $210 million in graduate fellowships, representing 42,850 fellowship awards and 8,197 traineeships for award by 193 institutions.

"In 1958 to 1966, the NSF has provided more than 43,000 undergraduate research opportunities.

"In 1966, the NSF awarded 358 separate grants which permitted 3,721 college science teachers to take refresher courses.

"By the end of 1966, more than 275 definitive editions of textbooks had been developed by NSF-supported groups.

"Since 1960, the NSF has made 833 grants for construction or renovation of graduate science facilities.

"In 1966, the NSF has made 833 grants for construction or renovation of graduate science facilities.

"In 1966, the NSF made grants to 401 colleges and universities in all the 50 States for support in modernizing science curriculums.

"The NSF continued to support national research programs and centers, such as the Indian Ocean expedition and the Kitt Peak National Observatory.

"I want to emphasize that these examples are only a few from among many. The full catalog of NSF assistance defies summary.

"A very good answer to the question of the need for continued pressure for more and better basic research was given by J. Robert Oppenheimer, wartime director of the Los Alamos Scientific Laboratory:

"'We learned a lot during the war. But the things we learned [were] not very important. The real things were learned in 1890 and 1905 and 1920, in every year leading up to the war, and we took this tree with a lot of ripe fruit on it and shook it hard and out came radar and atomic bombs, . . . The whole spirit was one of frantic and rather ruthless exploitation of the known; it was not that of the sober, modest attempt to penetrate the unknown.'

"That is, I think a superb justification of our need to keep up the pressure on science development. There is simply no way to develop basic knowledge on a crash basis. It must develop slowly, through painstaking efforts at piecing together seemingly unrelated bits of evidence. When the picture is completed, it is useful, whether it be in medicine, metals technology, radio astronomy, or any of the hundreds of other fields. But the picture cannot be rushed to completion." (Hearings, p. 56.)

The hearings also began a review of the internal organization of the Foundation, of its extensive relationship with other Government agencies, and of the changes which might be made therein through legislation.

EXPLANATION OF THE BILL

Major changes effected

Following are the main substantive changes which H.R. 5405 would make in the existing law governing the Foundation. The changes are accompanied by commentary setting forth the committee's rationale and intent in recommending passage of the bill. Unless otherwise indicated, section numbers set out in parentheses in the following are the section numbers of the act as revised by the bill—rather than section numbers of H.R. 5404 itself.

A. Functions of the Foundation

The bill would authorize or direct a number of new NSF activities:

(1) Support for applied research at academic and nonprofit institutions is authorized, but is made permissive and is at the discretion of the Foundation. It must be borne in mind that NSF was established to further basic, or fundamental, research, and it is not the intent of this legislation to change the Foundation's general character. NSF should and must retain its central mission of fostering basic research in science and engineering; the authority to engage in support of applied research should not be used at the expense of the basic.

Nonetheless, there are important occasions when Foundation backing for applied research appears warranted, primarily research at colleges and universities. Such applied research is either inseparable from or is intertwined with basic research, or is a logical extension of the basic research which is already being supported. This type of applied research is, of course, normal for schools of engineering.

The bill also authorizes the Foundation to support applied research at organizations other than nonprofit or academic institutions when directed by the President in connection with a national problem—such as water resources, transportation, environmental pollution, housing, population growth, or the like. This does not, however, preclude the Foundation from supporting applied research related to major national problems at academic institutions.

(2) A new section 3(a)(4) is added to provide that NSF shall "foster and support the development and use of computers and other scientific methods and technologies, primarily for research and education in the sciences." The committee intends this section to permit the Foundation to carry on such activities in areas not related to science where this is necessary desirable to assure the most effective use of computers or other methods and technologies. Thus, the word "primarily" is a term of emphasis and not of limitation. While the committee expects that there will not be any undesirable duplication or overlapping with programs supported by other agencies, such as the Office of Education's "Networks for Knowledge" (which is basically concerned with educational uses), and the Cooperative Research Act, neither does the committee intend that the National Science Foundation shall have exclusive jurisdiction in the field of computers in education. It is our understanding that extensions of NSF activities beyond scientific areas will generally be in direct "hot pursuit" of developments centered in scientific concerns, or flow directly from the unified character of the activities in question. This would make it uneconomic, for instance, to limit the use of a computer solely to scientific purposes, especially information and library systems embracing all branches of knowledge. The committee will re-examine this area next year.

(3) NSF is currently required to collect and collate data on national scientific and technical resources. The bill would have the Foundation analyze and interpret the data as well. This is most important; it is an essential input to the decisionmaking processes both of Congress and of the scientific offices of the President, particularly as science and technology more and more become critical links in the chain of our national well-being. By scientific "resources," the committee means scientific and technological manpower and the training thereof, facilities and information.

The bill emphasizes that the register of scientific and technical personnel should be "current." This does not necessarily mean annual. It does mean (a) up to date, and (b) as comprehensive and inclusive as is feasible. A register without these attributes is scarcely worth having. If maintaining such attributes can be done on a 2-, 3-, or 4-year basis, the requirements of the legislation will be satisfied. If it requires putting the register on a yearly basis, then such a basis should be established.

(4) In order to facilitate information on where Federal research money goes, NSF is given a new task of keeping tabs on the peregrinations of such funds. This requirement is intended to make it possible for Congress or the executive branch to find out quickly how much Federal research money finds its way to what educational institutions, and appropriate nonprofit organizations, and from what agencies. Again, the task is a complicated one. It will require the cooperation of many Federal agencies and departments as well as the non-Government entities involved. The committee strongly urges that all these groups cooperate to the fullest with the Foundation in this regard.

The program will take time to set up and become operative. Its details will undoubtedly have to be worked out gradually, and partially on the basis of trial and error. While data are not required on expenditures of private contractors, the committee hopes that to the extent practicable, the NSF will extend its data collections to include such private contractors as prove to be feasible.

Much will depend on the reporting systems employed by the various Federal agencies. But a start has been made by NSF in acquiring geographical data and by several departments with new methods of securing contract information. The contract reporting system set up by the National Aeronautics and Space Administration is an example. (sec. 3(a)(6)). (See app. C hearings on H.R. 13696, Subcommittee on Science, Research and Development, April 1966.)

(5) NSF is authorized to undertake the support of scientific activities relating to international cooperation and the national security. National objectives abroad which are not intrinsically scientific in character may thus be furthered by NSF through support of scientific activities at the discretion of the Foundation, with the approval of the Secretary of State where appropriate. The new authority represents an extension of that already given to NSF with regard to international cooperation. (Public Law 81-507, sec. 13; 42 U.S.C. 1872). It permits NSF support of scientific "activities," not merely research or education, and in support of objectives encompassing more than merely the promotion of science or science education so long as they coincide with national policy. Where support of such activities is done pursuant to a request of the Secretary of State or Defense, the bill provides that activities carried out under this section shall be financed solely with funds transferred to the NSF by either Secretary, and that the work shall be unclassified and identified as being done at the request of the Secretary of State or Defense.

(6) The Foundation is enjoined in this bill to give support to the social as well as the natural sciences. The authority for such support already exists, but the bill spells it out more specifically by way of emphasis. The intent of the amendment is by no means to direct a disproportionate amount of total NSF support for the social sciences, but to insure that an adequate effort is made to permit advancement in scientific areas which are extremely important to human welfare. The committee does not agree with the contentions of some that the social sciences should seek their support entirely elsewhere in the Government, or that they should be financed solely from the programs developing under the National Foundation for the Arts and Humanities. Their potential is scientific value is—in the committee's judgment—perhaps as great as any of the categories of natural science or technology (secs. 3(a)(1) and 3(a)(2)). Also, while the social sciences are not defined, and thus do not explicitly refer to law, the committee understands that the field of law is included therein, and expects that NSF will support applied and empirical research, studies and activities in the field of law which employ the tools of the social sciences or which interrelate with research in the natural social or sciences. However, the committee does not intend or expect NSF to award fellowships for first degrees in law.

(7) The committee notes that the social sciences comprise a spectrum of disciplines and subdisciplines, some of which overlap the natural sciences at one end of the spectrum and some overlap the humanities at the other end. The former are primarily open to research support from the National Science Foundation, and the latter from the National Endowment for the Humanities, with the center of the spectrum constituting a gray area open to support from one or the other of these Foundations, sometimes both, depending on the approach and the research tools employed. Generally, the National Science Foundation has responsibility for scientific programs covering the social sciences. The National Endowment for the Humanities has responsibility for humanistic programs in the social sciences. Where there is a logical overlap within a discipline, the scientific as-

pect can be covered by the National Science Foundation, while the humanistic aspect can be covered by the National Endowment for the Humanities. The committee is confident that the two Foundations will continue to coordinate their efforts in supporting meritorious activities within their respective spheres, and to collaborate in funding joint projects which embrace both science and the humanities. The committee notes with approval the working agreement between the two agencies, which deals with the problem of overlap and which has been inserted into the hearing record.

(8) Requirements for the annual report of the Foundation have been altered to place this responsibility with the Director rather than the Board. This is the current practice, in actual fact. It is expected that the report, consistent with new authority described in the foregoing, will include information on applied research activities and the sums expended thereon. Such information will be valuable to Congress as a source of assurance that support of applied research is reasonable without contributing to the neglect of basic research. At the same time it should provide a quick check on the nature of the applied work being funded (sec. 3(f)).

Function removed

The bill would also remove one of the Foundation's functions, effective September 1, 1968.

This is section 14 of NSF's current act (Public Law 81-507, 42 U.S.C. 1872a), which was amended in 1958 in conjunction with the responsibility given to the Foundation for basic and applied research on weather modification. (Sec. 3(a)(9) which provides such authority is also deleted effective Sept. 1, 1968—see sec. 3(g) of the NSF Act as it will appear after revision by sec. 1 of the bill.) The bill repeals section 14 in its entirety for a number of reasons. One is that the ramifications of weather modification are so broad as to encompass far more issues than scientific ones. Another is that progress in this area has reached the point where it requires much developmental work as well as continued research. The Departments of Commerce and Interior are assuming much of the responsibility in this area, which the Foundation may continue to back up with appropriate support for some of the research still needed (sec. 11 of the bill). NSF retains ample authority to continue support for the latter (particularly in view of the authority for applied research provided in this bill) and clearly should do so. The Foundation will in any case continue those research activities necessary to preserve continuity in the program, pending passage of the weather modification legislation now pending. In the latter regard, the committee calls attention to the necessity for legislation to coninue elsewhere in the execuive branch the development and reporting activities which NSF will not have authority to support after September 1, 1968.

B. Composition and Activities of the Board

The National Science Board, which is the governing body of the Foundation, has no counterpart elsewhere in Government. It is a 24-member group of distinguished persons from outside Government (appointed by the President and confirmed by the Senate) which bears almost complete legal responsibility for exercising the authority vested in the Foundation. The reason for this arrangement, which was set up by Congress in 1950 after a long controversy, is to assure an adequate voice (through the Board) for the scientific community in matters involving Government support of basic science and science education.

The Board may, however, and in actual practice does, delegate much of its authority to NSF's chief executive officer, the Director.

H.R. 5404 would update and clarify a number of the Board's characteristics and duties.

(1) Qualifications for membership on the Board have been slightly revised and expanded so as to call attention to the desirability of the Board's including members representing the social sciences, public affairs, and research management, in addition to the present specifications which include the physical, life, and agricultural sciences. It may be noted that while there is no specific mention of industry representatives, such persons are eligible by virtue of being eminent in "public affairs" or being experienced in "research management" (sec. 4(c)).

(2) The Board is given the function of establishing the policies of the Foundation and is relieved of its residual responsibility for the operations of the Foundation. This is consistent with what has become a de facto method of operation through delegation of Board powers to the full-time Director—who, incidentally, is ex officio a full member of the Board.

It is not intended that this change isolate the Board from any role relating to the Foundation's specific programs. Not only does the Board continue to be responsible for setting Foundation policies, but the bill specifically provides that "the formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board" (sec. 5(d)). The Committee expects, therefore, that the Board will review MSF programs from time to time, whenever it feels such review to be appropriate. Additionally, the Board will have the power of approval of grants and contracts, subject to any arrangements which it may make for the Director to take such action without the Board's approval (secs. 4(a) and 5(e)).

(3) In view of the fact that Reorganization Plan No. 2 of 1962 removed from the Foundation its previous authority to coordinate or evaluate the scientific research conducted or supported by other Federal agencies, the language of existing law which pertains to NSF responsibilities toward national science policy has been left confused and relatively meaningless. Accordingly, the bill now provides that "the Board and the Director shall recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences" (sec. 3(d)). This language is intended to assure that the Board will have a strong advisory voice in national science policies as promulgated by the administration. It should be accorded the weight of a senior partner within the Executive's science family, along with the Office of Science and Technology, the Federal Council for Science and Technology, the President's Science Advisory Committee, and so forth—particularly where national science resources are concerned.

It is important to note, in this connection, that the NSF Director is a member of the Board and will thus be a part of its voice. But the Director also, as the chief executive officer of the Foundation and a full-time Federal executive, will undoubtedly develop suggestions for recommendations or policies which stem from his vantage point as Director, apart from those of the Board. Provision is, therefore, explicitly made for the Director, in such capacity, to make such recommendations.

(4) The Board has been given a major new responsibility—that of rendering an annual report through the President for submission to the Congress on the status and health of science and its various disciplines. The committee believes that such a report will be of great value to Congress in its deliberations on policy matters which depend or impinge upon science and technology—and that the Board is admirably conceived and composed to do the job.

However, there is no intent here to pin a time-consuming, repetitive task on either the Board or the Foundation staff. The committee would not expect a complete evaluation and report each year on every discipline or every phase of technology or scientific education. The committee would expect the Board to be selective, to report on areas and developments which appear to it most significant and most timely, for example, where achievement has occurred, or where the greatest gaps and needs exist. The committee conceives of a report to the Nation somewhat similar to the President's Annual Economic Report. A similar report on Science and Technology, the committee believes, could be highly useful to Congress and beneficial to the Nation, and to the scientific community.

(5) To assist the Board in its new tasks, the bill provides that the Director may make a small staff available to the Board at its discretion. The staff is not intended to serve the Board as advisers in its policy determinations, nor to lapse into a competitive position with the staff of the Foundation. Its duties are largely administrative. Toward this end, the bill provides that the Director may provide the staff for the Board's use with its permission. The staff is limited to five plus clerical help, but the Director may provide such additional help from the regular staff of the Foundation as the Board may from time to time need (section 4(h)).

C. NSF Director and Staff

The bill makes a number of important changes in the legislative philosophy governing the Office of the Director.

(1) All residual authority relating to the management and operation of the Foundation is vested in the Director. This proposal is intended to increase the administrative stature of the Director, to give him the authority and flexibility he needs for fast and effective decisions, and to cut down on redtape. At the same time it takes up the slack created by the modification of the Board's authority as previously discussed (sec. 5(b)).

(2) The Director is given specific statutory authority to delegate such of his duties and powers as he deems appropriate. Such authority has already been extended to the Director through Reorganization Plan No. 5 of 1965, and this legislation merely confirms it.

One limitation is imposed: The Director may not redelegate any policymaking functions which may have been passed on to him by the Board. The reason for this is to insure that basic responsibility for policy is retained in the Board, of which the Director is a member, and thus to guard against undue attenuation of policy responsibility (sec. 5(c)).

(3) While the Director is given operational authority over the affairs of the Foundation, as distinguished from the policymaking function of the Board, the Committee recognizes that the formulation of the programs of the Foundation, and the relative magnitude of the resources to be assigned thereto, transcends the boundary between operations and policy, and involves an element of each. Consequently, the bill provides that "the formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board" (sec. 5(d)).

(4) The Director is required to secure the prior approval of the Board before awarding grants or contracts pursuant to Sec. 11(c), except to the extent that the Board sets conditions for the delegation of commitments of amounts less than $2 million, or less than $500,000 in any one year. These conditions would be published in the Federal Register. If this power of delegation is exercised, then approval actions taken pursuant thereto must be reported to the Board at its next following meeting. If this provision had been in effect between November 1965 and November 1967, the Board would have had to approve a total of 103 actions—49 in the "over $2 million" category, and 54 in the other cate-

gory. While the committee recognizes that the Board may wish to have the Director take responsibility for each individual transaction, and may therefore wish to provide for him to do so, it feels nevertheless that basic authority for approvals of larger sums may involve policy considerations and should be subject to prior approval by the Board.

(5) In keeping with the Committee's view that the Foundation deserves, and should be accorded, a top-level role in the Federal scientific structure, the bill elevates the Director from level III to level II of the executive pay schedule. The Director is thus placed on a par with the heads of most other independent agencies, a position he should clearly have, considering the Government-wide nature of the Foundation's mission and the many important relationships it must maintain both in and out of the Federal environment. The Committee notes that of the 18 officials placed at level II under current law (5 U.S.C. 5313), 13 are heads of independent agencies. Thus the precedent for the move is well established, and to deny this status to the Director of the Foundation would appear to be an unnecessary inequity (sec. 5(a)).

(6) The bill makes the NSF Deputy Director a Presidential appointee and elevates him from level V to level III. This again is consistent with the structure in other independent agencies (sec. 6(a)).

(7) The bill further provides the Director with four Assistant Directors who are deemed essential if the Foundation is going to have the supply and caliber of help necessary to do its job in the future. The assistants are to become part of the Office of the Director and be assigned by him to their duties. They are to be appointed by the President and confirmed by the Senate.

The Committee believes that such assistants and their mode of selection are warranted for these reasons: they will permit the Director to delegate more authority; they should bring improved management techniques into NSF; and they will give NSF increased prestige within the administration (sec. 6(b)).

The Foundation undoubtedly will, in the future as in the past, be involved in "big science" projects. It must have the managerial structure and competence to carry out its varied responsibilities. The provision of four new Assistant Directors will strengthen the Office of the Director toward this end. The duties of the Assistant Directors will be assigned by the Director but the availability of these senior positions will permit him to consolidate the administrative activities of the Foundation and further permit him to establish responsibility for specific large projects at an effective level in the organization. These positions should be used in a manner to relieve the Director and Deputy Director from the details of the internal administration of the Foundation.

D. Organization and Structure of NSF

Rather than stipulate the Foundation's internal structure around particular branches of science, the bill leaves such organization to the Director. This is necessary in the modern fluid world of science and technology where an important prerogative of chief executives is flexibility of operation.

The committee believes that organization along functional lines—much as NSF operates today in actual practice—represents a sound procedure. Such categories as basic research, education, scientific and technical manpower development, institutional development, science information, and the like would seem desirable to the NSF organization. Structuring along these lines has the advantage of requiring identification of program and budget elements that would permit clearer definition of their scope and relative balance. Further, it facilitates congressional and Presidential review.

The committee notes that the Director, in organizing the Foundation's internal structure, is obliged to consult with the Board. However, his is the controlling voice since the management of NSF operations is his responsibility (sec. 8).

E. The Executive Committee

The law has heretofore provided authority for the Board to operate, on nonpolicy matters, through a subgroup known as the Executive Committee. In 1962, the Executive Committee was set up on a permanent basis, composed of five voting members with the Director as Chairman.

This bill incorporates the provisions of the reorganization plan, but also removes the restriction against the delegation of policy functions to the Executive Committee if the Board wishes to delegate these.

Since the convening of the 24-member Board is at times difficult and time consuming, this added facility should aid and expedite NSF programs where quick decisions or approvals are needed. The Board, of course, retains authority to withdraw any powers or functions it may assign either to the Executive Committee or to the Director (sec. 4(b), sec. 7).

F. Appropriations Authorizations

Present section 17 of the NSF Act provides a permanent authorization for appropriations. The committee is concerned that there has been no thorough review of the authorization for NSF since the passage in 1950 of the National Science Foundation Act. During this period, the appropriations have grown from $225,000 in 1951 to $495 million in 1968—a more than 2,000-fold increase. The committee believes that a change to annual authorizations is desirable, and provides for this in section 13 of the bill. An authorization of $525 million is provided for fiscal year 1969. This committee will set authorizations for future years after appropriate hearings.

G. Disparities Between Academic Support Programs

The committee is concerned about disparities between programs of support for construction, for scholarships, and for fellowships administered by the National Science Foundation and those administered by the U.S. Office of Education. This disparity encourages "shopping" by individuals and institutions seeking Federal funds.

As the supplementary questions submitted by Senator Griffin illustrate (hearings, pp. 164 et seq.), a college or university seeking construction assistance from the National Science Foundation can obtain up to 50 percent of eligible costs. If, however, construction assistance were obtained from the U.S. Office of Education under title II of the Higher Education Facilities Act, a maximum of 33⅓ percent of Federal funds would be obtainable. In addition, the National Science Foundation excludes from eligibility the cost of land and the cost of purchasing buildings while title II of the Higher Education Facilities Act supports these costs. It should be pointed out that the terms of National Science Foundation academic construction support programs, unlike those administered by the Office of Education, are not spelled out in law.

As for stipends for scholarships and fellowship recipients, not only do the U.S. Office of Education and the National Science Foundation provide different amounts, but the agencies also differ in their method of computation. Office of Education employs the academic year, while NSF utilizes the calendar year. Here again, the NSF programs are not spelled out in law.

The committee is aware that the National Science Foundation and other Federal agencies concerned with academic support programs have been meeting from time to time in an effort to adjust differences between programs. But the committee is also aware that this problem is not new; it dates back many years, but a solution has not yet been worked out.

The committee, therefore, requests the National Science Foundation to give high priority to equalize through administrative action the terms and amounts of individual and institutional support programs similar to programs administered by the U.S. Office of Education and other Federal agencies. If this equalization cannot be accomplished by the administrative means suggested within 6 months of the date of this report, then the committee requests the Foundation to submit to this committee a report on the reasons therefor together with appropriate legislative recommendations to accomplish the equalization.

H. National Sea Grant College and Program Act

The committee reviewed the performance of the National Science Foundation to date in administering the National Sea Grant College and Program Act of 1966. It was the sense of the committee that the Foundation has not grasped this important program with the enthusiasm necessary to implement and exploit fully the authority granted by the act. For example, the Foundation took 17 months to award the first grant. The committee expressed dissatisfaction over the fact that the Foundation asked for congressional approval to reprogram $1 million out of its appropriation for fiscal year 1967, and then having received the congressional approval, did not in fact use the money. Furthermore, the committee felt that the Foundation has requested inadequate funding for this innovative attempt to meet the challenge of developing this Nation's marine resources—only $4 million for fiscal years 1968 and 1969—despite the act's $20 million authorization for this period.

While the committee recognizes the constraints in the Federal budget, it nevertheless considers a request of only one-fifth of the authorized total not in keeping with the intent of the Congress. Furthermore in view of the likelihood of eventual material return for the investment in this program, it should receive a high priority.

If the land grant college program is taken as an example of the beginnings of an attempt to develop our resources, then the beginnings of the sea grant college program are greatly disappointing by comparison. The land grant program was launched in 1862, in the midst of our vast and costly Civil War. Yet the program was given much-needed initial support, so that it succeeded in stimulating the development of our national agricultural resources. In fact, even today the land grant college system is a viable and important stimulant to the wealth of the United States.

The sea grant college concept has stimulated much interest throughout the 50 States. If the administration and the Foundation do not ask for enough funds to support the applications from educational and training institutions throughout the country, then the sea grant college program may be doomed to dilution and ineffectiveness.

Consequently, the committee urges the Foundation to strengthen the sea grant college program in every way possible, and to accelerate this program so vital to this country in developing a mastery of the seas' resources.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Under the previous order, the distinguished junior Senator from Wyoming [Mr. HANSEN] is recognized for 15 minutes.

WATER QUALITY CONTROL STALEMATED

Mr. HANSEN. Mr. President, at the western Governors' conference which was just concluded in Honolulu, Hawaii, Gov. John A. Love of Colorado made a very forceful statement about the status of water quality standards in the various States. Following his statements, the conference adopted a resolution proposed by Governor Love which calls upon Federal authorities to rescind or properly amend those proposed Federal requirements which have put State pollution abatement programs into a state of stalemate and chaos.

I ask unanimous consent that both the statement by Governor Love and the resolution on water quality standards as adopted by the western Governors' conference be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. HANSEN. Mr. President, on February 8 of this year, Secretary of the Interior Stuart L. Udall issued a statement which purportedly was intended to resolve the water quality degradation issue. Since that time, the standards proposed by Secretary Udall have been considered by the 50 States and have been the subject of an intensive study by the Washington law firm of Covington and Burling.

The latter material can be found at page H2983 of the RECORD of April 24, 1968. The conclusion reached by many of the States, including Governor Love's State of Colorado and my own State of Wyoming, as well as the unqualified conclusion of the legal memorandum that I have cited, is that the Secretary has no authority to require that States adopt either effluent or nondegradation standards as a condition of receiving approval of State water quality standards under the Federal Water Pollution Control Act of 1965.

It appears at this point that the Department of the Interior has gotten out on a limb on this matter, and I suggest that the only graceful thing for it to do is to back up.

On April 23, 1968, the Secretary appeared before the House Committee on Public Works. At this time, the Secretary defended in a general way his efforts to implement water pollution control practices throughout the country. The Secretary is to be complimented on his efforts in this regard, and I assure one and all that those of us who find ourselves on the opposite side of this issue are no less interested than he in cleaning up the pollution problems that defile our country's rivers and that are a national disgrace. There should be no politicians or reasonable public officials in our country today who do not wish to stand foursquare behind a proper effort to control both air and water pollution.

Nevertheless, all of us should be equally willing to operate within the guidelines as set out by the Congress in the Water Pollution Control Act of 1965. In that act, the Congress clearly intended that water quality standards prescribe the quality of the waters into which effluent is discharged, rather than the quality of the effluent itself, and that such standards must be related to the use and value of the receiving body of water. This resulted from a deliberate decision by the Congress to reject the approach taken in the initial administration proposal, which would have authorized both stream standards and controls reading directly on the effluent. On the basis of testimony at the first hearings of the bill, the Senate committee removed the provisions for effluent standards, and it never reappeared through enactment.

Similarly, the "nondegradation" standard proposed by the Secretary cannot be justified under the provisions of the act. Further, a general nondegradation standard as proposed by the Secretary purports to impose an unenforceable requirement. A third objection to the Secretary's proposed standard is that it seeks to displace the initial responsibility of the State to establish water quality control standards and to prevent and control water pollution. The Secretary has no statutory authority to require prior Federal approval of discharges into a stream or of treatment facilities.

Lastly, the Department of the Interior has attempted to write effluent standards and to impose a degree of treatment that is inconsistent with enforcement tests of "practicability" and "physical and economic feasibility."

But these legal questions and the attempts by the Department of the Interior to subvert the clear intent of Congress are not the only problems facing us. The Congress has been made recently aware of the extreme political tensions which can be generated by any attempt to influence future regional population and economic growth through the control of water development programs. What was once a problem known only to westerners is now becoming a national problem, and I speak of the availability of water supplies which are adequate for future growth in both quantity and quality.

Any attempt to control future regional or State developments by a Federal agency must be viewed with the greatest alarm by all of us in Congress. And yet, this is precisely the implication of the standards as set forth by the Secretary of the Interior. The Secretary has prescribed that no change in water quality will be allowed unless it has been affirmatively demonstrated to "the Department of the Interior that such change is justifiable as a result of necessary economic or social development."

To place such a power of life and death in the hands of a single administrator is intolerable.

Lastly, I point to the fact that many State water pollution control agencies, as well as State Governors and State attorneys general, have been working diligently and in good faith with the Department of the Interior over the past year to adopt proper State water quality control standards which meet the tests set forth in the 1965 act. These negotiations have followed lengthy legislative efforts on the part of State legislatures, as well as strict observance of local hearing processes in accordance with recently passed State laws.

To upset the progress that has been made to date would be as irresponsible as it is unfortunate. I can only hope that the various State pollution control programs will continue to make progress on a State level despite the fact that an impasse has been reached between State and Federal negotiators.

I urge the Secretary to reassess the position of his Department carefully and to move with dispatch to modify the improper proposals which he has made. Pending such a response from the Secretary, I urge all of the 50 States to suspend further negotiations with the Department of the Interior, but to continue the excellent local work which is now being done.

EXHIBIT 1

STATEMENT BY GOV. JOHN A. LOVE AT THE WESTERN GOVERNORS' CONFERENCE, HONOLULU, HAWAII, MAY 1968

Mr. Chairman, fellow Governors, ladies and gentlemen, it seems at almost every Conference of Western Governors the subject matter of water becomes a subject of discussion. This is only natural as water in the western states is tantamount to life itself and is without question decisive to our economic and social development and well-being. It is interesting to note that in recent years our sister states in the east have had to face the very problem with which we have been confronted since our earliest existence. In the past our discussions of water have mainly centered on the problems of quantity, but today I want to discuss the problems of quality. These problems, of course, are not separate but rather are closely akin to one another, particularly in our western states where we must use and reuse the same water over and over again in order to achieve the maximum benefits from this resource that is in such short supply when related to its demand.

The prevention, control and abatement of water pollution has long been a goal of western states. Individual state control programs have had a long history but not a particularly successful one until recently. The reasons for this rather poor showing are not difficult to understand. For one thing, requirements for large capital expenditures for waste treatment facilities were difficult to impose in an area of the country where capital funds were scarce. Another reason was the unwillingness of any state to discourage development by imposition of controls which were not required by other states. As a result of these and other factors, there was for a long time a general apathy on the part of the public to seek or encourage state water pollution control programs.

This situation has now changed entirely. The citizens of our states now demand stringent state control programs and rightly so. The wise and reasonable imposition of these programs can minimize the impact of capital demands of abatement programs. Moreover, and probably as important as any other factor, Congress enacted water pollution control legislation in 1965 which re-

quired each state to adopt a control program based upon its own particular conditions and needs, or failing to do so, a federal control program would be instituted in its stead. This act provided a stimulus to the states, it avoided interstate rivalry for new development and it provided a system for state control based upon local conditions and needs. The policies and provisions of the Act of 1956, at least as Congress intended them, truly constituted the beginning milestone in the development and implement of state water pollution control programs.

After the passage of this 1965 Act, and I'm certain to the never-ending amazement of some federal administrators, all 50 states filed their intentions to embark upon proper control programs. I'm sure the history of these programs in almost all the states is similar, but since I'm most familiar with that of my own state, I will briefly relate that history today for background purposes.

First, we had a legislative study council work on a proper statute.

This involved not only legal studies, but also hearings upon different proposals and policies. At these hearings all interested groups were present, including various municipal, state and federal agencies, and agriculture, livestock, irrigation companies, manufacturing, recreation, mining, conservation and other user groups. To my great satisfaction, but I would be less than candid if I didn't add also, to my amazement, these user groups worked cooperatively and harmoniously with the legislative group drafting a bill which was enacted at the ensuing session of our legislature. Thereafter our Commission, created by our statute, held extended hearings to determine proper stream standards which would be required for the streams of different classes. The requirements for these classes generally relate to various uses, such as public drinking water supply, trout fishing, agricultural, etc. Then the Commission held hearings throughout the state relative to the actual classification of each individual stream and different segments thereof. These hearings, be assured, were not mere formalities but rather were true forums for gathering facts and figures; past, present and future. Indeed, at the Greeley, Colorado, hearing on the South Platte River, nearly 100 persons testified, and more than 500 persons attended. Once again, while I can't say all users were in complete agreement on either standards or classifications, I can say that the whole procedure was carried out in a spirit of true cooperation with all users. During my administration—no program has commenced in a more cooperative or dedicated atmosphere nor with greater opportunity for success. For this, I already have, and I do again today pay tribute to the great work of the Commission and to the active and cooperative participation by all interested parties.

It is a deep disappointment that our history in this matter cannot continue upon so successful or cooperative a note. After the hearings and the resultant findings of standards and classifications and, furthermore, the development of a detailed plan of implementation, the whole report was sent to Washington for what we thought would be almost immediate approval. The total report was over three feet thick, but you must realize we have six different river basins involved in Colorado. The first reply to our report was a letter listing four objections. About the time negotiations had satisfied these objections, additional objections to our program were received. This same process has continued over the last ten months until now, I believe that the list contains over six pages of objections. Though dismayed, our Commission has continued to work with the federal authorities, and until recently, I'm informed that all these objections were being satisfactorily resolved. These negotiations with the federal authorities, however, pointed out sharply the wisdom of Congress in the 1965 Act when it placed the primary responsibility and right in the states to control water pollution. In certain instances it had to be shown to the federal authorities that some streams on our eastern slope could not possibly be warm water fisheries, as the streams go dry from time to time in the late summer. In other cases we had to explain to the federal authorities that no absolute provision could be made with respect to water augmentation programs as you don't just casually use another man's water out in our part of the country. Perhaps I shouldn't have used that term "water augmentation," at this conference, but then again it illustrates very well the complete unfamiliarity of some of the federal authorities with our western problems.

Another example of our enlightenment program for federal authorities most clearly shows the necessity for local control where local conditions are known. This relates to the classification of the Uncompahgre River. This stream headwaters in the beautiful San Juan Range and descends through one of the most highly mineralized belts of this continent down to the plains near Grand Junction. If you were merely to look at a map of this stream, you might readily believe it to be a typical beautiful mountain stream perfectly situated for classification as a trout fishing stream. When our Commission found that because of natural pollution it was not suitable for any classified use and therefore imposed only our basic standards relating to input of contaminants, the federal authorities hit the roof. As we explained, however, the stream bed itself so completely pollutes this water that this water was not fit for any classified use until purified by nature's own procedures at some location far down the river's course. Moreover, this program was not caused by mining operations of past decades but had always been present. In proof of this latter point, our Commission pointed out what every schoolboy in this western slope area knows, that the Indian name of this stream, Uncompahgre, means "bad water"!

A few minutes ago I referred to the fact that until recently our Commission believed it could resolve its problems with the federal authorities. I feel certain all of you know what I meant when I said "until recently". By that I, of course, mean February 8, 1968, when Secretary Udall issued his so-called nondegradation edict. In essence, this requires that each state program, in order to receive approval by the Secretary, must provide that any waters in the state of higher quality than the established standards must be maintained at such quality unless it is affirmatively demonstrated to the state authorities and to the Department of the Interior that the quality must be lowered for economic or social development reasons. Moreover, any new discharge into such waters must be treated with the highest and best practicable known technology, and such treatment process must be approved in advance by state and federal authorities.

First of all, it is interesting to note that this requirement was not issued until after all 50 states had completed their hearing procedures and submitted their standards and programs to the Secretary. Moreover, the Secretary had already approved 30 of these states' programs which approval has now been withdrawn pending further compliance with this latest but perhaps not the last edict. One cannot but wonder if at this point of time the Secretary realized that the states were accepting the challenge put to them by Congress to enact and enforce proper control programs, and that the Interior Department was actually going to be relegated to an umpire's role as contemplated by the Act in such case.

In discussing this announced policy of the Secretary, I first want to point out some of the far-reaching and dangerous implications that such a policy could bring about if adopted by the states. Time does not permit me to delve into all the objectionable ramifications of this policy, but I want to discuss some of the more important problems with you.

First of all, there will be further delay in the progress of our control programs. Any new standard such as this can only be adopted after further public hearings. Such hearings are not only required by most state statutes but also probably by the federal act itself. While implementation and enforcement of existing state programs can and in my opinion should continue irrespective of this issue, it certainly is difficult for our enforcement officers to be decisive when the whole policy and procedure of the acts may be changed again in the near future. It is time we put an end to these delays and uncertainties and get on with our abatement and control programs. Frankly, I don't know but I am fearful that some of the orders of abatement and control procedures adopted by our own Commission, although they have stopped pollution and enhanced the water, may not satisfy this new requirement since the federal authorities did not approve the treatment plant. Add to this such complexities as municipal bond elections and bond issues, and you can easily envision the total delay and uncertainty this new policy can bring about to existing programs. Furthermore, at least in Colorado, and I understand in a great many more states, the adoption of such a policy at the state level would require legislative action since enforcement of abatement procedures under this new policy would not be related to classified stream standards or the other considerations required by statutes. All of this additional legislative and administrative work mind you, is supposedly to be repeated after the form of our statute was taken from the model code prepared by federal authorities and our final Act received the blessings of these same federal agencies. Of course, I don't have to elaborate to this group the delay that is sometimes occasioned by the requirement of enacting a new law. In viewing some of these implications and particularly these delays, you can't help but wonder if these impediments to sound state action programs are not created for the purpose that it can be said the states can't do the job so Congress should grant complete powers and controls to the federal agencies.

Another problem of this so-called nondegradation edict is that it completely ignores the water quality standards established after many hearings and long deliberations of state authorities. These state standards become obsolete immediately except for those waters now below the standards. We believe state standards are valid and that they were properly established after fair public hearings and proper study. If the Secretary has objection to the propriety of any given numerical standard, this objection can quite reasonably be resolved by consultation with those knowledgeable and trained in that particular field. However, an announcement that all of the qualities of all high quality water must be maintained is quite ridiculous as you can see from this example: In some of Colorado's mountain streams the dissolved oxygen is 14 milligrams per liter, while the trout fishing standard set by our Commission requires only 6 milligrams. Our standard was established only after advice and consultation with fishery experts at Colorado State University. Actually these same experts state that 14 milligrams is too high for best trout propogation, and its lowering would be beneficial. Nevertheless, under the Edict this beneficial change would be prohibited unless the federal agencies agreed. I ask you, is this really water quality control and enhancement? Of course not, but this Edict in all probability has as its true purpose the next problem I want to discuss with you.

The most important of all the objections to Secretary Udall's announcement is the federal intervention and actual control of state programs and the effects of such control. First, let me remind you of the requirements of the Secretary's edict. All waters of higher quality than the established standards must be so maintained unless the Department of the Interior agrees that degradation is necessary for social and economic development, and, furthermore, any new discharge into such waters must be treated by the highest and best technology as approved by the Department. I want first to caution you as to what waters are included within this Edict. It is not just waters that are above the standards in all respects, but rather waters that are above the standards in any one respect. I believe this would include about all the waters of every state since even some of the most polluted waters are above the required standards in one respect or another. Then with respect to these waters, no lowering of the water's quality in *any* respect would be permitted unless the Department finds that it is necessary for social or economic development nor would any new source of discharge or any additional discharge from an existing source be permitted unless the Department finds it is given the highest and best technological treatment. In essence, the states are handing over to the Department of the Interior the complete determination of what is necessary and what is not necessary for a state's proper social and economic development! Moreover, there aren't even any guidelines and parameters for such discretionary power.

Congress in the 1965 Act gave no such ultimate power to the Department. Now the states are being asked to give that which Congress refused to give. As we western governors have long realized, and as I believe eastern governors are more and more coming to realize, the control of the use and development of water is tantamount to absolute control of the state. For we governors to accept such an edict and to grant such power to any agency, would be no less than traitorous. Such complete power rests only with the people or through them in their legislatures or their Constitutions. I, for one, know that the Colorado legislature, in passing the Colorado Water Pollution Control Act of 1966, did not intend that such power flow therefrom to the Department of the Interior. Moreover, the federal Act of 1965 specifically declared it to be the policy of Congress to recognize, preserve and protect the primary *responsibilities and rights* of the states in preventing and controlling water pollution. All of you have probably seen the same formal legal opinion of a prestigious Washington law firm as I, which categorically denies that there is any legislative authority for Secretary Udall to make any such requirement as his so-called nondegradation edict or for that matter to establish any national effluent standards. There has also been issued a statement prepared by a group of state attorneys general that adoption by the states of such requirements is probably invalid. In no manner belittling the importance of these legal arguments or the judicial check and balance to our system of government, I propose to this conference an action program which will hopefully avoid the strife and delay that a purely legal challenge would entail.

I am proposing a resolution to you today whereby the Secretary is requested to *rescind these policies*. I am further proposing that firm and proper cooperation of state and federal governments proceed to accomplish the task at hand. If some properly amended policies are necessary, then these should be worked out cooperatively with all the states. I emphasize the fact that these matters be the joint efforts of all the states, for as we have all noted in the past, some agencies have proceeded against the states one at a time and by so doing have established examples within the state framework with which pressure is put upon the other states. Furthermore, this resolution, if adopted, should be forwarded to all other states for consideration and hopefully for concurrence. I believe whatever action we take and whatever our individual positions may be, these should be forwarded immediately to our congressional delegations. For if our desire for a co-operative, fair and proper federal-state relationship is not accepted, we have no alternative but to seek justice at the congressional level, unless the legal battle be commenced which we all hope can be avoided.

In closing, I want to commend the Congress for enacting its Water Quality Act of 1965 for it started a real action program throughout the nation, and the proper role of the federal government is necessary for the success of each and every state program. That role is basically the prevention of interstate conflicts, and the provision for technological and financial assistance when necessary. It is not the role and was never intended by Congress to be the role of the Department of the Interior to determine what is socially and economically best for every community and area of this country.

Also in closing, I want to re-affirm my own and my state's dedicated desire and intent to protect and enhance the quality of our waters and to this end, the abatement program we have embarked upon shall not cease, no matter how difficult its progress may be made by others!

EXHIBIT 2

IX WATER QUALITY STANDARDS

(Adopted by Western Governor's Conference)

Whereas, the effective control of water pollution requires cooperation of federal and state authority within a framework of congressional and state legislative policies and enactments; and

Whereas, recent efforts of the Secretary of the Interior have been to obtain state adoption of water quality standards which go beyond the uses for which particular water bodies are intended, and beyond acceptable stream standards for those water bodies; and

Whereas, federal authority has so far failed to enunciate a timely, stable and reasonable set of policies within the existing statutory framework; and

Whereas, the confusion and friction resulting from the present course of affairs can end only in acrimonious litigation, delays in actual improvement in the quality of water throughout the country, and a serious deterioration of federal-state relations; and

Whereas, the imposition of federal review requirements and the imposition of a national use standard unrelated to present and intended water uses is improper and unauthorized and is likely to result in administrative delays and delays occasioned by the necessity for new legislation, and, therefore, will hinder the implementation of water quality programs already designed by the states and set back the schedule of such programs;

Now, therefore, be it resolved by the Western Governors' Conference that the states be urged to stand together in adherence to and defense of water quality standards made pursuant to proper legal processes, and which take into account the uses and values of particular waters to serve the social and economic needs of local populations, as determined by appropriate state authorities, and to stand together in their rejection of improper and unauthorized federal intervention in states' water pollution control programs; and

Be it further resolved, that the federal authorities are requested to cooperate with the duly constituted states' water pollution control officials and with the states generally in rescinding or properly amending those federal requirements which have caused an unfortunate situation to develop.

LIMITATION OF STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that until the distinguished Senator from New York [Mr. JAVITS] comes to the Chamber to deliver his speech, for which there was a special unanimous-consent agreement on yesterday, the Senate may proceed to the transaction of routine morning business and that statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET, 1969 (S. Doc. No. 80)

A communication from the President of the United States, transmitting proposed amendments to the budget for the fiscal year 1969, in the amount of $1.2 million for the legislative branch, $11.1 million to carry out the fair housing provisions of the 1968 Civil Rights Act, $775 thousand for a new Commission on Mortgage Credit and Interest Rates, and $350 thousand to permit the Council of Economic Advisers to finance the activities of the Cabinet Committee on Price Stability (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED FACILITIES PROJECTS, AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting pursuant to law, the location, nature and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve; to the Committee on Armed Services.

REPORT OF SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 83d Quarterly Report covering the first quarter 1968 as required under the Export Control Act of 1949 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM

A letter from the Chairman, Federal Reserve System, transmitting, pursuant to law, the Annual Report of the Board of Governors, Federal Reserve System, covering operations during the year 1967 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the opportunity to reduce the Federal Government's cost of medical benefits furnished Foreign Service employees overseas, Department of State, United States Civil Service Commission dated May 23, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of action taken to put inactive industrial plant equipment in Army arsenals to use, Department of Defense, dated May 23, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need to improve contractors' compliance with contract specifications in the construction of hospital buildings, Veterans' Administration, dated May 22, 1968 (with an accompanying report); to the Committee on Government Operations.

PETITION

The PRESIDING OFFICER laid before the Senate a resolution of the Legislature of the Territory of Guam, which was referred to the Committee on Interior and Insular Affairs, as follows:

MAY 20, 1968.

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

DEAR PRESIDENT HUMPHREY: Transmitted herewith is Resolution No. 456 (5–S), "Relative to expressing the support of the people of Guam to that request made by the Legislature of the Marianas District of the Trust Territory of the Pacific Islands to the Congress of the United States for a loan to assist in typhoon rehabilitation, and, in addition, to request the United States Congress to make available to the typhoon-stricken islands of the Northern Marianas the full panoply of Federal disaster relief", duly and regularly adopted by the Legislature on May 1, 1963.

Sincerely yours,

F. T. RAMIREZ,
Legislative Secretary.

Enclosure.

RESOLUTION 456 (5–S)

Resolution relative to expressing the support of the people of Guam to that request made by the Legislature of the Marianas District of the Trust Territory of the Pacific Islands to the Congress of the United States for a loan to assist in typhoon rehabilitation, and, in addition, to request the United States Congress to make available to the typhoon-stricken islands of the Northern Marianas the full panoply of Federal disaster relief

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the islands of the Northern Marianas, particularly Saipan and Tinian, were badly devastated by Typhoon Jean which struck in Holy Week of 1968, destroying over 90% of the homes and generally disrupting the normal lives of these communities, the said northern islands constituting one of the six districts of the United States Trust Territory of the Pacific Islands; and

Whereas, the Legislature is advised that various municipal and legislative bodies within this Marianas District of the Trust Territory have petitioned the Congress of the United States for loans to assist in the low-cost housing needed to rehabilitate the islands as a result of the typhoon, said loans to be repaid out of the war claims the United States, as trustee for the Northern Marianas, has against Japan; and

Whereas, the territory of Guam, one of the Marianas Islands, inhabited by people of the same culture, religion, history and race as those of the remaining islands of the chain, suffered through two great typhoons of similar magnitude to Typhoon Jean in 1962 and 1963, and as a result the territory was declared a Federal disaster area and enormous Federal assistance was given to Guam to enable its people to carry out an extensive rehabilitation program; and

Whereas, the United States of America has a duty to the people of the Northern Marianas that transcends the latter's status as non-U.S. citizens, since the United States is the trustee, answerable to the United Nations, for the welfare and well-being of the beneficiaries of this trust, and although these islands might not be technically part of the United States, or possessions thereof, nevertheless all Federal assistance and disaster relief should be given the inhabitants of these stricken islands; now therefore be it

Resolved, that the Ninth Guam Legislature does hereby on behalf of the people of Guam and on behalf of the people of the Northern Marianas respectfully support before the Congress of the United States that petition from the Marianas District of the Trust Territory of the Pacific Islands for Federal loans to assist in the typhoon rehabilitation of that district, and does further respectfully request said Congress of the United States to make available to the typhoon-stricken islands of the Northern Marianas all forms of Federal disaster relief as are given to American communities similarly devastated; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Chairmen, Committees on Interior and Insular Affairs, Senate and House, to the Secretary of the Interior, to the High Commissioner of the Trust Territory of the Pacific Islands, to the President of the Legislature of the Marianas District of the Trust Territory of the Pacific Islands, and to the Governor of Guam.

Duly and regularly adopted on the 1st day of May, 1968.

F. T. RAMIREZ,
Legislative Secretary.
J. C. ARRIOLA,
Speaker.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3299. An act to authorize the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation, and for other purposes (Rept. No. 1142);

H.R. 14672. An act to amend the Act of February 14, 1931, relating to the acceptance of gifts for the benefits of Indians (Rept. No. 1141); and

H.R. 15271. An act to authorize the use of funds arising from a judgment in favor of the Spokane Tribe of Indians (Rept. No. 1140).

By Mr. JACKSON (for Mr. MCGOVERN), from the Committee on Interior and Insular Affairs, without amendment:

S.J. Res. 157. Joint resolution to supplement Public Law 87–734 and Public Law 87–735 which took title to certain lands in the Lower Brule and Crow Creek Indian Reservations (Rept. No. 1139).

By Mr. JACKSON (for Mr. MCGOVERN), from the Committee on Interior and Insular Affairs, with an amendment:

S. 203. A bill to amend sections 13(b) of the acts of October 3, 1962 (76 Stat. 698, 704), and for other purposes (Rept. No. 1146).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 14922. An act to amend Public Law 90–60 with respect to judgment funds of the Ute Mountain Tribe (Rept. No. 1144).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 5704. An act to grant minerals, including oil, gas, and other natural deposits, on certain lands in the Northern Cheyenne Indian Reservation, Mont., to certain Indians, and for other purposes (Rept. No. 1145).

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

S. 2701. A bill to provide for sale or exchange of isolated tracts of tribal lands on the Flathead Reservation, Mont. (Rept. No. 1143).

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1969—REPORT OF A COMMITTEE (S. REPT. NO. 1138)

Mr. HOLLAND. Mr. President, from the Committee on Appropriations, I report favorably, with amendments, the bill (H.R. 16913) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and the report will be printed.

Mr. HOLLAND. I am glad to see the distinguished majority leader in the Chamber. I want to say to him that we will be happy to take up this matter at the earliest possible moment at the convenience of the majority leader.

Mr. MANSFIELD. In our desire to dispose of all the appropriation bills this year, which are the most important items to be considered, it is anticipated that, following the disposal of the pending business, the omnibus housing bill, the next order of business could well be the Agriculture appropriation.

Mr. HOLLAND. I thank the distinguished majority leader.

SENATE RESOLUTION 296—RESOLUTION TO EXTEND FROM THE CONTINGENT FUND OF THE SENATE FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS—REPORT OF A COMMITTEE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 296); which was referred to the Committee on Rules and Administration:

S. RES. 296

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation of a list of records transmitted to the Senate by the Archivist of the United States, dated May 9, 1968, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

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

By Mr. FULBRIGHT:

S. 3543. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay and similar materials in certain lands to J. B. Smith and Sula E. Smith of Magazine, Ark.; to the Committee on Agriculture and Forestry.

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

By Mr. YOUNG of North Dakota:

S. 3544. A bill for the relief of Dr. Lorenzo de la Fuente. Trajano, his wife, Leonora A. Trajano, and their child, Cesar A. Trajano; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3545. A bill to consent to an amendment of the Pacific Marine Fisheries Compact; to the Committee on the Judiciary.

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

S. 3543—INTRODUCTION OF BILL RELATING TO CONVEYANCE OF CERTAIN MATERIALS TO J. B. SMITH, OF MAGAZINE, ARK.

Mr. FULBRIGHT. Mr. President, I introduce, for appropriate reference, a bill to permit the Forest Service to relinquish an interest in land, which interest is of no value to the Federal Government, but which interest impedes the use of such land by my constituent, Mr. J. B. Smith, of Magazine, Ark.

In 1962, Mr. Smith exchanged land which he owned for land owned by the Federal Government. The conveyance to Mr. Smith reserved to the Federal Government all interest in sand, gravel, stone, clay, and similar materials.

This reservation has impeded the use of the land to such an extent that prospective buyers have concluded that they are precluded from excavating for building foundations or using soil for fill at other locations. Such a reservation was standard practice of the Forest Service in 1962. The Forest Service no longer requires such a reservation in this area of Arkansas, because such materials are common to the area and have no value.

The Forest Service acknowledges that their reserved rights to sand, gravel, stone, clay, and similar materials have no value; but the agency has no authority to quitclaim this worthless interest. My bill, therefore, would authorize the Secretary of Agriculture to convey, by quitclaim deed, the worthless interest of the Federal Government in the sand, gravel, stone, clay, and similar materials to the owner of the land, Mr. Smith.

Mr. President, I ask that letters which I have received from Mr. Smith and the Forest Service be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 3543) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark., introduced by Mr. FULBRIGHT, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The letters presented by Mr. FULBRIGHT are as follows:

MAGAZINE, ARK.,
March 7, 1968.

Senator J. W. FULBRIGHT,
Senator, State of Arkansas,
Senate of United States,
Washington, D.C.

Reference: U.S. Forest Service–R–8, Ozark-St. Francis NF's, Exchange #M1951, Smith, J. B.

DEAR SENATOR FULBRIGHT: In 1962 and 63 the U.S. Forest Service and I entered into an exchange of land for land located in Logan County, Arkansas, I deeded the U.S. Govt. 80 acres of land in exchange for 52 acres.

The Forest Service first had me make them a deed for my 80 acres of land I was giving them, on which I retained the oil, gas right for approximately 30 years. I made no other reservations. They then had their lawyers and others check over this deed and approved it as satisfactory.

They then made me a deed for the 52 acres that I was to get from them and they made the following reservations. Reserving to the United States of America and its assigns, all oil, coal, gas and other minerals, including sand, gravel, stone, clay and similar materials in perpetuity.

I am just a small farmer living near Magazine, Arkansas and I did not know when I first received this deed what little the govt. had deeded me, until I began to try to sell this tract of land. On a number of occasions I have tried to sell the land and when I show the people the deed that the Gov't gave me they walk off and say you do not have any thing to sell except the air above the land, as the government kept all the soil and every thing below the ground.

I have tried a number of times to get the Forest Service to amend their deed so as to leave me the sand, gravel, clay and similar materials as that is what the soil is made up of here on my place. They tell me that they cannot change it.

I have been told that the exchange cases that they have made similar to mine the past couple of years they have left out the part about the Gov't retaining the sand, gravel, clay etc. thus the land can be resold.

Senator Fulbright, it will be greatly appreciated if you will help me to get the government to amend their deed regarding the sand, gravel, clay and similar materials so that I may have a chance to sell this land should I be able to find another buyer.

If you can't get this deed amended so that I can sell this land please help me get my 80 acres of land back and the government can have the air they deeded me on the 52 acres.

Sincerely

J. B. SMITH.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., April 2, 1968.

Hon. J. W. FULBRIGHT,
U.S. Senate.

DEAR SENATOR FULBRIGHT: This is in reply to your letter of March 26, 1968, requesting a report on the possibility of amending a deed given to Mr. J. B. Smith of Magazine, Arkansas, in a land exchange in Logan County, Arkansas, completed in 1962.

Mr. Smith made the land exchange offer on March 29, 1961. In the exchange, the United States reserved all oil, coal, gas, and other minerals, including sand, gravel, stone, clay, and similar materials in perpetuity for the selected land. Mr. Smith also reserved all oil, gas, lead, gold, silver, coal, and fissionable minerals, such as uranium, until January 1, 2010, on the offered land, except for any minerals that were outstanding in third parties. Both Mr. Smith and the Forest Service were fully aware of the mineral situation involved in his exchange offer. The land exchange was completed in November 1962, with Mr. Smith accepting the exchange deed from the United States as negotiated.

A number of other land exchanges have been made on the Ozark National Forest in the general area of Mr. Smith's exchange. It has been common practice in these transactions, for the National Forest lands passing into private ownership to include the minerals reservation that appears in Mr. Smith's deed. Mr. Smith's case is the first notification that we have had of any difficulty experienced because of this reservation. We might add, however, that several years ago we stopped including sand, gravel, stone, clay, and similar materials in mineral reservations in this area of Arkansas. This was in recognition that these materials were common to the area, or had no value, and reserving them placed an unneeded title encumbrance on the land going into private ownership.

Our geologist on the staff of the Ozark National Forest examined Mr. Smith's property on May 23, 1967, to determine if there were any possibilities the sand, gravel, etc., reservation could feasibly be exercised by the United States. It was his conclusion that these reserved rights had no value, thus, there is little likelihood they would be exercised. Apparently, prospective buyers of his property are concerned about this possibility and, in fact, have concluded this part of the mineral reservation even precludes excavating for building foundations or using the material for fill at other locations.

We do not interpret the reservation in this manner. The owner of the property has full and complete use of the surface of the property, appropriate with State or local laws.

While we appreciate Mr. Smith's concern, there is no authority by which the exchange deed for the property can be modified or amended.

If you desire any further information on the matter, please let us know.

Sincerely yours,

M. M. NELSON,
Deputy Chief.

S. 3545—INTRODUCTION OF BILL TO CONSENT TO AN AMENDMENT OF THE PACIFIC MARINE FISHERIES COMPACT

Mr. MAGNUSON. Mr. President, the Pacific Marine Fisheries Commission was established under consent of the Congress in 1947, and was designed to see better utilization of the fisheries of the Pacific coast.

At that time only three States were prepared to ratify such a compact—California, Oregon, and Washington. In fact, during the early years it was often referred to as the Tri-State Pact.

In 1962, the act was amended to permit Alaska and Hawaii to join, and "any other State having rivers or streams tributary to the Pacific Ocean." Since that time the State of Idaho has become a member, and the director of the Washington Department of Fisheries—a longtime Member of Congress and former chairman of the House Merchant Marine and Fisheries Committee—Hon. Thor Tollefson advises that the State of Alaska may well come into the compact provided there is a change in the present method of funding the compact.

In the original act, Mr. President, the formula for individual State participation was based upon the primary market value of fishery landings, and although this appears to be a fair method of determining participation at the time, it was

determined that the Commission could only consider those species which were common to more than one of the compact States.

As a result, California found itself bearing a heavy burden in respect to yellowfin tuna, for example, which was not common to any of the other States and, therefore, beyond the Commission's jurisdiction. Alaska could have similar problems with the valuable king crab fishery which is adjacent to that State's coast.

The measure which I am introducing today, at the request of the Pacific Marine Fisheries Commission, would allow the States to determine an equitable method of financial support. All States must agree before a new formula becomes effective. The legislation introduced now should make it possible for the concerned States to improve their cooperative research programs. Fish know no State boundaries. The inclusion of the State of Alaska and the retention of the present membership in the Pacific Marine Fisheries Commission will provide an effective instrument for the promotion of better research and thereby better management of our fisheries.

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

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3545) to consent to an amendment of the Pacific Marine Fisheries Compact, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the amendment of article X of the Pacific marine fisheries compact, relating to the financial support of the Pacific Marine Fisheries Commission. Such amendment shall not become effective unless and until agreed to by all the States participating in such compact on the date of enactment of this Act.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

ADDITIONAL COSPONSORS OF BILLS

Mr. HART. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin [Mr. NELSON] be added as a cosponsor of the bill (S. 3304) to authorize the Bureau of Prisons to assist State and local governments in the improvement of their correctional systems.

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

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from North Dakota [Mr. BURDICK] be added as a cosponsor of S. 1971, to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans to certain cooperatives serving farmers and rural residents, and for other purposes.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas [Mr. TOWER] be added as a cosponsor of the bill (S. 3415) to establish a Peace by Investment Corporation, and for other purposes.

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

HOUSING AND URBAN DEVELOPMENT ACT OF 1968—AMENDMENTS

AMENDMENT NO. 822

Mr. TOWER proposed amendments 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 be printed.

AMENDMENTS NOS. 823 THROUGH 829

Mr. TOWER submitted seven amendments, intended to be proposed by him, to Senate bill 3497, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 830

Mr. BYRD of West Virginia submitted amendments, intended to be proposed by him, to Senate bill 3497, which were ordered to lie on the table and to be printed.

FISCAL POLICIES—VETERANS' ADMINISTRATION

Mr. WILLIAMS of Delaware. Mr. President, during the last few days I have been discussing the manner in which erroneous information about the proposed expenditure reductions is being disseminated with administration backing.

Today I call attention to some information which was furnished to Mr. TEAGUE by the administration. I wish to make clear that I do not find fault with Mr. TEAGUE, rather I commend him for reporting this information. I know this is what he is being told by the Veterans' Administration.

But what I shall show is that this is some more of the scare tactics of the Johnson administration to defeat the expenditure reduction proposals as embodied in the tax bill.

I should like to read one particular part of the letter which deals with the proposed rollback in Federal employment to the June 30, 1966, level emphasizing how it will affect the veterans' programs.

It reads as follows:

It would take approximately four months and the loss of about 3,000 employees to achieve the June 30, 1966, level for the Veterans' Administration. Since, according to the Bureau of the Budget, the personnel limitation is applied governmentwide, the VA would continue to suffer reductions for at least 26 additional months and by the time the Executive Branch had reached the required personnel level of June 30, 1966, the VA would have been required to give up between 25,000 and 30,000 employees with most of these from the Department of Medicine and Surgery. Since the employee-patient ratio in the Veterans' Administration is 1.4 employees to each patient, it is obvious that such a drastic personnel cut would require the closing of thousands of beds. The Veterans' Administration has estimated that this number may exceed 20,000. To achieve a cut of this magnitude would require the closing of the equivalent of thirty hospitals.

Mr. President, I have received similar letters of concern from the Veterans of Foreign Wars, the American Legion, and other veterans' organizations. I respect their concern. But let us consider what actually happens. First, let me say that there is nothing in the bill that says one single employee must be reduced from the Veterans' Administration. The Director of the Budget has complete authority under the bill to assign the cut where he thinks it will disrupt the least.

Suppose, for a moment, they are assigned on a broad basis, based upon the increase since June 30, 1966. On that date there were 2,366,317 employees on the public payroll. This had been increased by April 1, 1968, to 2,610,000, or an increase of 243,683 employees. That is an increase of little better than 10 percent in this 21-month period. It is this 10-percent rollback across the board that we were talking about.

What has the Veterans' Administration done during that same time? On June 30, 1966, it had 147,634 employees. It had 149,300 on the payroll in 1967, and 152,100 in 1968. That represents an increase, during that same period, in the Veterans' Administration, of 4,466 employees, or approximately 3 percent.

During that 21-month period, overall Government employment increased by 10 percent, during which time the Veterans' Administration accounted for a 3-percent increase in its employment. But now that we propose to roll overall employment back to the June 30, 1966, level, they claim that this will require a reduction of between 25,000 and 30,000 employees in the Veterans' Administration, which means that they will roll employment in this agency back 19 percent or 16 percent less than they had before.

The Veterans' Administration is telling veterans' organizations that this drastic reduction will take place by adoption of this bill. Why do they threaten to reduce employment in the Veterans' Administration by 19 percent from what it was on June 30, 1966? The answer is very simple. With a war in Vietnam—which they refuse to recognize—they realize that this is one agency that must be protected. Certainly no Member of Congress is going to allow these hospitals to close.

This is just another effort by the spendthrift bureaucrats to blackmail Congress.

What they do not point out is that even with the $6 billion expenditure reduction, they will still have $3.2 billion more to spend on domestic programs than they had in fiscal 1967.

Mr. President, this is another example of the deliberate attempts on the part of the administration to discredit any effort to reduce expenditures. I think it is about time for the Johnson administration to fish or cut bait and tell us where it stands.

In that connection, Mr. President, I want to read a letter to the Senate which I have written today to Mr. Charles Zwick, Director of the Bureau of the Budget:

MAY 24, 1968.

Mr. CHARLES J. ZWICK,
Director, Bureau of the Budget,
Executive Office Building,
Washington, D.C.

DEAR MR. ZWICK: Enactment of H.R. 15414 in is danger, and it is very important that

the Administration take a positive position on it. Next week an effort is being made to send the conference report back to the committee with instructions to reduce the mandatory spending reductions to $4 million.

Does the Administration support this effort to send this bill back to conference, or does it recommend approval of the report as agreed upon by the House and Senate conferees?

I cannot overemphasize the importance of the Administration's taking a public position. Interest rates are already at a fantastically high level, and the American dollar remains in a precarious position. Excise taxes on automobiles and telephones expired May 1, and these taxes are being collected illegally.

In my opinion the defeat of this measure would be a catastrophy, and I cannot overemphasize the importance and the absolute necessity of the Administration's making its position known.

Yours sincerely,

JOHN J. WILLIAMS.

Mr. President, I conclude by repeating that it is time for the Johnson administration to fish or cut bait. As he advised Congress so eloquently recently, it is time to "bite the bullet."

IMPORTATION OF FOREIGN OIL

Mr. BYRD of West Virginia. Mr. President, the Secretary of the Interior has seen fit to propose regulations encouraging the increased import of foreign oil. Under the proposed regulations, additional import quotas will be granted as an incentive for those who produce low sulfur residual oil for consumption in areas with restrictions on the sulfur content of fuel. While this is done in the name of air pollution control, one cannot help but wonder at the excess of zeal that prompts someone to kill the patient to cure the disease.

It should be obvious that such shortsighted, stop-gap, piecemeal measures as those proposed will do nothing but harm in the long run. They will place unnecessary burdens upon the consumer, disrupt the domestic oil and coal industries, further upset the already chaotic condition of our balance of payments and widen the crack in our wall of national security by relying on troubled areas for more of our national energy supply.

And why have these regulations been proposed? Many State and local governments, in an excess of zeal, have established totally unrealistic air pollution regulations starting at 1 percent sulfur content and ranging down to three-tenths of 1 percent.

This is done, under the assumption that the cause of the problem is sulfur dioxide which is produced when some fossil fuels are burned. I might add that there is a decided amount of medical controversy and downright disagreement over whether sulfur oxides at typical levels constitute a harmful effect on life. The physiological aspects of this are still being studied and it will take several years to learn if the accused has even rightfully been hauled into court.

But despite this, the Secretary of the Interior has taken steps that would flood the market with foreign fuel in an attempt to meet these standards. They were set in a vacuum of scientific knowledge amid the raucous cries of those who cry for action for the sake of action against air pollution.

We cannot possibly expect to accomplish the aims of the proposed regulations without causing a substantial price increase for the consumer in the three major areas affected by the proposed regulations. Those areas are New York, New Jersey, and Metropolitan Washington.

In each of those areas, current price levels cannot be maintained if the 1 percent regulations are imposed. In New York and New Jersey, in fact, sulfur limits will drop to three-tenths of 1 percent within the next few years. It is safe to say that the cost of meeting such unrealistic limits will be a tremendous price increase for the consumer.

As the Joint Committee on Atomic Energy said in a report last month:

> Federal, State and municipal agencies with air pollution control responsibilities may react with an excess of zeal to current pressures for clean air to impose corrective measures on fossil-fueled plants that are unrealistic or prohibitively expensive under the present state of technology.

Assuming the industry is justified in its fears.

I would point out further that the Secretary's proposed regulations are grossly unfair to the Nation's bituminous coal industry. The industry has spent huge amounts of time, energy, and money in cooperation with the Government in research to control air pollution. It is hard at work on projects to remove sulfur from the fuel itself before combustion, and capturing sulfur oxides from the flue gases of coal after combustion. All indications are that technological breakthrough is no more than 3 to 5 years away—less time than it will take to define the problem in all probability.

And the industry's reward for its work, for its effort, and for its early, voluntary recognition of this problem apparently will be a Government-sponsored attempt to undercut one of its significant markets. Can the Government truly expect cooperation if it insists on promoting such schemes?

The coal industry is one of the few that has made a significant contribution to solving our precarious balance-of-payments problem. The Nation reaps the reward of a half billion dollars annually from our coal exports. Before tampering with the markets of any industry which can accomplish this in such financially edgy times, much serious thought and discussion must ensue.

But even if we ignore the increased cost to the consumer; even if we forget the work and splendid cooperation of the coal industry in air pollution control; even if we shun and disrupt an industry that has assisted our balance of payments, can the Nation afford to continue this piecemeal approach to its energy sources in these years of international crises? Can we truly allow ourselves to depend upon oil from troubled waters to supply a large portion of our national energy needs?

Mr. President, I ask unanimous consent to insert in the RECORD an article by George Lardner, Jr., Washington Post staff writer, which appeared in today's Washington Post, entitled, "United States To Step Up Imports of Oil in Pollution Fight."

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

UNITED STATES TO STEP UP IMPORTS OF OIL IN POLLUTION FIGHT

(By George Lardner, Jr.)

Secretary of Interior Stewart L. Udall announced plans yesterday to step up oil imports in the battle against air pollution.

The move is sure to infuriate domestic oil producers and spokesmen for the coal industry both in and out of Congress.

The Interior Department's proposal is designed to encourage production of low-sulfur residual fuel oil that can meet new air pollution regulations.

Officials said they also hoped it would promote adoption of pollution controls in communities that have yet to act.

"Air pollution is one of this Nation's most dangerous environmental hazards, and the Federal Government is totally committed to control this hazard with all of its available resources, including the oil import program," Udall said in a statement.

Under the proposal, refiners who make low-sulphur residual fuel oil from imported or domestic crude would be in line for additional imports of the cheaper, foreign oil.

Residual fuel produced under the plan would have to be used in markets east of the Rockies where Federal, state or local air pollution controls limit the sulfur content. Residual fuel is used primarily by utility companies, apartment buildings and industrial plants.

The import bonuses would range from half a barrel for each barrel of low-sulfur residual produced with Western Hemisphere oil to a quarter of a barrel for every barrel of low-sulfur residual made from Eastern Hemisphere imports.

The proposal would extend more generous bonuses to domestic refiners that desulfurize their fuel from Western Hemispheric supplies. Low-sulfur residual is hard to come by and the primary American sources of low-sulfur crude are in Libya and Nigeria.

Officials estimated that imports permitted under the plan would grow to some 300,000 barrels a day within several years, but they added that the plan would have only a limited immediate impact. Only New Jersey, metropolitan New York, and the metropolitan Washington suburbs have and these have yet to go into adopted residual fuel controls, effect.

KENNEDY OVERPOWERING FIELD IN CALIFORNIA

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that an article by Carl T. Rowan, entitled "KENNEDY Overpowering Field in California," which appeared in the Washington Star of May 23, 1968, together with a copy of a letter I wrote to Mr. Ramsey Clark, dated May 23, 1968, be printed in the RECORD.

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

[From the Washington (D.C.) Evening Star, May 23, 1968]

KENNEDY OVERPOWERING FIELD IN CALIFORNIA

(By Carl T. Rowan)

LOS ANGELES.—The big salvos are yet to be fired, but the political pros here insist that the great Democratic primary battle is all over but the voting.

Sen. Robert F. Kennedy is viewed as a certainty to get California's 174 convention delegates.

The onetime Lyndon Johnson slate, now uncommitted, is so hapless and hopeless that Vice President Hubert Humphrey is trying every device known to avoid being tainted by its defeat.

Even the leader of the slate, State Atty. Gen. Thomas Lynch, is trying to dissociate himself from a political debacle. He has decided to go to Hawaii until the day of the voting and thus make it clear that he didn't invest all his prestige in a losing cause.

This means that it is up to Sen. Eugene McCarthy to derail the Kennedy express that is roaring toward the August convention with a string of primary victories as evidence that "the people" want him. Even Kennedy-haters out here say McCarthy cannot defeat the New York Senator in California.

The pros figure Kennedy will win 50 percent or more of the votes, McCarthy no more than 35 percent, and the Lynch slate no more than 15 percent.

Once again, it seems, Kennedy money and organization are just too powerful for the Minnesota senator.

"With all his money, Kennedy is covering this state like a blanket. He just overwhelms McCarthy," said Los Angeles Mayor Sam Yorty, a maverick Democrat who dislikes both Kennedy and McCarthy and who supported Republican Richard Nixon in his 1960 Presidential race against the late John F. Kennedy.

Yorty says Kennedy has spent at least $23,000 in recent days just to pay registrars 30 cents for every Negro they put on the voting rolls.

(It is an old California custom for politicians to augment the income of registrars by paying them a modest fee for each constituent registered at that candidate's request. In 1962, when the "fee" was only 10 cents per voter, the state attorney general ruled that the practice was akin to bribing a public official, and thus improper. There is talk of the McCarthy faction making a campaign issue of Kennedy's men reviving this practice.)

Asked how he was sure Kennedy was paying to register Negroes, Yorty replied: "Why one of my top aides, Willard Murray Jr., has taken a leave of absence so he can supervise handing out the money."

(Murray told me that the deputy registrars were not "paid" in any illegal sense. He said they simply were told that they could collect up to 30 cents per person registered to defray expenses. The Kennedy camp also paid for transportation, meals, baby-sitters, and furniture and equipment used by the registrars, he added.)

This eagerness to get more of California's large Negro population registered points up one of Kennedy's strengths and McCarthy's most glaring weakness. Kennedy is immensely popular among minority groups—Negroes and Mexican-Americans here. He is so confident that they will back him, and not McCarthy, that he will gladly finance getting them eligible to vote.

One of McCarthy's troubles is that he hasn't the money or organization with which to appeal for greater support among these or any other groups. His backers say he must put what little money he has into television, leaving almost nothing for billboards, mailings, and other campaign activities.

Kennedy, meanwhile, has elaborate plans to flood the State not only with television and radio but with billboards and two direct "personal mailings" to every voter in the state thought to be a Democrat.

One very costly technique still under consideration is the use of a computer that will direct a letter to Mr. and Mrs. Joe Citizen, Sacramento, and include a paragraph or two about local issues thought to be of vital concern to Mr. and Mrs. Joe Citizen. The computer supposedly is programmed to vary these paragraphs to prevent Mrs. Joe Citizen from leaning over the back fence and discovering that Mrs. John Blow got exactly the same "personal" letter from the New York Senator.

Staff may be a bigger problem for McCarthy than money. His California chairman, Martin Stone, has complained to friends that he was coaxed into getting out front for the half dozen or so Democrats who knew that Stone had been very active among businessmen opposing U.S. policy in Vietnam.

Stone now finds, however, that half the men who coaxed him into leading the McCarthy fight are now on the Kennedy team and the rest are waiting in the wings to beat the drums for Vice President Hubert H. Humphrey.

Stone and Ann Alanson, the Democratic National committeewoman from San Francisco, are struggling in lonely splendor with two or three thousand students to keep McCarthy's hopes alive in the nation's most populous state and this most important primary election.

MAY 23, 1968.

Hon. RAMSEY CLARK,
Attorney General,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: In a column by Carl T. Rowan with a date line of Los Angeles and as appearing in the Washington Evening Star of May 22 there appeared the following statement along with certain definite quotations:

"Once again, it seems Kennedy money and organization are just too powerful for the Minnesota senator.

" 'With all his money, Kennedy is covering this state like a blanket. He just overwhelms McCarthy,' said Los Angeles Mayor Sam Yorty, a maverick Democrat who dislikes both Kennedy and McCarthy and who supported Republican Richard Nixon in his 1960 Presidential race against the late John F. Kennedy.

"Yorty says Kennedy has spent at least $23,000 in recent days just to pay registrars 30 cents for every Negro they put on the voting rolls.

"(It is an old California custom for politicians to augment the income of registrars by paying them a modest fee for each constituent registered at that candidate's request. In 1962, when the 'fee' was only 10 cents per voter, the state attorney general ruled that the practice was akin to bribing a public official, and thus improper. There is talk of the McCarthy faction making a campaign issue of Kennedy's men reviving this practice.)

"Asked how he was sure Kennedy was paying to register Negroes, Yorty replied: 'Why, one of my top aides, Willard Murray, Jr., has taken a leave of absence so he can supervise handing out the money.'

"(Murray told me that the deputy registrars were not 'paid' in any illegal sense. He said they simply were told that they could collect up to 30 cents per person registered to defray expenses. The Kennedy camp also paid for transportation, meals, baby-sitters, and furniture and equipment used by the registrars, he added.)

"This eagerness to get more of California's large Negro population registered points up one of Kennedy's strengths and McCarthy's most glaring weaknesses. Kennedy is immensely popular among minority groups—Negroes and Mexican-Americans here. He is so confident that they will back him, and not McCarthy, that he will gladly finance getting them eligible to vote."

On April 29, 1965, the Senate passed by a vote of 86 to 0 an amendment of which I was a sponsor specifically prohibiting anyone from paying or offering to pay or accepting payment either for registration to vote or for voting and setting the penalty at a fine of not more than $10,000 or imprisonment of not more than five years, or both. This restriction is specifically applicable to registrations for general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, or Member of Congress. The full text of the amendment is as follows:

"SEC. 11. (c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico."

This amendment passed the Senate on April 29, 1965, by a vote of 86 to 0. An identical proposal was included in the House bill as introduced by Congressman Cramer. The conference report was accepted, and the bill was signed by the President on August 6, 1965, Public Law 89–110.

S. 1564, the Voting Rights Act of 1965, was intended to guarantee to every American citizen an opportunity to register and vote without any fear of coercion. The purpose of the above-referred-to amendment was specifically to prohibit anyone from paying or offering to pay people to register or vote.

Will you please examine the allegations contained in the article referred to above, and after talking with the parties quoted advise me what steps are being taken.

Yours sincerely,

JOHN J. WILLIAMS.

FLAT TIRES AS A FACTOR IN AUTOMOBILE ACCIDENTS

Mr. DIRKSEN. Mr. President, over the years I know there has been speculation as to how important a factor flat tires are in the matter of automobile accidents on our highways. The tire manufacturing industry got curious, and advanced the necessary funds to have the Traffic Institute at Northwestern University make a thorough-going study of this whole matter. It is a very interesting study, and I think it ought to be inserted in the RECORD as a part of my remarks.

I have only one comment here for the moment. I see the study discloses that there is an average of one flat tire for every 22,000 miles of travel for each automobile. That is a rather significant statement, but I would rather let this entire institute summary speak for itself, and hence I ask unanimous consent to have it printed as a part of my remarks.

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

SUMMARY OF FINDINGS IN FOUR STUDIES OF TIRE DISABLEMENTS AND ACCIDENTS ON A HIGH-SPEED ROAD MADE BY THE TRAFFIC INSTITUTE, NORTHWESTERN UNIVERSITY, J. STANNARD BAKER, PROJECT DIRECTOR

ACCIDENTS

In the twelve months from September, 1966 through August, 1967, there were 1,486 automobile (four-tired vehicle) accidents on the Illinois Tollway. Flat tires contributed to no

more than 36 and possibly as few as 13 of the accidents. This was between one in 40 (2.45 percent) and one in 110 (0.88 percent) of all the accidents. (Study 4)

Injury data were available for 33 of the 36 accidents. None of the accidents which *definitely* followed a tire disablement killed anyone. However, one of those which *may* possibly have followed a tire disablement was fatal. Ten accidents (30.4 percent) involved injury.

The percent of accidents which injured no one was almost exactly the same for both the accidents which *did* follow tire disablements and accidents which *did not* follow disablements. Therefore, there is no reason to believe that accidents contributed to by flat tires are more or less serious than other accidents.

On this fully fenced expressway, cows contributed to 30 accidents. Deer figured in still more, 42. Altogether, animals contributed to 75 accidents, more than twice as many accidents as flat tires. (Study 4)

AUTOS INVOLVED

A total of 2,196 *autos* were involved in the 1,486 Tollway accidents. Thirty-six of them may have had disabled tires before the accident. This would be one in 60 (1.64 percent) of all the autos involved; but this number might be as low as one auto in 170 (0.59 percent). (Study 4)

MILES PER ACCIDENT

Automobiles traveled 1.311 billion miles on the Illinois Tollway during the 12 months. This amounts to 36 to 100 million miles for each flat tire that contributed to an accident. In other words, a driver might experience a flat-tire accident in from 75 to 210 round trips to the moon, or about as much driving as 500 people would do in their whole lives. (Study 4)

PERCENT OF TIRE DISABLEMENTS FOLLOWED BY ACCIDENTS

During the 12 months, automobiles had 60,000 flat tires on the Tollway. This means that one flat tire in 1,700 (0.06 percent) to 4,600 (0.022 percent) was followed by an accident. Putting it another way, at least 99.94 percent of the automobile drivers successfully coped with tire disablements at expressway speeds. (Study 4)

TIRE DISABLEMENTS CONNECTED WITH ACCIDENTS

Experts studied the circumstances of the accidents after which *any* tire was deflated for *any* reason. Careful attention was given to drivers' explanations of the accidents. Whenever possible, damage to tires, rims, and autos was examined in detail. The purpose was to determine how many tires which were flat after an accident clearly had been disabled before the accident and so probably contributed to the accident. (Study 4)

After some multi-car accidents, more than one auto had a disabled tire. On some autos, more than one tire was flat after the accident; and in one instance all four were flat.

Of the 2,196 autos in accidents, an estimated 235 (10.7 percent) had flat tires afterward. Of the 235 cars with flat tires after accidents, between 13 (5.5 percent) and 36 (15.3 percent) after careful study were considered to have had disabled tires before the accident. (Study 4)

DRIVER CLAIMS AND POLICE OPINION

Drivers appear to blame about two-and-one-half times as many accidents on tire disablements as are justified. Tollway police accepted about two out of three of the drivers' explanations in the survey. But of the autos with flat tires after accidents, the percent believed to have had tire disablements before the accident were as follows:

	Percent
Result of this study at most	15
Police opinion	27
Drivers' claims	38

CIRCUMSTANCES THAT DON'T AFFECT CHANCE OF ACCIDENT AFTER DISABLEMENT

It is commonly believed that certain circumstances may lead to auto accidents if a tire goes flat while driving. However, on the basis of data collected, some of these circumstances appear to have little or no effect. Among conditions that do not seem to make any great difference are the amount of tire wear, position of tire on the vehicle, whether there is a sudden "blowout" or gradual disablement, retreaded tires, tires with tubes, and two-ply tires with four-ply rating. (In this connection, do *not* confuse likelihood of accident *after* disablement with likelihood of disablement.) (Study 4)

CIRCUMSTANCES THAT DO AFFECT CHANCE OF ACCIDENTS AFTER DISABLEMENT

Other circumstances do seem to be connected with whether a flat tire while driving is followed by an accident. Power steering is one. Among cars *not having* accidents after flat tires, 70 percent had power steering; among those *having* accidents after blowouts, 48 percent had power steering. (Study 4).

But the circumstance which seemed to be associated most with a flat tire being followed by an accident had to do with drivers.

Of 147 drivers reporting tire disablements *not* followed by accidents (Study 1), only one (0.68 percent) was a woman less than 20.

But for 33 flats that *were* followed by accidents, 5 girls less than 20 years old were at the wheel (15.1 percent). Comparing these two percentages suggests that this age-sex group is 22 times as likely as the *average* driver to have an accident after a tire goes flat. Although the number of these cases is small, the difference is so great that it is extremely unlikely to be due to chance.

On the same basis, women between 20 and 35 seem to be about 5 times as likely as the *average* driver to have an accident after a tire goes flat. (Study 4)

Women as a whole appear to have about four (3.89) times the average likelihood of accidents following flat tires; boys and girls less than 20 years old have about five times (5.17) the average likelihood. Both of these averages are much influenced by the high "risk indexes" for women less than age 35. (Study 4)

EFFECT OF TIRE POSITION

The position of the disabled tire on the car seemed to make no difference as to where the car went after a tire went flat and an auto had an accident. For example, with a blowout on the left rear wheel, the car was just about as likely to go off the left as off the right side of the road. (Study 4)

When an accident followed a flat tire, the reaction of the driver appeared to be so important, and at the same time unpredictable, that whatever swerve resulted from a tire being disabled in any particular position—such as the left rear—is quite obscure. When an accident followed a flat tire, the driver's response seemed to be largely unconscious, perhaps often a reflex action. Drivers could rarely explain clearly what the car did and what they did as a result: "It was all so quick." A few drivers did say that they "over corrected" when the car started to drift after a tire went flat. (Study 4)

DISABLEMENT AS ACCIDENT FACTOR

Because the number of flat tires followed by accidents is so extremely small (not more than 0.06 percent), a tire disablement *by itself* cannot be considered to be *sufficient* to cause an accident. If it were sufficient, there would be many, many more accidents. Drivers and driver behavior seem to make an important difference in whether a flat tire while driving will be followed by an accident. Therefore, to cause an accident, a tire disablement must be *combined* with some driver inadequacy. The data collected do not indicate specifically what such driver shortcomings might be. One may speculate that they might include lack of skill or experience, inadequate grasp of the steering wheel, impulsive reactions, inattention. (Study 4)

FREQUENCY OF DISABLEMENT

There were about 60,000 tire disablements in 12 months on the Tollway. On the average, automobiles (four-tired vehicles) had a flat tire for every 22,000 miles traveled. That is the distance around the earth at the latitude of Florida or about six weeks of driving eight hours a day at expressway speeds. (Study 1)

FACTORS INFLUENCING DISABLEMENT RATES

Several circumstances seemed to affect the number of disablements per million miles of driving. Temperature was one. For the same kind of trips (average length 60 miles), disablements were half again as numerous at a mean temperature of 69°F as at 48°. Higher temperatures would unquestionably greatly increase the disablement rate; lower temperatures would probably reduce it some. (Study 1)

For the same temperature (mean of 69°F), Tollway trips averaging 18 miles had 1.57 times as many disablements per million car miles as trips averaging 64 miles. (Study 1)

Cars more than seven years old had 2.4 times as many disablements per million miles traveled as those less than two years old. (Study 1)

The higher tire disablement rates for short trips (commuters) and old cars probably occurred because tires under these conditions were more worn. (Study 1)

Bald tires were 44.2 times as likely to be disabled as new tires. The risk of disablement for tires with some groove but less than two thirty-seconds of an inch remaining (which would be rejected under recommended U.S. inspection standards) is 18 times that of new tires. (Study 3)

Rear tires are nearly twice (1.8 times) as likely to be disabled as front tires. This difference apparently is not due to greater wear on rear tires because the average remaining groove depth in front and rear tires on the Tollway is almost exactly the same (15.14/32 for front and 15.08/32 for rear). (Study 3) Recapped tires are considerably more likely to be disabled when driving than nonrecapped tires.

CIRCUMSTANCES NOT CONNECTED WITH DISABLEMENT RATES

Some circumstances seem to have little or no connection with the likelihood of tire disablement on the Tollway. Among these are age of driver, size of car, power steering, two-ply tires with four-ply rating, and tires with tubes. (Study 3)

The effect on tire disablement of overload and overinflation could not be adequately evaluated because air pressure in the tires before disablement could not be determined. (Study 3)

Data collected seem to suggest that the state where the car was registered and the sex of driver affect the likelihood of tire disablement. Neither of these seems logical. There were, moreover, peculiarities of data collection in both cases which could account for the apparent effects, e.g., a woman is less likely to fix her own flat tire and so more likely to be recorded in police statistics on flat tires.

AUTOMOBILES USING TOLLWAY

1,746 automobiles were surveyed at Tollway service areas. For these cars which had no disabled tires: 96 percent of trips were in dry weather, 91 percent had male drivers, 15 percent had teen-age drivers, 70 percent were less than two years old, 63 percent were standard (more than 3,000 lb.), 73 percent had power steering, and 35 percent were from out of state.

TIRE CONDITIONS

A total of 6,984 tires were examined in the service-area surveys; 0.26 percent were

reported to be recapped, and 6.2 percent to have had tubes.

Another purpose of the surveys in the service areas was to determine the condition of tires in normal use on the Tollway. The load on each tire was weighed, air pressure tested, tread grooves measured, and the tire was inspected for surface defects.

Thus, each tire could be compared to existing standards and recommendations set by the Tire and Rim Association with respect to: Tread wear, over inflation, overload, sidewall cracks, blisters.

A driver should be advised to remedy the situation if any of his tires is deficient in any of these ways.

Of the 1,746 cars surveyed at service areas, 607 (34.8 percent) had one or more tires which failed to meet one or more specific requirements. Of the 6,984 tires examined, 1,022 (14.7 percent) had 1,117 deficiencies, an average of 1.09 per tire and 1.84 per car with any deficient tire. (Study 2)

OVERLOAD

Overload was the most common deficiency: 5.9 percent of all tires. For each tire, according to size and number of plies, the Tire and Rim Association recommends a maximum load for a given pressure. The greatest load can be carried at the maximum allowable pressure for that tire. The percent of tires which were overloaded for the pressure in them or for the maximum allowable pressure (whichever was least) is as follows:

Position on car	Some overload	More than 10 percent load
Right front	7.3	2.0
Right rear	4.5	1.6
Left rear	4.9	1.5
Left front	7.0	2.0
All tires	5.9	1.8

Some overloading could be remedied simply by increasing pressure up to the maximon on rear than on front tires. A few cases this been done, the percent of overloaded tires would have been reduced from 5.9 to 2.4. That is to say, in half the cases of overloaded tires, nothing more than additional air pressure was needed to remedy the situation. To remedy the remaining cases of overloading found in the Tollway service areas, the driver would have to be advised to do one of two things: reduce the load or get bigger tires. (Study 3)

These were loading conditions actually found. Many more of the cars, and especially station wagons, would have had overloaded tires if as many occupants and as much baggage as possible were loaded into them.

TREAD WEAR

Tread wear was the second most common deficiency; 4.25 percent of all tires had less than the recommended 2/32 inch of groove remaining.

The percentages of tires with various remaining groove depths was as follows:

	Percent
None (bald)	2.30
1/32 inch	1.95
2/32 and 3/32	6.71
4/32 and 5/32	13.78
6/32 and 7/32	21.20
8/32 and 9/32	25.68
10/32 and 11/32	21.25
12/32 and more	7.13

Average groove depth was 7.42/32 inch. It was very nearly the same for all sizes of cars. New cars had an average groove depth of 7.6/32 and old ones 5.5/32 inches. (Study 2)

CRACKS AND BLISTERS

Combined, these afflicted 4.0 percent of the tires. Sidewall cracks big enough to put a fingernail in were apparent on 3.6 percent of the tires. Bulges and blisters were discovered on 0.4 percent of the tires.

OVERINFLATION

Overinflation was found on 1.5 percent of the tires.

When air pressure was measured, some tires were found to have more than the maximum (cold) pressure recommended by the Tire and Rim Association Standard for the size and ply rating:

	Percent of tires
Right front	1.2
Right rear	2.8
Left rear	3.3
Left front	1.6
All tires	1.9

More than twice (2.2 times) as many rear as front tires were overinflated. This may partly explain why disablements are more common on rear than on front tries. A few cases of overinflation could have been remedied simply by releasing air to reduce the pressure to the recommended maximum for that tire. The tire would not then have been overloaded. (Study 2)

APPLICABILITY

Without testing air pressure and weighing, ordinary vehicle inspection stations, which examine only for tread remaining, cracks and blisters, would detect only about half of the deficiencies shown here. (Study 4)

The tires on cars which stop at Tollway service areas are probably in better condition than average tires on the Tollway and on other roads. On the other hand, cars at Tollway service areas are probably more heavily loaded, on the whole, than cars elsewhere.

HAS THE SUPREME COURT EXCEEDED ITS POWERS?

Mr. DIRKSEN. Mr. President, we spent a good many days on title II of Senate 917. Title II, as Senators know, deals with the decisions of the Supreme Court in the Miranda case, the Escobedo case, the Mallory case, and others.

In the November 1967 issue of the American Legion magazine, there appeared an article under the title, "Has the Supreme Court Exceeded Its Powers?" It deals with the Supreme Court, and was written by Mr. Newton Fulbright. The syllabus of the article indicates this sentiment:

While extremists call for the impeachment of the Chief Justice, even cool legal scholars warn that the Supreme Court is leading the nation to trouble. Here's a short outline of the case against the Court.

I have examined this article and I think it is quite worth while. Hence I ask unanimous consent that it be printed in the RECORD as a part of my remarks.

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

HAS THE SUPREME COURT EXCEEDED ITS POWERS?

(By Newton Fulbright)

This year, as last year, The American Legion National Convention called on Congress to "restore the constitutional balance of power" of the U.S. Government through legislation that would limit or preempt the authority of the Supreme Court of the United States in one or more of several specific areas.

In Resolution No. 28, the 1967 Legion Convention made it clear that, in the opinion of the delegates, the Supreme Court, under the guise of interpreting the law, has busied itself writing new law and controlling its enforcement, thus usurping the power of the Congress and the Executive.

Some specific complaints were spelled out by the Legion delegates. They dealt with usurpation of power in general and with Supreme Court decisions that "weaken" or "emasculate" laws that are essential to the security of the nation and to procedures that are followed by law enforcement agencies in their pursuit of crime and criminals.

The Legion's 2,960 delegates did not fancy that it would be an easy job to put the three branches of the government back in balance. They asked Congress to hold public hearings to "ascertain the feasibility" of simple legislation to restrict the Supreme Court. Should that not prove feasible, they endorsed the prospect of one or more amendments to the Constitution to "reassert the supremacy of Congress in legislative matters," in terms that "cannot be misconstrued or ignored."

There is nothing simple about critiques of the Supreme Court. There is nothing simple about defining what its powers are or are not. Nor is it easy to change either the Court itself or its habits.

Attempts to discuss the Court and its proper role may become bogged down in old myths that the Court is sacrosanct, and bogged down even more by confusing the merits of a matter before the Court with the entirely separate question of the propriety of the Court as the body to handle it at all, or of the way it chooses to handle it.

To challenge the Court at all, one must first dispose of the question of whether it is sacrosanct.

There is no point discussing anything touching on the Supreme Court if one must start with the notion that the Court is above criticism, change or restriction. It was Chief Justice Charles Evans Hughes who said that the Constitution of the United States is "what the Supreme Court says it is." If this is literally true, then the Court is superior even to the Constitution. It is then beyond the reach of either the people or the law until such time as the present government of the United States is abolished and a new one created. Anything else would be a waste of breath.

But it is not literally true that the Constitution is what the Court says it is. The Supreme Court earned the right to interpret the Constitution with a fairly free hand over many years in which, by and large, it exercised such self-restraint that the people consented to it—a restraint which some great legal minds claim the present Court has abandoned. Without that consent, the Court is the weakest, not the strongest, branch of the government. It is only nine men. The people, and Presidents, in years past, have defied the Court, restricted the Court and criticized it. For example, after the first ten amendments to the Constitution were adopted as one package in the Bill of Rights, the 11th Amendment, adopted in 1795, barred all federal courts, including the Supreme Court, from jurisdiction in cases in which a citizen sues a state. The 11th Amendment was written and ratified as a rebuke to the Supreme Court.

In the 1830's Andrew Jackson, as President, is credited with having said that Chief Justice John Marshall "has made his decision, now let him enforce it." That decision involved missionaries to the Cherokee Indians in Georgia. It would never have been enforced had not the next elected Governor of Georgia chosen to abide by it.

In his first inaugural address Abraham Lincoln upbraided the Supreme Court for the Dred Scott decision which, in effect, admitted slavery to the territories from which the founding fathers, including authors of the Constitution, had excluded it. Lincoln accused the Court, under Chief Justice Taney, of overstepping its powers then and of helping bring on the Civil War through that decision. One should not overlook the fact that the people—not the Court—annulled the Dred Scott decision by waging war and by amending the Constitution after the war. The nine justices could only abide by the outcome.

These events, quite apart from the issues involved, demonstrate that the Court has never been sacrosanct, that it is not superior to the Constitution or the people, that it rules on the Constitution only with the consent of the people. (As an aside these examples also illustrate in part the dangers of an irresponsible or overambitious Court. It is so difficult to curb the Court that when the people or the Executive become impatient with it, they may assert themselves through extreme measures.)

The Court is not, then, above criticism or control. Yet before one can freely debate the Court's role today there still remains the hurdle of separating questions before the Court from the Court's role in handling them.

If the Supreme Court today is as arrogantly exceeding its powers as many claim that it is, it owes its success in part to the divisive effect of the issues on which it has handed down its most controversial decisions. Those who agree with its far-reaching decisions are as apt to support the Court, *without respect to questions involving the Court,* as some of an earlier generation approved of Mussolini for making the trains run on time. Those who would criticize the Court find themselves having to take stands, perhaps unwillingly, on side issues. There is little question that the Court reached around the barn, and nakedly wrote new law, in its basic school desegregation decision—trampling on both the Congress and the states. But a jurist who is shocked at the non-judicial nature of the decision and the obvious writing of basic law by the justices may find himself tarred as a segregationist if he speaks out.

Yet the first school decision was soon a platform on which the Court would stand to claim more unrestrained powers for itself. Until the days of the present Court it had been traditional that the Supreme Court literally rules on the case before it, not the whole question as it may apply to other cases. It has been an assumption—and a reasonable one—that a different case on the same question *might* be ruled on differently, but that by and large a decision in one case would indicate how similar ones would go. Under this tradition the Court was spared accusations of reaching for power. It did not literally claim to write fixed and frozen rules to the last comma and period, as lawmakers attempt to do in their very different role.

But within a few years of the first major school desegregation decision the modern Court threw off all pretense that it tries one *case at a time,* or that it does not consider itself a legislative body. In a follow-up school case, *Cooper vs. Aaron,* it said: ". . . the interpretation of the 14th Amendment . . . enunciated by this Court, is the supreme law of the land . . . binding on the States. . . ."

This remarkable admission is tantamount to the plainer language "This Court, alone, has recently amended the Constitution." Gone is all pretense that in the first school case only that case was decided. The Constitution limits "supreme law" to (1) itself, (2) laws passed "in pursuance" of it, and (3) treaties. It remained for the modern Court to claim that it, too, writes supreme law.

The Legion's 1967 resolution is no more than a mirror of a very broad reaction in the land against the present Court. Off at one extreme are those who erect billboards calling for the impeachment of Chief Justice Earl Warren. But cooler heads, the scholars of the law, are also disturbed. If all of the complaints against the present Court are to be wrapped up in one blanket indictment it is that the Court quite often second-guesses not the legality of what Congress does (a traditional right) but the wisdom of Congressional acts, which is not its business. The all-embracing charge is that the Court has its own social theories, and since Congress doesn't enact them into law, the Court does it on its own, merely pretending that each new law that it writes is a valid interpretation of an actual law.

The charge is extremely serious. If a board of justices appointed for life during "good behavior," not answerable to the people at the polls as the President and Congress are, is to originate "supreme law," it then indulges in a form of tyranny that defies our basic concept of government by the people.

Many noted legal authorities have added particulars to the basic fault found with the present Court. Some of these are:

The Court is doing imperfect work by running a sort of legal production line, accepting cases and grinding out decisions in haste to step up the scale of its social lawmaking.

A series of Presidents has maintained a Court majority that is amenable to writing decisions in support of vote-getting political paltforms, and a majority of the justices has accepted the political role on which the appointments were based. In this process, more able jurists were by-passed.

The modern Court has focused its attention on the matter of equal rights and protection of the rights of citizens to the exclusion of other important aspects of our society. While the protection of the rights of citizens under the Constitution is an important function of the Court, the Court has (a) reached beyond the Constitution in its legislative zeal to *create* rights rather than protect them, and has (b) sacrificed other considerations in the process. The clearest examples lie in the charge that the problems of law-enforcement have been ignored in the Court's zeal to "overprotect" persons accused of crime, and that the Court strains to protect Communists as "citizens" while blinding itself to what they are up to.

The Court has hamstrung the power of the state and federal governments to protect themselves from internal subversion.

In many cases the Court has clearly written decisions to achieve results desired by it, which is the very essence of law-making and no part of judicial interpretation.

The Court has exceeded all reason in meddling in the internal politics of the states, an area closed to all three branches of the federal government in the Constitution.

Finally (a charge viewed with most concern by those who understand the law and judiciary the best) the Court has shown an alarming lack of restraint.

Legal scholars who voice these conclusions see enormous dangers in them for the country, and the same dangers are sensed by many of the people who, though unversed in law, attribute to the Court a good share of the growing instability in the nation.

With mobs taking over in the larger cities, with the police helpless and mayors and governors forced to call on the Army to restore order, popular reaction against the Court has increased. By "coddling" criminals and granting immunity to Communists to carry on their agitation; by disrupting legislative elective processes to conform to the reapportionment rulings in the state elections; by denial of prayer in the schools, the Supreme Court is blamed emotionally for conditions of near anarchy that seem to threaten the pattern of American society.

But what of the non-emotional comments of legal scholars?

Rene A. Wormser, New York attorney, scholar and author of "The Story of the Law and the Men Who Made It—From the Earliest Times to the Present," is one of those who believes that the Supreme Court, in much of its recent majority opinion, has erred broadly in appearing to abandon the role of interpreter of the law for that of social reformer. Mr. Wormser believes the criteria of a judge to be restraint and humility. These attributes have largely been lost sight of, he believes, since Franklin D. Roosevelt, in 1936, undertook to enlarge the Court in order to defeat the "nine old men" who had blocked New Deal efforts to expand the powers of the federal government. Balked by Congress in his efforts to "pack" the Court, the former President resorted to naming only known "liberals" to the bench when vacancies arose. Mr. Wormser believes that the competence and dignity of the Court suffered severely and has continued to suffer from a process that puts politics above ability.

"Why," he asks, "was not Judge Learned Hand named to the Court? Or Judge Harold R. Medina? Outstanding men, both of them—as was Roscoe Pound, former Dean of the Harvard Law School, an outstanding authority on American jurisprudence. Why wasn't Dean Pound ever named to the Court?"

His question is an indictment of a climate that places politics above scholarship and party above character and sobriety.

The late Justice Felix Frankfurter, toward the end of his career on the Court, found himself more and more at odds with his "liberal" associates.

"It is not the business of this Court to pronounce policy," he said in 1958. "Self-restraint is of the essence of the judicial oath, for the Constitution has not authorized the judges to sit in judgment on the wisdom of what Congress and the executive branch do."

Professor Henry M. Hart, Jr., of the Harvard Law School, said a year later:

"It has to be said that too many of the Court's opinions are about what one would expect could be written in 24 hours. . . . Few of the Court's opinions—far too few—genuinely illuminate the area of the law with which they deal."

Chief Justices of the Court, from Charles Evans Hughes through Harlan Fiske Stone to the late Fred M. Vinson, had voiced a philosophy of "judicial restraint." But Chief Justice Warren, who succeeded Vinson, joined the "liberal" members in pursuit of what critics of the Court call "judicial activism." Of this, Harvard Law Dean Erwin N. Griswold said in 1960 that the law and the public are poorly served when the Court judges a case to bring on a result it seeks.

Professor Philip B. Kurland, of the Chicago University Law School, listed four criticisms of the Court in 1964. First, in its concern with "equality" it cares less than earlier Supreme Courts did for "due process of law." Second, its reach for power divides and confuses the federal system. By assuming the role of a second rulemaker (Congress being the first) uniformity in lawmaking is giving way to a confused diversity. Third, the Court is building its own power at "the expense of the power of the other branches of government, national and state." Fourth, there is an "absence of a workmanlike product, an absence of right quality" in Court decisions.

But some of the most forceful criticisms of the Court have been voiced within the Court itself, in the minority opinions of dissenting Justices. Former Justice Robert H. Jackson assailed the majority opinion penned by Chief Justice Warren that freed 11 convicted Communists of conspiracy charges in *Dennis vs. U.S.*

The Court, Justice Jackson noted, had been severe in condemning conspiracies in the world of business, labor and management. But here, in the case of defendants joining in concerted action "to undermine the whole government" the Court was treating conspiracy as a "civil right."

A 1967 decision annulled New York's Feinberg Law to keep Communist Party members from infiltrating public school faculties and the state civil service. It drew from recently retired Justice Tom Clark a scathing minority report, in much of which he was joined by Justices Harlan, Stewart and White. The majority decision was a "blunderbuss" approach with an "artillery of words" having

a "non-existent" bearing on either the case itself or the final decision. "No court has ever reached so far to destroy so much with so little," said Clark. American Legion Commander John E. Davis, two-time Governor of North Dakota, characterized the decision as one that invaded the field of judging the professional competence of State employees—no business for a court.

Justice Frankfurter assailed a majority opinion written by Justice Brennan in 1959. A female lawyer, Sawyer, while defending clients against subversive charges in Hawaii, had been suspended from practice for a year for insults she allegedly hurled at the presiding judge while attending a public hearing. The Brennan decision revoked her suspension, and throughout the decision ran the suspicion that it was weighing sympathetically the case of Sawyer's clients rather than her own alleged contempt for the Hawaiian court. Frankfurter wrote that the majority decision neglected evidence, and its finding "impairs the responsibility of the bar . . . and . . . of criminal lawyers engaged in the conduct of trials." It encouraged the trying of cases in the press instead of in the courtroom, he said.

Justice White's dissent in *Miranda vs. Arizona* (a landmark decision in the social legislating of the present court regarding the rights of accused persons) said that the decision ignored the security of other individuals and their property, by giving too much freedom to criminals. He reminded the Court that its passion for "human dignity and civilized values" was ill-served by giving criminals more leeway to prey on others with impunity.

Justice Harlan, in *Harper vs. Virginia*, objected that the court was creating rights (a lawmaking function) more than giving equal protection to all people to enjoy existing rights (a judicial function). It was rigidly imposing its ideology on America.

Some of the severest critics of the modern Court go the whole route. Some practices of today's Court, they say, are patently more unconstitutional than some of the laws it upsets. Even the Court's champions sense the merit of that charge, for they strain to devise Constitutional excuses for the Court's actions.

They are put to that strain out of the common knowledge that the growth of the power of the Court came a few decades *after* the Constitution was written, and that it traces its powers more to the zeal and political adroitness of the fourth Chief Justice, John Marshall (appointed 1801), than to any grant of authority in the Constitution.

In an extremely clever series of decisions, Marshall, who dominated his colleagues, settled specific Supreme Court cases to the satisfaction of his worst enemies, in each case stating a *reason* that enlarged the power of the court. Thus he disarmed his opponents with pleasing decisions while setting the precedents to which the Court has owed its larger powers. Most of his successors realized that Marshall had carried the Court's powers far beyond any word of the Constitution. They safeguarded their position with that exercise of restraint which the present Court majority is now accused of abandoning.

Defenders of Marshall's enlarged powers have felt the need over the years to put them on firmer ground by finding some excuse in the Constitution for them. Lacking any word in the law itself, they built a case of the "intent" of the Constitution. Divining the intent of the deceased is a game with loose rules. The Court's friends base their case on the *presumed beliefs* of the founding fathers. These, in turn, are based on *presumed court customs* inherited from England and preserved by the colonies.

The key question goes right to the root. Has the Supreme Court ever had any Constitutional power or right at all to rule on the constitutionality of a law passed by Congress?

No such authority is hinted at in the Constitution. It was first clearly enunciated by Marshall in the celebrated *Marbury* case. He reached a decision against all his sympathies and in favor of his enemies in exchange for claiming that the Court could rule on the constitutionality of acts of Congress.

The Court's defenders, sensing that a personal bargain of Marshall's is hardly a rule binding on the people of a republic, go back to certain court cases in England and in pre-Constitution America to show that the right of a court to annul a law was then so well understood that the founding fathers felt no need to spell it out in the Constitution. It was implied all along.

L. Brent Bozell in his current book "The Warren Revolution" (Arlington House, New Rochelle, N.Y., 1966, $7.) demolishes these cases in 366 pages of scholarship.

Instead of merely citing the cases blindly from a standard book published in 1900, Bozell returns to them in detail in 1966.

When he is done with them they go far to prove that the founding fathers would not ever stomach a court canceling a law.

Right up to the writing of the Constitution neither the people nor the political leaders wanted *any* part of *any* court revoking *any* law written by *any* legislature. The obvious reason, often forcefully expressed in colonial days, was that the lawmakers are within the reach of the people at the polls while the courts are not. Jefferson said that Bunker Hill wasn't fought to put the law in the hands of non-elected officials.

In most of the cases cited in law books to prove that the courts overruled legislatures as a matter of course in Colonial days, the judges whose decisions are cited denied any right or intent to annul law. The rulings attributed to some others were never made. Some "cases" cited were never cases at all. The only open and shut case among them was in England, where a court overruled an act of Parliament in favor of the prerogatives of King James II. Bozell goes to the historical fact that the King trumped up the whole thing. Judges, plaintiff and defendant were all in cahoots with him. Shortly after that decision, James was dethroned and Parliament established its supremacy over the English courts. None have voided an act of Parliament since. A sorrier "prudent in law" to empower our Court to annul law could hardly be found.

The American "precedents," Bozell shows, are a complete shambles, refuting more than confirming any intent of the authors of the Constitution to let courts annul laws. Interested readers should follow his text.

In the United States, the word of the Constitution repeatedly establishes the supremacy of Congress over the Supreme Court. It grants Congress general powers to regulate all the federal courts. It takes up the question of the courts' honoring the Constitution, and instructs the *state* courts to do so. While on the subject it omits any mention of either a right or responsibility" of the Supreme Court in the matter.

It gives the Supreme Court original jurisdiction in certain federal matters, such as cases arising out of treaties. But in allowing the Supreme Court to hear appeals (which is where it has raised the most ruckus) it was made inferior to Congress, for the Constitution explicitly gives Congress the right to regulate the Court's hearing of appeals. Bozell points out, by going to what its framers said at the time, that the Constitution, in naming three things that will be the "supreme law of the land," was *limiting* them to three—thus excluding all pretensions of the modern Court that *it* is the author of "supreme laws" too, unless it is conceded that the Court is free to rewrite the Constitution.

The "independence of the judiciary" is applauded on all sides, but what is meant by it is not settled. As some see it, it means that the Congress shall not tamper with the *functioning* of the courts. There *shall* be trial by jury. On the High Court the Justices *shall* be appointed for life "during good behavior" and Congress shall not meddle with this. Congress does have power to impeach judges for "bad behavior," and it has been exercised a few times on federal jurists, though not at the Supreme Court level. In this view, any right of courts to annul laws is not part of the "independence of the judiciary." It is rather a trampling on the "independence of the legislature." And that is the consistent English view, too.

But this dilemma has often been voiced: Suppose that the states and Congress defy the Constitution? Who, then, if not the Supreme Court, will defend it? As Jefferson implied in his "Bunker Hill" analogy, the people will. They can get at legislators who defy the basic law on each election day and replace them. But there is no election day for the Supreme Court, so the more serious dilemma is "Who will defend the Constitution if the Court abuses it?"

Today this question isn't academic. Several attempts to amend the Constitution to undo Court decisions that are felt to be mischievous or tyrannical have recently been supported by majorities in Congress, but failed of the two-thirds majority needed before being put before the states.

Sen. Sam J. Ervin, Jr., of North Carolina, has sought to put the admissibility of confessions in a criminal court out of the reach of the Supreme Court. His amendment would make the trial judge the sole arbiter of that, with the proviso that he must find the confession to be voluntary.

A series of recent Supreme Court decisions limiting the admittance of confessions in courts has produced hair-raising consequences in law enforcement. One of the first results was the release without trial of a New York man who freely admitted murdering his wife and children. Statistics showing serious increases in unpunished crime, directly following Court decisions that tie the hands of police and magistrates, have been recorded by many law enforcement agencies.

Sen. Everett Dirksen, of Illinois, has fallen short of sufficient support to get amendments going in Congress to (a) allow voluntary school prayer, and to (b) put an end to the Supreme Court's dictating how state legislature will be formed and how their voting districts will be created.

The Court's recent adventure into state politics ended in a shocker. It began in 1962 with the Tennessee case in which the Court claimed jurisdiction over state voting districts. It was a claim not supported by any word in the Constitution or by any legal precedent. The modern Court based its invasion of state politics on the rights of voters to *equal representation*, under its reading of the 14th Amendment.

Bozell says that in going just so far as to claim jurisdiction over state elections and legislatures in the 1962 decision, Justice Black misquoted and quoted out of context statements of the authors of the Constitution. Bozell cites fuller texts in proof. He notes too that the Constitution spelled out the right of the states to manage their elections, with Congress as the *only* regulatory federal body, and *then* only in electing members of the national Congress.

In the third case on the same subject, in 1964, the Court ruled on alleged Constitutional grounds that no state can have its own equivalent of the U.S. Senate—a chamber whose members represent interests of areas rather than population.

This time "rights of voters" under any reading of the 14th Amendment were thrown out the window, since in the test case the citizens of Colorado had voted to keep their Senate as it was rather than reapportion it by population like their lower house.

The Court ruled—from out of the blue—that the citizens couldn't have a state Senate similar to the U.S. Senate even if they voted for it. At that time every state but one (Nebraska) had one, and when the Constitution was written all but three states did. The U.S. Senate was based in part on the pattern of such state senates. Bozell, not letting up a minute, notes, that the Constitution guarantees each state a republican form of government. In denying Colorado's voters (or those in any other state) the right to vote to have their own kind of Senate, he says, the Court trampled on the Constitution again. For it is the essence of a republican form of government in Colorado that the people may design their own state government. The Constitution also refers offhandedly to "the most numerous branch" of a state's legislature, accepting on the face of it two or more Houses in one state, formed differently.

Back to Senator Dirksen. Having failed to get an amendment to the Constitution on school prayer or state government passed by two-thirds of his political brethren in Washington, he turned to the people and the states. Dirksen called for a Constitutional convention, which Article V of the Constitution provides for on "application of the Legislatures of two-thirds of the states." The surprising result was that on May 1, 1967, 32 states had approved petitions calling for such a convention. Only two more were needed with 16 States yet to vote on the matter.

Senator Dirksen, delighted by the favorable response, predicts that the remaining two states will act favorably in 1968, if not before. He said that "For over 175 years, the people in each State had and exercised" the power to shape their state legislatures. But "the Supreme Court took away this right of the people by its decision in *Reynolds vs. Sims* and related cases, decided in June 1964 . . . They are bound to [the Supreme Court's] standard no matter what the people want."

The Senator charges that "liberal" forces friendly to the Court's decision, caught by surprise, had tried to halt the procession of approval of a Constitutional convention. ". . . Efforts were made in at least five states to get legislatures to rescind their action. Every one of those efforts failed."

States yet to vote on the proposal are California, Oregon, Alaska, Hawaii, Iowa, Wisconsin, Michigan, Ohio, West Virginia, Pennsylvania, New Jersey, New York, Connecuticut, Massachusetts, Vermont and Maine.

A Constitutional convention has not been held since 1787, when the Constitution was drafted, and no one knows exactly what would result. A convention could amend the Constitution freely or even rewrite it. The work of the convention would again have to be ratified by legislatures in three-fourths of the states, or by elected delegates to separate conventions in three-fourths of the states, as required under Article V.

The rapid approval by 32 of the first 34 states to vote on a constitutional convention was a complete shocker in Washington, suggesting that the capital has been out of touch with the great discontent with the Supreme Court elsewhere. Presumably all sorts of roadblocks will be thrown in the convention's path, as some already have been. The final weapon against it would be obstructions that would have to be resolved by the Supreme Court. It would surely find reasoning to defend itself from such a convention, though there is a rule of law that no man shall judge his own case.

Senator William Proxmire, of Wisconsin, suggests how to defeat the convention. He says that 26 of the 32 state petitions should be rejected because those states have yet to reapportion their voting districts under the Court ruling, hence their legislatures are "illegal." Proxmire calls the whole idea of a Constitutional convention a "Pandora's-box nightmare."

Dirksen's reply is that this nation is one—or should be one—of the people, by the people and for the people. If three-fourths of the states ratify the convention, that fact should supersede any ruling of a majority of nine men named to the Supreme Court.

The support that a new Constitutional convention has already gotten must have a profound effect. It shows an impatience with the Supreme Court that runs far deeper than many political leaders had suspected. Shrewd politicians must get the message.

Presidential candidates *may* yet be moved to promise to appoint men of the stature of Judges Hand, Medina and Pound if they have the chance. Senators *may* yet resolve to block appointments of lesser lights.

Amendments to the Constitution to check the Court and undo some of its worst decisions may be the compromise to avoid returning the whole body of the law of the land to the people at a Constitutional convention. Few new votes would be needed to tip the scales for Congressional support of some such amendments.

The ground swell against the Court is large and growing. While popular movements may be slow, in the long eye of history the more they are frustrated the more irresistible they become.

Political obstructions may stall things for months or years. But throughout history, when obstruction runs against a tide of general discontent, it finally fails. Then the obstructors stand in history as the villains.

One who studies frustrated popular discontent can visualize long continued unrestrained use of power by the Court finally resulting in changes in the Constitution far more "impossible to misconstrue" than the Legion's delegates probably intended, such as:

"No court shall void an enactment of a legislature," or

"The Congress shall judge the constitutionality of the acts of the states, and the people shall judge the Congress, and regular elections."

Horrible as such propositions would seem to many Americans (they would tear up our highest legal fabric going back to John Marshall), England has survived such principles for centuries.

Yet amendments that restrict the Court do not assure the people of wise, thoughtful, restrained and humble jurists. No constitutional matter was before the modern Supreme Court in the first *Steve Nelson* case. Nelson had been convicted of Communist subversive activities under Pennsylvania's sedition law. His appeal was simply that the Smith Act, adopted by Congress, had put the whole matter in federal hands. Hence Pennsylvania's law was dead. The Supreme Court agreed and freed Nelson. It said that Congress intended to wipe out the state sedition laws in favor of federal law when it adopted the Smith Act. The Court said that a chief reason for this intent of Congress was that the states' enforcement of their laws would interfere with Justice Department efforts to enforce the Smith Act.

In this case, authors of the Smith Act were still alive. Rep. Howard W. Smith, of Virginia, whose name it bore, penned a letter stating no intent to override state laws, but rather to reinforce the web of laws against sedition. And Congress had placed the Act in Title 18 of the U.S. Code, which stipulates that nothing in it shall step on state laws!

The Justice Department entered the case with a brief on behalf of Pennsylvania, to the effect that what Pennsylvania did to enforce its sedition laws wouldn't bother it a bit. The Supreme Court ruled that it knew what was intended far better than those in whose minds the intent existed.

Then came Chapter 2. Now Nelson was convicted, with others, under the Smith Act. The Supreme Court heard the appeal on this too, and now it freed him again. Then, in the *Yates* case it further knocked down the Smith Act.

Net result: all the states gave up enforcing their sedition laws "because the Smith Act superseded them" and the Justice Department threw up its hands at enforcing the Smith Act.

Out of these mental gymnastics, there emerged two winners—the Supreme Court and the Communist Party.

There is only a political cure for the Court mentality revealed in the Nelson cases. That is to hold the elected officials who appoint judges accountable at the polls. The people are not yet widely asking office seekers to commit themselves to the kind of judges and justices they will appoint if elected. But that may be next, if the surprising support of a call for the nation's second Constitutional convention means what it seems to.

Today there is an outward calm over the Court issue in the power centers of American politics. Dirksen's call is still two states short, and you may be sure the wheels are grinding to hold the remaining 16 states in check.

But if they follow the trend of the first 34, the issue of the Supreme Court will be squarely before the nation in a debate of such gravity that few people yet grasp what it will mean, *no matter how it goes.*

BLOCK GRANTS—GRANT FORMULA OF TITLE I OF S. 917

Mr. DIRKSEN. Mr. President, on yesterday I dwelt at not undue length on the amendment I submitted on block grants. I did not want to impose too much upon the time of the Senate yesterday, but some other things should have been said. Hence I submit a more amplified statement, plus a copy of amendment No. 715, and also an analysis of the amendment which I think might be useful to the conferees when they sit down to iron out the differences between the two bodies. So I ask unanimous consent that all that material be made a part of my remarks in the RECORD.

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

STATEMENT BY SENATOR DIRKSEN

In co-sponsorship with several of my distinguished and knowledgeable colleagues, I am offering—and urging the adoption of—an amendment to change the grant formula of Title I of S. 917 to make our State governments the focus and coordinators of federally funded, statewide programs to improve State and local law enforcement. This amendment is similar to the approach taken in H.R. 5037, the companion measure that passed the other body last fall. Simply stated, we believe the grant formula embodied in Title I of S. 917 is an inappropriate and unwise—if not dangerous—approach for improving the capacity and capability of local law enforcement for controlling crime in America. On August 8, 1967, the other body rejected this formula by an overwhelming vote of 256 to 147. The Senate must also reject the grant formula of Title I.

The programs of Title I are going to profoundly effect the evolution of American law enforcement. Although these programs will make possible dramatic achievements in the fight against crime, the means by which these programs are to be established and maintained inhere of great dangers to American liberty and little promise of long range or permanent improvement in American law enforcement. Let me first explain the dangers in Title I and then let me explain the short sightedness and deficiencies of Title I.

It may be said that no agencies of government are more important to society than law enforcement agencies. They are charged with the responsibility of exercising the first duty of government—protection of society. To meet this responsibility we have em-

powered law enforcement with the strongest forces which government can bring to bear on an individual. No governmental powers represent a greater potential threat to individual liberty than those entrusted to law enforcement. The best check on these powers is diffusion of governmental authority. This diffusion is a basic tenet of our Federal system of government. As the distinguished Director of the Federal Bureau of Investigation has said:

"America has no place for, nor does it need, a national police force. It should be abundantly clear by now that in a democracy such as ours effective law enforcement is basically a local responsibility. In the great area of self-government reserved for States, counties and cities, the enforcement of the laws is not only their duty but also their right."

What is going to happen to law enforcement when it is being financed from Washington? I believe that experiences from hundreds of existing Federal grant programs patterned much like Title I's program give us the answer: law enforcement will become dependent on and subject to Federal control. Experience demonstrates that grant applicants, sorely in need of funds, quickly become skilled in the art of grantsmanship and tailor their applications to what they believe the grantor will approve. Title I of S. 917 gives Federal officials the tremendous power to control the money flow and thereby demand compliance with Federal edicts for he who pays the piper calls the tune!

In short, the grant formula of Title I is a circumvention of the constitutional policy against Federal controls over State and local police powers. Through the powers of the purse and the mechanism of Title I we may inadvertently federalize all America law enforcement. This would be a grave and grievous error. Mr. President, during our debate and deliberations on this historic legislation there have been repeated references to the findings and recommendations of the President's Commission on Law Enforcement and Administration of Justice. This distinguished Commission, chaired by former Attorney General Katzenbach, recommended that "the Federal Government . . . make a dramatic new contribution . . . by greatly expanding its support of the agencies of justice in the States and in the cities." This recommendation is the genesis of Title I of S. 917.

Significantly, the President's Crime Commission did not recommend *how* the Federal assistance should be given. Rather the Commission noted that it was "mindful of the special importance of avoiding any invasion of State and local responsibility."

The grant formula proposed in Title I was not suggested nor is it supported by any Commission's finding or recommendation. Indeed, I find it to be at odds with the Commission's findings and recommendations.

Throughout the Commission's Report one finds references to the need to get the States moving, to get the States to assume greater responsibility for law enforcement and criminal justice, and to get the States to coordinate and integrate the existing disarray of agencies and institutions within their borders. Mr. President, I submit that the funding formula of Title I is myopic—if not blind—to these fundamental findings and fundamental facts. Let me elaborate briefly. The President's Crime Commission found:

"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. There are only 50 law enforcement agencies on the Federal level of government and 200 departments on the State level. The remaining 39,750 agencies are dispersed throughout the many counties, cities, towns, and villages that form our local governments."

Today's law enforcement system is a composite composed largely of small, independent 5, 15, 30, 60 men police forces. The fact that virtually every village, borough, town, city and county in America has a police force is part of our inheritance from 17th Century England, whose precepts formed the foundation of our law enforcement system as we know it today.

Mr. President, we now stand at the cross roads. We must carefully select our course. Faced with the alarming statistics of increasing crime, we must ask if our law enforcement and criminal justice system—the system by which we identify, investigate, apprehend, prosecute, convict, punish and rehabilitate criminal offenders—is capable of controlling crime. We must ask this question because the system—particularly its structural disarray—is not well suited for crime control in the 20th Century America where 83 percent of all reported crimes occur in metropolitan areas. We must not confuse our constitutional policy of diffusion of governmental authority with the need for a coordinated system. Today our system is over-diffused. Today our system is fragmented and uncoordinated. The system is outmoded. We must strike a true balance.

Our system of locally independent law enforcement was outmoded in 1923, when Dean Roscoe Pound observed of the system: ". . . 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 system was outmoded in 1937 when former Attorney General Homer Cummings observed:

"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."

The system is tragically outmoded today. Within the past few years several States have re-examined their law enforcement and criminal justice systems. State after State has found that the structure of the system is a major factor in the inability of law enforcement to control crime. For example, New Jersey, the most recent State to complete such a study, reported on April 22, 1968, that its "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. The system now confronts a society of strangers and complex crime problems which did not exist during those decades long ago when the system was pieced together."

New Jersey, like many many other States, has a self-defeating disarray of local independent law enforcement and criminal justice units. New Jersey has some 430 separate local police departments with 12,000 policemen and 430 chiefs of police. New Jersey also has State police, various types of State, county and local investigators, 21 county prosecutors and staffs, county police, boulevard police, sheriff police, police services from various State authorities, a Waterfront Commission with law enforcement powers, plus a similar disarray of courts, prisons, probation services, parole boards, narcotic study groups, juvenile delinquent programs and on and on. Unfortunately, New Jersey's law enforcement and criminal justice structure is not unlike many other States. The New Jersey study found that its system was "fragmented both in functions and jurisdiction, undernourished, (and) without focus or command. . . ."

Mr. President, the grant formula of Title I will help renourish law enforcement in America, but it will not eliminate fragmentation of functions and jurisdiction nor will it provide the necessary focus and comand. To obtain these fundamental goals we must make the State government, as New Jersey and other States have discovered, the central law enforcement command and the coordinator of all State law enforcement activities. Note, and note well, the grant formula of Title I, in authorizing grants directly to local law enforcement units, will tend to perpetuate the existing structure and disarray and will freeze into permanence the existing over diffusion and disunity. In fact Title I's formula will hinder, if not defeat, the development of statewide planning and statewide coordination of law enforcement and criminal justice. When the efforts at statewide integration and coordination of these activities become more or less eclipsed, the only available alternative will be total federalization of all law enforcement and criminal justice in America.

We must now ask if realistic democracy requires that each community, however, small, do its own policing within its own limited jurisdiction. I believe we will find that neither fundamental law, prudent policy nor any basic geographical, economic or social condition justify the existing minute subdivision of local law enforcement. We must ask if realistic administration can sufficiently equip, train and man a really effective police force in every community. I believe we will find that few communities can afford to maintain even the minimum necessary police force and practically no community can afford the expenses involved in improving or expanding its crime control efforts. Local taxing bases are insufficient to provide the requisite funding.

Experience demonstrates that fragmented local law enforcement is not conducive to effective crime control. The territorial range of a local law enforcement unit is generally not commensurate with the territorial range of the crime. Pursuit cannot stop at a city or county line. Clues may be found in many cities. A suspect may have a record in several jurisdictions. Unfortunately, the necessary local cooperation, coordination and correlation for effective statewide and nationwide law enforcement and crime control have never developed.

Mr. President, it's past time for modernizing American law enforcement.

Effective crime control demands modern law enforcement machinery. Modernization will not be accomplished only by new patrol cars, new weapons, computerized communications, or any other marvel of science. Modernization will not be accomplished until we re-design the very foundation of law enforcement to eliminate fragmentation, duplication, disunity, and the host of problems that presently stem from our existing structure. Modernization will only be accomplished when the States are made the principal focus of our system. Modernization will not be accomplished by Title I, as proposed.

I believe that the inherent dangers and deficiencies of Title I must be eliminated by amendment. The other body recognized these dangers and deficiencies and avoided them. The amendment I have offered to accomplish these ends is very simple. Instead of a grant formula whereby the Federal Government deals principally and directly with local governments and only secondly—if at all—with State governments, I propose a grant formula where the Federal Government will deal directly with the States and the States in turn would coordinate planning and programs for all law enforcement units throughout the State. This amendment will have the

effect of making the State the focal point for crime control.

We stand at the threshold of opportunity. I pray we will take this opportunity to make permanent and lasting improvements in American law enforcement by bringing our States into full participation in the fight against crime.

I urge the adoption of this amendment.

SECTION-BY-SECTION ANALYSIS OF AMENDMENT 715

This is an analysis of Amendment 715, offered by Senator Dirksen as amendment to S. 917 on May 3, 1968.

The purpose of this amendment is to substitute a modified system of "block grants" for the "direct grant" provisions of Parts B and C of Title I of S. 917, as reported from the Senate Judiciary Committee on April 29, 1968.

PLANNING GRANTS

Amendment 715 would modify Part B of Title I by striking Sections 202, 203 and 204 on page 19 of the bill. Section 201 on page 19 would be unchanged. The amendment would substitute four new sections for those struck.

Section 202

Amendment 715 would add a new Section 202 to Part B of Title I. This section provides that the Law Enforcement Administration would make grants to States for the establishment and operation of State law enforcement planning agencies for the preparation, development and revision of State plans required under Section 303 of the amendment. Any State desiring to make application to the Law Enforcement Administration for such a grant would have to do so within six months after the date of enactment.

If a State planning agency were in existence prior to the enactment of this act, planning grants could be made for the continued operation of the agency so long as applications for such grants were made within six months after enactment of the act.

Section 203(a)

This new subsection of Amendment 715 would provide that planning grants made under Part B shall be utilized by the States to establish and maintain State planning agencies. A new agency could be created by the Chief Executive of the State or an existing agency so designated. The requirements of the applicable laws of the State would govern the creation or designation of the planning agency by the Chief Executive.

It is the intention of the subsection that State planning agencies shall be representative of State law enforcement agencies and of the units of local government within the State. It is not the intention of this subsection that the planning agency be limited to the above identified groups. Certainly, representatives of the public at large should be included.

Section 203(b)

This new section would require the State planning agencies to develop, in accordance with Part C, comprehensive statewide plans for the improvement of law enforcement throughout the States. Further, the agencies would define, develop, and correlate programs and projects for the States and units of general local government in the States or combinations of States or units for improvement in law enforcement. Finally, the State planning agencies would establish priorities for the improvement in law enforcement throughout the States.

It is the intention of this provision to set forth the general objectives for the activities of State planning agencies. This provision is similar to Section 102(b) of H.R. 5037, as it passed the House of Representatives, except that language in subparagraph 1 of the House bill "to carry out new and innovative approaches" has been struck. This language was eliminated because it is intended that the State planning agency should carry out its activities as set forth in this subsection even if its work and programs may not necessarily be "new" and "innovative".

Of critical importance is the requirement that the State planning agencies establish priorities for the improvement of law enforcement in their respective States. It is felt that the State agency, with its close proximity to the activities and problems of State and local law enforcement and yet free from day to day operating burdens, is best suited to make these fundamental determinations.

Section 203(c)

This paragraph provides that the State planning agency shall make necessary arrangements to provide that at least 40 percent of all Federal grant funds to the agency for planning activities and support will be made available to units of local government or combinations of such units to allow them to participate in the formulation of required comprehensive State plans. The allocation to the local governments would be made for each fiscal year in which the State received Federal financial assistance.

The subsection also provides that should the local governments not require the full 40 percent, the unused portion would be available by the State agency from time to time on dates during the fiscal year as the Administration may fix for use by the agency to pursue its planning activities.

It is intended that this provision be implemented in such a way that a reasonable time be fixed for units of local government to participate to make their intentions known to the State agency. As to the requirement for available funds, if Federal grant assistance becomes available on the first of the fiscal year, the Law Enforcement Assistance Administration might reasonably require that the State agency accept applications for a minimum of three months from local governments and normally not longer than six months. If there is not sufficient interest by the local governments, then the State agency would have use of the uncalled for funds during a significant portion of the remaining fiscal year.

Section 204

Section 204 authorizes Federal payments not to exceed 90 percent for the expenses of the establishment and operation of State planning agencies including the preparation, development and revisions of State plans. The same Federal share would be available to units of general local government which receive direct grants from the Law Enforcement Assistance Administration under the provisions of Section 305 of the Amendment.

The same ceiling would apply to the allocation of Federal funds by State planning agencies to units of local government under the provisions of Section 203(c).

The 90 percent ceiling of Amendment 715 is the same as the comparable provision of S. 917 as sent to Congress by the Administration and of the House-passed bill. S. 917 as reported from committee contains an 80 percent ceiling for this purpose.

Section 205

Section 205 provides that funds appropriated for planning grants shall be allocated by the Law Enforcement Assistance Administration among States for use by State planning agencies or units of general local government. $100,000 shall be allocated to each participating State per fiscal year. The balance of available funds under this part shall be allocated among the States according to their relative populations.

It is intended that should a State fail to apply for or receive grants under this part, units of local government within the nonparticipating State could receive Federal planning assistance up to the amounts that would otherwise be allocated to the State if it were participating.

LAW ENFORCEMENT (ACTION) GRANTS

Elimination of section 302(a)

On page 4, line 5, of Amendment 715, is contained language which would have the effect of striking Section 302(a) of S. 917 as reported from the Senate Judiciary Committee on April 29, 1968. New language would be inserted in lieu thereof. Under the committee bill provision, the Administration is authorized to make grants to States, units of general local government, and combinations of States and units of local government for the improvement and strengthening of law enforcement. There is a proviso that no unit of local government having a population of less than 50,000 persons would be eligible to apply for a grant.

Amendment 715 would strike this language and insert authority for the Administration to make grants to States having comprehensive plans approved under the provisions of the amendment.

It is intended that Federal grant assistance be channeled through State agencies for expenditures pursuant to the State comprehensive law enforcement plans. The population requirement of "not less than 50,000 persons" as a requirement of eligibility for participation by units of local government or combinations of such units would be eliminated. Also, except as otherwise provided in the amendment, State agencies would channel Federal assistance to local governments within the respective jurisdictions.

Modification of section 302(b)

Amendment 715, on page 4, line 5 would strike the first two sentences of subsection 302(b) of S. 917 and substitute language authorizing the Administration to make grants having comprehensive State plans approved by it under the provisions of this part. The six standards under which grants may be made which are contained in the Senate committee bill would be unchanged by Amendment 715.

Elimination of sections 303 and 304

The provisions of Amendment 715 contained on lines 12 through 14 on page 4 would have the effect of striking Sections 303 and 304 of the committee-reported bill. However, Section 304 would be reinstated as Section 307 of Amendment 715. In lieu of Section 303 of the committee bill, Amendment 715 would add five new sections, Sections 302 through 306.

Section 302

The new Section 302 of Amendment 715 would require any State desiring to participate in the action grant program to establish a State planning agency as described in Part B of the amendment and within six months after approval of a planning grant submit to the Administration a comprehensive plan formulated pursuant to Part B.

It is the intention of this provision to provide a reasonable time for State planning agencies to take advantage of the Federal assistance provided under the provisions of Part B and Part C of Title I of the proposed legislation.

Section 303

The proposed Section 303 of Amendment 715 would authorize the Law Enforcement Assistance Administration to make grants to State planning agencies if the agencies have on file with the Administration an approved comprehensive State plan, not more than one year in age, which conforms to the purposes and requirements of Title I.

Section 303 sets forth 12 criteria to be included in the State comprehensive plan. These criteria are very similar to the provisions of Section 203 of H.R. 5037, as passed by the House of Representatives on August 9, 1967.

A significant change in the standards and requirements of Amendment 715 as opposed to the provisions of H.R. 5037 is to be found in Section 303(2). The House bill provides that 50 percent of all Federal funds granted to the State planning agencies for any fiscal year will be available to units of general local government for the development and implementation of programs and projects for the improvement of law enforcement. Amendment 715 and a comparable provision in Section 303(2) provide that at least 75 percent of all Federal funds granted to the State agency shall be made for the purposes described above. This high figure is based on a recent Justice Department estimate which indicated that approximately 72 percent of the expenditures by State and local governments for law enforcement purposes were spent by units of local government. Also, information available from the Census Bureau indicates that the units of local government make about 80 percent of the expenditures for law enforcement. It appears that the 75 percent provision is reasonably close to the ratio of actual expenditures made by local governments to the total spent by States and local governments for this purpose.

Section 303 of Amendment 715 also provides that any unused portion of the funds available pursuant to paragraph 2 of the section in any State in any fiscal year not required by the units of general local government within the times fixed by the Administration shall revert to the State agency for the development and implementation of programs and projects in conformity with the approved State plan.

Section 304

Section 304 of Amendment 715 provides that State planning agencies shall receive applications for assistance from the units of general local government when the State agency determines that an application is in accordance with the purposes stated in Section 301 and is in conformance with existing State plans, the State agency is authorized to disburse funds to the applicant.

It is the intention of this section to make clear that final authority as to the exenditure of funds available to the States under the provisions of Title I shall be exercised by the State planning agencies so long as this authority is exercised in conformance with the State comprehensive plans and the requirements of this title.

Section 305

The proposed Section 305 of Amendment 715 requires that if a State fails to make application for a grant to establish a planning agency within six months after the date of enactment of this act or if a State fails to file a comprehensive plan within six months after the approval of a planning grant, the Law Enforcement Assistance Administration may make grants directly to units of general local government or combinations of such units under the provisions of Parts B and C of Title I. This provision enables cities and other localities in a non-participating State to make direct applications to the Law Enforcement Assistance Administration for grant assistance.

Section 305 contains a proviso that if direct applications are made by units of general local government, the applicant must certify that a copy of the application has been submitted to the Chief Executive of the State for review and comment. The Chief Executive shall have not more than 60 days from date of receipt to submit to the Administration in writing an evaluation of the proposed project. The evaluation shall include comments on the relationship of the application to other pending applications and to existing or proposed State law enforcement plans. If an application is submitted by a combination of units of general local government located in more than one State, the application must be submitted to the Chief Executives of each State in which the combination of units is located.

No grant under Section 305 shall be an amount in excess of 60 percent of the cost of the project or program.

Section 306

Funds appropriated for grants under Part C for any fiscal year shall be allocated by the Law Enforcement Administration among the States for use by the State planning agencies or units of general local government. Of the funds appropriated for purposes of Part B, 85 percent shall be allocated among the States according to their respective populations. The remaining 15 percent shall be allocated as the Law Enforcement Assistance Administration may determine. Grants could be made by the Administration either to States or units of general local government or combinations of either.

Any funds granted under the provisions of Section 306 of Amendment 715 would be subject to the limitation contained in Section 515(b) of Title I of S. 917 as reported from the Senate committee. This subsection sets a 12 percent limitation for each fiscal year on funds to be utilized within any one State except for purposes of Part D of the committee bill.

Section 307

As was indicated earlier, Section 307 is a restatement, without change, of Section 304 of the committee bill except that the requirements of Section 307 also apply to State planning agencies as well as the Law Enforcement Assistance Administration so that they, too, shall give special emphasis to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

Repeal of section 521

Amendment 715 would strike section 521 of S. 917, as reported from the Senate committee. This section requires units of general local government to submit copies of grant applications to the Chief Executive of the appropriate State. The Chief Executive would then have sixty days to submit an evaluation of the application in writing to the Law Enforcement Administration.

This provision of S. 917 is unnecessary if the other provisions of Amendment 715 are adopted.

Technical changes

Amendment 715 also contains seven technical and conforming changes to Title I of S. 917.

AMENDMENT No. 715

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 within 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 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. 522" 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)".

THE LATE HONORABLE JOSEPH W. MARTIN, JR.

Mr. DIRKSEN. Mr. President, the late Joe Martin was a truly good citizen, a superb public servant, and a great American in all the splendid meanings of those words.

I was privileged to know him for more than 30 years as a friend and colleague, and I know of no person anywhere, at any time, whom I held in higher esteem.

There is no need whatever to examine and interpret this good man's record of service to the Nation. That record speaks eloquently and movingly for itself, far beyond the power of the words of others so to do.

In his personal relationships and in his public endeavors, Joe Martin was unassuming, never ostentatious, unfailingly effective. I know of no man or woman to whom he was enemy; I know almost countless thousands to whom he was a good and admired friend. The reasons for this were myriad, but perhaps, most significantly, it was because he was a gentleman—one who thought more of other people's feelings than of his own rights, more of other people's rights than of his own feelings.

The roster of those who have been truly devoted servants to this Republic is long and admirable, but I doubt that it will reveal in times past or in those to come any who served his country more selflessly or more wholeheartedly through all the days of his life.

I shall remember Joe Martin as one who, whether in time of stress or in hours of leisure, set us a truly magnificent example of dignity, dedication, patriotism, and honor. I think it entirely possible that we may never see his like again.

LOWER VOTING AGE

Mr. HOLLAND. Mr. President, on May 17 the Washington Post published an editorial entitled "Lower Voting Age," which I ask at this point to have copied in my remarks.

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

LOWER VOTING AGE

Hearings on the proposed constitutional amendment to lower the voting age to 18 began at a propitious moment. Student unrest in many parts of the country is undoubtedly related to the denial of direct participation in the political life of the country to some 11 million young men and women, most of whom are well educated and mature enough to be responsible citizens. Their voteless status is the more irritating, of course, because this group bears the main brunt of the draft and the war.

Another argument for the proposed amendment is also gaining force. So long as all the states held to a voting age of 21 years, there was little pressure for a change. But Georgia extended the vote to 18-year-olds in 1943. Kentucky followed and Alaska and Hawaii came into the Union with 19- and 20-year-old requirements, respectively. Although Maryland has rejected a 19-year-old voting age, along with the remainder of its proposed constitution, Nebraska and North Dakota may join the lower-age voting group before the year is out.

We surmise that other states will make it a bandwagon movement; indeed a Gallup Poll last year indicated that 64 per cent favored a lower voting age. But the states are far from agreement as to what the new voting age should be, and it is highly desirable that the requirements for participation in presidential and congressional elections be uniform throughout the country.

Probably the biggest question before the Senate Subcommittee on Constitutional Amendments, therefore, is the form the proposed amendment should take. The simplest

form would undoubtedly be a resolution fixing the minimum voting age for all Federal elections at 18. But age is only one of the voter qualifications that ought to be uniform throughout the country. The most useful amendment in this area would be one specifying fully who could vote in Federal elections or authorizing Congress to do so. Such an amendment might also provide for Federal supervision of congressional and presidential elections to make certain that the polls would be honest and open to every qualified voter.

Federal qualifications and Federal supervision will be the more important if the country should approve direct election of the President, as we surmise it soon will. Then every vote for President would be counted directly for the candidates, regardless of state lines, and, without a national standard, some states might be inclined to lower their voting age inordinately to swell their vote totals. Perhaps the safest course would be to let Congress fix the voting age and other voter qualifications within well-defined constitutional limitations.

Mr. HOLLAND. The Post editorial was, of course, in support of the lowering of the voting age in all States to 18 through the adoption of a proposed Federal constitutional amendment on which hearings are now underway in the Constitutional Amendments Subcommittee of the Senate Judiciary Committee. I strongly oppose this proposed amendment and, for that matter, any amendment which attempts to take away from the States the control of the voting age of their electors or any other important rights in connection with the control of elections, such as the required period of residence, the provisions for absentee voting, the registration of voters, including the declaration of party affiliation and the effect thereof in primary elections, and others.

My principal reason for referring to the Post editorial at this time is that the Post so frankly states its belief that all qualifications for voting in all the States should be made uniform. It is quite obvious from a careful reading of the Post editorial that the real purpose of the Post and, indeed, I believe it to be the real purpose of most of those who support the 18-year-old voting age amendment, is to bring about constitutional action requiring the direct election of the President. I quote from the editorial the statements which make it clear what the real objective of the Post is:

But age is only one of the voter qualifications that ought to be uniform throughout the country. The most useful amendment in this area would be one specifying fully who could vote in Federal elections or authorizing Congress to do so. Such an amendment might also provide for Federal supervision of congressional and presidential elections to make certain that the polls would be honest and open to every qualified voter.

Federal qualifications and Federal supervision will be the more important if the country should approve direct election of the President, as we surmise it soon will. Then every vote for President would be counted directly for the candidates, regardless of state lines, and, without a national standard, some states might be inclined to lower their voting age inordinately to swell their vote totals. Perhaps the safest course would be to let Congress fix the voting age and other voter qualifications within well-defined constitutional limitations.

The Post editorial brings clearly into the open its twin desires which are the desires of many other ultraliberal Americans—first, to take the complete control of voters and voting in Federal elections away from the States and vest it exclusively in the Federal Government; and second, to bring about the direct election of the President and Vice President. These are very great steps toward massive overcentralization of government in Washington and toward taking away from the States their right to have weight in the selection of the President based both upon their population, as reflected in their number of Representatives in the House of Representatives, and upon their statehood, as represented by their two Members in the Senate. Thus, the ultraliberals continue to gnaw away at our dual Federal system of government and to step up their attempts to take away from the States their separate sovereignty and their separate rights as States, guaranteed to them by the Federal Constitution.

I sincerely hope that Americans, generally, will awaken to the peril in time to soundly defeat the proposal for uniform 18-year voting, the trend toward complete Federal control of all Federal elections, and the campaign for direct election of the President and Vice President.

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

Mr. HOLLAND. I yield.

Mr. RUSSELL. Mr. President, I associate myself with all of the statement of the Senator from Florida. This movement is undoubtedly just another part of this planned drive of coercion to force all the States into one role of conformity, so that the same power can dominate every phase of the activities of the State governments and the lives of our people. It is a part of the overall program to assure conformity, not only on the part of the State, so as to place them further under centralized power and control, but also of the individual citizens of this country, to force them into the mold.

It so happens that my State of Georgia was the first State to adopt 18-year-old voting. It has worked out very well. I have no desire whatever to change it. Neither do I have any desire to tell any other State, which might want 19 years, or 20 years, or even 24 years as the minimum voting age for its citizens, to conform to the 18-year-old rule because my State has it.

We are going a long way down the road, in this country, toward lodging all the power here in Washington; and if there is any one thing of which I have become convinced from my study of history, it is the lesson that when you concentrate all of the power in one place in government, you will eventually erode and destroy the liberties of the individual citizen and the rights of the various subdivisions of the Government of the Nation to control their own acts.

We have become the greatest Nation in the world because we have recognized that what might be most beneficial in Oregon could be very disastrous in Florida, and that the States should have some rights and some options in defining the operations of their governments and in enforcing the wishes of their people.

There was an election recently in Maryland, as I recall, on a new constitution. I had assumed that the new constitution would be adopted overwhelmingly. Every newspaper that I saw carried editorials almost daily endorsing it. Every public figure whom I knew in Maryland strongly endorsed the approval of the new constitution. Yet, despite all of that support, in the election the people defeated it resoundingly.

I do not know how much effect the fact that they undertook to place the voting age at 19 had, but some of the letters to the editors I read in the Baltimore Sun and in the Washington newspapers said the writers would have voted for it but for that.

That shows, Mr. President, that the people of this country in the different States have different views, and they should be permitted to exercise them. Georgia happened to be the first State to make the voting age 18. We amended our State constitution and made it 18 some 20 years or more ago; and it has remained the same ever since then. But if we start this business of attempting to direct such changes from Washington, they might wish to change it to either 17 or 20, and Federal powers should not be exercised in that direction.

I thank the Senator.

Mr. HOLLAND. I thank the Senator warmly for his statement. I might say, Georgia's action was in 1943.

Mr. RUSSELL. That is correct.

Mr. HOLLAND. The action of Kentucky was in 1954.

There has been no State to which a constitutional amendment seeking to reduce the voting age has been submitted by referendum to its people which has been approved by the people since 1954. There have been five submissions in that period of time, two in the State of South Dakota—and it almost was accomplished in the first referendum; in the second one, they overwhelmingly defeated it—and the others in Oklahoma, Idaho, and Michigan, making five submissions altogether.

There have been two cases in which constitutional change, by the submission of new constitutions in New York and in Maryland were defeated. One of them the Senator from Georgia has just referred to—the recent defeat of the new constitution in Maryland. I do not know what part of that defeat is chargeable to the proposal to reduce the voting age to 19, but I saw some of the letters, and I placed in the RECORD the other day two such letters from the Washington Star, quoting electors in Montgomery County who said that their opposition to the proposed new constitution was based primarily on that reduction of the voting age.

The point I am making is that both of these new constitutions—that of Maryland and that of New York—were defeated by the people, and they both contained proposed reductions of the voting age. In the case of New York, the people turned it down by about 3 to 1. Again, I am not able to say and would not attempt to say what weight the people gave to that particular proposed change which would have reduced the voting age.

The fact of the matter is, Mr. President—and I close with this—that the proposal for direct election of the President and Vice President would downgrade the weight of more than 30 States in the election of the President and Vice President. All the States which have a population below the average State population would find their weight downgraded.

In addition to that, Mr. President, eight of the States have smaller populations than the District of Columbia, which of course would have a weight, then, much greater than is given it now, under the amendment which we adopted a few years ago, in presidential elections. Those eight States, all sovereign bodies, all entitled to all the rights of statehood, would each be outvoted by the District of Columbia if that unfortunate proposal should become a part of our Constitution.

I appreciate very much the comments of the Senator from Georgia, and I am glad that he feels as he does.

As far as I am concerned, I happened to be Governor of my own State when his fine State, the State of my father, took the position he has just mentioned by reducing the voting age to 18. That was their business. It was their experiment. I take for granted that it has been successful, or they would have moved to change it.

Mr. RUSSELL. If the Senator will permit me, may I say that the reduction in voting age has not had nearly the impact on the elections that it was originally thought that it would. The program has worked out very well, but it has not caused any tremendous upsets in the elections we have had since that date.

Mr. HOLLAND. I have noted that also. May I say further, I have not heard of great outbreaks of confusion and discontent among the young people of Georgia, such as those that we have seen in the university systems generally through the country, and I refer particularly to the troubles at Columbia University and the University of California, though there are many others which could likewise be mentioned. I have not seen any accounts of such conduct on the part of the youth of Georgia; perhaps I have just missed them.

Mr. RUSSELL. Mr. President, to be perfectly candid, this spring there was a limited outbreak at the University of Georgia.

Mr. HOLLAND. Apparently it did not amount to much.

Mr. RUSSELL. No, but it was substantial enough to cause some of the alumni of the oldest State university in the United States concern.

There was a small group of males and females who protested and demanded that the rule which prohibited the female students from drinking alcoholic beverages on campus be repealed. And that very small group did cause some commotion. But it was effectively terminated, within about 24 hours.

Mr. HOLLAND. Mr. President, I thank the Senator for his comment. We recently had an outbreak at one of our State universities. I was told by one of those present on the site that very few of the students that participated in it were Floridians, and I am sure that is also true of the incident that occurred at the University of Georgia that few of the participants were Georgians.

Mr. RUSSELL. Most of those were not students at the University of Georgia and some were not students at any college.

Mr. HOLLAND. The Senator from Florida happened to be picketed some time ago when he spoke at the University of Florida, his alma mater.

I noticed that those who were picketing were of the bearded, long-haired variety. And while I do not care to describe the girls, they were not girls from Florida or Georgia by any manner or means, and there were only a very few of them out of the some 19,000 of students attending the University of Florida.

THREE ACADEMY APPOINTMENTS—BILLINGS WEST HIGH SCHOOL

Mr. MANSFIELD. Mr. President, during the time that I have been privileged to serve the State of Montana in both the House of Representatives and the U.S. Senate, I have selected all my Military Academy nominations on the basis of the competitive examination offered by the Civil Service Commission and on the results of the highest grades earned. This is a policy which I understand is followed by a great many of our congressional colleagues. I have been most pleased and satisfied with the accomplishments of my appointments, and this selection process has proven to be the most fair and has provided an opportunity for the able young men of my State who have sought a military career. Each year the nominees are very likely to come from many different parts of Montana, from school systems both large and small.

This year, following the same selection process, by competitive examination, I was amazed to learn that three of my appointments come from the same school—Billings West High School in Billings, Mont. The Billings school system should indeed be proud with the academic record established for their young people.

On Tuesday of this week, May 21, the three boys from Billings West High received additional honors at the annual awards assembly in the Billings West High Auditorium. I was indeed sorry that I could not participate in the ceremony as it would have been a great personal pleasure to have made the presentations to these boys in person.

The three young men are William E. Roukema, son of Mr. and Mrs. Ralph Roukema, my principal appointment to the U.S. Naval Academy at Annapolis; Richard A. White, son of Mr. and Mrs. Robert White; and Frederick McCotter III, son of Mr. and Mrs. Frederick McCotter II, both of whom accepted appointments to the U.S. Air Force Academy at Colorado Springs.

The people of Montana are very proud of these young men, as we are of all of our Academy appointments. I wish to extend my personal congratulations for a most successful career to these three boys from Billings West High School, a school with a very fine faculty and academic record and, with these three appointees, an unusual distinction. They all graduate on June 5, 1968.

Mr. RUSSELL. Mr. President, I congratulate the Senator from Montana on his State turning out so many students who have achieved this distinction.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. RUSSELL. Mr. President, I should like to inquire of the distinguished majority leader as to the purpose of the leadership with respect to S. 3497 and whether any action is proposed to be taken on the bill today.

I have not had an opportunity to study the bill thoroughly. But there are some provisions contained in the bill that I think are fraught with grave peril and are very dangerous to the economy of the country and certainly to the granting of justice between the several cities and States of the Union.

I have not had an opportunity to fully prepare myself on the matter. If any action is going to be taken on it today, I want to suggest the absence of a quorum to see if we have a live quorum in the city to determine these issues.

Mr. MANSFIELD. Mr. President, first let me say that there are considerably more than enough Members present to make up a live quorum, there are enough Democrats alone.

Mr. RUSSELL. Mr. President, I do not object to submitting the issue to the Democrats alone if I can have time to prepare myself.

Mr. MANSFIELD. I simply wish to indicate how well off we are, even for a Friday. It is a little unusual.

Mr. RUSSELL. It is most unusual.

Mr. MANSFIELD. The Senator knows that this measure was discussed by the policy committee, and the policy committee approved of calling it up at an appropriate time.

Mr. RUSSELL. I am not opposed to calling up the bill. That is true even as to the bills to which I am opposed. That is the purpose of the policy committee, to insure that matters of general interest to the Senate and the country are submitted to the Senate whether a Senator who happens to be a member of the committee approves of the measure or not.

I have voted on the policy committee to submit dozens of bills of which I did not approve.

Mr. MANSFIELD. Mr. President, I am delighted to see that the distinguished chairman of the Committee on Banking and Currency, the Senator from Alabama [Mr. SPARKMAN], is present in the Chamber.

May I say, for the record, that the distinguished Senator from Georgia has never to my knowledge held up any bill in the policy committee, even though he may have been opposed and expressed his views quite strongly.

Mr. RUSSELL. I thank the Senator.

Mr. MANSFIELD. Finally, the distinguished chairman of the committee the Senator from Alabama [Mr. SPARKMAN] is far better able than I to answer questions on what is the unfinished and will very soon be the pending business.

Mr. RUSSELL. Mr. President, I understood the bill had been laid down and made the unfinished business.

Mr. SPARKMAN. The Senator is correct.

Mr. RUSSELL. Mr. President, I ask the distinguished chairman of the committee who reported the bill whether he intends to proceed with voting on the measure today.

Mr. SPARKMAN. Mr. President, of course, I do not have control over that.

Mr. RUSSELL. Not altogether, but the intentions of the distinguished Senator might have a good deal to do with whether we actually vote on some of the provisions.

Mr. SPARKMAN. I do not anticipate any votes today.

Mr. RUSSELL. The Senator does not anticipate any votes today.

Mr. SPARKMAN. That is correct. There are several members of the committee who want to make preliminary statements on the measure. Therefore I do not anticipate any votes.

Mr. RUSSELL. I thank the distinguished Senator.

Mr. SPARKMAN. That is as definite as I can be.

Mr. RUSSELL. We have here a bill of large proportions that deals with any number of Government policies.

Mr. SPARKMAN. I think it is much more simple than the size indicates.

I intend in my remarks today—and I hope the Senator will read them—to give a general statement of what the bill would do and then submit for the RECORD a section-by-section summary of the bill.

Mr. RUSSELL. Mr. President, I am sure the Senator from Alabama, who is always most thorough in his presentation of business, will do that.

I have undertaken to look at the report of the committee which contains some clarification of the provisions of the bill, but I am still not completely convinced of the wisdom of one or two of the provisions in the bill.

Mr. SPARKMAN. I can understand that.

The bill was reported unanimously.

Mr. RUSSELL. A great deal of it consists of programs developed by the Senator from Alabama in years long gone.

Mr. SPARKMAN. The Senator is correct. Amendments to those programs account a great deal for the volume of the bill.

The bill was reported unanimously from the committee.

Mr. RUSSELL. Sometimes that is an indication of great merit in a program. At other times it is an indication of overwhelming confidence in the author of the bill, in the chairman of the committee.

Mr. SPARKMAN. I assure the Senator that is not the truth here.

Mr. RUSSELL. Mr. President, the members of a committee do not inform themselves on all occasions. There might be disagreement even with the distinguished Senator from Alabama on some of the provisions.

Mr. SPARKMAN. Mr. President, let me disabuse that thought from the mind of the distinguished Senator from Georgia.

There are 14 members of the committee, and they all participated in the makeup of the committee bill. The bill really represents 2 years' work. There is another bill on the calendar, S. 2700. That measure was placed on the calendar last fall. The bill represents S. 2700 and the program for this year.

Mr. RUSSELL. It encompasses all that is in the bill that the Senator refers to and, in addition, brings in a great many other programs.

Mr. SPARKMAN. The Senator is correct. Programs have to be renewed and extended from time to time. The bill is the result of a thorough study by all members of the committee.

Mr. RUSSELL. Mr. President, that is perhaps so. However, there are some entirely new provisions in the bill.

Mr. SPARKMAN. The Senator is correct. And I intend to explain them as we go along.

EMPLOYEES OF THE GOVERNMENT PRINTING OFFICE VICTIMS OF STREET CRIME

Mr. BYRD of West Virginia. Mr. President, we all know that the CONGRESSIONAL RECORD of April 5 was delayed for a period of 4 days—a situation unparalleled since the Government Printing Office began using modern equipment—because of the riots which made it impossible for GPO employees to reach their place of work, which is located at North Capitol and H Streets NW., or approximately four blocks from the seat of government itself.

Some of us may not be aware, however, that a growing wave of crime in the very shadow of the Capitol stalks the 7,800 employees of this agency as they enter and leave the GPO. In the past few days a surge of vicious crimes in this area against GPO employees raises a very real threat that the vital functions of this important agency will be crippled or curtailed.

This problem was originally brought to my attention by Mr. Charles F. Hines, president, and other representatives of the Columbia Typographical Union No. 101, AFL-CIO, on Monday, May 20, 1968, and is set forth in some detail in a letter directed to me the following day. I ask unanimous consent that this letter be printed at this point in the RECORD.

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

MAY 21, 1968.

DEAR SENATOR BYRD: I am Charles F. Hines, President of Columbia Typographical Union No. 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 advise you of 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 am 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 employees 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 this proper job.

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 First 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 very 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.

I am enclosing a memorandum issued at the GPO, in which 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 night three 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 our fed up and disgusted with the lack of effort by people who were hired or elected to represent them.

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 employees 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.

Thank you for your courtesy and cooperation on this matter.

I sincerely hope that our request will not fall on deaf ears and I am sure it will not.

Sincerely yours,

CHARLES F. HINES,
President, Columbia Typographical Union #101 (AFL-CIO).

OCTOBER, 24, 1966.

Subject: Self-protection.

To all Employees:

In recent weeks a number of GPO employees have been assaulted and robbed in the area adjacent to the Office. These assaults have taken place notwithstanding an extended effort on the part of the Captain and police officers of Precinct No. 1 to maintain law and order in the neighborhood.

It is incumbent upon each and every one of us to take reasonable measures for our own self-protection. A prudent employee will consider the following:

1. Employees who report for duty or leave the office after daylight should try wherever possible to move in groups of employees. It is not wise for an employee to walk streets alone after dark.

2. Employees should consider using the commercial parking lots, located near the office, and in no cases should they park in alleys, dark side streets, and isolated areas.

3. Employees should not walk down alleys or narrow passageways at any time.

4. Employees should give serious consideration to eating inside the building during the second and third shifts.

5. Employees should lock their cars and should not leave valuables in their cars.

It is not possible to guarantee that an employee taking the precautions listed above will be free of violence, but the steps will reduce to a minimum injury and property loss.

This office and your local police department will continue to take every reasonable step to ensure your safety.

PUBLIC PRINTER.

Mr. BYRD of West Virginia. At the time of Mr. Hines' original contact he was told by one of my aides that many Members of Congress, including myself, shared the concern of GPO employees and other citizens of the District of Columbia who were daily confronted with the growing crime wave and who have every reason to be fearful as they go to and from work in certain areas of this city. He was also advised, however, that the legislative branch had no authority whatsoever to enforce the law and he was strongly urged to seek the protection needed by GPO employees from the executive branch of the Government.

Acting on this suggestion, Mr. Hines sent a telegram on May 21 to the President of the United States, the Attorney General, Mayor Walter E. Washington, and others, seeking immediate augmentation of police patrols in the vicinity of the GPO in order to alleviate the apprehension and fear pervading employees of this important agency as they go about their work. I ask unanimous consent that this telegram be printed at this point in the RECORD.

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

MAY 21, 1968.

President LYNDON B. JOHNSON,
Washington, D.C.
Senator ALAN BIBLE,
Chairman, Committee on the District of Columbia, Senate Office Building.
Senator CARL HAYDEN,
Chairman, Committee on Appropriations, Senate Office Building.
Representative JOHN L. MCMILLAN,
District of Columbia Committee, House Office Building.
Hon. RAMSEY CLARK,
Attorney General of the United States.
Mayor WALTER WASHINGTON,
Washington, D.C.
Representative OMAR BURLESON.
Representative JOEL T. BROYHILL.
JAMES L. HARRISON,
Public Printer, Government Printing Office, Washington, D.C.

Your immediate attention is requested on the subject of police protection for approximately 7,800 employes of the U.S. Government Printing Office, of which 1,800 are members of the Union that I represent. There is not a day or night that goes by that one of our loyal Government Printing Office employes isn't mugged, yoked, beaten, stabbed or robbed or damage done to personal property all due to the lack of proper, legal protection. As taxpaying citizens of the United States and voting residents representing each and every State and the District of Columbia, we demand *immediate* protection from this sort of violence. As government employes, as taxpayers, as voting members of the United States, these people are entitled to protection and we demand what they are legally entitled to. The Public Printer of the United States, through his good office, has repeatedly requested more police protection. The situation is getting worse and we are getting tired of excuses. The members of my Union are loyal employes, but they are now fed up to the chin with talk, promises and bleeding hearts. If the police cannot handle this problem, then the Armed Forces of the United States should be brought in to patrol at least a 12 block area surrounding the Printing Office. As you are well aware, the GPO is a 24 hour operation and I am very apprehensive as to whether the printing of the U.S. Government will be done on time each and every day if present conditions are allowed to continue another day.

I repeat, we need *immediate attention* to the protection of our lives and property.

CHARLES F. HINES,
President, Columbia Typographical Union No. 101 (AFL-CIO).

Mr. BYRD of West Virginia. I am advised that as a result of this action and the pleas from the Public Printer and other of his employees, additional foot patrols were instituted the night before last in the 12 square blocks surrounding the Government Printing Office. This is an encouraging sign, but diligent, hard-working employees of any agency—government or civilian—in any area of our land should not have to appeal to the President of the United States in order to feel secure as they go to and from their place of work.

Yesterday I asked the Public Printer for his views on the subject, and I ask unanimous consent that my request and his reply be printed at this point in the RECORD.

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

MAY 23, 1968.

Mr. JAMES L. HARRISON,
The Public Printer, Government Officer, Washington, D.C.:

It will be appreciated if you will advise me at your very earliest convenience as to any adverse effect crime in the area of the Government Printing Office is having upon your operations or personnel.

ROBERT C. BYRD,
U.S. Senator, Chairman, District of Columbia Subcommittee, Senate Appropriations Committee.

U.S. GOVERNMENT PRINTING OFFICE,
Washington, D.C., May 23, 1968.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on the District of Columbia, Senate Appropriations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: The following information is furnished in response to your telegram of May 23. Crime in the area of the Government Printing Office is not a new problem, as is evident from the attached list of complaints received from Government Printing Office employees over the past several years. However, it seems to be getting progressively worse.

This Office, with its heavy responsibilities for meeting the printing requirements of the Congress of the United States and the Executive Branch Departments and Agencies, must operate 24 hours per day, five or six days per week. Our employees report for duty at various starting times around the clock. Some starting times are 4:30 p.m., 6:30 p.m., 8:00 p.m., 9:00 p.m., 9:30 p.m., and 11:30 p.m. Our shifts are eight hours in length with one-half hour for lunch. Therefore, employees are entering and leaving the Printing Office throughout the night. Because of the peculiar problems involved in printing the Congressional Record and other congressional work, it is not practical to have all employees report at the same starting time on the second shift.

As incidents of crime become more frequent, employees become increasingly apprehensive of their own personal safety. These fears have had an adverse effect on our attendance and on our recruitment programs. During the month of April, employees in the Composing Division used 50 percent more leave than was used in April 1967. We are satisfied that the attendance throughout the rest of the Office during April 1968 was off by approximately the same percentage.

Recently we conducted a study of the reasons for resignations among craftsmen. Of the 48 former craftsmen who responded, 24 stated they preferred working in some other area than the District of Columbia.

There are indications in the responses that many of these people were concerned for the safety of their persons and their automobiles. It may well be that the number of persons who have elected to retire during the past several years has been directly related to employees' fears regarding their personal safety.

We have had numerous contacts with the Metropolitan Police Department, and they are aware of the problems. They have been cooperative and have provided canine patrols during the night, and plain clothesmen to apprehend pickpockets and purse snatchers. In addition, scout cars have increased their circulation in the most dangerous sections of the area. The precinct captain has made an effort to have available policemen who have worked in the area, and who are familiar with the types of individuals and groups of individuals who operate in this vicinity. We are not in a position to judge whether the Metropolitan Police Department could have done more.

A striking example of the effect of crime on the Government Printing Office occurred during the recent civil disorders. On the night of April 5, a curfew was imposed which made it impossible for about 90 percent of our highly skilled night employees to report for duty. As a result, the Congressional Record was not printed until Monday, April 8. This is the first time within the memory of any employee at the Government Printing Office that we failed to deliver a Record the morning following the day's activities. The Office managed to remain operational the week during which rioting continued by bringing in all available nightside employees prior to the time curfew was imposed and permitting them to work until curfew had been lifted.

Since most of the crimes against Government Printing Offices employees occur when they are going to or from their parked automobiles, there is a critical need for protected parking for our nightside employees. At present sufficient parking facilities do not exist close to the Office. Employees generally must walk considerable distances through dangerous streets to and from their automobiles. Protected parking areas with immediate access to the Office would eliminate the present problem. One solution would be the acquisition of available land adjacent to the Office for protected employee parking. Of course, the ultimate solution to this problem would be to relocate this Office to an outlying area where protected and contiguous parking could be provided for our employees.

Sincerely,

JAMES L. HARRISON,
Public Printer.

Enclosure.

Date	Time	Name	Division, section, and shift	Description
Apr. 1, 1965	6:30 p.m.	Maxine L. Kreeger	Bindery, Pamphlet (3).	Pickpocket.
Apr. 5, 1965	9:43 p.m.	John Freeman	Electrical (2)	Wheel stolen from his parked car.
Apr. 13, 1965	4:22 p.m.	J. P. Nissley and L. K. Davis.	Linotype (2)	T. W. G.
Apr. 19, 1965	9:40 p.m.	Jesse J. Carter	do	Car broken into.
Apr. 21, 1965	1:09 a.m.	Winchester, ———	Pamphlet (3)	Car stolen.
May 19, 1965	12:20 a.m.	Thomas F. O'Conner	Linotype (2)	Car broken into.
May 22, 1965	3:53 a.m.	Walter Fletcher		Car stolen.
May 24, 1965	11:11 p.m.	M. D. Tabion		Do.
June 10, 1965	7:00 p.m.	John R. Davis No. 2	Guard	Do.
July 23, 1965	10:35 p.m.	Robert Gray and Ron Elliott.	Linotype (2)	Car broken into.
Sept. 18, 1965	12:41 a.m.	Lloyd L. Beasley	Monotype (2)	Spare tire stolen.
Sept. 27, 1965	3:57 a.m.	Joseph I. Brooks	Linotype (2)	Stolen battery.
Oct. 2, 1965	8:25 a.m.	Lawrence A. Hasbrouch.	Stereo (3)	Car stolen.
Oct. 10, 1965	3:54 a.m.	James M. Johnson	Monotype (2)	Do
Oct. 22, 1965	6:40 p.m.	Marcos Stewart		Assault.
Nov. 4, 1965	6:36 p.m.	Michael Brookcuff		T. W. G.
Nov. 19, 1965	6:40 p.m.	James F. Kelly	Linotype (2)	T. W. G. holdup.
Nov. 12, 1965	6:35 a.m.	W.a.e. (all cars in lot).	Documents	Cars broken into.
		Elizabeth M. Brooke		Set on fire (seat).
Jan. 19, 1966	9:10 p.m.	Elsie Morrison	Monotype, Keyboard (2).	Car broken into.
Jan. 20, 1966	3:38 a.m.	Robert A. Webb	Linotype (2)	Car broken into, cigarettes stolen.
Jan. 26, 1966	11:10 a.m.	Frank S. Wade	Guard (2)	Car broken into, 2 rear wheels missing.
Do	6:20 a.m.	Alvin McFarland Jaiser	Platemaking (3)	Car broken into, battery stolen.
Jan. 28, 1966	4:45 p.m.	Carter twins	Purchasing (1)	Unknown.
Feb. 8, 1966	5:40 p.m.	Mr. Abrams	Proof (2)	Spare wheel stolen.
Feb. 13, 1966	1:50 p.m.			Holdup at restaurant.
Do		Ruth Cymbalisty	W.a.e.	Hit by a hit and run driver.
Feb. 15, 1966	4:47 a.m.	Walter E. Miller	Linotype (2)	Car broken into.
Do	4:47 a.m.	Nathan Kocinl	Monotype (2)	Do.
Feb. 26, 1966	3:05 p.m.	William G. Logue		Do.
Mar. 2, 1966	5:40 a.m.	Joseph J. Brooks	Linotype (3)	Battery stolen.
Mar. 5, 1966	1:15 a.m.	Joseph Taylor	Nonemployee	Hit and cut with a bottle.
Mar. 11, 1966	4:25 p.m.	(?)	do	Molested.
Mar. 13, 1966	6:45 a.m.	James Scott	W.a.e.	Car broken into, coffee pot stolen.
Mar. 19, 1966	8:20 a.m.	James J. Murphy		Car stolen.
May 7, 1966	1:05 a.m.	James Burst	Stores (2)	Do.
June 13, 1966	2:10 p. m.	(?)		2 GPO windows shot through.
July 31, 1966		Morris Cohn	Main Proof (3)	Hubcaps stolen from car.
Aug. 8, 1966		Ernest Cascioli	Mono Keyboard, (2).	Car broken into.
Aug. 16, 1966		Nathan E. Campbell	Guard (3)	Car stolen.
Aug. 19, 1966	3:45 a.m.	Charles R. Johnston	Linotype (2)	Car, hit and run.
Sept. 14, 1966	8:30 p. m.	Blanche Thompson	Nonemployee	Mugged (aided by guards).
Sept. 17, 1966	2:40 a.m.	Ralph E. Deane	Linotype (2)	Car stolen.
Sept. 19, 1966	6:45 a.m.	Helen Boobst	W.a.e.	Car battery stolen.
Sept. 23, 1966	1:25 a.m.	Roland E. Williams	D.F.A. (2)	Car stolen.
Sept. 24, 1966	4:27 a.m.	William E. McClare	Linotype (3)	Do.
Sept. 29, 1966		George D. Engle	Main Proof (2)	Assaulted on way to work while parking car.
Oct. 6, 1966	5:11 p.m.	Robert E. Kling	Public Printer's Office.	Car ransacked on official parking lot.
Do	11:00 p.m.	Lewis K. Fridley	Press (2)	Attempted larceny (tried to steal car).
Oct. 7, 1966	3:30 a.m.	William A. Smith	Main Press (3)	Car stolen.
Oct. 9, 1966	12:20 a.m.	Willie T. Pendegrass	Linotype (3)	Assault and robbery.
Oct. 18, 1966	12:12 a.m.	Harold Lofton	Offset Web (3)	Car wheels stolen.
Do	2:30 a.m.	Howard E. Walton	Blank (3)	Do.
Oct. 24, 1966	1:18 a.m.	Roland E. Williams	Finance and Accounts (2).	Car stolen.
Nov. 1, 1966	5:20 a.m.	Willie Walker	E.R.S.	Do.
Nov. 16, 1966	1:20 a.m.	James Alsip	Patents (3)	Car broken into and tire stolen.
Dec. 13, 1966	2:35 p.m.	John Albert	Patents	Assault.
Dec. 22, 1966	5:40 a.m.	Curtis Jennings	Patents (3)	Car stolen.
Dec. 23, 1966	4:40 a.m.	Claude H. Leevies, Jr.	Monotype (2)	Car battery stolen.
Jan. 2, 1967	11:22 p.m.	Nonemployee		Fight on street.
Jan. 14, 1967	12:20 a.m.	Jerome E. Thompson	Pipe Shop	Car stolen.
Feb. 10, 1967	11:30 p.m.	Gail H. Anderson	Linotype (2)	Do.
Mar. 1, 1967	4:45 a.m.	James A. Walker	Monotype (2)	Wheel stolen from car.
Mar. 3, 1967	5:41 a.m.	Edward A. Evans	Hand (2)	Car stolen.
Mar. 27, 1967	3:15 p.m.	George E. Davis	Offset Neg. (1)	Do.
Apr. 14, 1967	12:30 a.m.	David B. Campbell	Monotype (1)	Do.
May 3, 1967	8:40 p.m.	Robert W. Jenkins	Hand (2)	Mugging.
June 3, 1967	3:40 a.m.	Joel Mitchell	Main Press	Car stolen.
June 4, 1967	7:45 a.m.	William Heflin	Hand (2)	Car broken into.
June 27, 1967	2:20 p.m.	Nonemployee		Assault and robbery.
July 14, 1967	6:15 a.m.	James A. Murphy	P.R. No. 66862	Car stolen.
July 18, 1967	5:40 a.m.	Charles Gardner	Main Proof	Do.
July 24, 1967	12:05 a.m.	Minnie K. Hagenbuch	Pub. Docs. (3)	Attempted robbery.
July 31, 1967	11:25 p.m.	J. B. Brown	Web Press (3)	Assault and attempted robbery.
Aug. 13, 1967	9:20 p.m.			3 sacks GPO mail stolen from mail truck.
Aug. 29, 1967	8:39 p.m.	Eugene Bingham	Linotype (2)	Assault and robbery.
Aug. 31, 1967	8:30 p.m.	Catherine Lindsay	Blank (2)	Theft from car.
Sept. 7, 1967	3:50 a.m.	Canclor H. Simon	Guard (3)	Spare tire and wheel stolen from car.
Sept. 12, 1967	3:35 a.m.	J. C. Carithers	Patents (2)	Wheels stolen from car.
Sept. 13, 1967	3:04 p.m.	Nonemployee		Assault and robbery.
Sept. 15, 1967	3:00 p.m.	John A. Johnson	Electrical (1)	Theft.
Sept. 21, 1967	5:40 a.m.	Paul Ruppert	Monotype (3)	Car broken into.
Oct. 3, 1967	4:40 a.m.	George Smith	Man No. 84916	Car breakage and theft.
Oct. 13, 1967	4:25 a.m.	John F. Sparks	Patent (2)	Car stolen.
Oct. 26, 1967	3:40 a.m.	Lois Watson	Proof (2)	Car battery stolen.
Nov. 2, 1967	1:15 a.m.	Carl Kipp	Pamphlet (2)	Do.
Nov. 9, 1967	1:10 a.m.	Clarence A. Hunnell	Job (2)	Car stolen.
Nov. 13, 1967	1:10 a.m.	Clifton Green	Pamphlet (2)	Car wheels stolen.
Nov. 18, 1967	12:45 p.m.	Calvin Macon	Patent (2)	Assault.
Nov. 23, 1967	8:10 a.m.	Francis E. Twitchell	Book (3)	Car broken into.
Dec. 9, 1967	6:45 p.m.	Silas Tucker	Industrial Cleaning (1).	Robbery.
Do	3:20 a.m.	Boyd A. Covington	Bindery (3)	Beating.
Dec. 29, 1967	3:50 a.m.	Russell Zane	Linotype (2)	Car stolen.
Dec. 30, 1967	6:30 a.m.	John F. DeCoste	Composing (3)	Do.
Do	6:30 a.m.	George R. Stephenson	do	Do.
Jan. 11, 1968	7:58 p.m.	Nila M. Smith	Pamphlet (3)	Assault.
Jan. 18, 1968	4:35 p.m.	Charles E. Jackson	Bindery, Pamphlet (1).	Tire stolen.
Jan. 27, 1968	1:55 a.m.	Edward McGinnis	Offset (2)	Car stolen.
Jan. 31, 1968	1:10 a.m.	Dorothy W. Thomas	Pamphlet (2)	Do.
Feb. 1, 1968	7:25 p.m.	Robert C. Freeberg	Patents (2)	Mugged.
Do	10:30 p.m.	Nonemployee		Beaten.
Feb. 7, 1968	5:38 a.m.	Douglas Barrett	Monotype (2)	Car stolen.
Feb. 23, 1968	11:12 p.m.	Walter V. Sullivan	Pamphlet (3)	Assault.
Mar. 11, 1968	5:45 a.m.	Robert W. Jenkins	Hand (2)	Car wheels stolen.
Apr. 2, 1968	10:45 p.m.	Nonemployee		Assault and robbery.
Do	5:40 a.m.	Douglas Barrett	Monotype (3)	Wheels stolen from car.
Apr. 12, 1968	11:37 p.m.	Mrs. Dorothy Thompson.		Car stolen.
Apr. 15, 1968	3:45 a.m.	Samuel Neuman	Ma n Proof (3)	Battery stolen from car.
Apr. 17, 1968	7:00 p.m.	Karl E. Schaffer	Hand (1)	Mugged twice while waiting for bus.
Apr. 18, 1968	8:20 a.m.	Lena B. Howard	Book (3)	Wheels stolen.
Apr. 24, 1968	10:50 p.m.	George R. Wendlandt	Blank (3)	Robbed of billfold.
Do	11:45 p.m.	William E. Gaither	Printing procurement (3).	Right front wheel stolen.
May 2, 1968	2:00 a.m.	John C. Cooper	Blank (3)	Car stolen.
May 6, 1968	6:45 p.m.	Warren J. Drake	Linotype (2)	Accosted by male nonemployee with brick.
May 11, 1968	4:44 a.m.	Harold M. Reid	Monotype (3)	Stolen car.
May 16, 1968	10:20 a.m.	Nonemployee: Lucille A. Bish, wife of James W. Bish, Proof Section.	Proof	Attacked by young male.
May 17, 1968	4:45 p.m.	Daniel H. Gray	Electrical (2)	Robbery.
May 21, 1968	Early a.m.	James Shirlen, Sr., Bronius Liogys, and David R. Brinkman.	Linotype (2)	Robbery, wallets and watches.
Do	9:20 a.m.	C. F. Testamark	Post Office	Attempted car break-in (GPO guards apprehended offender in Jackson Alley).

SENATOR GORE OFFERS TO MEET WITH TENNESSEANS IN POOR PEOPLE'S CAMPAIGN

Mr. GORE. Mr. President, I have taken note from newspapers printed in both Washington and Tennessee that some citizens of Tennessee, whom I have the honor in part to represent, are participants in the so-called Poor People's Campaign. I am advised that a small group of these citizens called at my office earlier this week. Unfortunately, I was away from the office attending another meeting at the time.

I am anxious to make the services of my office and myself, as their Senator, available for conferences with them and for all possible and feasible services to them, as with all other constituents who visit the Nation's Capital. I do not know exactly how to reach them, so I take the occasion to use the RECORD to notify them that I will set aside from 9 to 9:30 at my office in the New Senate Office Building, on both Monday and Tuesday next, for conferences with any of my constituents who may wish to call upon me.

In a further effort to notify them, I shall send tear sheets from the RECORD of today to the site of their temporary abode.

OPPOSITION OF U.S. CHAMBER OF COMMERCE TO OCCUPATIONAL SAFETY AND HEALTH ACT OF 1968

Mr. METCALF. Mr. President, one of the most controversial bills before this session of the Congress is S. 2864, the Occupational Safety and Health Act of 1968. A subcommittee of the Senate, under the able chairmanship of the distinguished senior Senator from Texas [Mr. YARBOROUGH], has begun hearings on this bill, and a corresponding subcommittee in a nearby legislative body, under the chairmanship of Representative HOLLAND, of Pennsylvania, has concluded extensive hearings on the bill.

The opposition to the bill, largely spearheaded by the U.S. Chamber of Commerce, has taken the customary line, pleading that some minimal Federal regulation in the interest of safety and health in the workplace will ruin the free enterprise system, and run companies out of business all over the lot. Recent archeological discoveries indicate that the Pyramid Contractors Association claimed the same thing some time ago when their workers, under the influence of an outside agitator called Moses, demanded some straw to help make bricks.

Anyway, the chamber and its faithful followers have been deluging Congress with frenzied letters, most of them quoting amply, with or without footnotes, from an article in the Nation's Business, the chamber's monthly lobbying organ.

In an effort to set the record straight, Msgr. George G. Higgins, cochairman of the newly formed Joint Committee on Occupational Health and Safety, wrote an article which was published in the Catholic Standard of May 9, 1968. Monsignor Higgins' column makes no bones about the exaggerations and distortions to be found in the Nation's Business article against the proposed legislation. I ask unanimous consent that Monsignor Higgins' comments be printed in the RECORD.

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

[From the Catholic Standard, May 9, 1968]

THE YARDSTICK: ATTACK BY CHAMBER OF COMMERCE

(By Msgr. George G. Higgins)

Representatives from more than 30 concerned national organizations met recently here in Washington to form a Joint Committee on Occupational Health and Safety. This committee will do all it can to focus America's conscience and concern on the need for legislation to save lives and prevent accidents and illness at work. More specifically, it will lend its support to the so-called Occupational Safety and Health Act of 1968 now pending in the Congress.

As co-chairman of this joint committee, I noted, with regret, at our first meeting that the American business community had, for reasons of its own, declined to join our ranks. I had hoped that the National Association of Manufacturers, for example, and the U.S. Chamber of Commerce might find it possible to cooperate with the committee in support of the enactment of effective federal legislation in the field of health and welfare.

It now turns out that I was being naive in holding to any such hope, for the Chamber of Commerce, far from supporting the Occupational Safety and Health Act of 1968, is vigorously opposing it.

In the April issue of its official organ, *Nation's Business*, the Chamber launched what I can only characterize as a demagogic and almost hysterical attack against the bill itself and against one of its leading proponents, Labor Secretary Willard Wirtz.

This article is shamefully misleading. Ominously entitled "Life or Death For Your Business," it charges in lurid terms designed to scare the wits out of its readers (businessmen for the most part) that the Secretary of Labor "wants the power to shut you down in the name of health or safety."

It also warns its constituents that "a man you once refused to hire" with "no education and no potential talent," whose "main experience consisted of cashing welfare checks," could threaten "to padlock your gates and have you fined $1,000 a day if you don't do as he says."

Then, in a barefaced falsehood, the Chamber article states that "Labor Secretary Willard Wirtz blandly explained to Congressmen that getting people (as safety inspectors) would be no drawback. He said he could staff his safety policing team with the hardcore unemployed."

One wonders what the Chamber of Commerce hopes to accomplish by such a patently false attack on Secretary Wirtz—a conscientious and dedicated public servant.

One wonders, also, at the Chamber's obvious disdain for its own credibility—or does it really have such little respect for its own membership's intelligence as to believe that such a ridiculously prejudiced article would be embraced by American businessmen, the vast majority of whom are committed to truth and fair play?

In my judgment, the Chamber does itself—and its membership—a distinct disservice by treating such a serious matter in such a crudely demagogic manner. Surely the Chamber knows that the sponsors and supporters of the Occupational Safety and Health Act of 1968 have no desire whatsoever to hamper or harass American industry, whose prowess is unequalled and has helped us to achieve the highest standard of living of any country in the world.

The fact is, however, that we, as a nation, have simply not faced up realistically to the problem of occupational health and safety. Thousands of workers are still being killed needlessly, or being injured and disabled and infected on the job by largely preventable accidents and disease.

It is true that many large industrial establishments have excellent employee health and safety records. They are to be highly commended, and they would not be affected by the basic standards that would be set under the proposed legislation now before Congress.

The real need for safety and health standards is to be found in plants employing under 500 workers. These plants, as a rule, offer little or no protection for their workers—and yet they constitute over 90% of all working establishments.

So the problem is a very real one, and is constantly getting worse. It must be faced honestly and honorably. It is deeply regrettable that the U.S. Chamber of Commerce is not able to face the problem in such a manner.

PROPOSED COMMISSION ON ORGANIZATIONAL REFORMS IN THE DEPARTMENT OF STATE AND CERTAIN AGENCIES

Mr. CASE. Mr. President, on Wednesday of this week the chairman of the Committee on Foreign Relations, Mr. FULBRIGHT, introduced a joint resolution—Senate Joint Resolution 173—to establish a Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the U.S. Information Agency. The Commission would be composed of 12 members, with two from the Senate, two from the House, and eight to be appointed by the President from persons outside government.

I have read the distinguished Senator's statement in support of his proposal. It is an excellent statement, deserving of wide attention, and one with which I am happy to associate myself. I was particularly impressed by the case presented for the commission approach, to achieve "a broad and objective view, unencumbered by political considerations or by the obligations that executive branch officers have toward the interests of the particular department or agency in which they serve." And I commend the Senator for citing, as the type of distinguished American best qualified to serve on the proposed commission, the name of Douglas Dillon, a strong champion of the public interest.

I share Senator FULBRIGHT's view that the appointment of such a commission should be the responsibility of the next administration and that, therefore, action on his resolution should be deferred until the Congress reconvenes in January. Meanwhile, I shall join with him in seeking broad support for this undertaking.

PROJECT SEA USE

Mr. MAGNUSON. Mr. President, having been deeply involved for several years in fostering legislation in the field of oceanography, it is with great pride I direct your attention to Project Sea Use, which originated in my home State of Washington. Project Sea Use is a scientific expedition to explore Cobb Sea-

mount in the summer of 1969 to determine how this resource may best be used for the benefit of mankind.

Cobb Seamount is a submerged volcano, 270 miles out in the Pacific, west of Grays Harbor, Wash. The seamount rises 10,000 feet from the ocean bed to within 110 feet of the surface. Its location, geological age, and accessibility make it unique among seamounts. Many Government agencies and universities have evidenced interest in the seamount from the standpoint of ultimate utilization and its scientific uniqueness. The seamount is well suited for installing a weather station, oceanographic data station, seismic wave warning station, navigational platform, a location for undersea occupation and for numerous possible national defense purposes. The proposed expedition should provide answers to the scientific questions and help to determine the best ultimate uses.

The major elements of Project Sea Use consist of two teams of five scientists, each will live and work on the summit of the mountain in an undersea habitat for two consecutive 20-day periods; construction of a mast on the top of the seamount that will extend 40 feet above the surface of the Pacific. This mast will collect, store and transmit meteorological and oceanographic data for up to a year after the occupation, the expedition will be supported by at least two surface ships and one or more research submersibles.

This project will establish a series of important precedents which should further the ocean sciences throughout the country: The first integrated employment of modern deep ocean technology in direct support of subsea scientific research; the first manned habitation of an ocean seamount; the first definitive scientific exploration of a subsea site by man living within the environments; and, regional resource under the sponsorship of a regional entity and with broad participation by universities, industries, and the Government.

Ownership and control of the ocean and its resources beyond the continental shelves is an unanswered question that is receiving increased attention. Until this question is answered, it seems to me that it would be a healthy precedent for the United States to occupy Cobb Seamount. Should it be occupied by another nation, it could be an important strategic loss for our country.

This project was conceived by Battelle-Northwest, Honeywell, Inc., the University of Washington, and Oceanic Foundation of Hawaii, and is under the sponsorship of the Oceanographic Commission of Washington. Three States—Oregon, Alaska, and Hawaii—and the Province of British Columbia and their universities have been invited to participate. Numerous Government agencies have been contacted for their financial and programmatic support.

I believe that Project Sea Use may serve as the major U.S. initiative in the development of inner space for the benefit of mankind. Project Sea Use deserves and should get adequate governmental support and it is my intention to do everything possible to ensure its success. I hope that Senators will have an opportunity to review this very important program.

THE PAPER SUBWAY

Mr. ALLOTT. Mr. President, on March 12 of this year, I had the privilege to address the third International Conference on Urban Transportation in Pittsburgh.

While not happy about my role of painting a disturbing picture of the state of urban transit in the United States today, in realistically appraising the situation I was compelled to tell the 1,500 assembled delegates:

> With the exceptions of San Francisco, Cleveland, and New York and a few other cities there has been a great deal of talk and publicity, but no visible sign of progress in coping with the enormous problems which confront us.
>
> . . . I will not be satisfied until we stop this endless proliferation of paper work, and start the excavation.

Having made those remarks, I was particularly delighted to read the most interesting editorial in the May 9, 1968, edition of Engineering News Record entitled "The Paper Subway." This editorial echoes my sentiments exactly, and I hope it will be given serious consideration by all those charged with the responsibilities of planning, building, and operating urban rapid transit systems. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

THE PAPER SUBWAY

The paper tiger, which growls and looks dangerous but is actually ineffectual, sometimes seems to have a counterpart in transportation. The paper subway clangs and rumbles but doesn't carry any passengers.

Mass transit planners surface through mounds of studies every so often, see the problems worsening and the needs growing, then submerge to plan some more.

Mass transit promoters can blame war spending for draining off sizable amounts of federal money that might otherwise be spent on urban mass transit. But can they justify the endless duplication of studies that occurs when money is available?

Take the District of Columbia, for example. A million-dollar transportation study that was started in 1955 showed that the area needed rail rapid transit. It took 13 years to get to the present point, with construction scheduled to start this year.

Take Baltimore as another case in point. The city got $320,000 in federal planning funds for a transportation and land use study in 1963. The consultants who made the study (and who are also part of the joint-venture design team for the only new subway system in the country that has moved into the construction stage) recommended a combination bus and steel-wheel rail system. Then Baltimore applied for and received $900,000 more from the federal government for preliminary engineering and a feasibiltiy study, and called in new consultants. They scrapped the original findings and recommended an entirely different system. What's the next phase? A third set of consultants to study the relative merits of the first two?

Another example is the Los Angeles area. The Southern California Rapid Transit District has spent over $6 million on studies and preliminary engineering for rapid transit but appears no closer to breaking ground than it was four years ago (p. 60).

Rail rapid transit is not only feasible but necessary for many densely populated urban areas in the country. The file cabinets are stuffed with studies to prove the point. Does it have to be proved over and over again? Don't tell us the answer, we know it does. But it surely does seem to be a wasteful postponement of the inevitable, a postponement that might be shortened by more effective salesmanship to the voters.

CAMPING ON THE MALL

Mr. ERVIN. Mr. President, I have received the following letter from my good constituent Kermit Cooper:

VALDESE, N.C.,
May 11, 1968.

Senator SAM ERVIN,
U.S. Senate
Washington, D.C.

DEAR SENATOR ERVIN: I read in the morning paper that 3,000 "poor people" have been given permission to camp out on the mall in our Nation's Capital.

I have a 13 year old daughter who has become very interested in our Government and our Nation's Capital. Her desire is to visit Washington and tour the Federal Buildings.

I would like permission to pitch a small tent or camping trailer on the mall the week of July 4, 1968. The hosiery mill that I work in closes for vacation on June 28, and we go back to work on July 8. If we can camp on the mall, this will be most convenient, and I feel sure that we can see most of the sights of Washington during this week, providing we have access to this camping area.

Senator Ervin, will you please let me know who to contact so that I can get permission to camp on the mall. I will want to bring George, our basset hound with us. Will I need a special permit for him? He has had all his shots.

I hope, Senator, that you will use your influence to help me get this permit. I am not colored, but with a family income of less than $10,000 per year, I feel that I qualify as "poor people."

If a parking space is assigned to me, Senator, please make sure it faces south. If Washington starts burning while I am there, I want to be in a position to head for Burke County as fast as possible.

Senator, I will surely appreciate your help in this matter.

Yours very sincerely,

KERMIT COOPER.

Pursuant to this letter, I have sent the following request to Secretary Udall of the Department of the Interior:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
May 20, 1968.

HON. STEWART UDALL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: While he has no desire to demonstrate or to exert any pressure on Congress, one of my very fine constituents, Mr. Kermit Cooper, is desirous of pitching a small tent or parking a small camping trailer during the week of July 4 on the Mall so that he and his 13 year old daughter may be able to see the sights of Washington from a convenient vantage point. Knowing the Coopers as I do, I can assure you of their nonviolence during this week.

Consequently, I am making application to you on his behalf that you grant him a permit to pitch a tent or park a camping trailer on the Mall during the week of July 4.

I enclose for your information a copy of the letter which I have received from Mr. Cooper concerning which is a foundation for my request of you.

With kindest wishes,

Sincerely yours,

SAM J. ERVIN, JR.

Enclosure.

ATTACK BY STUDENT ACTIVISTS ON INSTITUTE FOR DEFENSE ANALYSIS

Mr. McGEE. Mr. President, one of the institutions which has lately come under attack by student activists is the Institute for Defense Analysis, a private, academically-oriented research organization which functions outside of government control. Roscoe Drummond, in a column I have clipped from the Denver Post of May 23, states that the student attack is misguided, for the students obviously misinterpret the nature of IDA and the insulation it provides between universities and their faculties and the Department of Defense and other Government agencies for which it performs research. I ask unanimous consent that Mr. Drummond's column be printed in the RECORD.

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

STUDENT ATTACK ON IDA MISGUIDED

(By Roscoe Drummond)

WASHINGTON.—College students should be more rational—or am I wrong?

It seems that extremist students who seize campus buildings, hold officials hostage and ransack private offices are demanding things that would increase the power of the military which they say is already too great.

Take the campaign which the burn-the-house-down Students for a Democratic Society is mounting to force 12 of the nation's great universities, including Columbia, Princeton, MIT, Chicago, and California, to quit supervising the Institute of Defense Analyses (IDA). This is a private, independent research enterprise made up of academic specialists and employed largely by the Department of Defense.

If the SDS thinks that the Pentagon should isolate its decision-making so that it alone provides the research on which judgments can be made, then it is right in trying to undermine IDA.

If the SDS thinks that academicians should not be free to influence government thinking, then it is right in demanding that the university presidents refuse to help.

If the SDS is pacifist and thinks it desirable to try to keep the armed services from getting diverse, outside assistance to make the wisest and broadest decisions on military strategy and procurement, then IDA should go.

But the student activists, either at Columbia or Princeton or MIT, do not avow any of these goals. Therefore, only two conclusions seem to me tenable:

Either the leaders of SDS don't know the facts about IDA and have misled themselves and other students, or their real goals are concealed and are not as innocent as they seem.

The facts about IDA are these:

It is not a government agency. It is not run by the government, it is not controlled by the Defense Department, it is a private research group whose independence of the "military-industrial complex" serves to insure its objectivity.

Some of the students claim that IDA's "massive" staff is perilously draining off teachers from the campuses. Not true. There are about 40,000 professors in today's colleges. IDA's staff is 300. Some other professors are periodical consultants on their own time, as individuals.

Some students claim that IDA has a "secret" $5 million contract with Columbia University. Not true.

University membership in IDA does not result in the performance of classified research on any campus. It does not involve the universities in the performance of any of IDA's research. There are no contracts with universities.

Because IDA is independent, it is free of bureaucratic red tape and can pay academic people on its staff equal to what they get in industry but not as high as they are paid at universities.

While most of IDA's research is undertaken at the request of the Department of Defense, it does work for civilian agencies and is ready to do more. Some of its nonmilitary studies are: "How to increase rice production in South Vietnam," "Disease as a factor in the world food problem," "Civil navigation and traffic control," "Soviet response to Sino-American crises," "The Alaskan earthquake: a case study in the economics of disaster."

The critics of the Institute of Defense Analyses peddle the idea that it is merely a handmaiden of the armed services, a facade to enable the generals and the admirals to get outside people to come up with a justification of their prejudices and predilections.

The opposite is true. IDA insulates its research from government influence and safeguards its scholarly independence.

If the universities haven't the guts to stand against these attacks on IDA, then the students are right—we do need some new college presidents.

PROPOSED SUPERSEDING CIVIL AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND JAPAN

Mr. GORE. Mr. President, the executive branch on May 16, 1968, submitted to the Joint Committee on Atomic Energy a proposed agreement for cooperation with Japan that would supersede the cooperative arrangement in the peaceful uses of atomic energy presently in existence between the two countries.

The proposed 30-year agreement, under which the United States would undertake to supply the fuel needed in Japan's nuclear power program, has a number of significant features, not the least among them being the large amounts of special nuclear materials involved. Under the agreement, safeguards against the diversion of such materials to other than peaceful nuclear uses would continue to be administered by the International Atomic Energy Agency. The Atomic Energy Act of 1954 requires that the proposed agreement lie before the Joint Committee for a period of 30 days while Congress is in session before becoming effective. I ask unanimous consent that the agreement, together with necessary supporting correspondence, be printed in the RECORD.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., May 16, 1968.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR PASTORE: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

(a) an "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy";

(b) a copy of a letter from the Commission to the President recommending approval of the Agreement; and

(c) a copy of a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the Agreement and authorizing its execution.

The Agreement, which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended, will supersede the Agreement for Cooperation between the United States of America and the Government of Japan which was signed at Washington on June 16, 1958, and is scheduled to expire on December 4, 1968.

The primary purpose of the agreement is to provide the framework for assuring the long-term supply of enriched uranium fuel required for Japan's nuclear power program. Accordingly, the agreement has a term of thirty years. The quantity of U-235 estimated to be necessary for fueling the power projects covered by the agreement is 154,217 kilograms; an additional amount for various research purposes has also been included in the overall U-235 estimate, bringing the net ceiling provided in Article IX to 161,000 kilograms.

Pursuant to Article VII, the basic method of the supply of the required enriched uranium will be through uranium enrichment services after December 31, 1968, for the account of the Japanese transferee requiring such services. Sale would continue to be possible under the agreement, however, if the Parties so desire. Under Article VII transfer of plutonium for fueling purposes is also permitted. Article VII provides the basic authority for such transfers and Article IX specifies a ceiling quantity of 365 kilograms. The provision by the United States of enrichment services for the total 161,000 kilograms of U-235 under the proposed agreement would, under current prices, result in an export benefit to the United States of approximately 620 million dollars over the period of the agreement. Additionally, the 365 kilograms of plutonium would, at the current United States Atomic Energy Commission price, have a value of approximately 14 million dollars.

With respect to the provision of enriching services, in the unlikely event the natural uranium required should not be reasonably available to Japan on the world market, the United States would be prepared under the agreement to procure the necessary natural uranium on behalf of Japan. The amount of the natural uranium which corresponds to the 161,000 kilograms of U-235 provided for in the agreement and which could be procured by the United States anywhere in the world, is approximately 30,500 short tons. Presently known and estimated United States reserves of natural uranium which can be produced at a price of $15 or less per pound are about 850,000 short tons. World reserves are, of course, much larger.

I would like to note several other features which have been included in the agreement. Consistent with the "Private Ownership" legislation of 1964, Article VI of the agreement permits arrangements to be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other for transfers of special nuclear material. Such arrangements would be in addition to the government-to-government transactions currently allowed and would be subject to the ceiling limits of 161,000 kilograms of U-235 in enriched uranium and 365 kilograms of plutonium which may be transferred to Japan under the agreement.

Further under Article VII, and as is allowed in several other agreements, Japan may receive material for performance of conversion and fabrication services for users in third countries; Japan may also receive material for these purposes for users in the United States, as is the case in our Canadian bilateral. While the agreement, as is the case of those with Canada and the United Kingdom, does not give an option to the United

States to acquire special nuclear material produced in material obtained from this country, Article VIII contains the requirement for United States' approval of transfers of produced material outside Japan. The guarantee given by the United States in Article X as to the peaceful uses of transferred material, including equipment and devices, and material produced through use thereof, is similar to that given by Japan with, however, the United States having the right to substitute material.

Pursuant to Article VIII, uranium enriched to more than twenty percent in the isotope U-235 may be made available to Japan when the Commission finds that there is an economic or technical justification for such a transfer. Article VIII also includes, as do other recent agreements, language which assures the comparability of domestic and foreign prices and charges for, respectively, enriched uranium and enrichment services performed, as well as of the advance notice required for delivery.

In accordance with the policy of the United States, the agreement provides that the International Atomic Energy Agency will be requested to continue applying safeguards to materials and facilities which would be subject to safeguards under the agreement. This will be accomplished through a revised safeguards agreement negotiated among the United States, Japan, and the Agency.

The agreement will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

GLENN T. SEABORG,
Chairman.

Enclosures:

1. Agreement for Cooperation Between the Government of the United States of America and the Government of Japan (3);
2. Letter from the Commission to the President (3);
3. Letter from the President to the Commission (3).

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of Japan signed an "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy" on June 16, 1958, which was amended by the Protocol signed on October 9, 1958 and the Protocol signed on August 7, 1963; and

Whereas the Parties desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy, including the design, construction and operation of power reactors and research reactors, and the exchange of information relating to the development of other peaceful uses of atomic energy; and

Whereas the Parties are desirous of entering into this Agreement to cooperate with each other to attain the above objectives; and

Whereas the Parties desire this Agreement to supersede the "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy" signed on June 16, 1958, as amended;

The Parties agree as follows:

ARTICLE I

For the purposes of this Agreement:

A. "United States Commission" means the United States Atomic Energy Commission.

B. "Parties" means the Government of the United States of America, including the United States Commission on behalf of the Government of the United States of America, and the Government of Japan. "Party" means one of the above "Parties".

C. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

D. "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

E. "Equipment and devices" and "equipment or devices" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

F. "International organization" includes a group of nations associated for a common purpose.

G. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

H. "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

I. "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

J. "Source material" means (1) uranium, thorium, or any other material which is determined by the United States Commission or the Government of Japan to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the United States Commission or the Government of Japan may determine from time to time.

K. "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Commission or the Government of Japan determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

L. "Superseded Agreement" means the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy signed on June 16, 1958, as amended by the Protocol signed on October 9, 1958 and the Protocol signed on August 7, 1963.

M. "Safeguards" means a system of controls designed to assure that any materials, equipment and devices committed to the peaceful use of atomic energy are not used to further any military purpose.

ARTICLE II

A. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall assist each other in the achievement of the uses of atomic energy for peaceful purposes.

B. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate.

ARTICLE III

Subject to the provisions of Article II, the Parties shall exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article shall be accomplished through various means, including reports, conferences, and visits to facilities, and shall include information in the following fields:

(1) Development, design, construction, operation, and use of research, materials testing, experimental, demonstration power, and power reactors and reactor experiments;

(2) The use of radioactive isotopes and source, special nuclear, and byproduct material in physical and biological research, medicine, agriculture, and industry; and

(3) Health and safety problems related to the foregoing.

ARTICLE IV

A. Materials of interest in connection with the subjects of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred between the Parties under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time.

ARTICLE V

The application or use of any information (including design drawings and specifications) and any material, equipment and devices, exchanged or transferred between the Parties under this Agreement or the superseded Agreement shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment and devices for any particular use or application.

ARTICLE VI

A. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of materials, other than special nuclear material, equipment and devices and for the performance of services with respect thereto.

B. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles IV

and VII and subject to the relevant provisions of Article VIII and to the provisions of Article IX.

C. The Parties agree that the activities referred to in paragraphs A and B of this Article shall be subject to the provisions of Article II and to such contracting policies generally applicable to private transactions as the Parties may adopt.

ARTICLE VII

A. During the period of this Agreement, the United States Commission will supply to the Government of Japan or, pursuant to Article VI, paragraph B, to authorized persons under its jurisdiction, under such terms and conditions as may be agreed, all of Japan's requirements for uranium enriched in the isotope U-235 for use as fuel in the power reactor (including merchant marine propulsion) program described in the Appendix to this Agreement, which Appendix, subject to the quantity limitation established in Article IX, may be amended from time to time by mutual consent of the Parties without modification of this Agreement.

(1) The United States Commission will supply such uranium enriched in the isotope U-235 by providing after December 31, 1968, for the production or enrichment, or both, of uranium enriched in the isotope U-235 for the account of the Government of Japan or such authorized persons. (Upon timely advice that any natural uranium required with respect to any particular delivery of uranium enriched in the isotope U-235 under such service arrangements is not reasonably available to the Government of Japan or to such authorized persons, the United States Commission will be prepared to furnish the required natural uranium under such terms and conditions as may be agreed.)

(2) Notwithstanding the provisions of paragraph A(1), if the Government of Japan or such authorized persons so request, the United States Commission, at its election, may sell the uranium enriched in the isotope U-235 under such terms and conditions as may be agreed.

B. As may be agreed, the United States Commission will transfer to the Government of Japan or to authorized persons under its jurisdiction uranium enriched in the isotope U-235 for use as fuel in defined research applications, including research, materials testing, and experimental reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance, it being understood that, in the event of transfer of title of uranium enriched in the isotope U-235, the United States Commission shall have the option of limiting the arrangements to undertakings such as those described in paragraph A(1) of this Article.

C. The United States Commission may also transfer to the Government of Japan or to authorized persons under its jurisdiction, under such terms and conditions with respect to each transfer as may be agreed, special nuclear material for the performance in Japan of conversion or fabrication services, or both, and for subsequent return to the United States of America or for subsequent transfer to another nation or international organization in accordance with provisions of Article X, paragraph A (3). It is understood that, in the event of transfer of title of uranium enriched in the isotope U-235 by the United States Commission, it shall have the option of limiting the arrangements to undertakings such as those described in paragraph A (1) of this Article.

D. As may be agreed, the United States Commission will transfer to the Government of Japan or to authorized persons under its jurisdiction plutonium for use as fuel in reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance.

ARTICLE VIII

A. With respect to transfers by the United States Commission of uranium enriched in the isotope U-235 provided for in Article VI, paragraph B and Article VII, it is understood that:

(1) Contracts specifying quantities, enrichments, delivery schedules, and other terms and conditions of supply or service will be executed on a timely basis between the United States Commission and the Government of Japan or persons authorized by it.

(2) Prices for uranium enriched in the isotope U-235 sold or charges for enrichment services performed will be those in effect for users in the United States of America at the time of delivery. The advance notice required for delivery will be that in effect for users in the United States of America at the time of giving such notice. The United States Commission may agree to supply uranium enriched in the isotope U-235 or perform enrichment services upon shorter notice, subject to assessment of such surcharge to the usual base price or charge as the United States Commission may consider reasonable to cover abnormal production costs incurred by the United States Commission by reason of such shorter notice.

B. Should the total quantity of uranium enriched in the isotope U-235 which the United States Commission has agreed to provide pursuant to this Agreement and other Agreements for Cooperation reach the maximum quantity of uranium enriched in the isotope U-235 which the United States Commission has available for such purposes, and should contracts covering the adjusted net quantity specified in Article IX not have been executed by the Government of Japan or persons authorized by it, the United States Commission may request, upon appropriate notice, that the Government of Japan or such persons execute contracts for all or any part of such uranium enriched in the isotope U-235 as is not then under contract. It is understood that, should contracts not be executed in accordance with a request by the United States Commission hereunder, the United States Commission shall be relieved of all obligations with respect to the uranium enriched in the isotope U-235 for which contracts have been so requested.

C. The uranium enriched in the isotope U-235 supplied hereunder may contain up to twenty percent (20%) in the isotope U-235. A portion of the uranium enriched in the isotope U-235 supplied hereunder may be made available as material containing more than 20% in the isotope U-235 when the United States Commission finds there is a technical or economic justification for such a transfer.

D. It is understood, unless otherwise agreed, that in order to assure the availability of the entire quantity of uranium enriched in the isotope U-235 allocated hereunder for a particular reactor project described in the Appendix, it will be necessary for the construction of the project to be initiated in accordance with the schedule set forth in the Appendix and for the Government of Japan or persons authorized by it to execute a contract for that quantity in time to allow for the United States Commission to provide the material for the first fuel loading. It is also understood that if the Government of Japan or persons authorized by it desire to contract for less than the entire quantity of uranium enriched in the isotope U-235 allocated for a particular project or terminate the supply contract after execution, the remaining quantity allocated for that project shall cease to be available and the maximum adjusted net quantity of U-235 provided for in Article IX shall be reduced accordingly, unless otherwise agreed.

E. Within the limitations contained in Article IX, the quantity of uranium enriched in the isotope U-235 transferred under Article VI, paragraph B or Article VII and under the jurisdiction of the Government of Japan for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Parties, is necessary for the efficient and continuous operation of such reactors or reactor experiments.

F. When any special nuclear material received from the United States of America requires reprocessing, or any irradiated fuel elements containing fuel material received from the United States of America are to be removed from a reactor and are to be altered in form or content, such reprocessing or alteration may be performed in Japanese facilities upon a joint determination of the Parties that the provisions of Article XI may be effectively applied, or in such other facilities as may be mutually agreed.

G. Special nuclear material produced, as a result of irradiation processes, in any part of the fuel leased by the United States Commission under this Agreement or the superseded Agreement to the Government of Japan or to authorized persons under its jurisdiction shall be for the account of the Government of Japan or such authorized persons and, after reprocessing as provided in paragraph F of this Article, shall be returned to the Government of Japan or such authorized persons, at which time title to such material shall be transferred to the Government of Japan or such authorized persons.

H. No special nuclear material produced through the use of material transferred to the Government of Japan or to authorized persons under its jurisdiction, pursuant to this Agreement or the superseded Agreement, will be transferred to any other nation or international organization, except as the United States Commission may agree to such a transfer.

I. Some atomic energy materials which the Government of Japan may request the United States Commission to provide in accordance with this Agreement, or which have been provided to the Government of Japan under the superseded Agreement, are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of Japan, the Government of Japan shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear material or fuel elements which the United States Commission may lease pursuant to this Agreement, or may have leased pursuant to the superseded Agreement, to the Government of Japan, the Government of Japan shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear material or fuel elements after delivery by the United States Commission to the Government of Japan or to any person acting on its behalf.

ARTICLE IX

A. The adjusted net quantity of U-235 in uranium enriched in the isotope U-235 transferred from the United States of America to Japan under Article IV, Article VI, paragraph B and Article VII during the period of this Agreement or under the superseded Agreement shall not exceed in the aggregate one hundred and sixty-one thousand (161,000) kilograms or such quantity as may be agreed between the Parties in accordance with their statutory and constitutional procedures. The following method of computation shall be used in calculating transfers, within such ceiling quantity, made under the said Articles or the superseded Agreement:

From:

(1) The quantity of U-235 contained in uranium enriched in the isotope U-235

transferred under the said Articles or the superseded Agreement, minus

(2) The quantity of U-235 contained in an equal quantity of uranium of normal isotopic assay.

Subtract:

(3) The aggregate of the quantities of U-235 contained in recoverable uranium of United States origin either returned to the United States of America or transferred to any other nation or international organization with the agreement of the Government of the United States of America pursuant to this Agreement or the superseded Agreement, minus

(4) The quantity of U-235 contained in an equal quantity of uranium of normal isotopic assay.

B. The quantity of plutonium transferred from the United States of America to Japan under Article IV, Article VI, paragraph B and Article VII during the period of this Agreement or under the superseded Agreement shall not exceed a net amount of three hundred and sixty-five (365) kilograms or such quantity as may be agreed between the Parties in accordance with their statutory and constitutional procedures. The net amount of plutonium shall be the gross quantity transferred to the Government of Japan or to authorized persons under its jurisdiction less the quantity which has been returned to the United States of America or transferred to any other nation or international organization with the agreement of the Government of the United States of America pursuant to this Agreement.

ARTICLE X

A. The Government of Japan guarantees that:

(1) Safeguards provided in Article XI shall be maintained.

(2) No material, including equipment and devices, transferred to the Government of Japan or to authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, including equipment and devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(3) No material, including equipment and devices, transferred to the Government of Japan or to authorized persons under its jurisdiction pursuant to this Agreement or the superseded Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of Japan, except as the United States Commission may agree to such a transfer to another nation or international organization, and then only if, in the opinion of the United States Commission, the transfer of the material is within the scope of an Agreement for Cooperation between the Government of the United States of America and the other nation or international organization.

B. The Government of the United States of America guarantees that:

(1) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, including equipment and devices, or an equivalent amount of material of the same type as such transferred or produced material substituted therefor, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(2) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, equipment or devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the United States of America, except as the Government of Japan may agree to such a transfer to another nation or international organization.

ARTICLE XI

A. The Parties emphasized their common interest in assuring that any material, equipment or devices transferred under this Agreement or the superseded Agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this Agreement are supplanted, by agreement of the Parties as provided in Article XII, by safeguards of the International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

(a) reactor, and

(b) other equipment and devices the design of which the United States Commission determines to be relevant to the effective application of safeguards, which are, or have been, made available to the Government of Japan or to any person under its jurisdiction under this Agreement or the superseded Agreement, or which are to use, fabricate or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the United States Commission;

(2) With respect to any source or special nuclear material made available to the Government of Japan or to any person under its jurisdiction under this Agreement or the superseded Agreement and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or devices so made available:

(a) source material, special nuclear material, moderator material, or other material designated by the United States Commission,

(b) reactors, and

(c) any other equipment or devices designated by the United States Commission as items to be made available on the condition that the provisions of this paragraph B(2) will apply,

(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability of such material; and

(ii) to require that any such material in the custody of the Government of Japan or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article X;

(3) To approve facilities which are to be used for the storage of any of the special nuclear material referred to in paragraph B (2) of this Article which is not required for atomic energy programs in Japan and which is not transferred beyond the jurisdiction of the Government of Japan or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

(4) To designate, after consultation with the Government of Japan, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of Japan, shall have access in Japan to all places and data necessary to account for the source and special nuclear materials which are subject to paragraph B(2) of this Article, to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

(5) In the event of non-compliance with the provisions of this Article or the guarantees set forth in Article X and the failure of the Government of Japan to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment and devices referred to in paragraph B(2) of this Article;

(6) To consult with the Government of Japan in the matter of health and safety.

C. The Government of Japan undertakes to facilitate the application of the safeguards provided for in this Article.

D. The personnel designated by the Government of the United States of America in accordance with paragraph B(4) of this Article shall not, except pursuant to their responsibilities to that Government, disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties under that paragraph.

ARTICLE XII

A. The Parties, bearing in mind that by an agreement signed by them and the International Atomic Energy Agency on September 23, 1963, the Agency has been applying safeguards to materials and facilities subject to the superseded Agreement and recognizing the desirability of continuing to make use of the facilities and services of the Agency, agree that the Agency will be requested to continue its application of safeguards and to apply them to materials and facilities subject to safeguards under this Agreement. The necessary arrangements will be effected without modification of this Agreement through an agreement to be made between the Parties and the Agency.

JAPAN'S ENRICHED URANIUM POWER REACTOR PROGRAM

Classification	Reactors	Stat of construction	Total uranium-235 kilograms required
Under construction	A. Turuga, 322 MWE (Japan Atomic Power Co.)	1966	8,314
	B. Fukushima, 400 MWE (Tokyo Electric Power Co.)	1966	10,383
	C. Mihama, 340 MWE (Kansai Electric Power Co.)	1966	7,678
Under planning	D. Chubu No. 1, 350 MWE	1968	10,921
	E. Tokyo No. 2, 750 MWE	1968	16,556
	F. Kansai No. 2, 500 MWE	1968	12,026
	G. Kansai No. 3, 750 MWE	1970	16,797
	H. Chugoku No. 1, 500 MWE	1970	11,198
	I. Tokyo No. 3, 750 MWE	1970	16,797
	J. Chubu No. 2, 500 MWE	1971	11,198
	K. Kyushu No. 1, 500 MWE	1971	10,783
	L. Tohoku No. 1, 500 MWE	1971	10,783
Under consideration	500 MWE	1970–72	10,783
Total			154,217

B. In the event the Parties do not reach a mutually satisfactory agreement on the terms of the trilateral arrangement envisaged in paragraph A of this Article, either Party may, by notification, terminate this Agreement. Before either Party takes steps to terminate this Agreement, the Parties will carefully consider the economic effects of such termination. Neither Party will invoke its termination rights until the other Party has been given sufficient advance notice to permit arrangements by the Government of Japan, if it is the other Party, for an alternative source of power and to permit adjustment by the Government of the United States of America, if it is the other Party, of produc-

tion schedules. In the event of termination by either Party, the Government of the United States of America may require the Government of Japan to effect the return of all special nuclear material supplied pursuant to this Agreement or the superseded Agreement and still in Japan, provided that the Government of the United States of America will compensate the persons, including the Government of Japan, returning such material for their interest in such material so returned at the United States Commission's schedule of prices then in effect in the United States of America.

ARTICLE XIII

The rights and obligations of the Parties provided for under this Agreement shall extend, to the extent applicable, to cooperative activities initiated under the superseded Agreement, including, but not limited to, material, equipment and devices and information transferred thereunder.

ARTICLE XIV

A. The "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy," signed on June 16, 1958, as amended, is superseded by this Agreement on the date this Agreement enters into force.

B. This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of thirty (30) years.

In witness whereof, the undersigned, duly authorized for the purpose, have signed this Agreement.

Done at Washington, in duplicate, in the English and Japanese languages, both texts being equally authentic, this twenty-sixth day of February, 1968.

For the Government of the United States of America:

DEAN RUSK,
Secretary of State.
GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of Japan:

T. SHIMODA,
Ambassador, Embassy of Japan.

Certified to be a true copy:

BARBARA H. THOMAS,
Division of International Affairs, USAEC.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 15, 1968.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed superseding "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", determined that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation. This is the agreement with respect to the negotiation of which you and Prime Minister Sato expressed satisfaction upon the conclusion of the Prime Minister's visit in November of last year.

The proposed agreement, which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended, would supersede the Agreement for Cooperation between the United States of America and the Government of Japan which was signed at Washington on June 16, 1958. The agreement has been amended by Protocols signed on October 9, 1958, and August 7, 1963, and is scheduled to expire on December 4, 1968.

The primary purpose of the proposed agreement is to provide the framework for assuring the long-term supply of enriched uranium fuel required for the thirteen Japanese power projects identified in the appendix to the agreement. The agreement also incorporates the benefits of the 1964 "Private Ownership" legislation respecting privately-arranged transfers of special nuclear material, which is regularly being accomplished with other bilateral partners when preparing new agreements of amendments.

In order to cover the fueling requirements of the Japanese power reactors over the economic life of the projects, the agreement would have a term of thirty years. The quantity of U-235 estimated to be necessary to fuel the thirteen identified reactors over the period of the agreement is 154,217 kilograms; an additional amount for research purposes has also been included in the overall U-235 estimate, bringing the net ceiling provided in Article IX to 161,000 kilograms. As in the case of Euratom, plutonium could be transferred under the new Japanese Agreement for fueling reactors and reactor experiments. Article VII provides the basic authority for such transfers and Article IX specifies a ceiling of 365 kilograms. This amount is to cover the short-term requirements of Japan in connection with its research and reactor development programs. The provision by the United States of enrichment services for the total 161,000 kilograms of U-235 under the proposed agreement would, under current prices, result in an export benefit to the United States of approximately 620 million dollars over the period of the agreement. Additionally, the 365 kilograms of plutonium would, at the current United States Atomic Energy Commission price, have a value of approximately 14 million dollars.

There are several features of the proposed agreement upon which I would like to comment. Provision would be made for Japan to receive materials for the performance of conversion and fabrication services for users in third countries, as is allowed in several other agreements, and also for users in the United States as is the case under the cooperation agreement with Canada. The proposed agreement does not contain an option for the United States to acquire special nuclear material produced in material obtained from the United States and is similar in this respect to the current agreements with Canada and the United Kingdom. Transfers of produced material outside Japan would require the approval of the United States. In addition to a guarantee by the United States of the peaceful use of produced material and equipment and devices transferred from Japan to the United States, the proposed agreement would extend this peaceful uses guarantee by the United States, as has been done in the case of the United Kingdom, to materials transferred to the United States. The peaceful uses guarantee of the United States in the agreement would thus be similar to that of Japan.

Consistent with the "Private Ownership" legislation of 1964, Article VI of the agreement would permit arrangements to be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other for transfers of special nuclear material. Such arrangements would be in addition to the government-to-government transactions currently allowed and would be subject to the ceiling limit of 161,00 kilograms of U-235 in enriched uranium and 365 kilograms of plutonium which may be transferred to Japan under the agreement.

Pursuant to proposed Article VII, as regularly incorporated in similar Agreements for Cooperation, the basic method for the supply of enriched uranium as to which there would be a transfer of title would, after December 31, 1968, be through uranium enrichment services for the account of the Japanese transferee requiring such service. Sale would continue to be possible under the proposed agreement if the Parties so desire. With respect to the provision of the enriching services, in the unlikely event the natural uranium required should not be reasonably available to Japan on the world market, the United States would be prepared under the proposed agreement to procure the necessary natural uranium on behalf of Japan. The amount of natural uranium which corresponds to the 161,000 kilograms of U-235 provided for in the agreement and which could be procured by the United States anywhere in the world, is approximately 30,500 short tons. Presently known as estimated United States reserves of natural uranium which can be produced at a price of $15 or less per pound are about 850,000 short tons. World reserves are, of course, much larger.

In addition, uranium enriched to more than twenty percent in the isotope U-235 may be made available to Japan, at the discretion of the Commission, when there is an economic or technical justification for such a transfer. In keeping with stated Commission policy, Article VIII also includes language which assures comparability for domestic and foreign users of prices for enriched uranium and of charges for enrichment services performed, as well as of the advance notice required for delivery.

The International Atomic Energy Agency is currently applying safeguards to materials and facilities transferred under the present Agreement for Cooperation and the proposed new agreement would provide that the International Atomic Energy Agency be requested to continue its application of safeguards to materials and facilities which would be subject to safeguards under the agreement. This would be accomplished through a revised safeguards agreement currently being negotiated among the United States, Japan, and the Agency.

Following your approval, determination, and authorization, the proposed agreement will be formally executed by appropriate authorities of the Government of the United States of America and the Government of Japan. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the agreement will then be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,

WILFRID E. JOHNSON,
Acting Chairman.

THE WHITE HOUSE,
Washington, February 19, 1968.

HON. GLENN T. SEABORG,
U.S. Atomic Energy Commission, Washington.

DEAR DR. SEABORG: In accordance with Section 123a of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me by letter dated February 15, 1968, a proposed superseding Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy and has recommended that I approve the proposed Agreement, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security and authorize its execution.

Pursuant to the provisions of 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) approve the proposed Agreement and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America;

(b) authorize the execution of the proposed Agreement on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

LYNDON B. JOHNSON.

SPEAKER JOE MARTIN OF MASSACHUSETTS

Mr. CASE. Mr. President, Joe Martin belonged to the group of political leaders without whom the difficult task of steering the Nation through deeply troubled times could hardly have been accomplished.

He was a good and kindly man, helpful to his juniors, fair to the opposition, and above all, loyal to the country he loved so well.

He had the respect of all his colleagues, both as Speaker and as minority leader.

CAMPUS OR BATTLEGROUND?

Mr. BYRD of West Virginia. Mr. President, a most excellent article concerning the recent disturbances at Columbia University in New York City was published in the May 20, 1968, issue of Barron's Weekly magazine.

Because of its timeliness the article was also published as a full-page, paid advertisement in the New York Times of May 26, 1968.

The article carefully rebuts the specious arguments put forth by those students who feel it is their "right" to destroy one of our country's great universities.

I feel this article deserves as wide a circulation as possible so that all concerned Americans will be aware of the seriousness of this problem.

I ask unanimous consent that the article from Barron's, entitled "Campus or Battleground?" be printed in the RECORD.

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

CAMPUS OR BATTLEGROUND?—COLUMBIA IS A WARNING TO ALL AMERICAN UNIVERSITIES

(NOTE.—This lead article from the May 20 issue of Barron's was written by Robert Hessen, a young instructor in Columbia University's Graduate School of Business, and candidate for a doctorate in the Department of History. It is being reprinted in the form of an advertisement by Dow Jones & Company, publishers of Barron's, in the interests of the wide audience the subject commands.)

A larger-than-life portrait of Karl Marx dominated the entrance of a classroom building; a red flag flew from its rooftop. Chains barred the doors of other buildings, and chanting mobs roamed across the campus. The scene might have been the University of Havana or Peking. It wasn't. It took place just a few express stops from Wall Street, at Columbia University, where, from April 23–30, student leftists seized and occupied five university buildings.

The siege tactics which disrupted Columbia and brought its normal activities to a halt represent the latest assault by a revolutionary movement which aims to seize first the universities and then the industries of America. The rebels are members of Students for a Democratic Society (SDS), a nationwide organization with chapters on over 250 campuses (Barron's, November 15, 1965, and March 11, 1968).

Originally, when SDS began as an outgrowth of the socialist League for Industrial Democracy, it repudiated communism as an authoritarian system and excluded communists from its membership. However, in 1964–65, SDS sought to broaden its power base by forming a united front with communist youth groups. Although SDS, continued to describe its objectives in such murky phrases as "participatory democracy," the real tenor of its philosophy can best be seen in its intellectual heroes, Marx and Mao; in its action hero, Che Guevara; and in its slogans scrawled across the embattled Columbia campus—"Lenin won, Castro won, and we will win, too!"

SDS' hard core membership at Columbia is fewer than 200 out of 17,800 students. But after it seized campus buildings, barred faculty and students from their offices and classrooms, and held a dean as hostage, its ranks were swelled by several hundred sympathizers, including many outsiders. SDS launched its assault on Columbia after failing peacefully to attain two of its political objectives on campus:

(1) The severing of Columbia's connection with the Institute for Defense Analyses, a government-sponsored consortium which performs research and analysis relating to national defense and domestic riot control. SDS complained that Columbia's affiliation was aiding America's "imperialist aggression" in Vietnam, while at home I.D.A.'s studies in riot control were designed to suppress demonstrations by anti-war groups.

(2) A halt to the construction of a new gymnasium in Morningside Park, which adjoins Harlem, on land leased to Columbia by the City of New York.

SDS claimed that Columbia was guilty of "institutional racism," that the university was poaching upon the territory of the adjacent Negro community, and that the separate entrance for the part of the gym set aside for use by the neighborhood children constituted "Gym Crow."

In fact, the Columbia gymnasium had been warmly endorsed by over 40 Harlem community groups when it was announced eight years ago. It would occupy only two of the 30 acres in Morningside Park. Its presence would create an atmosphere of safety in an area which is now the territory of muggers and addicts. Separate entrances would be necessary because Columbia students would enter from the Heights on which the university is located, while Harlem residents would more conveniently reach the gym through the park which lies some 200 feet below. The issue is not one of bigotry but of geography.

SDS spokesmen claimed, truthfully, that they had sought to arouse the Columbia community into opposing the gym and the I.D.A. links. They admit that their campaign was a failure, which they ascribe to student and faculty apathy, and to the administration's refusal to hear and to heed their policy recommendations.

SDS rebels then resorted to their ultimate political weapon: the initiation of physical force, believing that they had a moral right to do so because they were "acting in a good cause." In the past, they had released many trial balloons to test this technique: they had obstructed N.R.O.T.C. graduation ceremonies; they had staged sit-ins in the offices of university administrators; and they had prevented recruiters for business firms and the C.I.A. from interviewing on campus. In each case, the consequence had been a polite rap on the knuckles, a verbal reprimand devoid of significant penalties such as expulsion or criminal prosecution.

On April 23, after trying to block construction at the gym site, SDS demonstrators and their militant Negro allies, members of the Student Afro-American Society, returned to campus. At the urging of their leaders, they marched on Hamilton Hall, the main classroom building of Columbia College. They were determined to barricade themselves in until the university met their demands. An unexpected fissure occurred within the ranks of the rebels who claimed to be united in their opposition to racism: the Negro militants ordered the whites to get out, and SDS complied. SDS then proceeded to capture a base of operation of its own. The rebels first seized the administrative offices of President Grayson Kirk in Low Library, and later three more classroom buildings.

Most students reacted with bewilderment and outrage. They demanded to know why the campus police had not been called in, and why the rebels were allowed to receive reinforcements of manpower and food. They witnessed caravans of litter-bearers marching across campus with cartons of supplies, as if their destination were a country picnic. Many students also wondered why the administration had not ordered the cutting off of electricity, water and telephones inside the buildings held by the rebels, since it was known that they were making Xerox copies of President Kirk's letter files and formulating strategy with outside allies by phone.

The administration's failure to take prompt action evidently sprang from a number of motives: fear of bad publicity; uncertainty about the morality of using the police to uphold law and order; reluctance to make a decision which might prove unpopular with some of the faculty, students or alumni; anxiety that members of the Harlem community might march on Columbia if police were used to clear the buildings; and the delusion that if they took no punitive action, the rebels would recognize them as men of good will. An SDS leader later admitted that if President Kirk had responded within the first hour, or even the first day, by sending in the university's own security police, the rebels would have "folded like a house of cards." By its inaction, the administration gave the rebels time to organize their resistance, bolster their morale and mobilize sympathizers and supplies from the outside.

Members of the senior faculty attempted to mediate between the administration and the rebels. But their efforts were futile, since they were faced with an impossible assignment: to devise a peace formula ambiguous enough to satisfy both sides—which meant that the terms of settlement had to both promise and refuse amnesty for the rebels. The faculty mediators labored under the belief that the rebels would be willing to negotiate for a peaceful solution to the mounting crisis. What they discovered, however, was that every concession made by the administration only produced escalated rebel demands. SDS' ultimate demand was that they be granted total amnesty as a pre-condition for negotiation.

It grew increasingly obvious that the rebels would not withdraw from the buildings until forced out by the police. They wanted blood to be shed, so that they could raise the cry of "police brutality," acquire the aura of martyrdom, and thereby win the majority of students and faculty to their side. Regrettably, President Kirk played right into their hands, by waiting until the sixth day of siege before calling in the police. The only other alternative open to him at that point would have been total capitulation, a final act of appeasement which would have served as an engraved invitation to renewed rebel demands in the future. The proper time to have acted against the rebels was at the outset of the siege, when a few dozen campus security officers could have achieved what it later took nearly 1,000 city police to do, at a price of over 100 injured rebels, spectators and policemen.

The aftermath of calling in the police was an upsurge of sympathy for the rebels. Their allies on campus called for a general strike by students and faculty to protest the use of police and to demand the ouster of President Kirk for having called them in. One mark of the effectiveness of this strike is that Columbia College, the undergraduate division of the university, voted to end all classes for the rest of the semester, which was scheduled to run another month. The strikers also won support from those who disapproved of both the tactics and objectives of SDS, but who wished to take advantage of the strike to bring about what is cryptically described as "restructuring of the university."

Even those most sympathetic to SDS, however, do not deny that the issues of I.D.A. and the gym were merely pretexts to justify the resort to force. SDS' short-range objective is to achieve "student power," which means total control over the university. They seek student veto power over appointment and tenure of faculty, admission of new students, courses offered by the university, degree requirements and the disposition of university funds. They propose to "radicalize the faculty," which means to purge it of conservatives and of law-and-order liberals who oppose the initiation of force to achieve political ends. As befits socialists, they regard the university as just another natural resource awaiting their expropriation.

But the long-range objective of SDS is even more sinister. As a sympathetic article in The New Republic (May 11, 1968) states: "The point of the game was power. And in the broadest sense, to the most radical members of the SDS Steering Committee, Columbia itself was not the issue. It was revolution, and if it could be shown that a great university could literally be taken over *in a matter of days* by a well-organized group of students, then no university was secure. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

The rebels have no patience for any slow process of change. They are tired of "just talk"—they want "action now." They will tolerate no opposition. They are indifferent to the fact that their tactics will destroy Columbia University by driving out the best minds, just as Nazi terror tactics drove the Jewish intellectuals out of the universities of Germany. But there is a crucial difference now. While men like Einstein could escape to England or America during the 'Thirties, SDS will try to close all avenues of escape. The use of intimidation and force will spread until there will be no sanctuary for men of reason within the academic world, or, ultimately, within the nation. One need only consider the fate of conservatives and liberals alike in countries which have been overrun by SDS' intellectual mentors: Mao's China and Castro's Cuba.

Since SDS tactics have succeeded in crippling a great university, the next targets can be City Hall, the State Capitol, or even the White House. If this prediction seems alarmist, consider the fact that SDS sympathizers known as "Yippies" already have announced plans to intimidate and disrupt the Democratic National Convention in Chicago this summer, in order to extract concessions on platform and candidates.

Whatever the final outcome of the Columbia strike, one thing is certain: the methods used at Columbia will be embraced by other student leftists on campuses throughout the country. Those who resort to force will justify their tactics by the same arguments advanced by the Columbia rebels and their apologists. If this national menace is to be checked, it is imperative that one know how to answer them.

(1) Some rebels claim that none of their tactics involved the use of force. This was true only in the narrow sense that they did not shed blood. But force was inextricably involved in every act that they perpetrated. They held the Associate Dean as hostage against his will—that was force. They barricaded faculty and students from their offices and classrooms—that was force. They seized property which was not rightfully theirs and refused to release it until their demands were met—that was force. Each of these is punished as an act of force under the civil laws of our society. They are the crimes known as false imprisonment, criminal trespass and extortion.

If these acts were perpetrated by a lone individual, their criminal character would be obvious. If a single felon had held the dean hostage, or seized the office of President Kirk, rifled his desk and copied his files, no one would have confused him with an idealistic, "committed" crusader. On an individual basis, if someone demands that you grant him wealth or power that he has not earned and which he can only obtain by threats of violence, one does not doubt for a moment that he is an extortionist. The act of a lone thug does not become legitimatized when he teams up with other hoodlums. As Ayn Rand noted in "Capitalism: the Unknown Ideal," no individual can acquire rights by joining a gang. "Rights are not a matter of numbers—and there can be no such thing, in law or in morality, as actions forbidden to an individual, but permitted to a mob."

(2) Other rebels admit that they used force, but claim that force is justified when peaceful tactics fail. The fundamental political principle that all men must respect is that no individual or group may initiate the use of force for any purpose whatsoever. To accept SDS' alternative amounts to carte blanche for violence, and invites the complete breakdown of the rule of law.

To understand the grotesque irrationality of SDS' argument, consider the following. Imagine that there were a student chapter at Columbia of the Ku Klux Klan, which was protesting the proposed use of the new gym by Negroes. They tried, through campus rallies and petitions, to arouse the students, faculty and administration to support their demands, but their peaceful tactics failed. If this group then proceeded to seize university buildings and hold members of the administration as hostages, would anyone have condoned their use of force, or have called for negotiations and compromise? The principle is the same: the initiation of force to achieve one's political objectives is both immoral and illegal, regardless of whether the initials of the aggressors are KKK or SDS.

(3) The rebels claim they were justified in using force because the administration had refused to give them a hearing on their demands for change. A university, like a well-run business, should be interested in knowing whether it is satisfying its customers. If it provides students with incompetent faculty, or poor laboratories or libraries, or supports political policies which they oppose, it is in the university's self-interest to maintain open channels of communication so that grievances can be expressed and remedial actions considered. Students who are dissatisfied with any aspect of a university's policies have a right to peacefully protest and petition, and even in extreme situations, to boycott classes or organize a student strike. But they have no right to compel anyone to listen to their demands, nor a right to force other people to go on strike with them by prohibiting access to classes or by creating a general climate of terror to intimidate those who would oppose them.

(4) The rebels claim that since force is justified when peaceful tactics fail, they should be granted full amnesty. The single best answer to this argument is provided by Professor Leonard Peikoff in his forthcoming book, "Nazism and Contemporary America: the Ominous Parallels," who says: "The demand for amnesty on principle is the demand for the abdication on principle of legal authority; it is a demand for the formal sanction in advance of all future acts of force and violence, for the promise that such acts may be perpetrated hereafter with impunity. It is a demand to institutionalize the appeasement of brute force as a principle of civil policy in this country."

(5) The rebels claim that police represent violence, and therefore should not be used on a college campus which is a citadel of reason and persuasion. Here the rebels evade the fact that they were the ones who first resorted to violence. They obliterate the distinction between criminals who initiate the use of force and the police whose function it is to retaliate with force to restore peace and to protect the rights of the victims.

(6) The rebels claim that their quarrel with the administration was purely an internal dispute, hence the introduction of police represents meddlesome interference by outsiders. By the same reasoning, one could just as well conclude that if workers seize a factory, customers seize a store, or tenants seize an apartment building, these, too, are internal matters and do not justify calling in the police. In reason there can be no such concept as an "internal dispute" which allows someone to be victimized and prevented from calling the police. Those who violate property rights are scarcely in a position to claim that their conquered territory is "private property" upon which police may not enter.

(7) Rebels should not be criminally prosecuted. After all, they are students, not criminals. One need only remember that it was Nazi students who set fire to university libraries and terrorized professors. Being a student does not grant one an exemption from the laws which prohibit attacks on human life and property. The rebels acted like criminals and should be punished as such.

(8) It is impractical to suspend or expel the student rebels because there are so many of them. This amounts to saying that if a sufficiently large mob breaks the law or violates individual right, it will be immune from punishment. If this principle is accepted, then every lawbreaker will be safe from prosecution if he can find enough members for his gang. This will provide the leader with an absolutely irresistible recruitment device, and invite the outbreak of a reign of terror.

(9) Admittedly the rebels violated property rights, but calling in the police could result in injury or loss of life, which is more important than loss of property. This argument amounts to saying that the lives of aggressors are more important than the property of victims. In action, this would mean that the police should not restrain rioting mobs from looting stores, or interfere with the KKK when it uses firebombs on Negro churches. On this principle, any victim of theft or expropriation would be advised to surrender his property—his wallet or warehouse—without resistance, lest the thief be hurt in the struggle. Acceptance of this principle would make every individual the defenseless target for any vandal or socialist.

The Columbia crisis vitally affects the life of every American. No one's life or property can be secure in a society which tolerates the use of force by any group to achieve its goals. And no one will be safe as long as college and civil authorities persist in their policy of answering aggression with appeasement.

Now is the time for intelligent counteraction. One means is to withhold financial support from colleges which condone or compromise with student terror tactics. A second is to write to the president and trustees of colleges urging that they endorse the following position: that their institution offers no sanctuary to any group which advocates the initiation of physical force, and that they will act immediately and without hesitation to expel and criminally prosecute any student guilty of such tactics.

Men need to live by the guidance of rational principles and to resolve their disagreements peacefully. It is both immoral and impractical to abandon principles in a time of crisis, and then hope to survive on the basis of pragmatic expediency and cowardly compromise. Each time that a violation of individual rights is tolerated, it serves as an invitation for future violations. A free society cannot survive unless men of reason rally to its defense.

PESSIMISM ABOUT THE WAR IN VIETNAM

Mr. McGEE. Mr. President, Columnist Joseph Alsop has been highly critical of his own calling, that of journalism, for

being largely responsible for the "near-French mood" which would accept a defeat in Vietnam at a time when defeat is far away. The press and its allied media, he reports, are between a rock and a very hard place because of their quickness to accept and pass on all varieties of pessimistic reports regarding the progress of the war in Vietnam, while overlooking, largely, the very real evidence that the war's climax could well be approaching.

Instead of the hard place, Alsop hopes we will get the rock—"which means a great many people looking idiotically silly because we have finally won the war they said could not be won." That, of course, is half the choice a large segment of the press has brought upon itself. If we do win, as I am confident we will, Mr. President, they will look silly. If we do not it will be because the American resolution has been sapped by pessimism. In the event, I fear, the press will bear much blame, just as Mr. Alsop states in his article, which I have taken from the Denver Post for May 19, and which I ask unanimous consent to have printed in the RECORD.

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

ALSOP BLAMES PRESS FOR MISLEADING PICTURE OF WAR

(By Joseph Alsop)

Because of the Vietnam war, the American press and its allied media now appear to be between a very rough rock and a very hard place. For a newspaperman who remembers with relish and some pride no less than 36 years of active reporting, it is a dreadful thing to have to say. Yet if we win the war, as I still think we shall, both the press and the allied media will certainly look inconceivably foolish. And if we lose the war, the press will just as certainly be blamed—whenever the horrible inquest begins that will surely follow the first defeat in war in American history.

There you have both rock and hard place, simply and crudely defined. Both the hard place and the rock result from the tone and character of the reporting from Vietnam, of the endless published analyses of Vietnamese developments and of the interminable editorializing about the war by all but a minority of those engaged in the pursuits. This does not mean for one moment that the vast majority of reporters, editorial writers and the rest are not courageous, industrious and honorable men who have sought to tell the truth according to their lights. But it does mean that for one reason or another, to which I shall try to come later, the part of the truth most of them have told has conveyed an exceptionally misleading picture of the whole truth.

The easiest way to gauge how totally misleading that picture has been is to glance at the amazing letter that Arthur Schlesinger Jr. published on March 22 in the Washington Post. The letter was a plea, no doubt honestly anguished, for the immediate evacuation of Khe Sanh.

Schlesinger began by accusing Gen. William C. Westmoreland of "repeating the fatal error of the French (by placing) a large body of troops out in the hills where they can be surrounded and cut off." This, exclaimed Schlesinger, "is precisely what we have succeeded in doing at Khe Sanh. Today, 5,000 American soldiers are surrounded and cut off by 20,000 of the enemy, every night creeping and burrowing further in toward their target." Putting on a borrowed field marshal's hat, Schlesinger then explained that no "people in their senses" could possibly "suppose that airpower will now 'save' Khe Sanh in case of attack." He contemptuously dismissed General Westmoreland as a "tragic and spectacular failure." He included the usual sneer at President Johnson. And so he reached his grand climax, as follows:

USE OF AIRPOWER

"Yes: airpower is one vital difference between Khe Sahn and Dien Bien Phu. For, if airpower cannot save Khe Sanh, it may still save the men in Khe Sanh. Let us (use airpower to evacuate Khe Sanh), before enemy antiaircraft batteries interdict our flights, before enemy mortars destroy our landing strip, before enemy shock troops overrun the base. Let us not sacrifice our brave men to the folly of generals and the obstinacy of presidents."

In short, Schlesinger was firmly convinced, as late as March 22, that Khe Sanh and its defenders were sure to be overrun. If his conviction had not been absolute, he would hardly have risked writing such a letter, which he can hardly look back upon today without self-doubts. But—and here is the rub—much of the American press and most of the allied media need only to read the Schlesinger letter to see themselves, as in a mirror. He was perhaps overeager to believe the worst, and he seems to have taken very poor military advice. But he was above all misled by his informants; and his chief informants, one may be sure, were the front pages and the television shows. "The agony of Khe Sanh" was one of the current phrases and others might be cited.

What, then, was it really like, and what actually happened? To begin with, Khe Sanh was no more agonizing, though it was a damned sight more tedious and long drawn out, than any other combat experience. We had four battalions in Khe Sanh—the 26th Marine Regiment plus a battalion of the 9th Marines—and the South Vietnamese, of which Schlesinger appears not to have heard, had the equivalent of two battalions. Like any battle, Khe Sanh produced its honored dead, for this, alas, is what battles always do. But between the beginning and the end of the siege, the American units at Khe Sanh actually lost, in killed, not many more than 200 men, whereas a single battalion of Marines lost 70 killed—about one-third of the comparable losses of four battalions at Khe Sanh—in the recent hard heroic fight for Daido, which lasted only a few days.

ARTILLERY FAILURE

At Khe Sanh, again, the American casualties mainly resulted from enemy artillery and mortar fire, rather regularly described as "infernos of incoming." And this was a fairly curious phrase for an enemy rate of fire that averaged only 192 artillery and mortar rounds per day throughout the siege. When I was there for a bit more than a day, for instance, the Khe Sanh base took 154 incoming rounds. That was a bit below average, but it is still worth noting that, except for four badly misaimed rounds fired at the landing zone when I was waiting for a departing helicopter, I actually heard a grand total of three incoming rounds. And despite other infirmities, I am not yet deaf, and the tough and able Khe Sanh commander, Col. David Lownds, kindly allowed me to accompany him on a long tour on foot around the whole big base, with the exception of the South Vietnamese positions and the hill outposts held by our Marines beyond the perimeter.

The truth is, indeed, that one of the major but untold stories of Khe Sanh was the astonishing failure of Gen. Vo Nguyen Giap's logistical planning for his artillery. Besides mortars, Giap had caused to be emplaced, with infinite labor, a minimum of 210 artillery tubes—some estimates go as high as 370 tubes—on a long arc from Co Roc in Laos, along the demilitarized zone, to Cao Muy Le on the coast. Giap had the guns, in short; but at Khe Sanh and along the DMZ his really ludicrous average rate of artillery fire, again excluding mortars, was less than one round per gun per day in the period of the siege.

Nor is that the end of the story, by any means. On March 21, the day before Schlesinger published his letter, the last of the serious assaults on Khe Sanh was attempted. It failed in a most sanguinary fashion because of our Marines' courage and the terrible power of our air and artillery. There were either three or four or five such attempts in the course of the siege—the number is disputed among the Marines themselves—and all failed in the same manner.

The failure of the last assault, so beautifully coordinated with the Schlesinger letter about Khe Sanh being "overrun," seems to have been the signal for the withdrawal into Laos of one of the two besieging North Vietnamese divisions, the 325–C. This was, in fact, the beginning of the end of Giap's ambitious plan. Despite the inability of "people in their senses" to imagine anything of the sort, airpower was already starting to break the Khe Sanh siege when Schlesinger wrote his letter; for it was the air that hurt the enemy most cruelly and forced the 325–C to withdraw to lick its wounds.

The situations of the besiegers at that time can be gauged from one of the pitiful little diaries that the North Vietnamese troops quite often keep. The diary, of a private named Vu Xuan Mau, was picked up outside the Khe Sanh perimeter after the siege was formally and finally broken in the first days of April. Mau's last entry was: "At Khe Sanh on March 23, a day full of bitter hardships and bloodshed."

FEARFUL TOLL

The agony of Khe Sanh was in reality experienced, not by our brave, hardy but relatively fortunate men in the combat base, but by the unhappy wretches like Private Mau. They were condemned to endure nearly three months of incessant and terrible B52 strikes, plus other air attacks, plus the kind of artillery fire that is maintained by U.S. guns with full logistical support. And what they endured took a fearful toll.

When the 1st Battalion of the 9th Marines moved out from the perimeter on April 4, prisoners of war immediately began to be taken, documents far more important than poor Mau's diary began to be found and mass burials began to be discovered. The most careful analysis of all the resulting data has now revealed that the two enemy divisions at Khe Sanh, the 325–C and the unfortunate 304th, which had to hang on to the end, pretty certainly lost a total of about 10,000 men in the course of the siege. And in the grim mathematics of war, an exchange of 200-plus Americans (and a proportional number of South Vietnamese) against 10,000 North Vietnamese regulars is the very opposite of a "tragic and spectacular failure."

Once again, moreover, that is by no means the end of the story. Unless General Giap is stark, staring mad, the siege of Khe Sanh was unquestionably no more than one part of a much larger, more ambitious military plan, the Tet offensive. And we should give thanks on bended knee that Giap saw fit to tie up two of his divisions at Khe Sanh as part of his Tet plan. In the entire morass of nonsense published about Tet, very little indeed has been said about the one really dangerous situation that the offensive temporarily produced. This was in the two most northerly provinces of South Vietnam. Here much was written about the long, rough battle for Hue; but almost no attention was given to the disturbingly precarious supply situation caused by bad weather, the weight and persistence of the enemy attacks and the resulting breaks in all the usual supply lines.

The position might well have become really unmanageable—the two most northerly provinces might even have been partly over-

whelmed—if Giap had massively increased the weight of his attack in the two province-areas by using the two divisions that were fruitlessly tied up at Khe Sanh. He saw his error soon when the Hue fighting began. He took two battalions apiece from the two divisions at Khe Sanh, and he marched them south to aid his troops at Hue; but this was too little and too late. Whereas if General Westmoreland had not committed that "tragic and spectacular" error of refusing to abandon Khe Sanh, two additional North Vietnamese divisions would have been freed, pre-Tet, for other uses in the two northern provinces; and if that had happened, the consequences would surely have been grave.

DIFFERENT PICTURES

Compare, then, these hard facts concerning Khe Sanh and the fighting there with the picture of Khe Sanh conveyed to Arthur Schlesinger, who is, after all, an exceedingly intelligent albeit a violently partisan man. Remember, too, that this disparity between the reality in Vietnam and the picture given to the folks back home has been a standard phenomenon throughout much of the war. Countless examples might be cited, but one more must suffice. The most instructive, probably, is the constant denigration of the South Vietnamese army (ARVN) that was a pre-Tet fashion in sectors of the American press. This even earned a mention in dispatches by General Westmoreland for the newspaper that claims preeminence and one of the leading agency reporters in Vietnam.

In a message to the Defense Department, General Westmoreland addressed himself to one of the real puzzles of the Tet offensive: how on earth General Giap could have based his whole plan on the stated expectation of a "general uprising" by the urban population and of widespread defections among the ARVN units. On the second point, General Westmoreland noted that Giap had demonstrably been lied to, on an enormous scale, by the special "troop proselytizing" apparatus of the Viet Cong. But he added that he could hardly blame General Giap for being deceived, since the lies of the VC "troop proselytizing" apparatus had appeared to be so largely confirmed by the Great American newspaper and the famous press association mentioned above. With mild irony he concluded that these latter must now appear in Hanoi as important participants in a big American deception-plan—for there was no defection anywhere, and almost all the ARVN units, though understrength because of the national holiday, fought very well indeed during Tet.

Meanwhile, however, the denigration of ARVN had already fed back into the American political scene. In a Senate speech, for instance, Sen. Robert F. Kennedy described the South Vietnamese troops as "skulking and malingering" while our Marines carried the burden of the battle for Hue. The news of the senator's speech reached Vietnam when I was in I Corps, and I have rarely seen angrier men than the Marine officers who had fought in Hue along with the South Vietnamese. Nor was this surprising. In their impact on an obstinate enemy, and in the sacrifices they made themselves, the South Vietnamese in the Hue battle performed almost identically with our own Marines. They had, for example, 7,704 men engaged, and they took 2,134 casualties, suffering losses almost exactly proportional to our losses, which were happily quite substantially smaller, since we had substantially fewer men engaged.

Furthermore, the South Vietnamese in Hue were fighting under heavy handicaps, as compared with our men. They almost wholly lacked the tanks and other big weapons that gave our units much greater organic firepower. Their arrangements for replacements were much more primitive than ours; and after the first days of sharp contact, not a few ARVN battalions had to fight on, and did fight on, after they had been reduced to 200 men or less. Furthermore, they were frequently called upon to attack, and regularly did attack, when they had to traverse over 100 yards of the enemy's field of fire before they could bring their own weapons to bear.

SAW TROUBLE AHEAD

That highlights another point of great significance that was wholly omitted from the pre-Tet denigrations of the ARVN. Briefly, General Westmoreland saw trouble ahead, and asked for M-16 rifles and other improved equipment for the ARVN as long ago as 1965. For budgetary reasons, apparently, action on Westmoreland's request was long deferred by Secretary of Defense Robert S. McNamara. Thus, on the one hand, the ARVN units have always been immeasurably weaker than our units, in organic firepower, in all sorts of backup resources and, above all, in mobility—and they will still be much weaker, despite the M-16 rifles that are now being provided at long last. And on the other hand, there was a long period when the ARVN units even had substantially less firepower than the newly re-equipped VC and North Vietnamese units.

Here we have the story of Korea all over again; for the Korean divisions were also denigrated during much of the Korean War, whereas their main weakness arose from the simple fact that they had been grossly underarmed by their American suppliers. This does not mean, to be sure, that the ARVN has ever been an ideal army, or that better weapons and more mobility will automatically make it into an ideal army. When President Johnson finally intervened in earnest in Vietnam, the ARVN was already a defeated army, and every South Vietnamese officer knew as much. It takes time to bring back a defeated army to a state of self-confident proficiency. It takes even more time, too, to implant a fully modern military system in a traditional Asian society; and this process was not really completed in Korea until President Chung Hee Park finally came to power. Patience is always needed in such matters. But instead of patience we have too often had the kind of shameful injustice Senator Kennedy was led to commit.

AN UNENDING WAR?

When I ask myself why Senator Kennedy and so many others have been so regularly misled on so many key points concerning the war, I confess to a certain bewilderment. The fashions of the moment certainly have much to do with it. What has happened in Vietnam in this war resembles, on a vastly larger scale, what happened in the press hostel in Chungking in the war years in China. The fashion then was to make heroes of those virtuous agrarian reformers, Mao Tse-tung and his bloody-minded friends; and just about the only American reporter to avoid making an ass of himself by refusing to follow the fashion was Arch Steele of the old Herald Tribune. Then, too, in the Diem years in Vietnam, certain newspapers acquired what can only be called a vested interest in disaster, and since these were the Saigon bureaus with the greatest continuity, they had great leverage with later-comers. Then again, among younger newspapermen particularly, there is a strange new theory that all American officials and most American military officers are joined together in a vast conspiracy to gull the home folks, which it is the reporter's duty to attack and expose, as though he were attacking and exposing corruption in city hall. It seems an odd approach to an American war, but it is certainly there.

This does not mean for one moment that the pessimists have always been wrong or that the minority of optimists have always been right. As I look back over my own coverage of the war, I think I have been broadly right about the war's larger patterns, both when I was very much more gloomy than any of my colleagues in the year prior to the American intervention, and after the intervention when I have been more hopeful than most. On the other hand, although I think I got the patterns right, I am well aware that I have sometimes been overoptimistic about the war's time-frames—in part, as overreaction to the sort of stuff that was so widely written about Khe Sanh. Yet the fact remains that this has never been, and it is not now, a hopeless and unending war; and conveying just this impression has been the main thrust of far too much of the reporting, analyzing and editorializing.

So we get back to that rock and that hard place. Concerning the hard place, it must first of all be remembered that the Hanoi war leaders' aim has always been to win the war in Washington, by the impact in America of their seeming success in Vietnam, just as the Viet Minh won the French war in Paris rather than at Dien Bien Phu. Here it is worth noting that the official Hungarian Communist newspaper sometime ago published extracts from a strikingly interesting lecture on Dien Bien Phu, given by General Giap during a visit to Hanoi by Hungarian Foreign Minister Endre Sik.

"The battle of Dien Bien Phu," Giap was quoted as saying, "was essentially the last desperate exertion of the Viet Minh . . . Had we not been victorious there . . . our armed forces were on the verge of complete exhaustion . . . We had to put everything on one card." There are many reasons for believing, and Douglas Pike and all the other truly informed analysts in fact believe, that the motive for the Tet offensive was that Hanoi was in serious danger of losing the war of attrition and, therefore, "had to put everything on one card." A major publication that at first reported the Tet offensive in the most lurid and gloomy terms more recently came around to the view that Tet was a military defeat but a "psychological" success for the enemy. Yet if Tet was a "psychological" success, this was almost solely because the offensive military motives, its true military results and most of its local effects were, in the main, painted in colors in America that had few recognizable links with the basic realities in Vietnam.

ON ONE CARD

That was the reason, of course, why Tet was so profound a shock to American opinion. Having put so much "on one card" at Tet, the Hanoi war-planners are plainly going to the most desperate lengths in order to try the same thing all over again. What the outcome will be and, above all, how it will be represented here at home, none can foretell. What the Hanoi war leaders will do if their next attempt fails or is aborted also cannot be foretold precisely—although it is clear that they will then be in very bad trouble in South Vietnam.

Again, one cannot foretell with precision the effect of the talks, the partial bombing halt and any future tension of the bombing halt, either in time or in area—but it is clear that the Hanoi war leaders are already beginning to exploit to the full the reduction of pressure, the release of resources by the partial bombing halt and the general easing of their situation that these factors have produced. Unless the President is very firm and very clearheaded, all this may perhaps produce exceedingly worrying consequences on the battlefield, at any rate for a certain period.

The main thing is that the war situation has at length begun to have a strongly climatic smell. Hence, if the American people have the sturdiness and resolution not to imitate the French, an acceptable end of the war should therefore come into sight eventually, whether at the negotiating table or in other ways. Meanwhile, the trouble is that a near-French mood, God save the mark, has been created in many quarters in America. But if this mood leads to final defeat, and

there is a subsequent inquest—as there will surely be—the inquest cannot take the form it did last time. There will be no unlucky foreign service officers to serve as convenient victims, although they had far less influence on events and displayed considerably better judgment than most of the denizens of the Chungking press hostel. In the next round (which heaven forfend), the press and the allied media can hardly avoid being front and center; and if there is a next round, the American people's notable distaste for defeat in any form will probably insure even more injustice and ugliness that we experienced in the last round.

So I can only hope that instead of the hard place we get the rock—which means a great many people looking idiotically silly because we have finally won the war they said could not be won.

DANGER DAYS IN WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an editorial which appeared in the Williamson, W. Va., Daily News on May 22, 1968, entitled "Danger Days in Washington."

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

DANGER DAYS IN WASHINGTON

Those persons who fostered and promoted the Poor People's March on Washington should be ashamed today of what they have wrought. Thousands of weary and disenchanted people, who have been enticed to travel thousands of miles from their homes, now find themselves in a strange city without proper food, clothing and shelter.

Conditions at the shantytown settlement near the Lincoln Memorial became so bad over the week end that one of the leaders of the march asked that a halt be called in enlistments in the campaign for the present time. However, another spokesman for the march announced plans to have one million persons demonstrate in Washington on Memorial Day, May 30.

The Nation's capital is sitting atop a powder keg and it is terrible to think what might happen before this irresponsible activity is brought to an end. President Johnson warned earlier this month that the idea of building a poor people's "shantytown" in Washington contained many "inherent dangers." He certainly was right. Under the circumstances which exist with this demonstration no one can guarantee that it will remain a nonviolent protest. Already there has been talk of massive acts of civil disobedience designed to disrupt the orderly processes of government.

At an Education Press Association luncheon the other day in Washington, the Rev. Andrew Young of the Southern Christian Leadership Conference, gave an indication of what specific form these acts might take. Referring to the Department of Agriculture, Mr. Young said:

"We might have to go down there and hang around that office and raise hell for a couple of weeks. . . . I just don't think the Department of Agriculture can stand for 5,000 people standing outside and praying for them. . . . And, if that doesn't work, we might march around the halls or something . . ."

Meanwhile, other march organizers have disclosed plans to pack congressional hearing rooms with hostile spectators. And others say they will stage sit-ins on suburban freeways during the evening rush hours. No one can guess where such activity will lead once the disorganized, frustrated and angry crowds have been worked into a frenzy by the constant agitation of their leaders.

Even without the influx of thousands of protestors, Washington has been in serious trouble. According to the Washington Post, more than 50 incendiary fires have been reported in the Nation's Capital, in the last six weeks; windows, many of them just installed as replacements, are being broken every night. Merchants tell of incidents in which their stores have been vandalized by gangs. Others say they have been threatened. Those merchants who say they are not bothered usually go on to explain that this is because everyone knows they are heavily armed and are ready to shoot intruders.

We cannot understand why the Federal Government has failed to take effective legal means to control or put an end to the massive demonstrations launched under the banner of the poor. We do not know why Federal authorities do not enjoin the setting up of a shantytown within the boundaries of the National Capital. The least the Johnson Administration could have done was to reach an agreement with the leaders of the march to limit the scope of the large-scale demonstrations. Unfortunately this was not done and the rather passive attitude by our Government only encourages those among the marchers who are eager to foment lawlessness and disorder. If this demonstration does get out of hand it is certain to have an adverse effect on the passage of legislation already under consideration by the Congress to further help the poor. The leaders of the Poor People's March should not forget this danger which they face in calling together thousands upon thousands of persons in unfamiliar surroundings and without adequate means of survival.

AFFRONT TO GARY, IND., AND TO CONGRESS

Mr. BAYH. Mr. President, Representative JAMES B. UTT, of California, placed in the RECORD of May 9, 1968, a series of articles about Gary, Ind., written by John J. Synon. Representative JOHN R. RARICK, of Louisiana, placed the same articles in the RECORD of May 21.

Mr. Synon is described as a "syndicated columnist," apparently in an effort to lend credence to his so-called reports. But there is no further effort to describe Mr. Synon. Nor is there any indication of where these articles were published.

The articles themselves might best be described as poison-pen letters from a warped and poisoned mind. Negroes are described, at one point, as "apes." Ethnic groups are described in demeaning terms. Among other things, they are classed as "brawlers" and it is suggested that "physical violence is the stuff they are made of." Catholic women are described as thoughtless; the suggestion is made they would vote for a Catholic for President at the behest of their church.

Through all of this, no effort is made to quote anyone. Hateful and false statements are attributed to "a resident," to "a voice," to "the father of a teenage student." One man is quoted. His name is misspelled, and he categorically denies every statement attributed to him by the writer. It is suggested this businessman packs a gun; this is false. He is quoted as saying that every employee at a Gary jewelry store wears a gun in plain view; the man has never been inside that store, and the employees do not wear guns. The man does not even remember meeting Mr. Synon.

The sole purpose of these articles is, of course, to suggest that Gary, Ind., is "a city without hope" because its residents have elected a Negro mayor. The sole purpose is to spread lies so as to inflame passions.

This is old stuff, Mr. President. We are used to the hatemongers in our midst, and we are great and strong enough to allow them to spew their venom and watch it run off into the sewers which spawned it.

As one might expect, the "Directory of Syndicated Newspaper Features" published by Editor and Publisher does not list Mr. Synon. "The Working Press of the Nation, Volume IV," which is a directory of feature writers and syndicated writers, does not list Mr. Synon. We do know that Mr. Synon used to be a lobbyist in the pay of Portugal. We do know that Mr. Synon was a lobbyist in the pay of the State of Mississippi to work against the civil rights bill of 1964. We do know that Mr. Synon was the salaried director of the National Putnam Letters Committee, an organization dedicated to the proposition that Negroes are biologically inferior to Caucasians. We do know that Mr. Synon was the self-styled "brains" behind the Patrick Henry Press—which he said was owned by his wife—which has distributed material claiming that Negroes are some 200,000 years behind whites in evolutionary development.

What we do not know, Mr. President, is why two Members of Congress would deliberately place in the CONGRESSIONAL RECORD articles written by such a man without giving us the benefit of his "credentials," and describe him only as "a syndicated columnist." What we do not know is why Representative RARICK would describe these reports as "factual." Mr. RARICK was born in Indiana, but we wonder when he last had the opportunity to study carefully the city of Gary to determine whether the filth he has placed in the RECORD is, indeed, "factual." Mr. RARICK suggests that these articles tell of "the frightening death of a midwestern city—Gary, Ind.

For Mr. RARICK's benefit—and for the benefit of Mr. UTT and Mr. Synon—let me say that Gary, Ind., has many problems, just as I suspect New Orleans and Los Angeles and other major cities have many problems. But Gary, Ind., is alive and well and is making progress—and perhaps the frightening thing to these gentlemen is that it is doing so with a Negro mayor and with a population that includes Americans of all faiths and of many ethnic backgrounds.

COST TO DEPARTMENT OF DEFENSE OF DISTRICT OF COLUMBIA RIOT OF APRIL 5, 1968

Mr. BYRD of West Virginia. Mr. President, I recently inquired of the Secretary of Defense regarding the cost of the civil disturbance in Washington, D.C., following the assassination of Dr. Martin Luther King, Jr. I am informed that the costs of the Department of Defense, as a result of the disturbance, totaled $2.7 million.

I ask unanimous consent to insert in the RECORD a letter addressed to me on May 17, 1968, by Mr. Robert N. Anthony, Assistant Secretary of Defense, in response to my inquiry.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 17, 1968.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on the District of Columbia,
Committee on Appropriations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of April 29, 1968 to the Secretary of Defense for the cost of the civil disturbance in Washington, D.C. following the death of Martin Luther King, Jr.

It has been estimated that the additional costs of the Department of Defense incurred as a result of the civil disturbance which recently occurred in Washington totaled $2.7 million. Those costs which would normally have been incurred in the absence of the disturbance are excluded.

Sincerely,

ROBERT N. ANTHONY,
Assistant Secretary of Defense.

TRIBUTE TO FORMER SPEAKER JOSEPH W. MARTIN, JR.

Mr. FONG. Mr. President, I wish to pay tribute to the memory of one of the distinguished former leaders of the Republican Party, Joseph W. Martin, Jr., former Speaker of the U.S. House of Representatives.

Mr. Martin had a distinguished record of 42 years of service in Congress and was Speaker of the House from 1946 to 1948 and from 1952 to 1954.

During his long tenure in Congress, Representative Martin acquired the reputation as being one of the most skillful political technicians of his time.

As Republican leader in the House for two decades, he guided the GOP Members with a strong and firm hand. Though modest and simple in character, his political abilities and leadership qualities were highly respected. He was very effective in urging his colleagues to adhere to the basic principles of the Grand Old Party whenever a showdown was in sight.

Born the son of a blacksmith in Attleboro, Mass., on November 3, 1884, Joseph Martin was one of seven children. To supplement the family income, due to the death of his father, Joe went to work as a newsboy at the age of 7.

Joseph Martin first experienced public office in 1911 when he was elected a member of the Massachusetts House of Representatives. He later was elected to the State senate in 1915.

His next step up the political ladder took place in 1924 when he was elected to the U.S. House of Representatives. In 1937 he was named chairman of the Republican congressional committee. In all of his work, Joseph Martin was a pragmatist and a realist. He never allowed himself to be carried away by wishful and impractical ideas or programs.

When Representative Martin died, he left behind many decades of party loyalty in the House of Representatives, including 20 years as party leader and two terms as Speaker; 10 years of party work in Massachusetts; and the chairmanship of five consecutive Republican National Conventions.

Thus, the passing of former Speaker Martin from the American political scene was a tragic loss that was felt by Republicans and Democrats alike. He was a man of great courage and goodwill—a man whose loyalty and kindness will be remembered with affection and respect.

My wife Ellyn joins me in saying aloha to Joseph Martin, Jr., and in extending our deepest sympathy to former Speaker Martin's family.

COLUMN BY DAVID LAWRENCE

Mr. BYRD of West Virginia. Mr. President, an especially thoughtful column on the problems highlighted by the Poor People's Campaign appears in today's Washington Star by David Lawrence.

It points out that the Federal Government is not as well equipped to deal with the problems of the poor as the governments of the various States are. It suggests that a basic reevaluation of the approach being used by the leaders of the campaign in Washington ought to be undertaken.

Some might contend that this is a "buckpassing" approach to the problems involved, but I do not consider it such. On the contrary, Mr. Lawrence is emphasizing facts. The States, Mr. President, may have been somewhat derelict in their responsibilities in this respect.

I do not believe that very many Members of the Congress object to the Federal Government doing what it can to provide better opportunities—and I must stress the word "opportunities"—for the poor, and I certainly do not object to enlarging such assistance where it can be shown that such action will be effective in reaching the people who need it and in providing real help for them.

But I suggest that the active participation of the States is needed in any new efforts that are directed at the laudable, but difficult to achieve, goal of eradicating poverty in the United States.

I ask unanimous consent that the column by David Lawrence be printed in the RECORD.

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

POOR URGED TO TAKE CASE TO STATES

(By David Lawrence)

Leaders in Congress are not exactly sure what the marchers who claim to represent the "poor" of the country really want. There is the deepest sympathy with any poverty-stricken persons, but doubt prevails nevertheless as to whether the demonstrators have really come to the right place to seek relief.

Up to now, the theory has been that it is primarily the obligation of each state to take care of the health, education and welfare of its residents and that, if it lacks sufficient funds, the federal government should supplement them.

So the impression is growing here that maybe, instead of the 3,000 marchers camping in Washington, they should go to the 50 different state capitals and put their case to the governors of their respective states. Then, if the money required to take care of the problem is not available, it would naturally be the function of the governors to request assistance from the national government, in which case, Congress could make the necessary appropriations.

Basically poverty situations are best handled by local authorities, anyway. For the states and cities each have welfare departments and a record of those who are in need of assistance. Although the federal government has had an "antipoverty" program, it has been designed largely for job training of various kinds and educational aids for children. Many of the critics of these particular programs have said that the states should have initiated such projects themselves.

To place on the federal government the complete responsibility for handling the welfare of the citizens in every community would require an enormous bureaucracy. Unfortunately, the demonstration here by the "Poor" marchers dramatizes mainly the idea that the federal government is the place to go for direct assistance, irrespective of the duties which naturally fall on the state and city governments. If people are to be told that, no matter what their difficulties they should go directly to Washington, there would be no end of encampments and marches in the future.

For some time, many members of Congress have been saying that lots of money has been wasted in the so-called "antipoverty" program, largely because the federal government doesn't have at its command the machinery which can be utilized efficiently in every state of the union.

Certainly attention should be focused more sharply on all phases of the problem. It could be that the demonstration by the "Poor People's March" will have some constructive effects. But the importance of the issue has already been recognized by the federal government and particularly in Congress.

Secretary of Agriculture Orville L. Freeman testified this week before the House Labor and Education Committee that 59 counties in 11 states have not set up machinery for food programs. These include distribution to the poor of government-owned surplus products as well as the "food stamp" program whereby persons and families with low incomes are able to purchase goods at reduced cost.

Freeman, moreover, said a CBS television program this week dramatizing the hunger problem "was shot full of errors." Members of Congress asked the secretary to document the errors. In the Senate, a subcommittee on employment, manpower and poverty, headed by Sen. Joseph S. Clark of Pennsylvania, has also started hearings on hunger.

It would appear, therefore, that at least the problem is being given more public discussion than ever before. But the fact remains that the administrative tasks, if they are to be efficiently carried out, will have to be localized. It is a matter of great surprise that most governors of the states, who should know what is happening in their own localities, have not been inclined to explain comprehensively the plight of the poor to their constituents. Nor has there been any organized plan by the states to determine just what the federal government should supply for the poverty-stricken.

There are many ways by which the national government can supplement the work of the states. Until extensive programs have been worked out in each state, however, for the handling of the problems of the poor, and the requirements of each state are thoroughly investigated, Congress can hardly legislate effectively on the whole subject.

THE ROLE OF THE NEGRO IN VIETNAM

Mr. McGEE. Mr. President, the role of the Negro soldier, sailor, airman, and marine in Vietnam is something which can scarcely be unappreciated by any American who pays attention to news reports on the war in Southeast Asia. The Negro is abundantly present in Vietnam, where his contributions have been many and legendary.

But what of the Negro attitude—the attitude of the soldier in the field?

Thomas A. Johnson, writing in the Perspective section of last Sunday's Denver Post, explored the role of the Negro in Vietnam in depth and his report is, among other things, a commentary on U.S. race relations as well. Mr. Johnson wrote:

Fourteen weeks of interviews with black and white Americans serving here reveal that Vietnam is like a speeded-up film of recent racial progress at home. But Vietnam also demonstrates that the United States has not yet come close to solving its volatile racial problem.

Mr. President, I ask unanimous consent that the report, written by Thomas A. Johnson, be printed in the RECORD.

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

FIFTY THOUSAND U.S. NEGROES SERVE KEY ROLES IN VIETNAM WAR: PLANNING BATTLES, BAKING BREAD, IN COMBAT, ADVISING SOUTH VIETNAMESE, AND MOVING SUPPLIES

(By Thomas A. Johnson)

SAIGON, SOUTH VIETNAM.—The Army sergeant with the coal-black face muttered: "What in the hell am I doing here? Tell me that—what in the hell am I doing here?"

But there was a smile on his face.

At the moment, he and the men of his understrength platoon—about half of them Negroes—were crouching on a jungle trail as artillery shells pounded the brush 100 yards away.

At the same time, some 50,000 other Negroes in Vietnam were unloading ships and commanding battalions, walking mountain ranges and flying warplanes, cowering in bunkers, and relaxing in Saigon villas.

They were planning battles, moving supplies, baking bread, advising the South Vietnamese army, practicing international law, patrolling Mekong Delta canals, repairing jets on carriers in the Tonkin Gulf, guarding the U.S. Embassy, drinking in sleazy bars and dining in the best French restaurants in Saigon, running press centers, burning latrines, driving trucks and serving on the staff of Gen. William C. Westmoreland, the American commander.

They were doing everything and they were everywhere. In this highly controversial and exhaustively documented war, the Negro, and particularly the Negro fighting man, has attained a sudden visibility—a visibility his forefathers never realized while fighting in past American wars.

WHY IN VIETNAM?

Fourteen weeks of interviews with black and white Americans serving here reveal that Vietnam is like a speeded-up film of recent racial progress at home. But Vietnam also demonstrates that the United States has not yet come close to solving its volatile racial problem.

Why was the sergeant—a 34-year-old career soldier—in Vietnam?

He talked with good humor of the "good regular Army" to a Negro correspondent, he shuddered with anger recalling that his home-town paper in the Deep South called his parents "Mr. and Mrs." only when referring to their hero son, and he pointed out that he had stayed in the Army because his home town offered only "colored" jobs in a clothing factory where whites did the same work for higher pay.

Most often, Negro and white civilians and career soldiers see Vietnam as a boon to their careers and as a source of greater income than at home. For the Negro there is the additional inducement that Southeast Asia offers an environment almost free of discrimination.

As one civilian explained, "bread and freedom, man, bread and freedom."

For the ordinary Negro fighting man, Vietnam means not only integration but also an integral role in American life—or at least this aspect of American life.

" 'The man' can't overlook talent when he wants the job done," said S-Sgt. James Frost, a 29-year-old Negro from Youngstown, Ohio.

In the job of battle, fighting prowess and dependability quickly erase color barriers. Staying alive becomes more important than keeping stateside racial patterns.

During the battle for Hue in February, a knot of white and Negro Marines stood knee deep in the mean red mud beside their tank. They were grimy-faced, beard-stubbled and grease-spattered.

THROUGH FOR NOW

They peered across the Huong (Perfume) River, where more than 300 yards away, unseen North Vietnamese gunners had just given up a mortar and artillery duel.

"They're through for now," said Sgt. Eddie Dailey, a Negro from York, Pa.

"It looks like it," said a white Marine with field glasses.

It was 9 a.m., but from somewhere a bottle of liberated Black and White Scotch was produced and passed around.

"Integration whisky," someone commented.

"And that's just what's winning this Goddam battle," the Negro sergeant said.

A white lance corporal agreed. "You're damn straight, Bro," he said. The Negro shorthand for "Soul brother" seemed to slip out naturally.

As Corporal John Tice of Savannah, Ga., passed the bottle, a tattoo could be seen on his bare right arm. It showed a Confederate flag and the words "Johnny Rebel."

"That's just what's gonna win this Goddam war," Dailey spat. "Integration, Goddam it."

BREAKING BARRIERS

With the integration of the armed forces in the late 1940s and early '50s, the military quickly outdistanced civilian efforts at breaking down color barriers. This has continued to a point where young Negro men flock to military service for the status, careers and security that many cannot find in civilian life.

A junior infantry officer, who is white, commented:

"It's an awful indictment of America that many young Negroes must go into the military for fulfillment, for status—and that they prefer service overseas to their homeland."

The war in Vietnam is filled with ironies, and one of the biggest is that the ordinary Negro fighting man—and especially the teenage front-line soldier—is not aware of the Negro's participation in previous American wars.

An 18-year-old Marine private at Dong Ha said proudly: "The brother is here, and he's raising hell! We're proving ourselves!"

Officers in Saigon at the headquarters of the Military Assistance Command, Vietnam, say the heavily Negro 173d Airborne Brigade is the best performing unit in Vietnam.

This correspondent went in with the second helicopter wave when the 4th Battalion of the 173d struck a Viet Cong supply base in a thickly forested area of Phuyen province.

THE BEST OUTFIT

Taking cover in tall grass, he found himself with a young Negro paratrooper, a private first class whose face had not yet sprouted a serious growth of beard.

"What you doin' here, Bro?" The paratrooper asked. "You gonna do a story on the 4th battalion?"

Without waiting for an answer he kept talking.

"You tell them that the 173d is the best goddamn outfit on this rock. We were the first brigade-size combat unit in Vietnam."

His squad was ordered forward, but he kept talking:

"Tell them we made the first jump in Vietnam on Operation Junction City, and that the 4th Battalion is the best in the 173d. You tell them that—tell them we took Hill 875 at Dak To and that we are steady kicking Charlie's rear."

Only then did the paratrooper stand up, and as he ran with his squad he called back:

"You tell them, you hear?"

Capt. Robert Fitzgerald, a Harlem-born intelligence officer on Westmoreland's staff, commented:

"They feel they're the first Negroes to fight because their history books told only of white soldiers, and their movies showed that John Wayne and Errol Flynn won all American wars."

The 31-year-old officer went on: "The only uniform they've seen on Sidney Poitier was a chain-gang suit, and—oh, yes—that of an Army truck-driver once."

Talk of race often leaves white servicemen bored, embarrassed or annoyed. Many say the problem is overly stressed, and many Negro servicemen, especially the teen-aged, first-hitch foot soldiers, say the same thing.

But a Negro sailor stationed in Saigon noted:

"The question of race is always there for the Negro. He would either be blind or insane if it were not. But Vietnam is a buffer or isolation ward to the whole question of race as we know it."

If Vietnam is an isolation ward, then combat is a private room off the ward where the ordinary GI can bring to bear the special skill for which he has been trained—killing. And white or black, the GI—usually referred to here as a "grunt" or a "crunch"—is adept at his specialty. The elite units—the airborne, Marines, air cavalry and special forces—to which Negro youth flocks are among the best of these specialists.

A paratroop officer commented:

"The grunt wants to fight, pure and simple. He's one hell of a fighter, and we couldn't win any war without him because he lives, eats and sleeps to fight. You don't fight wars with gentlemen—that is, you don't win wars with gentlemen."

AVERAGE AGE 19

The grunt is no gentleman.

His average age is 19, and he left high school without finishing. His skills are with the M-16 rifle, the M-60 machine gun, the M-79 grenade launcher, hand grenades and bayonets.

He brags and swears and swaggers, and he runs to a fight. He runs into battle when the first shot is fired, screaming or cursing, as if he does not believe he can be killed.

He can be, however, and he is.

He is killed and wrapped in a green paper blanket and put off to one side until a truck or a helicopter can take him to the rear.

Then he is remembered during quiet times by other young soldiers and Marines who still rush into battle screaming and cursing as if they cannot be killed.

And during those quiet times other things come out.

Like that night in a pitch-black front-line bunker, when it was comforting to hear one another's voices, and the correspondent learned how it was after the 4th Battalion of the 173d took Hill 875 from a determined enemy force, a force that "had chewed up the 2d Battalion."

"We hugged and kissed one another like Girl Scouts, and we cried," said a voice in the darkness.

An Army chaplain comments: "Their anxiousness to prove themselves as men makes them quickly absorb the lesson the military is anxious to teach."

LEARN THE LESSON

That lesson, an infantry platoon sergeant said, "is to make every man feel that he's in the best Army, the best division, the best brigade, the best battalion, the best com-

pany, the best platoon, the best squad—and that he's the best Goddamn man in that squad."

And the Negro youngster—from the high school basketball team, the sharecropper's farm or the riot-ready slums—has consistently volunteered for the elite of the military fighting forces.

"You take a good look at an airborne rifle company and it'll look like there ain't no (foreign) white troops there," one Negro commented.

Dr. Kenneth B. Clark, the Negro psychologist, has noted that a "status not readily available in civilian life" causes Negroes to join the military service at a rate two to three times greater than that for whites, and then to volunteer for elite units.

"There is no chance of asserting his manhood and demonstrating his sense of worth in civilian life," said Clark, who heads the Metropolitan Applied Research Center in New York.

Clark said the ferocity demonstrated by young front-line soldiers could be related to their youth and their eagerness to prove themselves. He noted that after the 1943 riots in Harlem he interviewed a youth who "got a terrific boost out of the destruction."

Clark added: "A few months later he was a soldier, in uniform and with a riding crop, and getting an even bigger kick out of potential destruction he could legally cause."

HE'S IN COMBAT

The Negro in Vietnam makes up 9.8 per cent of the military forces in Vietnam, but close to 20 per cent of the combat troops and more than 25 per cent of such elite Army units as the paratroops. Estimates of Negro participation in some airborne units have been as high as 45 per cent, and up to 60 per cent of some airborne rifle platoons.

A Negro private first class in the 4th Battalion of the 173rd Airborne Brigade said that when he joined the unit in the summer of 1967 "there were 20 brothers and 8 foreign troops" in his platoon.

About one in every four of the Army's front-line supervisors in the grades of sergeant first class and master sergeant is a Negro, a fact attesting to the higher Negro reenlistment rate in the armed forces in general and the Army in particular.

The re-enlistment rate for first-term Army men in 1965 was 49.3 per cent for Negroes and 13.7 per cent for whites; in 1966 the figures were 66.5 and 20. Re-enlistment figures for 1967 have not been completed, a Pentagon spokesman said.

The present Negro death rate in Vietnam is 14.1 per cent of total American fatalities; for 1961 to 1967 it was 12.7 per cent. Late in 1965 and early in 1966 the Negro death rate soared to about 25 per cent, and the Pentagon ordered a cutback in frontline participation by Negroes.

It is in the front lines that commonly shared adversity has always sprouted quickly into group loyalty and brotherhood. And whether between white and white, Negro and Negro, or Negro and white, Vietnam is no exception to the tradition of battlefield brotherhood.

SMART AND BRAVE

"The stereotypes they had believed just sort of melt away," said Capt. Richard Traegerman, a 25-year-old West Pointer from Philadelphia.

"Whites see Negroes are as intelligent and brave as anyone else, and Negroes see whites are just guys with the same strengths and weaknesses as anyone else."

And a long-time front-line observer said: "It's the most natural thing in the world to come out closer than brothers after a few days on the line. Up here it's a real pleasure to just be warm and dry or to feel a cool breeze; to have fresh water, a heat cube for C rations; to wash or take off your shoes or to be alive when others are dying. This will make any two people brothers."

For the most part, Negroes in Vietnam say that the closest thing to real integration that America has produced exists here.

"It's the kind of integration that could kill you, though," a Negro sailor remarked.

There are reports of racial discrimination, racial fights and instances of self-segregation, but most Negroes interviewed said these instances were greatly outweighed by racial cooperation.

In effect, while participating in a war that pits yellow people against yellow people, America is demonstrating that its black and white people can get along.

So pervasive is this demonstration that some Negroes, in discussing the prejudice of lowland Vietnamese toward the mountain-dwelling and usually primitive Montagnard tribesmen, convey the idea that discrimination against Negroes has ended at home as well as in Vietnam.

COMPARING COUNTRIES

Oscar Roberts, an Army captain stationed at Pleiku as an adviser to the South Vietnamese army, pointed up this attitude when he remarked: "The Montagnards are treated the way we used to be treated back home."

But then he smiled and added: "The way we used to be and still are treated some places back home."

Other Negroes did not remember, or smile, or correct themselves.

Race is quite often a laughing matter among servicemen in Vietnam.

Sgt. Charles C. Hardy, a 21-year-old Marine from Chicago, was on duty one night in Da Nang and gave his bed to a visiting white friend, but not without some specific admonitions.

"That sack has lots of soul," he said. "It's a soul-recharging station, so you'd better be careful. I don't want to see you wake up tomorrow morning thinking you can talk trash and trying to dance the Boogaloo and the Philly Dog, you hear me?"

Some of the "brothers" in an airborne unit held a "soul session" to "cuss Chuck," the white man. When a late-arriving brother inquired what a "couple of Chucks" were doing attending a soul session, it was explained that they were "honorary souls," and the Chuck-cussing continued.

WHO'S BUYING?

And after watching a plea for brotherhood on a television set in a bunker in the central highlands, a youth of Mexican origin spoke up.

"All right," he said, "which one of my Goddamn brothers is going to buy me a beer?

He got the beer, but not before the whites and Negroes unleashed a barrage of anti-Mexican remarks that included: "Give me, give me, give me! A Goddamn Spec. 4 in the regular Army and he still thinks he's on relief! Give me, give me, give me!"

Even the highly potent taboo on interracial sex is much less a taboo in Vietnam than it was in the military in past years.

A white officer from North Carolina visited the luxurious Saigon apartment of a Negro officer from Illinois, carrying a dozen red roses for the Vietnamese lunar new year, Tet. Their friendship dated from the time they both commanded segregated airborne companies at Fort Bragg, N.C., in the late '40's.

While discussing a double date with Vietnamese girls that the Negro was arranging they reminisced about the German and Japanese women they had known.

Walls and lockers, from neat hotels in Saigon to red-earth bunkers in Khe Sanh, have both white and Negro pinups, regardless of the race of the serviceman.

Some bars tend to be predominantly white or predominantly Negro. This is especially true in the rear areas where the permanently assigned and normally noncombatant troops gather every day. In Saigon, for example, it is mostly whites who frequent the bars along Tu Do Street, while Negroes predominate in the Khan Hoi area across the Saigon River along Trinh Minh The Street.

OFF-DUTY SEPARATION

It is not uncommon, though, to find both races in both locations and to see white and Negro servicemen talk to the same bar girls.

Still, there is much off-duty separation of the races, and most of it is voluntary separation by Negroes. There are several reasons, not the least of which was expressed by a high Negro civilian official:

"Wherever you have a lot of American whites with a lot of time for relaxing," he said, "then you can figure that the brother is in for a little difficulty."

A German in Vietnam asked a Negro civilian if he was aware of how some American whites talked about Negroes when they were alone. The Negro said he was.

"Do you know that they call you animals," the German said, "that they say you have tails and that they seem especially anxious that foreigners—myself and the Vietnamese—hear this?"

"I know," the Negro said.

"What's wrong with them?" the German asked.

"They're white Americans," he was told, "a strange breed of people."

A Negro field-grade officer said he relaxed only around Negroes and put up an "aloof" and "even unfriendly" front around whites.

SUPER-NEGRO

"You don't want to overextend yourself because you never know when whites are for real," he explained. He went on to suggest that the Negro officer must often be a "super Negro."

"I see white officers bring Vietnamese girls into our quarters and getting away with it," he said, "and I wouldn't think of joining them. Whites prove every day how vulnerable the 'successful' Negro is in our society. If they can go to such great length and bend the rules to kick Adam Powell out of Congress and take Cassius Clay's title, they can certainly get to me. I don't intend to give them the chance."

Still, separation and aloofness are not rigid situations and attitudes.

A Negro Specialist 4 in an infantry outfit said:

"I got some white friends who are 'for real' studs, and, hell, they could call me anything and do anything they want, because I know they are for real. I know some other Chucks who I'd most likely punch in the mouth if they said good morning to me, because I know they are some wrong studs."

A rear-echelon Negro private first class, sitting in a bar in Saigon's Khanh Hoi with a white friend with a Deep South accent, started to discuss why Negroes segregate themselves.

"White people are dull," he said. "They have no style and they don't know how to relax."

"What do you mean?" the white youth interrupted.

"Shut up," the Negro said. "I'm not talking about you, 'nigger.' I'm talking about white people."

SOUL FOOD

Another Negro, explaining why he frequented the Negro-owned "soul food" places in Saigon—such as the L & M and the CMG Guest House, both of which have white and Negro clientele—said:

"Look, you've proven your point when you go out and work and soldier with Chuck all day. It's like you went to the Crusades and now you're back relaxing around the Round Table—ain't no need bringing the dragon home with you."

The term "soul session" is often used here to describe Negro efforts to "get away from 'the man,'" to luxuriate in blackness or to "get the black view." These sessions occur in front-line bunkers and in Saigon villas, and quite often they include some "for real" whites.

Negro VIPs who come to Vietnam find that despite full schedules a "brother" will get to

them with a dinner invitation so the visitors can get "down to the nitty-gritty."

Sen. Edward W. Brooke, R-Mass., Whitney M. Young Jr. of the Urban League and the Rev. Ralph D. Abernathy of the Southern Christian Leadership Conference are among those who have got the benefit of the black view.

"Sometimes it doesn't do too much good, from what some of the black VIPs have said when they got back home," one soul-session advocate said later.

Self-segregation does not attract all Negroes, and there are some who shun any appearance of Negroes getting together, no matter what the purpose.

There are Negro officers and civilians in Saigon hotels who prominently display record albums by Mantovani and Lawrence Welk and hide albums by such soul-sound purveyors as James Brown and Aretha Franklin.

HEALTHY FEELING

"A lot of the brothers feel they can't be themselves and integrated," said Lt. Col. Felix H. Goodwin, a Negro veteran of 27 years of Army service.

"This dates back to the time the Army was first integrated and we all felt we had to show whites we were not prejudiced," he added. "Most of us feel comfortable enough now to be both black and integrated, and we think this is healthy."

While integration is fairly recent in the military, Negro participation in American wars is as old as the country's history.

The Negro's ability and willingness have not been questioned in the war in Vietnam, and have in fact been consistently praised.

In a speech to fellow South Carolinians last year, Westmoreland said: "The performance of the Negro serviceman has been particularly inspirational to me. They have served with distinction. They have been courageous on the battlefield, proficient, and a possessor of technical skills."

Courage—and quite often bravado—is the young combat soldier's long suit.

"When America invented the grunt, she legalized thuggery," one front-line observer said. "When I'm out with grunts and the Viet Cong fires on us, I'm damn glad she invented them."

A young Negro Marine in war-ravaged Hue typified the grunt's bravado, his eagerness to fight, his disbelief that he can be hurt or killed.

The Marine sat on a naval landing craft on the Huong (Perfume) River, bound for the Citadel, once the seat of the Vietnamese imperial government, and now, during the Tet fighting, South Vietnam's major killing ground.

"Put me in your paper," the Marine told a correspondent.

"What can I say about you?" the newsman asked.

"You can say Lance Cpl. Raymond Howard, 18, better known as 'Trouble' from Bay Manetta, Ala., squad leader, 2nd Platoon, Delta Co., 1st Battalion, 5th Marine Regiment, is going 'cross the river to kick him a few behinds."

THE SCHOOL LUNCH PROGRAM

Mr. MONDALE. Mr. President, I think it is unfortunate that the Senate Committee on Appropriations should react to recent tragic disclosures of the wide extent of starvation and malnutrition in the United States by cutting the appropriation for the school lunch program.

A recent CBS News documentary on "Hunger in the United States," the publication of a comprehensive report by the Citizen's Board of Inquiry, and a report by several women's organizations on the inadequacy of the school lunch program all call for increased effort by the Congress in this area. At the very least, we have a right to expect that the barebones requests of the administration for funds ought to be granted.

It should be pointed out, too, that we are not talking here about mere budgetary amounts, nor statistical charts, but children who will be deprived of the free or reduced-price school lunches. The Department of Agriculture estimated that 20.2 million schoolchildren would participate in the program in fiscal year 1969. The cut imposed by the Committee on Appropriations represents a financial cut of approximately 5 percent and if this percentage carries over into the number of children involved, over 1 million children will be denied participation in the school lunch program. I think this is absolutely wrong. It goes in the wrong direction.

The problem with the school lunch program today is that it does not reach enough children. The recent report on the school lunch program, "Their Daily Bread," states:

1. Of 50 million public elementary and secondary school children, only about 18 million participate in the National School Lunch Program. Two out of three children do not participate.

2. Of 50 million school children, fewer than two million, just under four per cent, are able to get a free or reduced price school lunch.

I ask unanimous consent that the introduction—chapter 1—and the recommendations—chapter 14—of this report be printed in the RECORD at the conclusion of my remarks.

I sincerely hope that this action is not punitive in nature, designed to show the Poor People's Campaign that they dare not affront the Congress with their demands at the risk of losing ground in the fight to overcome poverty and hunger.

Mr. President, I ask unanimous consent that a table showing the amounts appropriated for this program also be printed in the RECORD. I call upon the Senate to restore the full amount of the administration request at the very least.

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

School lunch	Budget	House	Senate
1. Food assistance—			
(a) Cash payments to States	$157,097	$171,448	$157,097
(b) Special cash assistance	10,000	5,000	7,500
(c) Commodity procurement	64,325	64,325	64,325
2. Pilot school breakfast program	6,500	3,500	4,500
3. Nonfood assistance	6,000	750	2,000
4. State administrative expenses	2,300		
5. Operating expenses	2,546	2,127	2,252
Total	248,768	247,150	237,674
Appropriation	184,443	182,825	173,349
Sec. 32	64,325	64,325	64,325

INTRODUCTION

Poverty is not a uniquely American disease, but Americans have a uniquely optimistic way of dealing with it. In the twenty years from the end of World War II to the mid-sixties, we hid our disease in the attic of the national consciousness and almost convinced ourselves that it did not exist. We concealed it with phrases like "the affluent society" and "the highest living standard in the world," and we covered it with booming production, consumption and employment statistics. We exported the goal of American prosperity to under-developed nations.

But poverty would not be concealed. One of the chief by-products of the civil rights movement was the revelation to middle-class America of the existence of an under-developed nation right here—millions of Americans, black and white, living in a shadow world of bare subsistence. This "Other America" is with us, but not in our midst. Unlike the one-third of a nation ill-fed, ill-clothed and ill-housed during the Depression, poor people are no longer visible to middle-class America. It is possible for a suburban family to live its entire life without ever meeting a poor person.

So that while we have finally been forced to acknowledge the existence of wide-spread poverty—and indeed have declared a national War on Poverty—there is an unreality bred by distance about our acknowledgment.

This unreality pervades not only our awareness of the problem, but our assessment of the methods created to deal with the problem. It is more reassuring and easier for us to believe uncritically that if a program is adopted to deal with employment or housing or welfare, then solutions to the problem are on the way, and we need trouble our minds and consciences no further.

This attitude applies with special force to the National School Lunch Program. Because it is one of the oldest social benefit programs in this country, and because it operates smoothly in a well-established mechanism for its administration, most Americans accept the present functioning of the program without complaint, believing that it adequately meets the need for which it was created. It is easy to understand why they believe this.

The National School Lunch Program last year celebrated its twenty-first birthday. During its life, it has won wide acceptance from educators and nutritionists. The members of both professions feel, with few exceptions, that there is a direct relationship between adequate nutrition and good scholastic performance, discipline in the classroom and constructive social attitudes. Hungry children are inattentive children, educators believe, and inattentive children cannot learn.

The Congress which originally created the National School Lunch Program in 1946 recognized the importance of a good lunch to the school child and passed legislation "to safeguard the health and well-being of the Nation's children." To achieve this goal, the Program was "to supply lunches without cost or at a reduced cost to all children who are determined by local authorities to be unable to pay the full price thereof" without discrimination.

Because of this wide-spread recognition of the value of the National School Lunch Program, most of middle-class America believes that the school lunch is universally available. If you were to question, as we did, middle-class acquaintances or neighbors about their understanding of how the School Lunch Program operates, they would likely reply: "Oh, all the children get that," or, "That's to give needy children a good lunch," or, "All the kids get it, but the ones who can't afford it don't have to pay."

But in these comfortable assumptions—as in so many others—we are unrealistic. The facts show otherwise:

1. *Of 50 million public elementary and secondary school children, only about 18 million participate in the National School Lunch Program. Two out of three children do not participate.*

2. *Of 50 million school children, fewer than two million, just under four per cent, are able to get a free or reduced price school lunch.*

3. *Whether or not a child is eligible for a free lunch is determined not by any universally accepted formula, but by local de-*

cisions about administration and financing which may or may not have anything to do with the need of the individual child. And generally speaking, the greater the need of children from a poor neighborhood, the less the community is able to meet it.

These three facts, while perhaps not generally known, are well understood by school lunch administrators. What has not been comprehensively studied heretofore is why so few children participate in the National School Lunch Program or are denied the opportunity to participate, and why the School Lunch Program is failing to meet the needs of poor children.

This study was undertaken to find out why. It is peculiarly appropriate that these particular organizations have sponsored this particular study. All five sponsors are women's organizations and have a special affinity for the needs of children.

All five organizations have a religious orientation or connection, so their concern for social problems is neither that of a useful political tool or a passing fancy.

And most important, all five—sometimes working cooperatively, sometimes separately—have had practical experience on the local level dealing with the great social issues of our day: the problems of the aged, of children, of employment, education, housing, race relations.

The Appendix sets forth in detail how this study was organized and conducted, how the communities to be studied were selected, and who participated in conducting the studies.

All the material used in this study, except that which is specifically identified as coming from outside sources, was gathered by personal interviews using questionnaires specifically designed for this study. These interviews, more than 1,500 of them, form the basis for our conclusions about the National School Lunch Program.

The method of personal interviewing has been a great strength of the study, since it enabled the volunteer to talk directly with the school lunch administrator, principal, class room teacher and parent involved in school lunches in a local school, and to see the program in actual operation for herself. But it also leads to some contradictory statistics, since the volunteer did not attempt to evaluate the material herself, or to reconcile the figures given by one school official with conflicting figures given by another.

But in spite of some conflicting or confusing findings, the larger conclusions of the study are inescapable. We set them forth below, and discuss, document and analyze each in the chapters that follow:

1. The National School Lunch Program is inadequately financed on the Federal level, and the gap between the available Federal money and the needs of the Program grows bigger every year.

2. The formula for state and local financing which allows states and localities to contribute little or no financial support to the National School Lunch Program is both unjust and harmful to the operation of the program.

In many states, Federal money and Federal commodities pay for one-third of the child's lunch and the children themselves pay for two-thirds, which includes not only the food on their plates, but the salaries of state and local school administrators, cooks and food handlers, the storage and transportation of the food, and the cost of free and reduced price lunches for needy children who cannot afford to pay.

3. The lack of a uniform method of determining who shall be eligible for a free or reduced price lunch results in unequal and unfair decisions on the local level. A child eligible in one community for a free lunch might not be eligible in a neighboring town; eligible in one school, he might be disqualified in a neighboring school. Even in the same family, one child may be eligible and his brother or sister may be declared ineligible. This lack of standards presents conscientious educators with choices they should not be forced to make. It fosters resentment and distrust on the part of needy parents.

4. Many older schools do not participate in the School Lunch Program because they were built without kitchens or cafeterias. Some do not participate because it would not "pay" to have a kitchen or cafeteria, i.e., the children's payments could not cover the cost of the program. Both types of schools are almost invariably located in slums. This means that the slum child, who needs good nutrition most, has the least chance of getting a school lunch.

Around these basic inadequacies, several cherished myths have arisen which tend to obscure the problems and to inhibit constructive solutions of them:

1. "No child who is hungry goes without lunch." We heard this over and over again from school lunch administrators. This is true in many schools where concerned principals and generous teachers work out emergency ways of paying for lunches, often out of their own pockets. But thousands and thousands of children watch their classmates eat while they sit in the cafeteria, not eligible for a free lunch and too poor to buy one.

2. "Teen-age eating habits account in large part for low participation in the school lunch program." Teenagers, according to a press release of the United States Department of Agriculture (USDA), "find it the 'in' thing to do to subsist on soft drinks and candy bars. They've got the weight problems to prove it." No comprehensive survey has been done to find out why participation is so low, but our study indicates that teen-age eating habits are a small part of the problem.

Certainly a vigorous educational campaign needs to be undertaken to teach teen-agers—and all children—the value of good nutrition. School boards, which permit the installation of soft drink and snack machines in public schools as a money-making device, could also benefit from such an educational campaign. And surely there is a relationship between participation and how attractively the food is prepared and served. But all of these factors, our study indicates, are less important to participation than how many children can afford the lunch.

3. "It is better for young children to eat lunch at home. This is one of the benefits of the neighborhood school idea." This is only true when the child who goes home to eat lunch gets a lunch to eat. But thousands of slum children come home for lunch to an empty house and a bare refrigerator.

4. "Children who are getting a free or reduced price lunch cannot be identified by the other children." This is a requirement seemingly implied by the legislation and touched on by the USDA regulations. Every State School Lunch Director we interviewed felt certain it was being followed. Some schools have indeed worked out careful systems to avoid humiliating free lunch children. But the majority of them have no such procedures, and quite a few, by using special tickets and tokens for needy children, have guaranteed their identification by classmates. We found many children, especially teenagers, who would rather go hungry than eat under these circumstances.

These are the broad conclusions reached in this study. There are, of course, many other elements in the National School Lunch Program, and they, too, will be discussed in the chapters which follow. Among them are Federal programs, in and out of the National School Lunch Program, which provide special assistance to feed needy children; the role of donated commodities in the National School Lunch Program; and a consideration of the professional qualifications of school lunch personnel.

In a program such as this, which is not fulfilling its potential, there is a tendency to try to assign the blame to particular individuals or groups for its inadequacies. But succumbing to this easy temptation in this case would be unjust. Members of this Committee and the writer, who have dealt with school lunch officials at the Department of Agriculture, have been impressed with how hardworking and cooperative they are. Among State School Lunch Directors, there is a high percentage, of dedicated public servants. Similarly, in the local communities we studied, we encountered cooperation and concern on every side—from School Lunch Directors to principals and classroom teachers.

Not every official we met was a paragon, of course. But whatever shortcomings there are in the School Lunch Program lie not in the individuals charged with responsibility for it, but in the system which limits, and sometimes even prohibits, their effective functioning.

How that system operates is the subject of this inquiry. The following thirteen chapters describe what our volunteers found. Chapter XIV is a series of recommendations for Federal, state and local action set forth in some detail and dealing with all aspects of the National School Lunch Program.

Our chief recommendation calls for a universal, free school lunch program as part of a long-range plan for better nutrition for all children. But until such a total program is developed, the following recommendations are designed to make the present system work:

1. *Reduce the maximum price of the school lunch to 20c and provide free lunches for all children who cannot afford to pay.*

2. *Raise the federal contribution to keep pace with the growing needs of the National School Lunch Program.*

3. *Create a new matching formula for the states to insure that they bear some of the financial burden, relieving the children of paying for salaries, administration, food handling, and the cost of the free and reduced price lunch program.*

4. *Set uniform standards of eligibility for free and reduced price lunches to end the haphazard and inequitable present system.*

In order to understand the study, some of our readers may wish to refresh their memory of how the National School Lunch Program operates, and what the various terms, which will be used throughout our report, mean. What follows is a brief summary of the legislation and Regulations governing the School Lunch Program. It is excerpted from the kit of materials prepared for our volunteers who conducted the state and local interviews.

Some facts about the national school lunch program

The National School Lunch Program currently operates under legislation passed in 1946 and amended in 1962 and entitled the National School Lunch Act. This legislation grew out of various Federal programs providing surplus commodities and cash in the late Depression days. Today, all states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands participate in the Program. Here are its most important features:

Purpose: "It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation and expansion of non-profit school lunch programs."

The Act provides this assistance by Federal contributions of both cash and agricultural commodities to each state.

Administration: On the Federal level, the program is administered by the United States Department of Agriculture through its Consumer and Marketing Service, School Lunch Division. In each state, it is administered by the state educational agency—State Board of Education, as it is usually called. Most states have set up a School Lunch Division for this purpose.

State allocation formula: The Act prescribes a formula for distribution of cash assistance to the states. The formula is based on (a) the number of school lunches served the previous year in each state; and (b) the assistance need rate of the state.

The assistance rate is based on a comparison between the average per capita income within the state and the average per capita income in the United States as a whole. When the state average per capita income falls below that of the United States, the extent to which it does determines, within certain limits, the correspondingly higher amounts of cash assistance to which that state is entitled.

In addition, assistance in the form of donated commodities is allocated to each state based on the number of lunches served in the state the previous year. (See Commodities Program below). If any state cannot use all the funds allocated to it, the unused portion may be distributed to the other states on the same basis described above.

Matching funds: The Federal cash contribution must be matched by funds from sources within each state on the basis of $3 of state money for $1 of Federal money. But those states whose per capita income is less than that of the United States have this ratio reduced.

However, since the state's matching funds include the money the children themselves pay for their lunches—which is about two-thirds of the cash amount of the Program—no state has ever had any difficulty meeting this requirement.

Other sources included in the state's matching funds are state and local government funds, except funds used for school construction, and private charitable donations.

The state is not required to match the value of commodities donated by the Federal Government.

Participation requirements: The Act requires that all schools wishing to participate in the National School Lunch Program must sign an agreement with the state educational agency that they will operate a nonprofit school lunch program which:

(a) Meets minimum nutritional standards for a Type A lunch—a specified amount of protein-rich foods, vegetables and fruit, bread, butter or margarine, and milk;

(b) Complies with state and local health and sanitation standards;

(c) Supplies lunches free or at reduced price and without discrimination to all children who are determined by local school authorities to be unable to pay the full price.

Extra assistance: Agriculture Department Regulations authorize—but do not require—the state educational agency to allocate out of its *general* school lunch funds extra money to those schools which have a high proportion of children unable to pay for lunch. The Federal limit in non-needy schools is up to 9¢ a lunch. In needy schools, the state is empowered to reimburse up to 15¢ a lunch.

Special assistance: The reimbursement rate described above must come out of *general* school lunch funds. In addition, the Act authorizes in Section 11 (one of the features added in the 1962 amended Act) the appropriation by Congress of funds over and above the regular amount to provide special assistance to needy schools.

These Sec. 11 "Special Assistance" funds are distributed to the state on the basis of the number of free or reduced price lunches served in the state the previous year and on the assistance need rate of the state.

Nonfood assistance: The Act authorizes Federal appropriations to assist schools in purchasing equipment with which to set up lunch programs—stoves, refrigerators, etc. But Congress has not appropriated any nonfood assistance funds under the School Lunch Act since 1946.

Nonprofit private schools: These schools may participate in the Federal program, but where a state is prohibited by state statute from making allocations to non-profit private schools, e.g., parochial schools, the Federal Government may withhold from that state the amount which the private schools would receive, and make the Federal contribution directly to the private schools. In such cases, the private schools must adehre to all the regulations for nutrition, free lunches, program review, matching funds, etc., even though they are not dealing with the state educational agency, but directly with the Federal Government.

Administrative review: The Act requires the state educational agency to review at least one-third of the schools participating every year to assist the local manager in improving her operation, to make sure they are meeting nutritional standards and are providing free or reduced price lunches to needy children, and to determine the adequacy and accuracy of their records.

Other school lunch legislation

Commodities program: Almost thirty years ago, the Federal Government began distributing surplus commodities to state welfare agencies, which in turn distributed them to charitable institutions and schools. The School Lunch Act continued this commodity distribution. But unlike the cash assistance part of the program, the state educational agency is not necessarily the agency in the state which distributes the commodities. Each state designates the agency within the state to distribute commodities. It may be the state eductaional agency, but it may also be the state Welfare Department, the state Agriculture Department, or some other agency, or a combination of agencies.

In any case, the decision about the amount of commodities allocated to the schools in the state is not made by the distributing agency, but by a formula prescribed by the Federal Government based on previous participation in the program.

Commodities available for school lunch programs are of three types:

(a) Sec. 32 surplus foods: Surplus foods are purchased by the Federal Government when supply exceeds commercial demand. The funds for purchasing these foods come from customs receipts on imported foods, and thus do not depend on yearly Congressional appropriations.

(b) Sec. 416 price support foods: These foods are purchased by the Department of Agriculture to carry out price support programs established by Congress for certain basic agricultural products. They are paid for with funds appropriated for price support purposes, and not funds appropriated for the National School Lunch Program.

(c) Sec. 6 special foods: In addition, the 1946 Act authorized the Federal purchase and donation to the states of special foods over and above the available surplus and price support commodities.

These special foods were authorized to insure the good nutritional balance of school lunches, which could not be guaranteed if the commodities were limited to the haphazard supply of only surplus and price support foods.

Special milk program: Previously under separate legislation, the Department of Agriculture provided Federal payments for each half-pint of milk served to children at reduced price in schools, pre-school groups and child-care institutions. In the schools, this does not include the half-pint which is served as part of the Type A school lunch. The special milk payments apply only to second or third half-pints and to milk served separately from the school lunch.

Schools may participate in both the National School Lunch Program and the Special Milk Program, or they may participate in one and not the other. Many more schools are in the milk program than in the lunch program.

Under the special assistance section of the milk legislation, free milk is authorized for needy children attending schools classified as especially needy.

Administration for public and private (parochial) schools and child-care institutions is the same for the milk program as for the lunch program described previously.

As noted, the Special Milk Program operated under separate legislation. But since 1966, it has been incorporated into the Child Nutrition Act of 1966.

Child Nutrition Act of 1966: Pilot breakfast programs in needy schools and schools to which children must travel long distances are being funded by the Federal Government under this Act. It uses the same apportionment formula as the National School Lunch Act, although an initial amount is apportioned equally among the states.

However, so far as donated commodities are concerned, the states are limited to using Sec. 32 and Sec. 416 foods in the breakfast programs, and may not use the more desirable Sec. 6 foods in it.

Like the National School Lunch Act, the Child Nutrition Act authorizes appropriations for non-food assistance (equipment) to assist needy schools. For the first year, 1966–67, Congress appropriated $750,000 for nonfood assistance under the Child Nutrition Act.

The pilot breakfast program is authorized for only two years. Since the Federal money for it did not become available until the last six months of the school year, less than $1 million of the $2 million appropriated for 1966–67 was used.

Elementary and Secondary Education Act ESEA): Under Title I of ESEA, local school districts may undertake a variety of projects to meet the needs of areas with concentrations of children from low-income families. Some schools are providing free school lunches funded by Title I. This program is under the jurisdiction of the Office of Education of the U.S. Department of Health, Education and Welfare, not the Department of Agriculture. (When we mention ESEA in the text, we are referring to Title I.)

* * * * *

14. RECOMMENDATIONS

This report has stressed over and over again that the present operation of the National School Lunch Program is inadequate in meeting the needs it was designed to serve. First of all, the funds are inadequate. They are inadequate on the Federal, state and local levels. They are inadequate to keep the prices of the lunch at a point which would increase participation significantly; they are inadequate to serve needy children free and reduced priced lunches; they are inadequate to provide training to administrators and those responsible for food preparation.

School lunch administrators all over the country are beginning to express their sense of defeat about coping with this financial burden which grows larger every year. Articles in the *School Lunch Journal*, the field's professional journal, talk about "the deepening crisis of the school lunch program", "the inability to hold the line on prices", "the ever-decreasing federal contributions." The phrase "drop-out" is being applied to the National School Lunch Program with increased frequency.

Perhaps even more important, a feeling of dissatisfaction, of unrest about the School Lunch Program pervades those communities where children are excluded from the program. The parents of these children are not professionals—they are not interested in the average contribution per lunch of donated

commodities and the Federal cash reimbursement, or what percentage of funds are contributed by the state. What they are interested in is that the lunches are priced out of reach for those who could pay something; and the majority of those who cannot pay are denied the opportunity to receive a benefit which is theirs by law.

This community concern is a real and growing one. The National School Lunch Program has been a source of organized community protest in New Mexico, California, Ohio, Mississippi, Alabama, Texas and Pennsylvania. The list is likely to grow longer.

So the most important and the most detailed recommendations we make in this report are those which concern financing. But we have a larger concern.

From our talks with school administrators, local, state and Federal officials, legislators and parents, we have come to the conclusion that unless the School Lunch Program is accepted as a means of providing good nutrition for all our children in order to insure their present ability to absorb the education that is offered them, to help insure their present and future health, and to help insure their present and future functioning as responsible citizens, it will never be adequately financed and it will never be properly run.

This is hardly an original thought—on the surface it seems like a mere repetition of the language of the National School Act itself. But unfortunately, this attitude is not the prevalent one among many legislators, school lunch administrators, or community officials.

Too many legislators view the National School Lunch Program primarily as a convenient market for surplus commodities.

Too many school administrators regard the School Lunch Program as a welfare burden, not an educational responsibility.

Too many school principals regard the school lunch program as an administrative headache, not a means of raising the level of academic performance.

And woven into these attitudes are some darker threads of dislike and distrust. "They"—the poor—are "no good." "They" are trying to get something for nothing. "They" drink. If "they" won't provide for their own children, it is not our responsibility.

Too many legislators, school administrators, school principals and community officials regard the National School Lunch Program as one in which the books must balance. If the program cannot be made to pay off financially in a poor school, it ought to be eliminated, they feel. But by showing a financial profit, we may show a corresponding loss in the nourishment of our children, and mortgage their future well-being—a costly profit to our nation indeed.

If these attitudes persist, they will wreck the National School Lunch Program. For if the National School Lunch Program is viewed as a business which must pay for itself or is administered unfairly, then it cannot simultaneously be viewed as an opportunity to provide America's children—all her children—with a start toward a healthy and productive life. And if it is not viewed this way, the financing of it will continue to be grudging, insufficient and unsuccessful.

On the following pages are our formal recommendations based on the material in this study. They are addressed to the President, to Department of Agriculture, to Congress, to school lunch administrators and to professionals in the food service field. But in addition to these groups, voluntary agencies as well as official bodies have educational jobs to do:

1. We must educate parents about good nutrition. We must tell them about the school lunch program and inform them that their children have a right to be included in it.

2. We must convince educators, school board members and state legislators and the total community about the need to support the National School Lunch Program at the state and local level.

3. We must develop a national awareness that adequate nutrition is an essential part of education—without it, the most sophisticated advances in educational techniques are meaningless. "You can't teach a hungry child" must be first understood, and second translated into a sound nutrition program, starting first with the school lunch.

Recommendations

1. *The price of the school lunch should be reduced to place it within the reach of the majority of children.* We believe, along with many State School Lunch Directors, that a maximum price of 20¢ would make this possible. Reduction in price, a feasible short-run objective, could be achieved by the following combination of Federal, state and local action:

a. *Increased Federal Contribution:* Congress should set a standard below which the Federal cash reimbursement per lunch should not be allowed to drop. We recommend that the 9¢ reimbursement be restored as a preliminary step. The minimum Federal reimbursement should be so calculated that, combined with the states' contributions and the donated foods, it will keep the price at the 20¢ maximum.

b. *Increased Contributions from the States:* The formula should be changed to require the states to match the Federal contribution on a one-to-one basis. That is, if the Federal Government provides 9¢ per lunch, the states must also provide 9¢ per lunch. But the regulations of the U.S. Department of Agriculture (USDA) should specify that the states are not allowed to include in their matching funds the children's fees, funds from private charity, or the costs of program administration, construction or equipment. The money should come from state appropriations out of state revenues. The formula could be adjusted, as it is now, to permit states with a per capita income lower than the national average to contribute proportionately less.

c. *Increased Local Contributions:* The local school district should pay for local administration, labor and equipment for school food service as a regular item in its budget. The USDA Regulations should specify that children's fees may be used only to cover the cost of the food served to them.

d. *A Dependable Level of Commodities:* The cash value of donated commodities should be maintained at a steady and dependable level. The current standard should be 11¢ per meal, but subject to change should food costs rise. If the income from tariffs is not sufficient to maintain this level, or if the available supply of price support foods is not sufficient, Congress should appropriate special funds to ensure this level of support.

The value of the more highly nutritious Sec. 6 foods should constitute 50% of the cash value of all donated commodities. With more funds available from within the state, State Directors would have more flexibility and could make advantageous commodity purchases within their area.

2. *The Regulations should be changed to require that the local public school district should be the unit which contracts to participate in the National School Lunch Program, not the individual school.* (Parochial schools, where so required by state law, would continue to deal directly and individually with the Federal Government.)

As a condition of participation, the school district should be required to make the program available without discrimination to all schools, to submit a total plan showing how the service will be provided in each school, and to explain the exclusion of any school under its jurisdiction.

Lack of facilities, the enrollment of large numbers of poor children, or the fact that a school is a neighborhood school where children can go home for lunch should not be considered valid reasons for excluding schools from the program.

The contract should obligate a school district to feed all of its needy children. These children should be identified in advance, according to a uniform Federal standard, and the district should report to USDA its plan for including them in the National School Lunch Program.

3. *Higher reimbursement rates and increased Special Assistance (Sec. 11) funds should be made available to schools which serve a high proportion of needy children.* Increased Federal and state financial support to reduce the price to 20¢, plus the requirement that the program must be available district-wide, will put the school lunch within the reach of most children. But there will still be schools in poor neighborhoods which will need extra assistance.

a. School districts containing schools in poor neighborhoods and/or a high percentage of poor children should get a higher reimbursement rate out of general school lunch funds. This would enable them to reduce the price below 20¢ and across the board in poverty-impacted schools and to offer free or reduced-price meals to poor children wherever they are in the district.

b. Special Assistance (Sec. 11) funds should be sufficient to help the States feed *all* of their needy pupils, not just a token few. As a first step, Congress should appropriate the $10 million originally authorized for Special Assistance. Subsequent appropriations (following this one) should be based not on the number of free meals served in the previous years, but on the estimated number of children who will need assistance in the fiscal year for which the appropriation is made.

Ultimately, the School Lunch Program should be adequately funded on the national and state levels so that Special Assistance would not be necessary. But until that time Special Assistance will have to be vastly increased to be effective.

4. *Children should be eligible for free or reduced price lunches according to a uniform standard of need.* All school children in families below the poverty level established by the Elementary and Secondary Education Act (ESEA), plus all school children in families receiving Aid to Families with Dependent Children (AFDC), should be automatically eligible. Children in large families with marginal incomes, even though they are not on welfare or below the poverty level, should be added.

5. *Identifying needy children by such practices as using special tokens or different color tickets, by calling out the names of those receiving free or reduced price meals, by collecting money in a conspicuously different way, by forcing them to go to the end of the cafeteria line or by requiring them to work should be specifically banned by USDA Regulations.* We do not object to giving all children the opportunity to earn money or credit for community service. But to make their eating dependent on cafeteria work is humiliating and psychologically unsound.

6. *All school food service should be put under one administration at all levels—national, state and local—to promote uniform funding, standards of eligibility, record-keeping and review and to effect greater efficiency and coordination.* The need for special programs to provide lunches and breakfasts to needy students will continue until the National School Lunch Program becomes truly inclusive. We look forward to the time when all special efforts, with their separate administrations, will not be necessary.

7. *USDA and the states should assume greater responsibility for improving the ad-*

ministration of the National School Lunch Program. Higher levels of administrative and business skill as well as competence in food service are required if the program is to be of greater benefit at a lower cost.

The major burden will be on the states who carry traditionally the responsibility for professional standards, training and certification. The states should accelerate their efforts in training, upgrading and certification and should hasten the time when only certified persons will be eligible for employment.

USDA should set guidelines for program standards, administrative reviews and recordkeeping. Federal grants to strengthen the administration of the state and local school lunch divisions should be provided.

8. *The Congress, USDA, Boards of Education, state legislators, school lunch administrators should begin planning now for a universal free school lunch program as part of a coordinated plan for better nutrition for all children.*

We believe that school lunch should be served to all children as a matter of course. Each child should be given his school lunch in the same way that the majority of children now receive their books and school equipment. The school lunch should be a basic part of the free public school education to which every child has a right.

Part of the malaise of the present school lunch program is that it is isolated from the rest of the child's education. More important, its present operation bears little relation to the needs of today's children. What is needed is a total plan which will unify the present piecemeal system, modernize its administration and integrate it into the total educational process.

In order to achieve this goal, we recommend a two-stage program:

a. *Congress should provide incentive grants to school districts, municipalities or counties to develop model nutritional and food service programs for children and youth.* These models should include: a scientific analysis of nutritional needs; a total food service plan for maximum participation, free or at low cost, for children of all ages; experimentation with developments in food technology; increased efficiency and professional upgrading in already existing programs; community involvement in nutrition education; coordination with other community planning efforts for improving health and education.

b. *The President should appoint a National Commmission with a mandate to design a federally sponsored free nutrition and food service program for children and youths.* The Commission should gather data about the nutritional status of America's children, evaluate all food service programs, and review the experiences of other countries with universial programs. Based on their study, the Commission should make recommendations about how a universal free school lunch program should be financed and administered. It should create the blueprint for a total nutrition program which would include not only the free school lunch but which would cover children's nutritional and health needs all day, every day.

The Commission should be broadly based and should include educators, nutritionists, economists, experts in food technology, school lunch administrators and parents.

"It is my firm conviction that to make lunch a fully educational project, it is necessary that it be offered free to all the children everyday . . . It is a growing conviction that a proper lunch is just as important as proper teaching, and that can be controlled only by having lunches offered to all children in the school . . . We are living in an age where the schools will assume more and more responsibility for the children and when such responsibilities are assumed, we in the school lunch field cannot neglect our obligation to the hungry child and to all children.

GEORGE MUELLER,
Late Comptroller, Board of Education, Kansas City, Mo., School Lunch Journal, July-August 1966.

WEST VIRGINIA DELEGATES FOR HUMPHREY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a story from the May 23 edition of the Charleston, W. Va., Gazette entitled "Of 36 Delegates, 24 on Humphrey Slate."

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

OF 36 DELEGATES, 24 ON HUMPHREY SLATE

Results from all but one county show supporters, of Vice President Hubert H. Humphrey for the presidential nomination will outnumber Sen. Robert F. Kennedy's supporters more than 3-to-1 in the West Virginia delegation to the Democratic National Convention.

Unofficial tabulation of May 14 primary results—with only Mingo unreported among the 55 counties—show the apparent election of a delegation made up of:

Twenty-four candidates who were on the slate supported by United Democrats for Humphrey: seven who favor Kennedy; one who favors President Johnson despite his rejection of candidacy; three who list themselves as uncommitted, and one whose name appeared on both the Humphrey and Kennedy slates.

The 36 elected delegates will include 16 delegates-at-large chosen in statewide voting and four delegates from each of the five congressional districts. In addition to the elected delegates, the delegation at Chicago in August will include the Democratic national committeeman and committeewoman.

The following unofficial results show the 18 leaders for the 16 delegate-at-large seats and the five leaders for the four seats in each congressional district H-Humphrey slate, K-Kennedy slate, J-Johnson, U-uncommitted:

Delegates-at-large: 1. U.S. Sen. Jennings Randolph (U), 145,933; 2. Gov. Hulett C. Smith (H), 129,906; 3. Rep. Ken Hechler (H), 113,750; 4. Rep. Harley O. Staggers (U), 105-166; 5. State Sen. Paul J. Kaufman (U), 105,138; 6. Rep. John M. Slack (H), 104,003; 7. Troy S. Bailey (H) of Bridgeport, 93,210; 8. Alfred F. Chapman (both H. and K. slates) of Wheeling, 91,348; 9 C. A. Blankenship (H) of Pineville, 88,016.

10. Rudolph D. Jennings (J) of Bluefield, 87,233; 11. John D. Amos (H) of Charleston, 83,735; 12. Robert J. Burke (K) of Wheeling, 83,556; 13. Alan B. Mollohan (H) of Fairmont, 83,490; 14. Clarence E. Johnson (H) of Morgantown, 82,295; 15. William S. Bryant (H) of Summersville, 81,442; 16. Lawrence Barker (H) of Dunbar, 78,977; 17. W. E. Chilton III (K) of Charleston, 76,362, and 18. George Blizzard (U) of Oak Hill, 74,098.

1st District: 1. William D. Evans (H) of Fairmont, 24,200; 2. Walter Neeley (H) of Clarksburg, 24,179; 3. Richard W. Barnes (K) of Wellsburg, 21,172; 4. Jerome A. Burke (K) of Wheeling, 19,034, and 5. Charles L. Ihlenfeld (H) of Wheeling, 18,779.

2nd District: 1. State Sen. Betty H. Baker (H) of Moorefield, 14,885; 2. Robert Hedrick (K) of Elkins, 13,171; 3. John A. Canfield (H) of Keyser, 12,819; 4. Charles S. Armistead (H) of Morgantown, 12,454, and 5. Dr. Charles L. Leonard (K) of Elkins, 12,035.

3rd District: 1. Kelly L. Castleberry (K) of South Charleston, 14,144; 2. State Sen. Carl E. Gainer (H), of Richwood, 13,894; 3. David C. Callaghan (H) of Charleston, 11,381; 4. Virgil E. Matthews (K) of Charleston, 9,374, and 5. Lloyd C. Calvert (H) of Belle, 8,817.

4th District: 1. Paul Crabtree (H) of Point Pleasant, 13,472; 2. State Sen. Lyle A. Smith (H) of Huntington, 12,380; 3. the Rev. Harley E. Bailey (H) of Parkersburg, 10,515; 4. Charles M. Polan Jr. (H) of Huntington, 9,034, and 5. John M. McGuire (K) of Parkersburg, 8,995.

5th District (Mingo County unreported): 1. Andrew L. Clark (H) of Princeton, 14,486; 2. Roy A. Cunningham (H) of Beckley, 14,-212; 3. State Sen. Tracy Hylton (H) of Mullens, 14,192; 4. Buzzy Bowling (K) of Beckley, 14,088, and 5. N. Joe Rahall (H) of Beckley, 12,656.

THE FOOD AND DRUG COMMISSIONER AND PROTECTION OF THE CONSUMER

Mr. JAVITS. Mr. President, with the resignation early this week of Food and Drug Commissioner James L. Goddard, the administration faces the responsibility of appointing a successor who is, in the words of the New York Times editorial of May 23, an individual of "great energy, substantial professional status, and considerable courage." The Food and Drug Administration is one of the most important consumer agencies in the Federal Government—as a matter of fact, 25 cents of every consumer dollar is spent for products produced by FDA-regulated industries. Thus, it is incumbent upon the administration to designate an able, consumer-minded executive to this post which Commissioner Goddard has called "one of the hottest of the governmental hotspots."

A final point. It is not generally recognized that the Food and Drug Commissioner is not an "advise and consent" post, although other officials at the same echelon in the Department of Health, Education, and Welfare are—for example, the Commissioner of Education, and the Surgeon General. Senate confirmation of the nomination of the FDA Commissioner would afford the Senate an opportunity to review the qualifications of the appointee and determine the policies he will be pursuing as Commissioner. This is now done by the required Senate confirmation of the nominations of the Assistant Secretaries of Health, Education, and Welfare, the Commissioner of Social Security, the Commissioner on Aging, and others who occupy parallel positions within the Department. It is for this reason that I introduced S. 958 on February 15, 1967. This bill would mandate such senatorial advice and consent. While it may have been appropriate for a Commissioner of Food and Drugs to have been appointed without a Senate review when the Food and Drug Act first went into effect in 1907 or when the FDA was created in its present form in 1930, the scope of the agency's responsibilities for the public's health have grown so appreciably since that time that the opportunity for Senate advice and consent should now be afforded. The task involved in selecting a successor to Dr. Goddard gives emphasis to this point.

RUCKUS AT COLUMBIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a timely and thoughtful

editorial which appeared in today's Washington Daily News entitled "Ruckus at Columbia."

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

RUCKUS AT COLUMBIA

Columbia University in New York is one of the oldest institutions of higher education in the United States, one of the biggest and most reputable in the world.

Yet twice in the last month the institution has been made a shambles by a small group of ruffians, led by members of the so-called "Students for a Democratic Society," a trouble-making outfit of "leftish hue," to put it mildly.

In the last go-around this week, nearly 200 were arrested, 17 policemen and 50 others were injured, several fires were started, rocks, bricks and eggs were thrown. The only pretext for this outbreak was to "protest" the suspension of several students for the previous riot.

Illustrating the other barbarity of these organized hooligans, the office of a professor they happened to dislike was stripped of two files of private papers which represented 10 years of patient research. All these documents were irreplaceable.

Before the police were ordered to clear the campus, they gave these anarchists every chance to go peacefully, but instead were met with a barrage of missiles. They attacked the police and the police, with everlasting propriety, waded in.

"I have never seen students act the way these kids did," said a university official. "I have never been so impressed with the patience of the police."

But patience, tact and persuasion obviously are not the appropriate tactics for this nonsense, which has been erupting on many campuses under the goading of this same far-out "society" or others like it. College officials and law enforcement agencies have no decent choice except to crack down. After all, the students who want to study have some rights.

HUMAN RIGHTS COMMITMENTS REQUIRE SENATE'S SOLID SUPPORT

Mr. PROXMIRE. Mr. President, on May 26, 1966, President Johnson addressed the U.S. Ambassadors to the African countries. His speech reflected his growing concern for the American image abroad. In the developing worlds of Africa and Asia, he realized that the United States was not measured by industrial capacity and military might alone, but by its commitment to the advancement of human rights; its respect for the individual at home and abroad. In his White House speech, the President warned:

> The foreign policy of the United States is rooted in its life at home. We will not permit human rights to be restricted in our own country. And we will not support policies abroad which are based on the rule of minorities or the discredited notion that men are unequal before the law.

The administration's stand for the international human rights treaties became even firmer in the following months. On September 28, the U.S. Ambassador to the United Nations, Mr. Arthur Goldberg, signed the most significant convention in the records of the General Assembly—the Convention on the Elimination of Racial Discrimination.

Almost 2 years have passed, and the Senate has ignored these solemn commitments of the President and Mr. Goldberg. It is blind to the American image; to the paradox of supporting human liberties for its citizens but not for those of the world. The Senate alone is entrusted with the power to ratify treaties. It shapes the United States in the eyes of other nations. We must move from the sluggishness of past years and act on the Conventions on the Political Rights of Women, the Abolition of Forced Labor, Genocide, and Freedom of Association.

TRIBUTE TO SENATOR PHILIP A. HART, OF MICHIGAN

Mr. BYRD of West Virginia. Mr. President, a very fine commentary on the excellent work of our distinguished colleague, Senator PHILIP A. HART, appeared in the Wheeling, W. Va., News-Register of May 22. The item, written by John W. Finney, pays deserving tribute to the excellent legislative work of Senator HART.

I ask unanimous consent that this most fitting tribute be inserted in the RECORD.

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

SENATOR HART INHERITS LIBERAL LEADERSHIP

(By John W. Finney)

WASHINGTON.—Senate liberals, disorganized ever since Hubert H. Humphrey left in 1965 to become vice president, appear at last to have found a leader in Sen. Philip A. Hart, D-Mich.

Twice this year, in an essentially conservative, economy-minded Congress, Senator Hart has succeeded in organizing the liberal forces to push legislation through the Senate bearing a "liberal" stamp.

Probably more than any other senator, he was responsible for the Senate's adoption of a broad civil rights bill including an open-housing provision.

In the aftermath of the racial disturbances last month, it was Hart who countered and perhaps defused the latent "backlash" sentiment in the Senate by successfully sponsoring a three-year, $96 million program aimed at providing meals to preschool children in poverty areas.

Perhaps as important as these legislative achievements, however, is the approving way the Senate "establishment"—conservatives and liberals alike—is talking about Phil Hart in offices and cloakrooms. As he approaches the end of his second term, it is apparent that by the unwritten social rules of the Senate Michigan's senior senator has been initiated into the inner "club" of the Senate.

"Phil is a man we can respect and work with," commented one southern conservative. "When I need the liberals' votes, I now look to Phil," observed a moderate leader of the Senate.

The administration also is looking to Hart for help. When the administration needs someone to champion one of its liberal causes on the Senate floor, such as the civil rights bill, it has been turning more and more to Hart as floor manager.

In fact, one of the principal reasons the administration is in such difficulty in opposing certain sections of the anti-crime bill is the absence of Senator Hart as floor leader.

The Justice Department attempted to enlist Hart to lead the administration cause. But he declined on the grounds that he was exhausted after leading the eight-week fight over the civil rights bill.

The liberal bloc in the Senate, numbering 15 to 20 members, does not lack for potential leaders to replace standard bearers of the past such as Humphrey or Sen. Clinton P. Anderson, D-N.Mex. Like college seniors going over the junior class before Tap Day, the powers in the Senate give approving nods to such "comers" as Edmund S. Muskie, D-Maine, Fred R. Harris, D-Okla., Walter F. Mondale, D-Minn. and Joseph D. Tydings, D-Md.

But none of these potential leaders has yet stepped forward at the head of the liberal bloc, either because they lack the senority or because they have their eyes on the Senate leadership and thus do not want to become too closely identified with liberal causes.

It was more by default than choice that Hart assumed the mantle of leadership of the liberal bloc. A diffident, almost shy man who has difficulty even shaking hands with voters on the campaign trail, Senator Hart would be the last to claim that he was the leader. The most he will acknowledge is that he has become "sort of a nerve center" for the liberals.

But it was Hart's idea that if the bill was to be approved, "we will have to take it through the Senate in our stocking feet." For eight weeks he sat in the majority leader's chair, patiently listening to the southern objections, sometimes responding in low-keyed rebuttals.

All the while he kept pressing Senate Majority Leader Mike Mansfield for cloture votes to cut off the southern debate. It was largely out of personal respect for Hart that Mansfield permitted four different attempts at cloture—something that had never been done before on a single bill.

HIGHER EDUCATION IN TRANSITION

Mr. MURPHY. Mr. President, Chancellor Glenn S. Dumke of the California State colleges, recently gave the keynote address commemorating the 50th anniversary of the Ball State University in Muncie, Ind.

His address, "Higher Education in Transition," discusses the problems and challenges facing higher education. The chancellor's remarks regarding the trend to overglamorize research, perhaps to the detriment of teaching and to the students, needs to be pondered by all.

Like the chancellor, I, too, recognize the importance of basic research, for basic research is indispensable to this Nation's present position of prominence in science and technology. But I also feel that the university should never lose sight of the fact that the primary purpose of educational institutions is to educate students. I ask unanimous consent that this speech be printed in full at this point in the RECORD.

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

HIGHER EDUCATION IN TRANSITION

(By Glenn S. Dumke, Chancellor, the California State Colleges)

When the British Empire founded the thirteen colonies on the eastern coast of North America, there was certainly no concern in Westminster that these thinly-populated plantations in a fertile wilderness would one day assume the power and majesty of world dominion then enjoyed by the mother country. They turned out to be a surprising upstart—at first mildly irritating, then worrisome, then maddeningly rebellious, then finally frustrating, as they emerged with the influence, power and recognition once possessed by the parent nation.

At no time did they disapprove of Britain. They had high respect for her accomplishments. They were jealous of her and wanted her way of life for their own.

There is a parallel, and not a strained one, in the history of American higher education. The normal schools, originally established as two-year institutions to do a job the land-grant or ivy league universities were not much interested in, developed muscles and resources of their own, became state colleges, and then became the "emergent universities". They broadened their offerings, deepened their curricula, invaded the sacred precincts of graduate instruction, and now threaten to surpass their more prestigious progenitors in their overall importance and influence on the American scene.

At no time have they disappproved of their bigger and older brothers. They have merely wanted an equivalent way of life.

In California, where the state colleges have not even assumed the name "emergent university" as yet, nearly two-thirds of *all* senior students in public as well as private four-year institutions are registered in the State Colleges.

By 1980 one out of every eight California voters will be a State College alumnus. Our State Colleges are currently educating 40,000 students in the fields of business, engineering, and mathematics. The State Colleges have doubled in size in the last half decade, and their current budget is close to a third of a billion dollars annually. The teaching profession has been dependent on us for more than a hundred years.

It seems clear that even including those areas of this nation where state colleges have not as yet enjoyed such glandular growth, graduates from state colleges, or state universities which have emerged from state colleges, will within another generation constitute the major portion of our educated citizenry.

Our state colleges and our "emergent universities" are not only on the move, they are moving toward primacy, in terms of size, budgets, influence, and overall effect on what's happening to America.

Yet, despite their growing importance, this nation has often thrust them aside as the second son was thrust aside under primogeniture.

How is it possible to make such a sweeping statement? Let me give just three examples of what I mean:

Most of the graduate schools of this nation will teach that research is the only respectable occupation for a scholar. To them, teaching is a necessary but bothersome means of making a living so that a person's chief efforts can be devoted to his research. Our state colleges and our "emergent universities" have teaching as a major mission and the graduate schools are therefore giving them poor service.

Second, now that the federal government has invaded higher education it has, despite its protestations of not wishing to influence the course of education in this country, deeply influenced it by conferring its favors largely on a handful of older universities and relatively ignoring those whose teaching emphasis brings them in direct contact with the greatest numbers of people. This aristocracy of research is an exclusive elite. Less than 100 major universities have greatly benefited from federal benison. The other nearly 2000 accredited institutions of higher education in this nation, despite loan programs and other crumbs which have fallen from the table, have looked on in frustration.

Third, salaries, prestige, fringe benefits, reduced teaching loads, and support funds have at their highest levels been reserved for the traditional research-oriented institutions. And some of these, despite their "university" title, their proliferated doctoral programs, and their pretensions to scholarly excellence, find it hard to match the faculty preparation, qualifications, and product quality of many state-college-type institutions, which struggle along under the crushing weight of second-class citizenship.

I am reminded of the bourgeoisie in France of the 1780's, who paid the bills and did most of the work while the aristocrats lived luxuriously and made proportionately smaller and smaller contributions to the national welfare. Our aristocrats are of course making a signal contribution, so the analogy must not be carried too far. Yet, in part, it certainly applies.

As a very timely illustration of what I am talking about let me tell you about a study recently completed in our state colleges. Two of our faculty economists recently did an analysis of the support budgets for the University of California and for the California State Colleges. Some of their findings may be of interest. The California Legislature appropriated support funds sufficient to provide $1,672 for each University freshman or sophomore, while only $669 was appropriated for each State College lower division student. At the upper division level per-student state support was $2,508 at the University and only $1,004 in the State Colleges. Support for master's-level graduate students was $4,180 at U.C. and only $1,673 at the State Colleges. No comparisons were made for the Ph.D. level since we award these degrees jointly with the University. In considering the above figures I must warn you to remember that included in the University figure is their support for "organized research".

Let me give you another recent illustration. This past year we were faced with the task of recruiting some 2,300 new faculty members in order to staff our 18 State Colleges. We have made repeated pleas for salary increases in recent years and although we have had some degree of success, we still find ourselves lagging behind our competition. In order to gain a better perspective on what has been happening to the quality of our faculty we asked our Statewide Academic Senate to conduct for us a study of the quality of faculty recruited, as well as an analysis of the current problems associated with recruitment. This study, under faculty leadership, has pointed out for us in clear and dramatic terms the desperateness of our situation. Because this bit of research was faculty sponsored, faculty conducted, and faculty reported to our Board of Trustees, I believe it will have a far greater impact.

Now I do not wish to be misunderstood. I do not wish to take away anything from the great and prestigious universities and research institutions. They have through service to the nation and humanity earned their status, and they deserve all of the support and benefit they can get. But I do feel—and feel strongly—that once the American people recognize the importance and significance of the state-college-type institution—the emergency university—they will stop treating it as a stepchild. Certainly the institution that will educate most of America's college-trained population deserves better than it is getting from the body politic.

Outside of sheer numbers of students and fantastically rapid growth, why is the state-college and "emergent university" type institution so important to the nation? Let us examine this question for a moment and see if we cannot articulate some of our convictions.

The state-college-type institution and new university present the best possibility of finding an answer to the growing problem of financing higher education.

We are all aware of the rapidly-mounting costs of public and private higher education. Budgetary requests in our larger states are already astronomically high. It seems unlikely that the American people will continue to dig deep down in their pockets for funds to finance colleges and universities, considering their recent turbulence, if all educators do is to keep asking for more and more for the same old tired educational techniques that began in the Middle Ages and have changed little since.

The state college or emergent state university presents two attractive alternatives. One is the fact that it currently is not as expensive to run as the major research university. As I have just pointed out above, the per-student annual cost in the California State Colleges is considerably lower than that of the university. Now no one anticipates that these figures should be equal, but certainly the disparity should clearly not be quite so great. After all, it is possible to bargain yourself to death in higher education, to the detriment of the students and the public. However, even though there should be definite corrective upward trends in the State College figure, it still presents a far more attractive budgetary prospect than the speedily rising costs of the major older institution, which are shooting upward like a mushroom cloud to darken the sun of the taxpayer.

The second attractive prospect which the state college presents is the pleasant vista of change. Few state colleges are as venerable, as rooted in tradition, as stubbornly conservative and resistant to change, as major universities. They are therefore far more capable of constructive innovation, of pioneering ventures which might, in some academically reputable manner, suggest better ways of educating our students, maybe even at lower cost.

Let us innovate, let us pioneer, let us use the flexibility and institutional youth which is still ours to chart some new directions for American higher education!

We have some new campuses coming up for the State Colleges in California, and I hope we can use at least one of them in an entirely new way—perhaps no formal classes at all, except for advanced philosophy or certain labs, with all of the resources for learning present on a campus in which the student would take the chief initiative—the books, the gadgets, and the people necessary to a good education, but one in which the faculty would chiefly be used as advisers and counselors rather than as old-fashioned lecturing pedagogues. We may never be able to do it because of the budget formulas, but we have a youthful obligation to at least try.

Another reason the state college and "emergent university" type is important to America is that *it presents the best working laboratory for solving the problems of new and big academic government.*

The faculty wants to take charge. The students want to take charge. The administrators have had little experience running big systems. These are our problems.

Not only are collegiate institutions growing larger and more complex, but they are being joined together in systems and federations which may, if we don't guard against it, isolate the decision making authority from those who are governed by the decisions. I believe that increased participation of faculty and students in the decisions which affect them must take a format which is both visible and satisfying. It is not enough to have an administrator report that he consulted with the faculty or with certain students. We in the California State Colleges have made physical and procedural provisions for all constituencies of our academic communities to be represented before our governing board. The college presidents, the Executive Committee of our Statewide Senate, and representatives of our student association presidents are free to address the Board of Trustees on all matters before them. I believe that this or similiar patterns of direct communication must find increasing acceptance in other institutions and systems.

Both faculty and students are important in academic government, and both should play an important, significant, and appropriate role in it. This is our problem—how to work it out; while maintaining the responsibility for decision-making in the hands of those who can and must be held responsible for the decisions made.

Our newer, more vigorous state colleges have the best chance of solving these critical problems because of their flexibility, and uncrystallized form of academic government.

Maybe the image which we have always fondly held that a college president should have just emerged from the classroom with chalkdust on his coattails will have to be changed. Maybe education is now such big business that the systems will have to be run by professional managers rather than educators, and maybe this will be in the educators' best interest. Certainly if collective bargaining succeeds in dominating our relationship with our faculty this development will be forced upon us. But in any case, there are new and fundamental problems of academic government that must be confronted and solved, and again, the state college is very likely to place where the solutions will be discovered and tested.

A third area of significance in which the state college can play a leading role is in *solving the problems of the relations of higher education to the federal government.*

Because no matter how it doth protest, the federal government's intrusion into the affairs of higher education, although enthusiastically welcomed by many, *has* influenced the direction of education, and is influencing it now.

Federal funds have increased the disparity between the aristocrats—the larger, older universities—and the bourgeoisie—the teaching institutions. Like Minister Necker's reforms prior to the French Revolution, they were designed to solve, and instead have only intensified, certain problems.

Federal funds have helped the sciences at the expense of the humanities and the arts and the social sciences—and this at a time when our knowledge of man is so far behind our knowledge of things that all of civilization is in danger.

Federal funds have bureaucratized and centralized decision-making in higher education, and this at a time when decentralized freedom and flexibility seem the only highroads to fundamentally necessary educational change and improvement of educational organization and management.

Federal funds have intensified the problem of creating a floating academic community, with each individual a professional man responsible only to his discipline, whose success is measured by the amount of research money he can extract from Washington. He is losing his loyalty to the institution and its educational philosophy. This is affecting the meaning of the degree, the attempts to develop sounder approaches to teaching. It is contributing to the development of "multiversities" where hordes of busy researchers, who teach only as a sideline, dish out highly specialized morsels to students in a hurry as they rush by on the academic production line.

These are the negatives, the problems. Admittedly, federal funds have done a lot of good as well. But we in education have a tendency to talk only of the good and say nothing of the bad, because we think it may influence the chances of our next loan or grant, and we are as able to see which side our bread is buttered on as the next person.

Again, the state-college-type institution has the best chance of confronting and coming to grips with these problems because it is the institution that has been most seriously short-changed in this development, has least to lose, and can therefore afford to face the issue squarely.

It is a problem that needs solving—now.

The state college is also in the best position to change American graduate education from its myopic concentration on research to a more significant and broader role—that of training teacher-scholars, who will not only do research but will also accept classroom teaching as a noble and primary professional obligation.

When you consider that of the Ph. D.'s turned out by American graduate schools, who are destined to go into teaching, the California State Colleges alone must recruit nearly ten per cent of the national total, it becomes clear that not enough college professors are being produced. This is one problem, and it is a serious one.

The other is that when they are produced, too many of them want to do only reasearch, and look upon teaching as a professional step-child. Now no one knows better than I, who started out primarily as a professor with dominant research interests, how important research is to good teaching. And I am not drawing any line between the two. All I am talking about is elevating teaching in the minds of graduate students, so that a good many of them will want to teach, and do research to make themselves better teachers, instead of the reverse which is now the dominant pattern.

The state-college "emergent university" type institution should be turning out a new kind of Ph. D.—not a superficial or a second rate one by any means, nor one that ignores training in research. But one which is aimed at turning out the best possible teacher of undergraduate students at the collegiate level. No one else will do this. It is up to us. And besides, we are the ones who most urgently need this new product.

Finally, the state-college-type institution is in the best possible position to help American higher education develop the educational philosophy it so badly needs, which will provide ballast for our huge vessel that is plunging swiftly forward through turbulent seas.

It is too bad to have to admit it, but American higher education has "just growed," Topsy-like, without great strategists at the commandposts. Unlike England, and despite Dewey, we are not wholly won to the idea that our universities should educate the whole man for optimum service to his fellows and the state, and unlike Germany we were not wholly convinced that ramming everything into neat scientific molds and trying to apply consistent principles to all branches of learning, even the humanities and the arts, was really the best way to proceed. So, not being certain, we did a little of both, like the cook who wasn't sure whether she wanted to make soup or pudding, so she put all the ingredients together in one mixing bowl and hoped for the best.

We have also emerged with a good many decades of non-thought about where the college or university should stand with regard to current social issues, and so today we are torn between those who want us to teach the children in the image of the fathers, including a handy trade and good manners, and those who want our campuses to go Latin, serving as staging areas for revolution and violent social change.

American educators must give some thought to what a college or university should be in this nation in the last half of the twentieth century. But it will do no good for educators who are trapped in the rock-walled bastions of ancient and venerable institutions to contemplate this fundamental question. Those who will find the answer must be those whose institutions are malleable enough to make this philosophic contemplation more than a pleasant and wordy academic exercise.

Of all of our problems, this, although the least tangible and the hardest to measure and grasp, is perhaps the most important.

The American people today, who have always looked upon their colleges and universities as beneficent institutions serving as anchors to windward in a stormy world, now view what is happening on their campuses with lack of understanding, fear, and in some cases, horror. The matter is one of crisis, because these emotions will be—and are being—translated into reasons why higher education's support base should be closely scrutinized, and the answer that comes from this scrutiny may not be objective.

Even though we all accept the absolute necessity of maintaining peace and order on our campuses, I am not one who believes that campus turbulence is as serious a problem as some of our communications media like to imply. Ninety-nine percent of our faculties and students are still sound and constructive citizens as they always have been. But this merely intensifies the problem, because it means that many good people, and institutions that are basically sound, stand to suffer unless we can, in addition to guaranteeing peace and order, clarify our position in our own minds and in the mind of the public.

We have, as educators, spent much of our time telling others how to think through their problems. We now have some of our own, and they are serious. We would do well to follow our own advice, often given to others, that the first step in the solution of a problem is to clarify the principles underlying it. In what direction are we going? In what direction do we wish to go? Then, and only then, will it be profitable to study how to get there. The state colleges and "emergent universities" are wide open to this kind of self-study. They are in their institutional adolescence, and they can grow in the direction and in the manner that we wish. And if we mold them well, they may well serve as a model for all of American higher education as its various segments confront their own problems of growth, development, and adjustment to the 1960's.

The upstart colonies have now grown up to the point where they have questioned the taxation without representation principle, the disparity between themselves and the mother country—not with any desire to deprive the motherland of its benefits, but only with the hope that these same benefits might be more widely shared. They have not yet dumped the tea overboard, nor engaged in the Boston Massacre, nor should they. We need to use the opportunities for self-study already offered by our equivalent of a Continental Congress—and conferences such as this. There is every possibility that if we pursue these self-studies and this serious contemplation of our problems effectively, we can remodel ourselves so that the problems of disparity will disappear, and on both sides of the Atlantic will be prosperity and freedom.

Our state colleges and "emergent universities" have the most exciting and tremendous potential of any institutions, educational or otherwise, in modern history. If we do not come up with the solutions to our problems, we will have only ourselves to blame. None of us, I am sure, wishes to face the future with that kind of bitterness gnawing at his vitals. If there is an unmet need which professionals fail to meet—unprofessionals will move in and fill the gap.

I would like to close by reminding you of the response made by Astronaut Scott to a reporter's question. During an interview he was asked how it felt to be up in space circling the earth. He responded, "How would you feel if you were up there and you knew that the components supporting you had been supplied by the lowest bidder?"

Ladies and gentlemen—I suggest that even though we may continue to be the low bidder, we impress the American people with the importance of the job we are doing, so that we will never be asked to bid below what is necessary to keep the components in orbit.

CRIME AND THE MARCH ON WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD the following news articles:

A story which appeared in today's Washington Post entitled "District of Columbia Bus Strike Averted";

A story in today's Washington Post entitled "18 Marchers Seized; First Pleas Met";

A letter to the editor, which appeared in today's Washington Star from Mrs. Nina Cole entitled "Policemen Who Cared";

An article which appeared in today's Washington Star entitled "District of Columbia Curfew on Youths Is Requested"; and

An article which appeared in the Washington Post of May 20, 1968, entitled "Militants Called 'Absurd'."

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

DISTRICT OF COLUMBIA BUS STRIKE AVERTED: DRIVERS DELAY FURTHER CURBS FOR 10 DAYS

(By Jack Eisen and Robert F. Levey)

A threatened work stoppage by bus drivers that would have halted both day and night service of the D.C. Transit System starting this morning was averted last night.

By a standing vote of 734 to 568, members of Local 689 of the Amalgamated Transit Union agreed to postpone any disruption of daytime service for at least ten days.

Night-time operations already have been virtually halted. D.C. Transit reported 46 buses, about one-quarter of the normal number, on the streets at 8:15 last night, and this dwindled to seven an hour later. The last bus returned to its garage at 11 p.m.

During the ten-day negotiation period, a special mediator called in by Mayor Walter E. Washington will meet with Union and management officials in an effort to solve the issue of driver safety that arose after the recent slaying of a bus driver.

The mediator, the Right Rev. Msgr. George G. Higgins, a Roman Catholic priest with broad experience in labor negotiations, joined with Union leaders in pleading with the drivers not to shut down the bus system.

Earlier in the evening, the situation seemed so bleak that Mayor Washington prepared an emergency proclamation designed to ease an expected crush of automobiles on jammed streets if the stoppage had occurred. Its terms will not go into effect.

Msgr. Higgins met through the afternoon with both Union and company officials separately and reported he was unable to find a basis for agreement.

Others said the bus company would not budge on the key issue of whether drivers would be permitted to take night-time buses on their runs without money needed to make change. The drivers regard this cash as bait for holdup men.

In a further attempt to break the stalemate, the Metropolitan Area Transit Commission issued an order permitting D.C. Transit to suspend the sale of tokens on buses after 7 p.m.

It also said that a June 4 hearing scheduled chiefly to consider the installation of protective plastic shields around bus drivers will be expanded to consider prospects for the elimination of the handling of all cash on buses.

Almost 2000 drivers attended the three-hour meeting in the Regency Ballroom of the Shoreham Hotel, alternately cheering and hooting speakers.

George W. Apperson, the Local 689 president, said several hundred drivers assigned to early-morning runs apparently left the meeting early and did not vote.

The proposal for a ten-day delay was offered by the Union's executive committee.

Had the vote gone the other way, Martin Lentz, an observer from the Department of Labor, said it was almost certain that no buses would have operated today.

Opening the meeting, John Elliott, international president of the Union, said he found most people in Washington were sympathetic with the drivers' plight but that a walkout would threaten that mood.

He said D.C. Transit was taking an "impossible and irresponsible" position in insisting that the drivers take change on all runs.

"I say it's a mistake to ask the late men (the night drivers) to go back on the street with money," Elliott said, "but I also say it is a mistake for the day men to join them. It would be a wiser course to continue as we have for a reasonable period of time."

There were indications that the Union leaders took their stand after receiving assurances from the city government that a solution acceptable to the drivers would be worked out within the ten-day period.

City officials have said, however, that they do not have the police manpower to station armed guards on all night buses, as the drivers have sought.

During floor debate, Union members urging a complete stoppage seemed to get the loudest applause.

One driver, Peter W. Buckes, said he has been with D.C. Transit only 110 days, and during that time has been robbed five times —twice at 17th and D Streets ne. and once at 18th and D. He said he had to stop his bus in front of the homes of women passengers to see them safely indoors.

"They run and they're afraid," Buckes said.

Under a resolution adopted at a regular Local 689 meeting Tuesday, the executive board was given power to assess day-time bus drivers to make up some of the wages lost by night-shift men who are not working. The board will meet today to decide the size of the assessment.

Night-time operations have been disrupted since Monday and were halted completely Wednesday night on both D.C. Transit and its Virginia subsidiary, WV&M Coach Co.

Two other suburban lines, WMA Transit of Prince Georges County and the Alexandria-based AB&W Transit Co., are not affected.

A stoppage would have halted transit service here for the first time since the same Union struck the old Capital Transit Co. for 52 days in 1955 over economic issues.

Halting of D.C. Transit service would have affected about 200,000 round-trip riders a day in Washington and suburban Maryland, about 120,000 of them in the morning and evening rush hours. About 40 per cent of all employed Washingtonians get to work by bus, compared with 15 per cent of suburbanites whose jobs are in the city.

Disruption of service also would have affected large numbers of Washington school students. An estimated 70 per cent of all high-school students—including 98 per cent of Spingarn's student body and 85 per cent of Western's—ride regular city buses.

The dispute between D.C. Transit and its drivers began Monday in the wake of a rising wave of bus robberies and the holdup-slaying last Friday of bus driver John Earl Talley.

That night, under instructions from the Union, drivers began refusing to carry change on runs after dark unless armed guards were put on all buses. The company would not let drivers refusing the money take buses out of the garages.

On Tuesday, with the issue unresolved, the drivers at a regular Union meeting set the stage for last night's mass meeting by threatening to refuse change in daytime as well—an action, if carried out, would amount to a strike.

Expressing grave concern, Mayor Washington called in Msgr. Higgins late Wednesday night when efforts by the Metropolitan Area Transit Commission to mediate the dispute collapsed.

The Mayor, mindful of the bruising that New York Mayor John V. Lindsay took in trying to mediate a subway strike personally soon after taking office, called on the priest, who is director of the Social Action Department of the U.S. Catholic Conference and has been active in numerous labor disputes, most recently the protracted copper strike.

Mayor Washington called for a "prompt and equitable solution" and said Msgr. Higgins has been given a free hand.

D.C. Transit is being represented at the mediation sessions by J. Godfrey Butler, its senior vice president. Company president O. Roy Chalk, who was in Washington Wednesday, returned to New York, where his wife is critically ill following an operation.

In a related development, Wiley A. Branton, executive director of the United Planning Organization, the city's antipoverty agency, urged that area merchants—especially drug stores, bars and others open late at night—sell tokens.

Branton said a bus shutdown would have hit hardest at ghetto dwellers who depend almost totally on public transit. He said a study showed that 72 percent of the residents in the last month's rioting have no automobiles.

EIGHTEEN MARCHERS SEIZED; FIRST PLEAS MET

The Poor People's Campaign sustained 18 arrests among its marchers yesterday, but also won the first response by the Federal Government to its demands.

It was announced that 30 House and Senate members have formed a committee to help the protesters present their case on Capitol Hill.

In another development, Agriculture Secretary Orville Freeman disclosed that he has taken two steps to provide more free food to the Nation's needy.

Freeman announced that $60 million worth of commodities will be added to programs providing food directly to the poor, and that some sort of food program for 331 of the Nation's poorest counties will be in operation by mid-August, with some taking effect July 1.

Meanwhile, the last large delegation of marchers, the 800-member Western caravan, arrived in the Washington area late in the day. They will stay in temporary housing before moving to Resurrection City later this week.

Eighteen participants in the Campaign were arrested yesterday on the Capitol grounds, in the only such incident since demonstrators began arriving in Washington 12 days ago.

Twelve adults and six juveniles, all male, were taken into custody after they disobeyed a Capitol Police order to cease singing and praying on the sidewalk in front of the Longworth House Office Building, where a large group of protesters went to demand changes in welfare legislation. Rain fell heavily while arrests were being made.

The arrests stemmed from a noon visit to Capitol Hill by 250 welfare mothers and their supporters, led by Dr. George A. Wiley, executive director of the National Welfare Rights Organization.

The group sought to make a personal protest to Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee, whose office is on the first floor of the Longworth Building.

While 150 of the marchers milled around the building's foyer, just outside Mills' office, the other 100 waited on the sidewalk, but soon began singing freedom songs and clapping.

CONVERGE ON SCENE

Capitol Police Lt. E. J. Rucchio immediately announced through a portable loudspeaker that "There will be no singing."

As the singing of such songs as "Ain't Gonna Let Nobody Turn Me Around" increased in volume, more police converged on the scene, including 60 District policemen led by Assistant Chief Jerry V. Wilson.

At that point, Wiley silenced the group momentarily and said those singing or kneeling should prepare for arrest.

He urged older persons and those with children to break off from the singing group. About 20 separated themselves, leaving about 80 who noisily proclaimed their readiness to go to jail.

Capitol Police Chief James M. Powell arrived in a black cruiser and told the group through the loudspeaker that they had three minutes to quiet down.

Three patrol wagons pulled up and 100 policemen moved in on the crowd. When the three minutes expired, the arrests began and the violators were loaded into the wagons, after first being searched and photographed. They did not resist.

ASSEMBLAGES BARRED

They were driven to the First Precinct station, where they were booked under a section of the District code that bars parades or assemblages on the Capitol grounds.

The six juveniles, ranging in age from 15 to 17, were turned over to Campaign officials at Resurrection City.

The 12 adults were arraigned before General Sessions Judge Edward A. Beard, where they all pleaded innocent and had their cases continued to June 10. They were released without bond in the custody of the Rev. Ralph David Abernathy, Campaign director, who was represented in court by Frank D. Reeves, a law professor at Howard University.

The 12 were identified as William F. Riley, 26, of Pittsburgh; David Ganz, 21, listed at 1230 New Hampshire ave. nw.; John Shuman, 27; Clarence Harris, 41, and John L. Brinkley, 27, all of New York City; Clarence Williams, 37, of Savannah; Donald W. Penn, listed at 413 Kennedy st. ne.; William R. Corbett, 23, and Norman B. Brown, 22, both of Norfolk; Lonzy West, 45, of Selma, Ala., and Charles R. Banks, 21, and Arthur L. Barrett, 21, both of Social Circle, Ga.

If found guilty, each could receive a maximum penalty of a $500 fine, six months in jail, or both.

All the group were residents of Resurrection City except Ganz, who left the court in the custody of Washington attorney John Murphy.

"CITY MANAGER" CALLED

During the disturbance, Wiley placed a call to the Rev. Jesse Jackson, "city manager" of Resurrection City, who hurried from the camp to the arrest scene.

There he talked with Powell, who afterward agreed to let the rest of the crowd disperse without making further arrests. Mr. Jackson said later he had told Powell it would be wise to permit the others to leave, lest "he find himself with 3000 people down here."

Others on the scene to confer with police and the protest leaders were Rep. William F. Ryan (D-N.Y.) and Stephen J. Pollack, assistant attorney general in charge of the Civil Rights Division.

Rep. Mills who was at the Capitol the entire time, said the protesters "sent me a telegram Friday demanding that they be heard by my Committee."

"If the leaders want to see me all they have to do is ask, but no one told me today that they wanted to see me," Mills said. He added:

"I don't answer demands. And I don't convene the Committee on anyone's demand, not even the President's."

CALLS MILLS "RACIST"

Wiley afterward described Mills as a "racist" because of his support of a welfare amendment that would freeze the Federal Government's contribution to state welfare programs.

Wiley said Mills "has been putting it to black people for 30 years with bad welfare legislation and keeping us in a kind of slavery."

Wiley also told the women in his group they had won "a great victory" and that their presence had shed "light on that rat hole where Wilbur Mills does his dirty work."

After the arrests, Mr. Jackson led his group to the Rayburn Building, where they held a mass meeting in a hearing room, the use of which was arranged by Rep. Richard L. Ottinger (D-N.Y.). They returned to the camp after the meeting.

Two women had to be carried from the intensely emotional meeting at Rayburn auditorium, one who fainted and the other when she experienced a screaming fit.

Mrs. Etta Horn of Wiley's group said the woman "is only the first of many mothers who will cry out in anguish at the hideousness of this country."

Mr. Jackson said the new welfare amendments raise fears that mothers would lose their children because they were born out of wedlock. This, he said, "is something that touches close."

The 26-year-old minister, a native of Greenville, S.C., then told his hushed and moved audience of the circumstances of his own birth.

"I was born illegally, but not illegitimately . . . God placed his hand on me—and I am somebody," he said. The women, several in tears, burst into applause and one cried, "Keep him, God, keep him in Your care."

Freeman's announcement was made at a meeting with Mr. Abernathy and 200 of his followers, who made clear they felt the Agriculture Secretary could have taken much firmer action.

At one point, Mr. Abernathy asked him, "How many babies will have to die before you exercise the full power and authority at your command?"

The House-Senate group formed to aid the marchers in presenting their program was formed by a quartet composed of Sen. Brooke, Sen. Philip A. Hart (D-Mich.), and Reps. Ogden Reid (D-N.Y.) and Charles C. Diggs (D-Mich.). The latter three were named co-chairmen.

Sen. Brooke, who is chairman of the bipartisan group, said in making the announcement that the arrests were the kind of situation "we hope to be able to avoid."

Several members joined Brooke in cautioning the protesters against actions that could disturb the functioning of Government.

STAY WITHIN LAW

"We are against violence and disruption," said Brooke, adding that "We are not opposed to peaceful demonstrations within the confines of law."

Brooke noted that the committee does not have any official status, but said it has the approval of the majority and minority leaders of both Houses of Congress.

Members of the committee are:

Reps. William A. Barrett (D-Pa.), Frank J. Brasco (D-N.Y.), Edward P. Boland (D-Mass.), Jeffery Cohelan (D-Calif.), James C. Corman (D-Calif.), Diggs, Augustus F. Hawkins (D-Calif.), Patsy T. Mink (D-Hawaii), Robert N. C. Nix (D-Pa.), James G. O'Hara (D-Mich.), Carl D. Perkins (D-Ky.), John B. Anderson (R-Ill.), Silvio O. Conte (R-Mass.), William M. McCulloch (R-Ohio), Thomas J. Meskill (R-Conn.), Albert H. Quie (R-Minn.), Reid, Fred Schwengel (R-Iowa), Garner E. Shriver (R-Kansas), and William B. Widnall (R-N.J.); Sens. Joseph S. Clark (D-Pa.), Fred R. Harris (D-Okla.), Hart, Edmund S. Muskie (D-Maine), William Proxmire (D-Wis.), Brooke, John Sherman Cooper (R-Ky.), Jacob K. Javits (R-N.Y.), Charles H. Percy (R-Ill.), and Hugh Scott (R-Pa.).

ORIGINATED IN CALIFORNIA

The members of the Western caravan arrived in 18 buses at 5:30 p.m. at the Bradley Hills Presbyterian Church, 6601 Bradley blvd., Bethesda, where they stayed briefly before dispersing to their overnight accommodations.

The caravan originated in the slums of Los Angeles and San Francisco and picked up other participants in Colorado, Arizona, Kansas, New Mexico, and Missouri. It has been on the road to Washington for four days.

Yesterday's announcement by Agriculture Secretary Freeman will mean the addition of six new commodities to the list of 15 foodstuffs now distributed free to the needy.

The additions are instant mashed potatoes, hot cereal, canned chicken, fruit juice, dried eggs and evaporated milk.

Freeman said these would be "major additions" to the usual diet of the poor, and that in some cases the foods would be fortified with iron to make up a notable deficiency in their menu.

An aide said the mashed potatoes were already being made available and the other items would be ready for distribution in one to three months.

The present list of commodities includes cheese, corn meal, flour, lard, canned meat, milk, rolled oats, peanut butter, raisins, rice and rolled wheat.

POLICEMEN WHO CARED

SIR: On May 12, while the Mother's Day March was going on down near Cardozo High School, I had an emergency. My eight-year-old son had to be rushed to Children's Hospital for possible appendicitis.

My son was staying at his grandmother's house. She called me to come and get him. I live in Landover, Md.

When I called my doctor he told me to rush him to Children's Hospital. So I rushed over and picked him up, was headed down 13th Street toward Children's Hospital. When at 13th and Harvard Streets I was told to turn right. I told the policeman that I had an emergency and what it was, but he told me to go on and he couldn't help me. At the next intersection the same thing, and so on.

I kept going in the direction I was told to go until I was somewhere in Washington that was unfamiliar. Finally, I saw a police wagon. I told the policemen what had happened and what the other policemen had told me. They gave me an escort to Children's.

I would like to thank those two officers in Wagon 13 very much.

I think that when people have emergencies like the one I had, they should be let through. I wasn't going to bother those marchers. All I wanted to do was get my child to the hospital. Maybe someone should think about it, and have an emergency route to hospitals ready for such cases.

What would have happened if some person had died while being rushed to some hospital? How would someone feel? I would feel pretty bad.

MRS. NINA COLE.

LANDOVER HILLS, MD.

DISTRICT OF COLUMBIA CURFEW ON YOUTH IS REQUESTED

(By Ronald Sarro)

The D.C. Federation of Civic Associations, Inc., has asked Mayor Walter E. Washington to ban teen-agers from the District's streets at night in an effort to keep them out of trouble and promote safe streets.

The proposal was one of seven formal recommendations made by the predominantly

Negro federation during a meeting with the mayor late yesterday.

Federation president Edward J. MacClane said after the hour-and-15-minute meeting that the group has no specific plans for prohibiting youths from being out at night. McClane said he believed youths should be required to be off the streets by 9 or 10 p.m.

"There is strong support among federation members for a curfew in the District for teenagers," MacClane said in the list of proposals given the mayor.

Mayor Washington said he would give serious consideration to all recommendations of the federation, which included a plea that the civic associations be directly involved in the rebuilding of the riot devastated areas of the city. The mayor asked the federation for specific ideas.

The federation's proposals also included a call for more effective cleaning of streets and alleys and an end to "the over concentration" of liquor stores in low-income areas.

The federation voiced its strong support for Public Safety Director Patrick V. Murphy and for the police department. But it added that there is an "immediate urgency" for District employes, particularly policemen and firemen who recently received salary increases, to be required to live within the city limits.

The federation also expressed its support for an effort to reduce traffic deaths, adding that more Negroes should be appointed as officials in this program and expressed grave concern over the city's financial condition.

On the latter point, the federation said destruction of many businesses and loss of a large amount of tourist business would affect every District resident.

MILITANTS CALLED "ABSURD"

(By Sarah Booth Conroy)

The "militants of the absurd" are threatening to trample under the successful people of the Negro community, a professional sorority of Negro beauty shop owners and operators was told yesterday by D.C. Board of Education member Dr. Benjamin H. Alexander.

The chemist with the National Institute of Health, where he is grant associate with the Division of Research, spoke to the Pi Omicron Rho Omega Sorority at a Statler Hilton Hotel luncheon honoring Mayor Walter E. Washington, who received the group's annual award.

"The time is almost noon," said Dr. Alexander. "A showdown must come in this city between those who believe in violence and guerrilla warfare—and those who do not.

"Your very rise to your present status in this community puts you ladies in a select circle—and you must use this to your advantage, or risk the danger of being trampled under the surge of unthinking feet—excited forward by careless power manipulators, people whom I call 'militants of the absurb.' "

The 47-year-old Negro leader said he was going to "talk openly about the main subject of private conservations since the trouble in D.C. I refuse to be 'chicken' and keep my thoughts in secret half-whispered discussions.

"Let me tell it like it is. During the past winter a young brown-skinned man (an obvious reference to militant Stokeley Carmichael), after a hate America trip around the world, came to live in Washington, D.C. . . . and in only a short time has really shown us oldsters how to take over a city.

"He 'jived' many black leaders of many responsible Negro organizations in this town, even some of the sweet old ladies at church.

"He's sympathized with our D.C. leaders' frustrations, he inflamed their resentments—but more importantly, he played up to their egos. Then all were invited to a secret meeting. And publicly our leaders nodded agreement to his plan to join forces and consented to take titles of offices and to serve on black only committees."

Dr. Alexander asked where the militant leaders were "when the time came."

"None to my knowledge were seen doing the violent acts that they had earlier urged on their poor black brothers."

The D.C. disturbance was a criminal action and not a riot, Dr. Alexander said, because "the few percentage of blacks who took part put their sights more on what they saw in store windows than on what Dr. Martin L. King Jr. taught, lived and died for."

Challenging the argument that only violence seems to frighten the power structure into turning more attention to the poor, Dr. Alexander said:

"This city or nation cannot allow the poor to believe that it is necessary to burn a slum house, the corner grocery store or clothing store to make Congress and the American public aware that existing hunger in rat and roach-infested quarters is hell."

Dr. Alexander spoke out against a racial split—"the only blacks that I know of who really want segregation are those who can't cut the mustard in an integrated society"—but he urged that Negro men pool their money to own stores, banks, hotels.

"We have been dallying with the white man for years, but we can't fool him any more because he has woke up and gone and given us our civil rights. Now we must seek justice—not generosity, not benevolence, not pity, not sympathy or handouts."

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT 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 present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, before we commence the debate on the Housing and Urban Development Act of 1968, S. 3497, I wish to make a brief comment.

As chairman of the Banking and Currency Committee and also the Subcommittee on Housing and Urban Affairs, I wish to express my appreciation to the members of the committee as well as to the members of the subcommittee for their cooperation and help in bringing S. 3497 to the floor of the Senate. In this connection, Mr. President, I express my gratitude to the members of the committee and the subcommittee for the wonderful cooperation they gave throughout the weeks—literally, throughout the months—in considering this bill. I also wish to express my appreciation and that of the members of both the committee and subcommittee to the staffs of the full committee and the subcommittee, as well as to the Senate legislative counsel's office; namely, Mr. John Reynolds—for the vast amount of work they did in the preparation of S. 3497 as well as in the preparation of Senate Report No. 1123 to accompany the bill.

I believe I can truthfully say that S. 3497 is the most comprehensive housing and urban development bill our committee has ever presented to the Senate. The bill has 15 titles, with numerous sections and subsections, which, on the one hand, establish several new housing and urban development programs and, on the other hand, contain provisions amending the majority of housing and urban development laws on the statute books today.

Mr. President, S. 3497 is not a bill which the committee "dreamed up" overnight. Quite to the contrary, S. 3497 represents a two-session effort on the part of the committee. Senators will recall that, after some 4½ months of deliberation during the first session of the 90th Congress, the committee reported on November 28, 1967, the proposed Housing and Urban Development Act of 1967—that is, S. 2700. Congress, however, adjourned before S. 2700 could be considered. As a matter of fact, S. 2700 is still pending on the Senate Calendar, although it has now been outdated by S. 3497, the bill which we commence to debate today.

Rather than proceeding to consider S. 2700 early in the second session of the Congress, the decision was made that we should hold that bill in abeyance until the administration submitted its proposals for 1968 housing and urban development legislation.

On February 26, 1968, the President submitted to the Congress a message on housing and cities. Accompanying the message were the administration's legislative proposals designed to implement the President's message.

The administration's proposed Housing and Urban Development Act of 1968 contained a majority of the basic ideas that were included in S. 2700. Therefore, the committee used S. 2700 as the basis for drafting the committee bill we have before us today. One might say, then, that the committee has now spent some 8 months in bringing S. 3497 to the Senate.

Mr. President, with the enactment of the National Housing Act of 1934, the United States Housing Act of 1937, the Housing Acts of 1949, of 1954, of 1961, the Housing and Urban Development Act of 1965, and the Demonstration Cities and Metropolitan Development Act of 1966, plus other measures, the Congress has provided many tools with which the American people have been able to obtain decent, safe, and adequate housing. These acts have also provided ways and means by which our cities, towns, and communities have been able and are now able to fight blight, slums, and urban decay.

It must be remembered, however, that these acts taken as a whole, were never intended to be the complete answer—the sole solution—to our national housing problems nor to the multiplicity of problems we now find facing our cities. At

best, these acts were intended to encourage and contribute to private enterprise and public efforts and initiative toward helping our people to achieve the goal expressed in the policy of the Housing Act of 1949, which is "a decent home and suitable living environment for every American family."

Mr. President (Mr. GORE in the chair), I shall digress long enough to say that that housing policy was written into the act of 1949. At the time it was known as the Taft-Ellender-Wagner Act. It was under the guidance and leadership of those three distinguished pioneers in the field of adequate housing that the goal I have just quoted was established—that there should be the opportunity to aspire to and hope for "a decent home and suitable living environment for every American family." Of course, Senator Taft and Senator Wagner are no longer with us, but the distinguished Senator from Louisiana [Mr. ELLENDER], who was the other member of that famous trio, is still one of our most active Senators and one of our most active supporters of safe, sanitary, and decent housing.

Under these acts, a great deal has been achieved. Literally millions of families have been able to obtain decent places in which to live commensurate with their needs and at prices they are able to pay. In fact, the FHA and VA housing programs alone have aided some 17 million families to obtain decent housing. Several thousand cities, towns and communities have been helped to rid themselves of their worst slums and blight and have thus become better places in which to work, play, worship, and live. One of the most notable achievements has been the development of a mortgage insurance system with a Government guarantee and a backup secondary mortgage market facility, the results of which have largely been responsible for the rising homeownership among the American people so that today more than two-thirds own their own homes.

However, from time to time serious gaps have been noted in these acts. As time went on, it was realized that many programs provided by these measures have not reached down far enough to help those who need housing the most. Also, urban development programs were sometimes found lacking in the type of Federal support and assistance that was needed at the local level to meet the fast changing housing and urban development problems of the cities. Each time these gaps have been found or recognized, steps have been taken to close them with either new or amended legislation.

Let me make it clear, however, that while much success has been achieved over the last 35 years, this Nation still has a long way to go in meeting total housing and urban development needs. In the first place, our previous efforts have never been fully effective relative to the needs of the lower income people and, secondly, changing economic and social conditions have aggravated and worsened the urban housing problem so that, despite existing programs, many inner city areas have deteriorated at a faster rate than ever before.

The housing needs of the American people and the needs of the Nation's cities, towns, and communities are not something that can be defined, once and for all time, at any given period. These are ever-increasing needs of the low- and moderate-income American family which must be faced almost on a day-by-day basis. What appeared to be a satisfactory solution to yesterday's problem will be unacceptable today. On the reverse side of the coin, it must be realized by all concerned that these are needs that cannot be met on an overnight basis; fiscal and physical capabilities are just not at hand to bring about an immediate solution to all these problems.

Mr. President, the President's housing and cities message proposed a far-reaching goal to meet a massive national need—a program of Federal assistance for the construction and rehabilitation of 6 million housing units over a 10-year period for the low- and moderate-income families of this country. Such a program would replace the substandard units in which it is estimated more than 20 million Americans still live.

The President's 1968 proposals for housing legislation called for an initial 5-year program aimed at achieving the 10-year goal of the message. The committee certainly agrees that the President's 10-year goals are very admirable and are necessary and the committee believes that these goals can be attained. In order to do this, the committee is recommending stepped-up activity under existing programs, as well as proposing new programs to fill the gaps apparent under existing programs. These programs would be funded at levels to get a good start toward the 10-year goal. However, the committee did not agree with the administration's proposed 5-year program. It believes that another look should be taken at the progress of the new programs and current conditions after several years of experience and that a 3-year period would be more appropriate.

I would like now to describe in very general terms the major highlights and proposals contained in the committee bill.

TITLE I—LOWER INCOME HOUSING

One of the most important titles to this bill is title I which contains important new provisions to help lower income families become homeowners. There are nine sections to this title, the provisions of which are varied but all are aimed at meeting a real need in our economy, that is, making it possible for lower income families to obtain decent housing through homeownership. This matter was first considered last year and finally, after numerous conferences and consultations, the committee has brought forth a package of legislative provisions which we confidently believe, once they are implemented, will represent another milestone in Federal assistance toward helping lower income families of this Nation.

Under existing law, the FHA and VA programs are very effective in helping families of moderate income obtain decent housing through homeownership. In fact, over the years, the laws have been gradually liberalized so that today we can proudly say that we are truly a nation of homeowners, largely because of the contribution made by FHA and VA.

However, as construction costs have gone up and interest rates have risen to unprecedented heights, it has become more and more difficult for families of low and moderate income to afford to buy a home of their own.

Section 101 of this title is intended to remedy this difficulty. Under this section, the Federal Government would help reduce the housing load on the family by paying all but 1 percent of the interest charges to finance the mortgage loan. To make it fair for all, only lower income families would be eligible and each family would pay 20 percent of its income for housing costs. Lower income families are defined as those whose incomes do not exceed 70 percent of the income ceilings established by the Secretary for a particular area in administering the FHA below market interest rate program under section 221(d)(3). This income ceiling would vary from area to area but, in general, it would be at the level of about the lowest one-third of families on the income scale in any particular area. In my home city of Huntsville, Ala., the income ceiling for families of five and six persons would be $4,900 per year. To permit flexibility and to make the program more workable, some few families with incomes above this could qualify also but, in no instance, could more than 20 percent of the contracted funds be used for families above this basic ceiling.

The committee also recommended an allowance of $300 per minor child be made in determining eligibility under the income ceilings and in determining the minimum payment the family should pay on its own before Federal subsidy. Considering the cost of raising a family these days, this is nothing more than an effort to be fair and equitable for families with children.

Another feature of the interest subsidy provision for homeownership is the limitation on the maximum mortgage amount. In general, it would be limited to $15,000 but, in high cost areas, it could go to $17,500. These ceiling amounts could be raised to $17,500 and $20,000, respectively, for a family with five or more persons.

Authority to enter into assistance payments contracts as approved in appropriation acts is limited to $75 million for fiscal year 1969, $100 million for fiscal year 1970 and $125 million for fiscal year 1971. This authority could result in contracts for assistance payments for a total of nearly 500,000 units during the 3-year period.

Other sections of this title also represent significant proposals to make it easier for the lower income families to become homeowners. One of the provisions would authorize the FHA to qualify for assistance a lower income family who, under existing law, would be turned down because of marginal credit experience or irregular income patterns but who, it is found, is a satisfactory credit risk and would be capable of homeownership with proper counseling.

This title also contains a provision to authorize FHA to insure mortgages for families in the rundown neighborhoods of our cities without regard to economic soundness requirements and other limiting restrictions having in mind the need for adequate housing for families in these areas. This would meet the criticism often levied at FHA on redlining areas and its refusing insurance only because of the area.

A special risk fund would be established, not necessarily actuarially sound, which would be used to meet probable higher losses in the more risky insurance cases that the Congress would be authorizing FHA to undertake.

Mr. President, I believe that it is about time the Congress realizes the dilemma it has placed the FHA in under existing law. On the one hand, FHA is required to run an actuarially sound operation with a minimum of losses while, on the other hand, it gets criticized because it shies away from the marginal risk cases and from neighborhoods where private enterprise has indicated as "off limits." Our committee has taken a firm stand on this, both in the pending legislation and in the committee's report. We believe that FHA was established to take risks and to bear the burden of helping to provide decent housing for all but the poorest of our people no matter where they live in. We believe that each case should be examined on its merits and, if it qualifies as a satisfactory risk, the FHA should accept it. The Congress, by these provisions of the bill, will be committing itself to stand back of FHA and help it truly perform the task it was created to do—that of providing the financial backup needed to help lower income families obtain decent housing.

This title contains provisions for assistance to nonprofit sponsors so that such sponsors can be effective in helping lower income families obtain decent housing. Also a commission would be established by this title to study and report back to Congress on better ways and means to help house our lower income families. And, finally, the title contains authority to establish a National Home Ownership Foundation which would provide technical and limited financial assistance to private and public organizations desiring lower income families become decently housed.

TITLE II—RENTAL HOUSING FOR LOWER INCOME FAMILIES

Title II, Mr. President, deals with rental housing for lower income families. Let me say that section 201 of the title contains provisions similar to those which I described in title I for home ownership. In other words, what we are trying to do is to provide twin programs; namely, one for homeownership and one for rental opportunity for families of lower incomes, by having the houses built by private enterprise with a subsidy going where necessary and to the extent necessary in order to make it possible for the lower income families either to buy a home or to rent a unit.

This title is a companion title to title I, but for rental housing rather than homeownership. Section 201 of this title compares almost directly with section 101 in providing interest subsidy assistance to lower income families in rental projects. However, the renter would pay 25 percent of his income for housing costs before receiving a subsidy. It is believed that the 20 percent for a homeowner would be equivalent to 25 percent for a renter because the homeowner has other costs which the renter does not have, such as heat and maintenance. The authorization for assistance payments would be the same under this section as under the section 101 homeownership provision. It has been estimated that approximately 700,000 units would be contracted for under the moneys authorized to be appropriated for this program—$75 million for fiscal year 1969, $100 million for fiscal year 1970, and $125 million for fiscal year 1971. These units would be both new construction and rehabilitated housing units.

Title II also includes authorizations to extend the public housing and rent supplement programs through fiscal year 1971. These programs are of benefit to the poorest families of our Nation whose incomes are so low that the new rent subsidy program explained above would be of little help. Under both the public housing and rent supplement programs, the tenants pay a certain portion of their income for rent—the public housing percentages determined locally and generally vary from 16 percent to 20 percent with allowance for children; the rent supplement percentage, as set by Federal law, is 25 percent. Under each of these programs, the Federal subsidy will make up the difference between what the tenant pays and the economic rent. However, the new rental program authorized by section 201 of this bill provides only limited subsidy—the difference between in amortization charges on a 6¾-percent mortgage and a 1-percent mortgage. Thus, it can reach and be of help to a more narrow segment of lower income families. Generally speaking, families below $3,000 annual income would need rent supplement or public housing assistance and thus the committee believed it must be essential that adequate authority be made available to keep these programs operating at a good level.

TITLE III—FEDERAL HOUSING ADMINISTRATION INSURANCE OPERATIONS

This title contains 19 sections amending existing law to improve and make more effective existing FHA insurance programs. I said at the beginning that the committee bill consisted of several titles, and many provisions amending existing law. That accounts in large part for the great volume of the bill we have reported. We are amending, by and large, existing legislation. Title III is one of the titles containing many amendments to existing law.

Perhaps the most significant action of the committee relative to this title is its report language outlining FHA's responsibility in providing housing for all eligible families of this Nation regardless of the location of the property; also in helping to meet the need for better financing provisions in the rehabilitation of existing housing in connection with urban renewal.

TITLE IV—GUARANTEES FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

This title would establish a new Government bond insurance system to help finance the acquisition and development of new communities. Under existing law, FHA is authorized to insure mortgage loans used for this purpose. This authority was given in its present form in 1966 but no mortgage has yet been insured under it. The bond financing device would be a much superior method and should produce the financing at reasonable terms and with considerable flexibility to attract large private investors into this worthwhile endeavor.

TITLE V—URBAN RENEWAL

The most significant provision under this title is section 501 establishing a new neighborhood development program as part of urban renewal. Under this program, an annual grant would be made to a city to carry out small area redevelopment with the intent of speeding up the urban renewal process and showing visible accomplishments in short periods of time. This would replace much of the existing program whereby large areas are redeveloped over a 5- to 10-year period with no visible results until the end of a long planning and redevelopment process.

Another section of this title would initiate a new system of applying Federal funds for interim assistance to an area scheduled for urban renewal or code enforcement in the near future. By this device, much needed obvious work can be done well in advance of the slow-moving urban renewal process.

The committee also included provisions in this title to insure that a majority of housing units built in urban renewal areas are made available to low- and moderate-income families; it also increased the rehabilitation grant ceiling from $1,500 to $2,500 to help lower-income families hold on to their homes and make the improvements needed to meet the rehabilitation standards.

Mr. President, one of the great objections so far to urban renewal has been that the undertaking requires such a long period of time to complete. This is true because urban renewal is a complicated matter, and, sooner or later, when local planning agencies get started in the demolition process and finally remove the buildings, there is a vast area with nothing on it, and before it can be redeveloped, many years may have passed. The provision we have included in the committee bill would permit pursuing urban renewal undertakings by smaller areas which could be designated as neighborhood development programs. These smaller areas are a part of the whole which has been planned but permits such areas to be pursued with work and development in a limited way rather than taking the whole.

Mr. President, I may add, the neighborhood development programs would be undertaken on an annual basis. Let me cite an example right here in Washington—familiar to all of us in days not so long past—when one of the worst slums in the world was right in the shadow of the Capitol dome.

I referred, of course, to the Southwest Washington area. I have been down there. I remember being in a little alley and looking up, and there was the great, magnificent Capitol dome. It seemed the most ironic thing in the world that right in the shadow of the dome of the Capitol of the mightiest nation in the world we had slums that were absolutely incredible.

Finally, the slum clearance program under old title I of the Act of 1949 was set up. I guess the urban renewal program in Southwest Washington was one of the earliest in the country. As I remember, the total area covered was 555 acres. It took several years to get the buildings torn down. In fact, it seemed like it was going to be forever before any new buildings would be constructed in the area. Finally the buildings were started.

I remember saying to the director of our program, "When are we going to see some brick-and-mortar activity in the area?" There was always the same reply, and it was logical: "We have got to wait until we get the redevelopment plan and are ready to go." As we all know it took years. Frankly, I do not know how many years passed before redevelopment was started. But today, to look at it, one would never dream that it was the area it was several years ago. There are magnificent buildings there now—new homes and new rental units replacing that old slum. As a matter of fact, it is not fully developed yet. I am not saying we should have put the program into effect in 1949, because we were not ready for it, but now we have had the experience to profit from. Under the provision of the committee bill we could take the same tract and redevelop it in increments on an annual basis. This year we would redevelop a part of it. Next year we would redevelop more and so on down the line. We would make it progressive rather than try to take the entire area all at one time.

TITLE VI—URBAN PLANNING FACILITIES

The most important section in this title is section 601, which would rewrite the 701 urban planning provision and amend it to cover rural districts. This would be a most significant step in our Government's efforts to stabilize and, in fact, reinvigorate the life and economy of rural districts, from which there has recently been such a high migration into our crowded cities.

Section 607 of this title would also encourage rural district development by providing for Federal incentive grants to such districts similar to those grants now available to metropolitan areas around our large cities.

I want to throw this thought in right here, because I think it is something most people overlook. When we talk about the slums and the rundown, deteriorated, unfit houses in city areas, we lose sight of the fact that the worst slums are in rural areas. There are more poor people living in the rural areas than in all the big cities combined. Over half of the poor people of this country live in rural areas. We are proposing in this bill provisions so that an attack may be made on conditions in rural areas, where there is a great demand for housing.

We need not be afraid of building houses in rural areas. We have had experience. In fact, in the act of 1949, 19 years ago, I offered an amendment and it was adopted. It became title V of the 1949 Housing Act. It was a simple provision. The provision authorized loans to be made to rural families and persons who needed housing. Under title V of the 1949 act hundreds of millions of dollars have been loaned to rural families for housing.

I am sure the present Presiding Officer [Mr. GORE in the chair], who is a farm boy like I am, can do as I do. When we ride around the country we can pick out, as we ride along, the housing that has been built under the title V program. This housing is one of the most cheering sights one can see. The program has a remarkable record of being financially sound. An enviable record has been achieved. In fact, that is true in the housing field in general. I think all housing programs must have exceeded any expectations that those who pioneered many years ago could have dreamed of.

TITLE VII—URBAN MASS TRANSPORTATION

The most significant provision in this title is section 704, which would authorize that 50 percent of the local share of the net project cost for mass transit projects could be made by the public or private transit systems rather than the local government. Also, in exceptional cases where the local government is fiscally unable to make the payment, the full amount of the local share may be paid by the local transit company. In making this payment, the funds could only come from undistributed cash surpluses, replacement, or depreciation funds or reserves available in cash or new capital.

TITLE VIII—SECONDARY MORTGAGE MARKET

This is something that I think is of great interest. It relates to what we call FNMA.

This title would amend the FNMA Charter Act of 1954 by providing for the spin-off of the secondary mortgage market facility into a privately owned corporation which would be called the Federal National Mortgage Association, and the retention of the other functions of FNMA into a new Government National Mortgage Association—GNMA. This partition would take place gradually, but not earlier than May 1, 1970, nor later than May 1, 1973. The Government-owned preferred stock would be paid off promptly by FNMA issuing subordinated obligations. Once the preferred stock is paid off and the interim board of directors is appointed, the FNMA Corporation would no longer be considered a Government corporation and, thus, its financing operation would be excluded from the regular Government budget. FNMA would continue to have Federal backup support to the extent of $2 billion borrowing authority from the Treasury.

GNMA would continue its special assistance and management and liquidation functions, would continue to issue participation certificates secured by mortgages, and would be given new authority to guarantee mortgage-backed securities issued by the new FNMA and other private-approved issuers. The security would be limited to FHA and VA mortgages.

By making the FNMA private, it is hoped to give it more strength and flexibility to carry out its charter responsibilities, but, to safeguard it from failing to perform in the best public interest, the Federal Government would continue to have a strong hand in the control of its management through the makeup of the Board and its charter provisions.

TITLE IX—NATIONAL HOUSING PARTNERSHIP

This title would authorize the creation of federally chartered, privately funded corporations to mobilize private investment and the application of business skills in the job of creating low- and moderate-income housing in large volume. It would work like this: A federally chartered corporation would be organized with expert staff proficient in the development and financing of housing projects. This corporation would get capital by forming a partnership with investors who, in return for favorable tax depreciation allowances, would be attracted to invest substantial sums of equity capital. With the equity capital thus available, the partnership could join with local partners to build housing with 90 percent of the cost financed with FHA assistance and 10 percent equity. With favorable refinancing terms, such as provided under the new section 236 of the 1968 act, the operation can be most attractive to investors in the upper income brackets. Depreciation allowances are not new to housing investors, so that all of this can be accomplished without amendments to existing internal revenue laws. This provision was recommended by the President's Committee on Urban Housing, chaired by Mr. Edgar F. Kaiser, as a way of involving big business in solving the housing problems of our cities.

TITLE X—RURAL HOUSING

This title would provide for rural families the same benefits made available under section 101 of this bill for urban families, that is, an interest subsidy payment to help lower income families acquire homeownership.

TITLE XI—NATIONAL INSURANCE DEVELOPMENT CORPORATION

This title would establish the National Insurance Development Corporation in the Department of HUD. The NIDC would provide reinsurance to insurance companies for losses paid by them resulting from riots or civil disorders. By providing this reinsurance, NIDC will enable the insurance industry to continue to provide the necessary property insurance it is now providing to property owners in urban areas. Reinsurance losses would be shared among the insurance companies—through a loss retention and reinsurance premiums paid to NIDC—the States, and NIDC.

The NIDC would also encourage the private property insurance industry, in cooperation with State insurance authorities, to develop statewide plans to assure all property owners fair access to property insurance. These would be known as "Fair Access to Insurance Require-

ments plans"—FAIR plans. Minimum criteria would be provided in the bill for the FAIR plans. Although minimum criteria would be established, the State insurance authority would have the responsibility of determining the scope of the plans beyond the established minimum, working out the details of the operation of the plan, implementing the plan, and overseeing its operation. An insurance company obtaining reinsurance from NIDC would have to agree to participate in the State plan.

NIDC and the State insurance authority would maintain surveillance over the effectiveness of the FAIR plans in increasing insurance availability. If it is determined that the FAIR plan is not obtaining the desired results, additional programs may be required as a condition to continued NIDC reinsurance in the State.

TITLE XII—NATIONAL FLOOD INSURANCE ACT OF 1968

The Secretary of Housing and Urban Development will establish a program of flood insurance, as a joint venture between the Federal Government and the private insurance industry. The bill permits as an alternative, but only if necessary, an all-Federal program with or without participation by companies, agents, or brokers as fiscal agents.

The facilities of the private insurance industry would be fully utilized in carrying out the program. Private insurance companies could either assume a portion of the risk in carrying out the program or could participate on a nonrisk basis. Risk sharing companies would commit risk capital to an industry pool of companies which would absorb a share of the losses and expenses of the program. The Federal Government would make premium equilization payments to the pool to cover losses and also would provide reinsurance coverage to the pool for excessively high losses. Insurance companies in the pool would pay a premium to the Government for this reinsurance coverage in years of low-flood losses. Other nonrisk-bearing insurance companies would participate in the program as fiscal agents of the pool.

TITLE XIII—INTERSTATE LAND SALES

This title would give to the Secretary of HUD authority to require full disclosure in the sale or lease of certain undeveloped land in interstate commerce or through the mails. All developers or sellers of such land would be required to file with the Secretary a statement of record listing certain required information about the ownership of the land, its title, its physical nature, its access and egress by roads and utilities and related matters. Pertinent extracts of this report would have to be included in a property report submitted to the purchaser before the sale is consummated.

TITLE XIV—10-YEAR HOUSING PROGRAM

This title would require the President to make a report on or before January 15, 1969, setting forth a 10-year plan on the construction and financing of housing, both Government and conventionally financed, for each of the 10 years, together with a statement of what reduction in substandard units is expected; also an estimate of cost of various Federal programs for legislative action. Residential mortgage market needs would also be reported. Annual reports would subsequently be made for each of the 10 years thereafter on progress of the projected figures.

Mr. President, I said a few minutes ago that the President's 10-year proposal is a good proposal. I believe the committee will back me up in that statement.

Many people are not satisfied with this bill, thinking it does not go far enough. But, Mr. President, we have written a bill which we think goes just about as far as our present resources will permit. The organization of homebuilders in this country to do the job, the materials with which to do it, the labor force with which to do it, and all of that must necessarily be brought together as fast as we can, as we move into the program proposed by our bill. This is why the committee feels the need for annual reports on the housing needs of the Nation.

TITLE XV—MISCELLANEOUS

One of the most important provisions under this title is the new interest subsidy financing device for college housing construction. Under existing law, direct Federal loans are made to colleges at 3-percent interest rates. This program has worked well but, because of recent expansion of colleges throughout the Nation, the funds needed to be appropriated for this purpose have been far short of the need.

To overcome this dilemma, this bill would authorize the Federal Government to pay interest subsidies amounting to the difference between a 3-percent loan and the market interest rate. The Federal commitment is far reduced by this means and it is believed a satisfactory quantity of housing can be built with a minimum of Federal outlay.

Mr. President, this is one of the most successful programs we have had. It was back in 1955 that I offered an amendment to the Housing Act of that year to provide a formula for lending money to colleges in order that they might expand their facilities to help take care of the ever-increasing load of GI's, veterans of World War II, and veterans who could be expected back from the Korean war.

Mr. JAVITS. Mr. President, will the Senator yield to me at that point?

Mr. SPARKMAN. Let me add one further thought.

That was adopted, and, with changes that have taken place from time to time since then, one of the most remarkable jobs in the history of this country has been done in building housing to house students and faculty members at our overcrowded and overcrowding colleges throughout this country.

I do not know what the colleges would have done without it. I believe I am safe in saying that there is not a single college in my State that has not benefited, and benefited immeasurably, from this program.

I cannot state exactly how much money has been loaned out so far, but I would say around $3 billion. There has never been one dime of deficiency. I think it is a remarkable record.

We are making, this year, a change recommended by the distinguished Senator from New York, to whom I now yield.

Mr. JAVITS. I merely wish to say briefly, Mr. President, that it is such a creative program because it does operate with practically no impact on the budget. We struggled, if the Senator will recall, with an amendment of mine to increase the amount of college housing, and found it extremely trying because of the budgetary impact; and I was almost forced to this alternative as a means of escaping the budgetary impact. I express my appreciation to the Senator from Alabama and to the committee for having now embraced it and included it in the bill.

Mr. SPARKMAN. It was a most welcome suggestion.

Mr. JAVITS. I thank the Senator.

Mr. SPARKMAN. It was a happy solution of a problem that was becoming difficult because we could not provide the money in sufficient amounts to take care of all of the loans that the colleges needed.

We are not doing away with the direct loan program—we are merely setting up an alternative method of financing. I think it will be of tremendous help.

As the Senator from New York has pointed out, it would have relatively little impact on the budget.

Mr. JAVITS. I thank the Senator.

Mr. SPARKMAN. Under another section of this title, new authority would be given to the Secretary of HUD to increase the planning funds for the model cities program by $12 million. By this action, the committee anticipates a third round of cities would apply for planning assistance under this program. The bill would also add $1 billion for operating for fiscal year 1970 for model cities. These funds are used as supplementary grants to cities carrying out model cities programs and would be added to the $900 million authorized under existing law.

In conclusion, Mr. President, S. 3497 is a bill like many others which we have brought the Senate from the Banking and Currency Committee. It is a bill that continues our many past efforts toward helping the American people obtain the goal declared in the Housing Act of 1949, "a decent home and suitable living environment for every American family." And like any other measure which comes before this body, it is a bill that contains provisions that will be supported by some and opposed by others.

The bill was not easy to arrive at in our committee. The committee unanimously reported the measure, but many of the provisions represent a compromise view on the part of different members of the committee.

I can say very candidly that there are some provisions in the bill which, if I had been writing the bill, would not be in the bill. However, the bill represents the bringing together of the thinking of the members of the committee who worked long, hard, and earnestly on getting out a bill.

I call attention again to the fact that this bill is not something new that has just been developed or that the committee felt was forced upon it.

We started working on this bill nearly 2 years ago. We started working on housing and urban development legislation nearly a year and a half ago, in the early part of the first session of this Congress. And we have worked over the months on developing the committee bill. And the bill does represent the composite thinking of our committee.

I think that S. 3497 is by and large a good bill. In fact, I think it is one of the most comprehensive bills we have ever had. I want to go further and say that I think it is one of the best bills we have ever had, and that it is one that holds more promise for persons of low income to get decent housing, either rented or purchased, than we have ever had.

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

Mr. SPARKMAN. I yield.

Mr. PERCY. Mr. President, I should like to comment that, having been a member of the Housing Subcommittee, I have gone back over the history of some 30 years, and in my own comments this morning, which will follow those of the distingushed Senator from Texas [Mr. TOWER], I will comment more in detail on that. However, I think one point should be clearly made at this point.

This has been truly a bipartisan effort. The bill has been developed under the great leadership of the chairman, the distinguished Senator from Alabama, with great resourcefulness. He has been assisted by such members of the committee as the Senator from Minnesota [Mr. MONDALE], and, on the minority side, the distinguished Senator from Texas [Mr. TOWER], the ranking member of the committe, and the distinguished Senator from Utah [Mr. BENNETT].

We have been working for 2 years in the committee on the bill. We now have in Washington the representatives of the Poor People's Campaign. They have presented to the Secretary of HUD the requests they are making in the housing field. I believe that the distinguished Senator from Alabama will be particularly interested in the fact that as we go over the requests made by the Poor People's Campaign to the Secretary of HUD and look over in detail some of the things they have talked about, we find that we have anticipated in the past 2 years in the course of our hearings and in our response to the genuine need, many of the requests that they have made of the Secretary. Anyone can clearly see that there is no question about our acceding to demands being made upon us.

We are sympathetic with the representatives of the poor who present to us that we had seen as a great need in this country.

Our response is a response that has gone back several years now, in anticipation of all of the things that have been presented in this bill that has been carefully worked on for many months now.

Every member of the committee has participated and worked cooperatively with representatives from HUD and with the Secretary of Housing and Urban Development.

It has been a great honor and privilege for me to work under the leadership of the Senator from Alabama.

I certainly support everything the chairman has said this morning.

Mr. SPARKMAN. Mr. President, I certainly thank the Senator from Illinois, and I share with him the feeling he has expressed that the bill represents the handiwork of 14 members of the committee.

Mr. President, I have expressed my thanks to the members of the committee and the subcommittee without mentioning their names. However, I believe I ought to say that the distinguished Senator from Texas [Mr. TOWER], the ranking minority member of the committee, is always most helpful and cooperative.

The same thing is true with respect to the Senator from Utah [Mr. BENNETT], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Illinois [Mr. PERCY], and the Senator from Massachusetts [Mr. BROOKE].

I could go right down the list on the Democratic side also.

Mr. President, perhaps I should just list the Democratic members of the committee. The members are WILLIAM PROXMIRE, of Wisconsin; HARRISON A. WILLIAMS, JR., of New Jersey; EDMUND S. MUSKIE, of Maine; EDWARD V. LONG, of Missouri; THOMAS J. MCINTYRE, of New Hampshire; WALTER F. MONDALE, of Minnesota; GALE MCGEE, of Wyoming; and WILLIAM B. SPONG, JR., of Virginia.

All of the members of the committee have been helpful and almost without exception suggestions have been adopted in the bill that have been made by each member of the committee. I pay tribute to all members of the committee for the dedicated service they have rendered in perfecting this piece of legislation. I feel somewhat safe in saying perfecting because I think it is an excellent piece of legislation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a section-by-section analysis of the bill.

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

HOUSING AND URBAN DEVELOPMENT ACT OF 1968 (S. 3497)—SECTION-BY-SECTION SUMMARY

Section 1.—Provides that the bill shall be cited as the "Housing and Urban Development Act of 1968."

Section 2.—States the declaration of policy of the bill.

Section 3.—Provides that in administering programs authorized by sections 221(d)(3), 235, and 236 of the National Housing Act; the low-rent public housing program of the U.S. Housing Act of 1937; and section 101 of the Housing and Urban Development Act of 1965, the Secretary of the Housing and Urban Development shall require, to the greatest extent feasible, opportunities for employment arising in connection with construction or rehabilitation of housing assisted under such programs be given to lower income persons residing in the area of such housing.

TITLE I—LOWER INCOME HOUSING

Homeownership for Lower Income Families

Section 101. Adds a new section 235 to title II of the National Housing Act to establish a mortgage insurance program based on an interest rate subsidy to provide homeownership for lower income families. The interest rate subsidy payment which would be paid by the Secretary of the Housing and Urban Development to the mortgagee could not exceed the lesser of: (a) The difference between the monthly payment for principal, interest, and mortgage insurance premium for a market rate mortgage, and the amount the monthly payment would be for principal and interest with a 1-percent mortgage, or (b) the difference between 20 percent of the mortgagor's monthly income and the monthly payment under the mortgage. The subsidy payment would be available to a purchaser having an income not in excess of 70 percent of the limits prescribed for eligibility to occupy projects financed under the FHA section 221(d)(3) below-market interest rate program, except that 20 percent of the contract funds could be used to assist families with income above these limits. For each minor child in the household, $300 would be deducted from family income. The interest subsidy payment would decrease as the homeowner's income rises.

The subsidy payment could only be made with respect to new or rehabilitated housing meeting the requirements of the FHA section 221(d)(2) sales housing program, the 234 condominium program, the 213 cooperaitve program, or section 221(h) as incorporated into the new section with some modifications. However, during the first 3 years after enactment assistance payments could be made with respect to existing housing as follows: 25 percent of the contract funds authorized by appropriation acts in the first year; 15 percent of the contract funds authorized in the second year; 10 percent of the contract funds authorized in the third year. In addition, payments could be made with respect to existing housing for displaced families, families with five or more minors, or families living in public housing, as well as for families who purchase dwelling units released from the project mortgage for a 236 project or a rent supplement project. The maximum mortgage under the program would be $15,000 ($17,500 in high-cost areas), but each limit would be increased by $2,500 for families of five or more persons. The section 221(d)(2) mortgage ceilings would be raised to the same level. Counseling services are authorized.

This section also authorizes contract authority subject to appropriations acts to finance the program in the following manner: $75 million annually prior to July 1, 1969, which amount may be increased by $100 million on July 1, 1969, and by an additional $125 million on July 1, 1970.

Credit assistance

Section 102.—Adds a new section 237 to title II of the National Housing Act to authorize mortgage insurance for families of low and moderate income who cannot qualify for mortgage insurance under existing FHA programs because of their credit histories or irregular income patterns, but who the Secretary finds are "reasonably satisfactory" credit risks and capable of homeownership with the assistance of budget, debt management, and related counseling provided by the Secretary. Mortgage insurance under this program would have to meet the requirements (other than credit and income requirements) under certain existing FHA single-family sales program, except that the principal obligation of the mortgage could not exceed $15,000 ($17,500 in high-cost areas) and the mortgagor could not undertake a mortgage which, in combination with local real estate taxes, required monthly payments for principal and interest which exceeds 25 percent of the mortgagor's income. The amount of insurance under this section is limited to $200 million outstanding at any one time.

Relaxation of mortgage insurance requirements in certain urban neighborhoods

Section 103.—Amends section 223 of the National Housing Act by adding a new subsection (e) to give FHA a more flexible authority in providing financing for the repair, rehabilitation, construction, or purchase of properties located in older, declining urban areas by authorizing FHA to accept for insurance mortgages on properties which may not, because of the areas in which they are located, be able to meet all the normal eligibility requirements for insurance. Permits such mortgages to be accepted for insurance where FHA is able to establish that the areas are reasonably viable, giving consideration to the need for providing adequate housing for families of low and moderate income in such areas and that the properties are an acceptable risk in view of such consideration.

Special risk insurance fund

Section 104.—Adds a new section 238 to title II of the National Housing Act to establish a "Special Risk Insurance Fund," which fund is not intended to be actuarially sound and out of which claims would be paid on mortgages insured under sections 101 (homeownership assistance), 102 (credit assistance), 103 (properties in older, declining urban areas) and 201 (rental and cooperative housing for lower income families) of the bill. Payments on claims would be made in cash or debentures. Income such as insurance premiums and service charges in connection with these programs would be deposited in the new fund. Authorizes $5 million advance from general insurance fund to establish new fund, which is repayable and authorizes appropriations when necessary to supplement and maintain adequacy of the new fund.

Condominium and cooperative ownership for low and moderate income families

Section 105.—Amends section 221 of the National Housing Act by adding new subsections (i) and (j) to permit section 221 (d)(3) below-market interest rate rental projects: (1) To be converted to condominium ownership; or (2) to be converted to cooperative ownership. Families purchasing condominium or cooperative units would be generally required to meet income limits established for occupancy under the 221(d)(3) below-market interest rate program.

Assistance to nonprofit sponsors for low and moderate income housing

Section 106.—Establishes a new program within HUD under which the Secretary may provide technical assistance to nonprofit sponsors of low and moderate income housing. Also authorizes the Secretary to make non-interest-bearing loans to nonprofit organizations for financing up to 80 percent of preconstruction costs in connection with federally assisted low and moderate income housing projects. These loans could cover such preconstruction items as architectural fees, land options, and engineering surveys. A revolving fund would be established, with $7.5 million authorized the first year and $10 million the second year.

Insurance protection for homeowners

Section 107.—Authorizes the Secretary of HUD, in cooperation with the private insurance industry, to develop a plan for establishing an insurance program to enable homeowners to meet their monthly mortgage payments in time of personal economic adversity. Also directs the Secretary to make a report on his actions along with his recommendation for establishing such a program within 6 months following enactment of this act.

National advisory commission on low-income housing

Section 108.—Establishes a National Advisory Commission on Low-Income Housing to undertake a comprehensive study and investigation of the resources and capabilities in the public and private sectors of the economy which may be used to fulfill more completely the objectives of the national goal of "a decent home and suitable living environment for every American family," particularly as such goal relates to low-income families. The Commission is directed to submit to the President and the Congress an interim report with respect to its findings and recommendations not later than July 1, 1969, and a final report not later than July 1, 1970.

National Homeownership Foundation

Section 109.—Creates a National Homeownership Foundation, the purpose of which would be to provide technical and limited financial assistance to public and private organizations which have as their purpose providing increased homeownership and housing opportunities for lower income families. The Foundation, which would be a Government-chartered nonprofit private corporation, would be administered by a Board consisting of 18 members, 15 of whom would be appointed by the President with the advice and consent of the Senate. The remaining three members would be the Secretary of Housing and Urban Development, Secretary of Agriculture, and the Director of the Office of Economic Opportunity. The Foundation would also be authorized an appropriation of $10 million to be used in carrying out its prescribed functions.

TITLE II—RENTAL HOUSING FOR LOWER INCOME FAMILIES

Part A—Private Housing

Rental and cooperative housing for lower income families

Section 201.—Adds a new section 236 to title II of the National Housing Act to provide rental and cooperative housing for lower income families. Mortgages insured under section 236 would carry a market interest rate, but the Secretary of HUD would pay to the mortgagee on behalf of the mortgagor an amount equal to the difference between the monthly payment for principal, interest, and mortgage insurance premium at the market rate and the monthly payment for principal and interest at 1 percent. Occupants, however, would pay 25 percent of their income as rent up to the full market rental. The sponsor would reimburse the Secretary for that part of rent receipts in excess of the amount which would be required under 1-percent financing, and this amount could be used to make other interest reduction payments. Occupancy of assisted projects would be available only to tenants whose incomes are not in excess of 70 percent of the limits prescribed for eligibility under the section 221(d)(3) below-market interest rate program, except that 20 percent of contract funds could be used with respect to families with incomes above these limits. For each minor child in the household, $300 would be deducted from family income. Section 221 (d)(3) BMIR mortgages (prior to final endorsement) and section 202 housing for the elderly mortgages (up to, or a reasonable time thereafter, project completion) could be refinanced under this program.

Contracts for interest reduction payments subject to approval in appropriations acts would be authorized in the following amounts: $75 million annually prior to July 1, 1969, which amount may be increased by $100 million on July 1, 1969, and by $125 million on July 1, 1970.

Rent supplement program

Section 202.—Amends section 101 of the Housing and Urban Development Act of 1965 to increase the appropriation authority for the rent supplement program by $40 million for fiscal year 1970 and $100 million for fiscal year 1971. Also authorizes State or locally assisted rent supplement benefits.

Part B—Low-Rent Public Housing

Increased low-rent public housing authorization

Section 203.—Amends section 10(e) of the U.S. Housing Act of 1937 to increase the annual contribution contract authority by $100 million on enactment and by $150 million for each of fiscal years 1970 and 1971.

Upgrading management and services in public housing projects

Section 204.—Amends section 15 of the U.S. Housing Act of 1937 to authorize the Secretary of HUD to enter into grant contracts with local housing authorities to assist them in upgrading their management activities and to provide tenant services to families occupying public housing. Authorizes appropriation of $20 million in fiscal year 1969 and $40 million in fiscal year 1970 for such contracts.

Purchase of units by tenants

Section 205.—Amends section 15(9) of U.S. Housing Act of 1937 to broaden existing law to permit local housing authorities to sell *any* low-rent housing units to tenants if such units are suitable for individual ownership. (Existing law permits tenants to purchase *only* detached or semidetached units.)

Public housing in Indian areas

Section 206.—Amends section 1 of U.S. Housing Act of 1937 to permit public housing assistance for Indian families living in rural farm areas. (Existing law limits public housing assistance to urban and rural nonfarm areas.)

TITLE III—FEDERAL HOUSING ADMINISTRATION INSURANCE OPERATIONS

Mortgage insurance premiums for servicemen and their widows

Section 301.—Amends section 222 of the National Housing Act to permit payment of FHA insurance premium by the Secretaries of Defense and Transportation for servicemen who assume a mortgage previously insured under any other provision of the National Housing Act. Also requires Secretaries to continue premium payment after serviceman's death on behalf of his widow for a 2-year period or until she sells the house, whichever is sooner. Also directs Secretaries to notify promptly the widow of the increase in costs she must bear at end of 2-year period.

Seasonal homes

Section 302.—Adds a new section 203(m) to the National Housing Act to authorize FHA to insure mortgages on seasonal homes not exceeding $15,000 and 75 percent of the appraised value on an acceptable risk basis, taking into consideration the economic potential of the area and the effect the insurance of such mortgages would have on the availability of mortgage credit in the area. Also requires proper steps to preserve natural resources of the area.

Modification in terms of insured mortgages covering multifamily projects

Section 303.—Adds a new section 239 to the National Housing Act to require the Secretary of HUD to approve a request for the extension of time for curing a default on any FHA multifamily mortgage or for a modification of the terms of such a mortgage only pursuant to regulations prescribed by him. Under such regulations, the mortgagor would have to agree to place in trust any income or funds derived from the project in excess of what is required to meet actual and necessary operating expenses. The Secretary could provide for granting such consent in any case or class of cases without regard to the requirements of the regulations where he determined such action would not jeopardize the interests of the United States. Any knowing and willful misdistribution of the rents or other income received during the period of extension or modification would subject the party to criminal penalty ($5,000 or 3-year imprisonment, or both).

Condominiums

Section 304.—Amends section 234(c) and (f) of the National Housing Act to: (1) Provide the same downpayment and maximum

mortgage limitations for FHA condominium programs as are provided for the regular single-family FHA section 203(b) program, (2) permit blanket mortgages to cover four or more units instead of the present limitation of five or more units, and (3) permit FHA insurance for individual units in a condominium project with two to 11 dwelling units without requiring that the project be first covered by an FHA-insured project mortgage.

Insurance of loans for purchase of fee simple title from lessors

Section 305(a).—Adds a new section 240 to the National Housing Act to permit FHA to insure loans of homeowners financing the purchase of fee simple title to property on which their homes are located where the homeowners have only leasehold interests to the land.

Section 305(b).—Amends 5(c) of the Home Owners' Loan Act of 1933 to permit savings and loan associations to invest in the loans described above.

Extend section 221(d)(2) sales housing program for two-, three-, and four-family residences to all low and moderate income families

Section 306.—Amends section 221(d)(2) of the National Housing Act to authorize mortgage insurance for two-, three-, and four-family residences to *all* low and moderate income families. (Existing law limits mortgage insurance *only* to displaced low and moderate income families.)

Remove dividend restriction from nondwelling facilities in section 221 projects

Section 307.—Amends section 221(f) of the National Housing Act to remove the requirement that mortgagors of multifamily projects insured under section 221 and located in urban renewal areas waive the rights to remove dividends on the equity investment of the project devoted to community and shopping facilities where these facilities are designed to serve the needs of others than residents of the project. (The restriction would not be removed in the case of sec. 221 (d)(3) BMIR projects.)

Supplemental loan program for projects financed with FHA insured mortgages

Section 308.—Adds a new section 223(f) to the National Housing Act to permit the Secretary of HUD to insure supplemental loans to finance improvements, repairs, and additions to multifamily rental projects (including nursing homes and housing for the elderly) and group practice facilities financed with an FHA insured mortgage. Such financing would supplement existing insured mortgages and would be available without refinancing the existing mortgage.

Home improvement loans—Increase in maximum maturity, finance charge, and loan amount

Section 309.—Amends section 2(b) of the National Housing Act containing the title I home improvement program to: (1) Increase the maximum loan limitation from $3,500 to $5,000; (2) increase the maximum maturity from 5 years and 32 days to 7 years and 32 days; and (3) increase the maximum financing charge from $5 to $5.50 per $100 on the first $2,500 of the loan and from $4 to $4.50 per $100 on the amount in excess of $2,500.

Experimental housing program

Section 310.—Amends section 223 of the National Housing Act, the FHA experimental housing program, to make the program available for use in connection with all FHA programs.

Term of FHA mortgages for land development

Section 311.—Amends section 1002(d)(1) of the National Housing Act to increase the maturity for FHA mortgages securing subdivision development from 7 to 10 years with further authority placed in the Secretary of HUD to go beyond a 10-year maturity if he deems such longer term is necessary.

Rehabilitated multifamily projects in urban renewal areas

Section 312.—Amends section 220(d)(3)(B)(ii) and 221(d)(3)(iii) of the National Housing Act to permit FHA insurance under sections 220 (urban renewal housing) and 221(d)(3) (low and moderate income families) for multifamily properties in urban renewal areas which have been rehabilitated by local agencies.

Miscellaneous housing insurance

Section 313.—Amends section 223 of the National Housing Act to permit refinancing of FHA mortgages insured under any of the sections or the titles of the National Housing Act. In addition, this section would permit FHA mortgages assigned to the Secretary or executed in the sale of an acquired property to be insured under any section or title of that act. It also authorizes insurance of supplementary loans to cover excess of expenses over income for first 2 years of multifamily projects at the interest rate in effect at the time the supplementary loan is insured.

Supplementary loans for coperative housing purchased from the Federal Government

Section 314.—Amends section 213(j) of the National Housing Act to authorize mortagage insurance for supplementary loans to housing cooperatives which purchased wartime housing from the Federal Government.

Equipment in nursing homes

Section 315.—Amends section 232 of the National Housing Act to permit the cost of major items of equipment necessary for the operation of a nursing home to be included in the FHA insured mortgage.

Flexible interest rates for certain FHA insurance programs

Section 316.—Amends section 3(a) of Public Law 90-301 to permit the Secretary of HUD, until October 1, 1969, to establish the interest rate for new mortgage insurance programs authorized by new sections 223(f) 235(j), and 240 of the National Housing Act (added by secs. 101, 314, and 305, respectively, of the bill) at such rate he believes necessary to meet the market.

Sale of rehabilitated units in multifamily structures

Section 317.—Amends section 221(h) of the National Housing Act to: (1) Permit the rehabilitation and sale of individual units (with a 3-percent mortgage) in a multifamily structure; and (2) permit the blanket mortgage to cover four or more units instead of the present limitation of five or more units.

TITLE IV—GUARANTEES FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

Sections 401–416.—Add a new title to be referred to as the "New Communities Act of 1968" to the housing laws to permit the Secretary of HUD to guarantee the bonds, debentures, notes, and other obligations issued by private new community developers to help finance the development of new community projects. This title would provide:

Maximum guarantee: Cannot exceed: (a) The lesser of 80 percent of the Secretary's estimate of the value of the property upon completion of the land development, or (b) the sum of 75 percent of the Secretary's estimate of the value of the land before development and 90 percent of his estimate of the actual cost of the land development.

Guaranteed ceilings: $50 million for any single new development; $500 million aggregate outstanding principal obligation at any one time.

Revolving fund for guarantee: Fees and charges collected by the Secretary will be deposited in a revolving fund to cover any liabilities under the guarantees. In addition, the full faith and credit of the United States is pledged to payment of the guarantees and appropriations to cover program operations and nonadministrative expenses and, if necessary, any guarantee payments are authorized.

Small builders: Requires HUD to adopt requirements encouraging small builders to participate in new community projects.

Supplementary grants: Authorizes supplemental grants to States and localities assisting new community development with basic water and sewer and open space projects. The additional grant is limited to 20 percent of cost of the facility and a substantial number of housing units for low and moderate income person must be made available through such development project. (Total Federal grant cannot exceed 80 percent of facility cost.) Authorizes an appropriation of not to exceed $5 million for supplemental grants for fiscal year 1969 and not to exceed $25 million for fiscal year 1970.

Sections of this title also require cost certifications in connection with a land development project and authorize the General Accounting Office to audit the transactions of developers whose obligations are guaranteed pursuant to this title.

TITLE V—URBAN RENEWAL

Section 501.—Amend title I of the Housing Act of 1949 by adding a new subtitle heading to read. "Part A—Urban Renewal Projects, Demolition Programs and Code Enforcement Programs" and further amends that title by adding a new "Part B—Neighborhood Development Programs." This new part B added to title I authorizes the Secretary of HUD to provide financial assistance to local public agencies on an annual basis to assist them in carrying out "neighborhood development programs." A neighborhood development program would consist of urban renewal project undertakings and activities in one or more urban renewal areas that are planned and carried out on the basis of annual increments. The requirements governing such undertakings and activities would be similar to those governing the provision of Federal financial assistance for regular urban renewal projects.

Increased authorization

Section 502.—Amends section 103(b) of the Housing Act of 1949 to increase the contract authority for urban renewal and other title I activities by $1.4 billion on July 1, 1969. This section also authorizes an increase of $350 million for urban renewal projects in model city areas.

Rehabilitation grants

Section 503.—Amends section 115(a) of the Housing Act of 1949 to increase the rehabilitation grant that can be made to low-income homeowners from $1,500 to $2,500. This section also makes a technical amendment to change the term "structure" to "real property" in order to permit the use of grant funds for rehabilitation relating to aspects of the property other than the dwelling structure itself. Finally, this section authorizes rehabilitation grants in areas (other than urban renewal and code enforcement areas) which are scheduled for rehabilitation or concentrated code enforcement within a reasonable period of time.

Rehabilitation in urban renewal areas

Section 504.—Amends section 110(c)(8) of the Housing Act of 1949 to remove the present limitation on the acquisition and rehabilitation of residential properties by a local urban renewal agency. (Existing law permits the local agency to acquire and rehabilitate for demonstration purposes no more than 100 units or 5 percent of the total residential units in the urban renewal area, whichever is lesser.)

Disposition of property for low and moderate income housing

Section 505.—Amends section 107 of the Housing Act of 1949 to make it clear that

land may be disposed of for low as well as moderate income housing purposes and to permit this disposition to be accomplished by lease as well as by sale. Would also permit land to be sold to a mortgagor qualified under section 236 of the National Housing Act (added by sec. 201 of this bill) and to nonprofit organizations eligible under section 221(h) or under 235(j)(1) of the National Housing Act (added by sec. 101 of this bill) which rehabilitate property and sell it to low or moderate income families.

Grants for low and moderate income housing in open land projects

Section 506.—Amends section 103(a)(1) of the Housing Act of 1949 to permit grants to be made with respect to urban renewal open land projects (which now only qualify for loans) in an amount not to exceed two-thirds of the difference between the proceeds from any land disposed of at its value for low or moderate income housing (under sec. 107 of such act) and the proceeds which would have been realized if the land had been disposed of at its fair value without regard to the special provisions of section 107.

Urban renewal loan contracts

Section 507.—Amends section 102(c) of the Housing Act of 1949 to permit a local public agency to borrow funds to finance project undertakings on the private market at an interest rate in excess of the Federal lending rate set out in its loan contract with the Government. The difference between the interest cost on the private market and the interest cost at which the LPA could have borrowed from the Federal Government under its loan contract would be made up by a supplemental grant from the Government.

Project completion prior to disposition of certain property

Section 508.—Amends section 106 of the Housing Act of 1949 to permit the Secretary of HUD to allow an urban renewal project to be closed out where: (1) Not more than 5 percent of the total acquired land remains to be disposed; (2) the local public agency does not expect to be able, due to circumstance beyond its control, to dispose of that land in the near future; (3) all other project activities are completed; and (4) the local public agency has agreed to dispose of or retain such land in the future for uses in accordance with the urban renewal plan. This section would also amend section 110(f) of such act to include in the amount of land proceeds, for the purpose of computing net project cost, an amount equal to the value of the land not yet disposed of.

Demolition grants

Section 509.—Amends section 116(a) of the Housing Act of 1949 to authorize the Secretary of HUD to make grants for the demolition of nonresidential structures that are harborages or potential harborages of rats.

Air rights in urban renewal areas

Section 510.—Amends section 110(c) of the Housing Act of 1949 to permit the carrying out of air rights in urban renewal projects and the construction of necessary foundations and platforms to provide educational facilities. Under present law, these activities may be assisted only when they are for low and moderate income housing or for industrial development where the area is not suitable for low and moderate income housing.

Interim assistance for blighted areas

Section 511.—Adds a new section 118 to title I of the Housing Act of 1949 to authorize the Secretary of HUD to contract to make grants, in an aggregate amount not to exceed $20 million in any fiscal year, to cities and other municipalities or counties to assist in taking interim steps to alleviate harmful conditions in any slum and blighted area of the community which is planned for substantial clearance, rehabilitation or federally assisted code enforcement in the near future but which needs some immediate short-term public action until permanent action can take place. Such interim assistance grants could not exceed two-thirds of the cost of planning and carrying out the interim program except that a three-fourths grant could be made to any community with a population of 50,000 or less. A workable program is a prerequisite of an interim assistance program. Also, relocation assistance and payments would be available to those displaced as a result of the interim program. This section also requires the Secretary of HUD, wherever feasible, to encourage the employment of unemployed or underemployed residents of the area in carrying out activities under this section.

Rehabilitation loans

Section 512.—Amends section 312 of the Housing Act of 1964 to: (1) Extend the rehabilitation loan program from October 1, 1969, to October 1, 1970, and (2) authorize such loans in areas, other than urban renewal and concentrated code enforcement areas, which are scheduled for rehabilitation or concentrated code enforcement within a reasonable period of time where the property is a owner-occupied residential structure and it is in violation of local housing or similar codes.

Low and moderate income housing in residential urban renewal areas

Section 513.—Rewrites section 105(f) of the Housing Act of 1949 to require that a majority of the housing units provided in urban renewal projects which are to be redeveloped for predominantly residential uses and which receive Federal recognition after the effective date of this bill be standard housing units for low or moderate income families or individuals.

TITLE VI—URBAN PLANNING AND FACILITIES

Comprehensive planning

Section 601.—Rewrites section 701 of the Housing Act of 1954 (urban planning assistance). The principal change authorizes the Secretary of HUD to make planning grants to State planning agencies for assistance to district planning agencies for rural and other non-metropolitan areas. A grant authorization of $20 million would be provided for such planning grants, to be increased by an additional $10 million on July 1, 1969, both to come out of the regular increase. The Secretary of Agriculture would be given certain functions with respect to these district planning grants. The section also authorizes an additional $10 million of the section 701 appropriations to be available for study, research, and demonstration projects covering such matters as the planning for entire systems of public facilities and services within metropolitan areas and other multijurisdictional regions. Other changes would authorize the Secretary to make planning grants directly to tribal planning councils or other bodies for planning on Indian reservations and would require that metropolitan, regional, and district planning agencies, to the greatest extent practical, be composed of or responsible to elected officials of local governments. This section also authorizes grants under section 701(g) for regional and district councils of government as well as those organized on a metropolitan basis and a broadening of the definition of comprehensive planning for the provision of governmental services and for the development and utilization of human and natural resources. This section has added to the preamble of section 701 a statement to make it clear that the committee expects HUD to permit the judicious use of private planning consultants by State and local governments where these governments deem it appropriate in carrying out planning activities assisted under section 701. The section further authorizes grants to official governmental planning agencies for areas where rapid urbanization is expected to result on land developed or to be developed as a new community under title IV of the bill and to regional commissions established pursuant to the Public Works and Economic Development Act of 1965.

The bill also authorizes additional 701 planning funds amounting to $35 million for fiscal year 1969 and $125 million for fiscal year 1970.

Planned areawide development

Section 602.—Amends title II of the Demonstration Cities and Metropolitan Development Act of 1966 by changing the heading of such title to "Planned Areawide Development" and in keeping with this change in title amends the sections and subsections thereto to permit supplementary incentive grants authorized for certain federally assisted projects in metropolitan areas to be made for such projects being carried out in any multijurisdictional area such as the rural planning districts which are authorized by the amendments in section 601 of this bill. Also makes available for grant purposes through fiscal year 1970 any of the funds authorized for fiscal years 1967 and 1968, but which have not been appropriated.

Advance acquisition of land

Section 603.—Amends section 701 and rewrites section 704 of the Housing and Urban Development Act of 1965 to provide basic authority for a more efficient and effective program of Federal assistance to localities for the advance acquisition of land expected to be needed for public purposes. The amendments and rewriting would:

(1) Change the definition of eligible land;

(2) Require that the proposed use of the land be undertaken within 5 years except the Secretary could go beyond the 5-year period if, due to unusual circumstances, he deems a longer period necessary and if he advised the Banking and Currency Committees of the Congress of this action;

(3) Clarify the status of the land in the interim between acquisition and utilization for the approved purpose;

(4) Permit the Secretary to approve the diversion of the land to another public purpose when in accord with comprehensive planning and give him discretion to require repayment of the grant or the substitution of land of equivalent value when the land is diverted to a nonpublic purpose;

(5) Provide that assistance under this section will not render a project ineligible for other Federal assistance programs and that the cost of land acquired with this assistance will not be an ineligible project cost in such other programs;

(6) Provide for grant assistance for imputed interest charges when an applicant uses other than borrowed funds to finance the acquisition of the land; and

(7) Clarify the authority of States to participate in the program.

Extension of interim planning requirements in water and sewer facilities program

Section 604.—Amends section 702(c) of the Housing and Urban Development Act of 1965 to extend interim planning requirements in the water and sewer facilities program from July 1, 1968, to October 1, 1969.

Authorizations for water and sewer facilities, neighborhood facilities, and advance acquisition of land programs

Section 605.—Amends section 708(a) of the Housing and Urban Development Act of 1965 to provide that any funds authorized but not appropriated for the basic water and sewer facilities, neighborhood facilities, and the advance acquisition of land programs will remain available for appropriation through fiscal year 1970. (Present authorization for these programs expires with fiscal year 1969.) In addition, this section authorizes an appropriation of $115 million for fiscal year 1970 for grants for water and sewer projects.

Open space land program

Section 606.—Amends section 702(b) of the Housing Act of 1961 to convert the funding provision for contracts under the open space land program from contract authority to regular authorization for appropriation and authorizes the appropriation of the unused portion of contract authority. This section would also increase the appropriation authority by $150 million in fiscal year 1970. This section would further increase the amount of grant funds which can be used annually for studies and publications from $50,000 to $125,000.

Authorize the making of feasibility studies in the public works planning advances program

Section 607.—Amends section 702(a) of the Housing Act of 1954 to clarify the authority of the Secretary of HUD to make advances for the conduct of feasibility studies regarding specific public works, the planning of which may be assisted under section 702.

TITLE VII—URBAN MASS TRANSPORTATION

Grant authorizations

Section 701.—Amends section 4(b) of the Urban Mass Transportation Act of 1964 to authorize an appropriation of $190 million for fiscal year 1970. In addition, it would increase the amount of funds which may be used from the current authorization for research development and demonstration programs by $6 million for fiscal year 1969 and would authorize the Secretary after fiscal year 1969 to use for research and demonstration activities such funds as he deems appropriate from those authorized in section 4(b) of the 1964 act.

Definition of mass transportation

Section 702.—Amends section 12(c)(5) of the Urban Mass Transportation Act of 1964 to broaden the statutory definition of "mass transportation." The broadened definition would permit greater flexibility in developing and applying new concepts and systems in urban mass transportation programs.

Extension of emergency program under the Urban Mass Transportation Act

Section 703.—Amends section 5 of the Urban Mass Transportation Act of 1964 to extend the emergency provisions of the mass transportation program from November 1, 1968, to July 1, 1970.

Non-Federal share of net project cost

Section 704.—Amends sections 4(a) and 5 of the Urban Mass Transportation Act of 1964 to permit private transit companies to furnish up to 50 percent of the local share of the net project cost of a mass transit project, or in cases of an applicant's (State or local public body) financial inability to put up any portion of the local share, private companies would be permitted to put up 100 percent of such share.

TITLE VIII—SECONDARY MORTGAGE MARKET

Purposes

Section 801.—States that the purpose of this title is to partition the Federal National Mortgage Association into two corporations: (1) Government National Mortgage Association (GNMA); and (2) Federal National Mortgage Association (FNMA).

Amendments to the Federal National Mortgage Association Charter Act

Section 802.—Amends the Federal National Mortgage Association Charter Act (title III) of the National Housing Act to establish—

(a) Government National Mortgage Association:

Would operate existing special assistance and management and liquidating functions, and

Would be administered by Secretary of Housing and Urban Development (now under FNMA Board of Directors and a President).

(b) Federal National Mortgage Association:

Purpose.—Would operate a privately financed secondary mortgage market for government supported mortgages.

Board of Directors.—Would consist of 15 members of which five would be appointed annually by the Secretary of Housing and Urban Development. The remaining members would be elected by the stockholders. Of those members appointed by the Secretary, one shall be from the homebuilding industry, one from the real estate industry, and one from the mortgage lending industry.

Powers of Secretary of Housing and Urban Development.—Would have regulatory powers, including a requirement that a reasonable portion of mortgage purchases relate to low and moderate income housing; also issuance of securities would be subject to his approval.

Treasury-held preferred stock.—Would be retired as rapidly as possible after effective date.

Common stock.—Would continue to require mortgage sellers to purchase common stock; also each mortgage servicer would be required to hold up 2 percent of mortgages serviced in common stock.

Participations

Section 803.—Amends section 302(c) of the Federal National Mortgage Association Charter Act to permit GNMA, as trustee under trusts created for sales of participation certificates, to issue such certificates for refinancing purposes without regard to the requirement of appropriation act authority. Any appropriation for insufficiencies accompanying the original authorization would apply as well to any "rollover" sale.

Mortgage-backed securities

Section 804.—Amends section 304 of such act to authorize the new Federal National Mortgage Association to issue securities backed by an earmarked pool of portfolio mortgages. This section would also authorize the Government National Mortgage Association to guarantee such securities as well as those issued by approved private issuers.

Subordinated and convertible obligations

Section 805.—Amends section 304 of such act to authorize the Federal National Mortgage Association to issue subordinated obligations up to twice its capital and surplus.

Special assistance authorization

Section 806.—Amends section 305(c) of such act to authorize an additional $500 million for the purchase of mortgages by the Government National Mortgage Association in its special assistance function.

Amendments to other laws

Section 807.—Makes numerous changes in other laws necessitated by the establishment of the new Federal National Mortgage Association and the new Government National Mortgage Association.

Effective date

Section 808.—Provides that the partition of the existing Federal National Mortgage Association would become effective no more than 120 days following the enactment of this act.

Savings provisions

Section 809.—Preserves causes of action and legal proceedings existing or instituted by or against the Federal National Mortgage Association prior to the effective date so that such actions and proceedings will not abate.

Transitional provisions

Section 810.—Provides that the transitional period would begin on the "effective date" and terminate when at least one-third of the stock is owned by private investors in the homebuilding, mortgage lending, real estate, and related industries but no sooner than May 1, 1970, or later than May 1, 1973. During this period the President of the Federal National Mortgage Association will be appointed by the President of the United States with the advice and consent of the Senate and the Board of Directors would be limited to nine members. In the first year all nine members would be appointed by the Secretary of Housing and Urban Development, in the second year seven would be appointed by the Secretary and two would be elected by the stockholders, and in the third year and subsequent period, five members would be appointed by the Secretary and the remainder elected by the stockholders. One of the Secretary's appointees would have to be the President of FNMA.

TITLE IX—NATIONAL HOUSING PARTNERSHIPS

Sections 901–911.—Authorizes the creation of National Housing Partnerships in order to encourage private investors to provide low and moderate income housing in substantial volume on a nationwide scale. Such a National Partnership would form partnership ventures with local investors for the construction of housing for low and moderate income families.

The title would authorize the creation of federally chartered privately funded corporations to be organized under the District of Columbia Business Corporation Act. Such a corporation in turn would form a partnership organized under this title and under the District of Columbia Uniform Limited Partnership Act. The federally chartered Corporation would serve as the general partner and managing agent of the National Partnership and each of the stockholders and others could be limited partners. The Corporation would provide the staff and expertise for the Partnership in connection with the organization and planning of specific local project undertakings in which the National Partnership would have an interest.

TITLE X—RURAL HOUSING

Housing for low and moderate income persons and families

Section 1001.—Adds a new section 521 to title V of the Housing Act to 1949 to authorize the Secretary of Agriculture to make direct and insured loans with interest-rate subsidies in rural areas to low and moderate income persons and families and to provide rental or cooperative housing for such persons and families where such persons and families are unable to obtain housing under sections 235 and 236 of the National Housing Act, proposed by sections 101 and 201 of this bill.

Housing for rural trainees

Section 1002.—Adds a new section 522 to title V of the Housing Act of 1949 to authorize financial and technical assistance to States or political subdivisions thereof, or any public or private nonprofit organization to provide, in rural areas, housing and related facilities for rural trainees (and their families) enrolled in federally assisted training courses to improve their employment capabilities when the Secretary determines that such housing and facilities could not be reasonably provided in any other way.

Appropriations

Section 1003.—Amends section 513 of the Housing Act of 1949 to authorize appropriations to the Secretary of Agriculture for the cost of carrying out his administrative functions under sections 235 and 236 of the National Housing Act.

Purchase of land for building sites

Section 1004.—Amends section 514(f)(2) of the Housing Act of 1949 to broaden the eligibility purposes of domestic farm labor housing loans to include the purchase of necessary land for building sites.

TITLE XI—NATIONAL INSURANCE DEVELOPMENT CORPORATION

Short title

Section 1101.—Adds new title to be referred to as "The National Insurance Development Corporation Act of 1968."

Findings and declaration of purpose

Section 1102.—Includes a finding that the unavailability of property insurance in inner-city areas is accelerating the deterioration and threatening the economic well-being of cities. States that the purpose of the bill is to encourage the development of statewide programs to increase the availability of property insurance and to provide Federal reinsurance with appropriate State sharing in reinsured losses due to civil disorders.

Amendment of the National Housing Act

Section 1103.—Adds a new title XII to the National Housing Act to establish the National Insurance Development Corporation. The provisions of the proposed new title are summarized briefly below.

Creation and dissolution of National Insurance Development

Section 1201.—Creates the National Insurance Development Corporation within the Department of Housing and Urban Development, under the authority of the Secretary.

Executive director

Section 1202.—Provides that, subject to section 1201 the management of the Corporation shall be vested in an Executive Director appointed by the President, by and with the advice and consent of the Senate.

Advisory Board, meetings, duties, compensation, and expenses

Section 1203.—Establishes a 19-member Advisory Board appointed by the Secretary.

Definitions

Section 1204.—Contains definitions in this title.

Part A—Statewide Plans To Assure Fair Access to Insurance Requirements

Fair plans

Section 1211.—Requires every insurer reinsured by the Corporation to cooperate with the State insurance authority, in each State in which it acquires reinsurance, in establishing and carrying out statewide plans to assure fair access to insurance requirements ("FAIR" Plans). These plans, which must be approved by the State insurance authority or authorized by State law, are to be administered under the supervision of the State insurance authority and designed to make essential property insurance more readily available in, but not limited to, urban areas.

All industry placement facility

Section 1212.—Requires all plans to include an all-industry placement facility, doing business with all participating insurers, to help agents and brokers to place insurance up to the full insurable value of a property.

Industry cooperation

Section 1213.—Requires every participating insurer to pledge with the State insurance authority its full participation and cooperation of the plan and the need to form a pool or to adopt other programs to make essential property insurance more readily available.

Plan evaluation

Section 1214.—Provides for transmission of copies of plans and amendments by State insurance authorities to the Corporation and for these authorities to advise the Corporation with regard to the operation of the plan and the need to form a pool or to adopt other programs to make essential property insurance more readily available. The Corporation may modify plan criteria as may be necessary or desirable and upon certification by the State insurance authority waive compliance with one or more of the plan criteria.

Part B—Reinsurance Coverage

Reinsurance of losses from riots or civil disorders

Section 1221.—Authorizes the Corporation to offer riot or civil disorder property loss reinsurance to any insurer or pool of insurers in any one or more States. Reinsurance may be provided immediately upon enactment of the title for a 90-day period, but thereafter only if the insurer is participating in the State's plan under part A.

Reinsurance agreements and premiums

Section 1222.—Authorizes the Corporation to provide reinsurance, to reimburse the insurer for losses in excess of the insurer's retention, at premium rates adequate to provide premiums which will exceed in aggregate amount the insured riot losses in 1967, and provides that thereafter the Corporation may adjust reinsurance premium rates as may be necessary or appropriate after consultation with the Board and the National Association of Insurance Commissioners.

Conditions of reinsurance

Section 1223.—Provides the conditions under which the Corporation will terminate existing reinsurance coverage and will not offer new coverage for insurance written after the termination date, including such conditions as State assumption of a share of reinsured losses, the adoption of additional programs such as pools, and insurer participation in State plans and programs.

Recovery of premiums: statute of limitations

Section 1224.—Authorizes the Corporation to recover any unpaid premiums for reinsurance; imposes a 5-year statute of limitations on the recovery by an insurer of excess premiums paid to the Corporation or the recovery by the Corporation of reinsurance premiums due to it.

Part C—Provisions of General Applicability

Claims and judicial review

Section 1231.—Authorizes the Corporation to adjust and pay claims for proved and approved losses, and allows a claimant to institute any action in the U.S. district court within 1 year after receipt of notice of disallowance of a claim.

Fiscal intermediaries and servicing agents

Section 1232.—Authorizes the Corporation to contract with any insurer, pool, or other person or organization for estimating or determining reinsurance claim payment amounts, receiving, disbursing, and accounting for reinsurance claim payments, auditing insurers' records to assure proper payments, establishing the basis of reinsurance liability, and otherwise assisting in carrying out the purposes of the title.

National insurance development fund

Section 1233.—Provides for the establishment of a national insurance development fund to be available to the Corporation without fiscal year limitation to pay reinsurance claims, to pay administrative expenses, and to repay with interest amounts borrowed under section 520(b) of the National Housing Act.

Records, annual statements, and audits

Section 1234.—Requires reinsured insurers to furnish the Corporation with annual statements and such data as may be necessary in carrying out this program and to keep records to facilitate an effective audit; authorizes the Corporation and the Comptroller General to conduct audits; and provides that the Corporation is to make use of State insurance authority examination reports and facilities to the maximum extent feasible in connection with these activities.

Study of reinsurance and other programs

Section 1235.—Provides for the Corporation to study reinsurance and other means of assuring an adequate supply of burglary and theft and other property insurance in urban areas and the adequate availability of surety bonds for construction contractors in urban areas and to report to the President and the Congress within 1 year the results of its study and its recommendations.

Other studies

Section 1236.—Provides for the Corporation, in cooperation with State insurance authorities and the private insurance industry, to study the operation of the FAIR plans, the extent of the unavailability of essential property insurance in urban areas, the market for private reinsurance, loss-prevention methods and procedures, insurance marketing methods, and underwriting techniques.

General powers of corporation

Section 1237.—Authorizes the Corporation to have a corporate seal, to sue and be sued (with all civil actions in which the Corporation is a party deemed to arise under the laws of the United States), to enter into and perform contracts, leases, and other agreements without competitive bidding; to employ a staff; to make necessary or appropriate rules and regulations; and to exercise all powers specifically granted by the title and such incidental powers as are necessary to carry out its purposes.

Service and facilities of other agencies—utilization of personnel, services, facilities, and information

Section 1238.—Authorizes the Corporation, with the consent of the agency concerned, to utilize the personnel and information of any agency of the Federal Government on a reimbursable basis and to obtain data relevant to matters within its jurisdiction from any Federal agency on a nonreimbursable basis to the extent permitted by law.

Advance payments and finality of certain financial transactions

Section 1239.—Provides that the Corporation's financial transactions relating to reinsurance shall be final and conclusive on all officers of the United States and that the Corporation may make reinsurance payments in advance or by way of reimbursement and in such installments and on such conditions as it may determine.

Taxation

Section 1240.—Exempts the Corporation from local, State or Federal taxation and provides that any State undertaking measures in meeting its obligations for reinsured losses shall not be subject to retaliatory or fiscal imposition by any other State.

Annual report

Section 1241.—Requires the Secretary to include a report on the operations of the Corporation in his annual report.

Appropriations

Section 1242.—Authorizes to be appropriated such sums as may be necessary to carry out this title.

Financing

Section 1104.—Amends section 520(b) of the National Housing Act to authorize the Secretary to borrow funds necessary to pay for reinsured losses under title XII of the act.

Government Corporation Control Act

Section 1105.—Defines the National Insurance Development Corporation as a wholly owned Government corporation under the Government Corporation Control Act.

Compensation of executive director

Section 1106.—Provides for compensation of the Executive Director at the rate prescribed for level IV of the Federal Executive Salary Schedule.

Clarifying amendments to acts referring to disasters

Section 1107.—Would amend other acts to include "riot or civil disaster" in the definitions of "disaster" or "catastrophe."

TITLE XII—NATIONAL FLOOD INSURANCE ACT OF 1968

Short title

Section 1201.—Adds new title to be referred to as "National Flood Insurance Act of 1968."

Findings and declaration of purpose

Section 1202.—States that a flood insurance program is feasible and can be initiated, and should complement and encourage measures to prevent flood damage; that if the program is commenced on a gradual basis, time and experience will enable it to be reappraised and expanded; that the program can be carried out most effectively through a cooperative effort on the part of the Federal Government and the private insurance industry; and that a critical ingredient of such a program will be the encouragement of State and local governments to adopt land use regulations to govern the development of land exposed to flood damage. Calls for the President to submit to the Congress, within 2 years, a unified national program for flood plain management, including any further proposals for the allocation of costs among beneficiaries of flood protection.

Amendments to the Federal Flood Insurance Act of 1956

Section 1203(a).—Amends section 15(e) of the Federal Flood Insurance Act of 1956. That section vested the Administrator of the Housing and Home Finance Agency with authority to borrow $500 million in the aggregate (or greater sums if authorized by the President) from the Secretary of the Treasury. The amendment in section 1203(a) relates to the interest formula which is to apply to borrowed funds. Under section 1210 of the bill, the borrowing authority would be made specifically available to the Secretary of Housing and Urban Development to carry out responsibilities which would be vested in him under the bill.

Section 1203(b).—Strikes out obsolete language from section 15(e) of the Federal Flood Insurance Act of 1956.

Section 1203(c).—Repeals all sections of the Federal Flood Insurance Act of 1956, except section 15(e), relating to Treasury borrowing authority.

Definitions

Section 1204.—Defines: (1) "flood" as having such meaning as prescribed in regulations of the Secretary, and including inundation from the overflow of streams, rivers, or other bodies of waters, and from tidal surges, abnormally high tidal water, tidal waves, hurricanes, and other severe storms or deluge; (2) "United States" and "State" as including the several States, the District of Columbia, the territories and possessions, and the Commonwealth of Puerto Rico; (3) "insurance company," "other insurers," "insurance agents and brokers," to include any organizations or individuals authorized to engage in the insurance business under the laws of any State; (4) "insurance adjustment organizations" to include any organizations or persons engaged in the business of adjusting loss claims arising under insurance policies issued by licensed insurance companies or other insurers; (5) "person" as any individual, group of individuals, corporation, partnership, association, or other organized group, including State and local governments and agencies; and (6) "Secretary" as the Secretary of Housing and Urban Development.

Chapter I—The National Flood Insurance Program

Basic authority

Section 1205(a).—Authorizes the Secretary of Housing and Urban Development to establish and carry out a program to facilitate the purchase of flood insurance to provide against physical damage to real or personal property resulting from flood.

Section 1205(b).—Provides that this program shall be implemented to the maximum extent practicable, through arrangements for financial participation and risk sharing by companies in the private insurance industry, and by other appropriate participation on a non-risk-sharing basis by insurance companies, agents, brokers, or adjustment organizations.

Scope of program and priorities

Section 1206(a).—Authorizes the Secretary to make the flood insurance program available initially for one- to four-family residential properties.

Section 1206(b).—Authorizes the Secretary to extend coverage of the flood insurance program when, on the basis of studies and other information, he determines that extension would be feasible. Future coverage of the program could be extended to: (1) Other residential properties, (2) business properties, (3) agricultural properties, (4) properties occupied by private nonprofit organizations, and (5) properties owned by State and local governments and agencies thereof.

Section 1206(c).—Provides that flood insurance will be made available in only those States or areas (or subdivisions of areas) which the Secretary determines had evidenced a positive interest in the flood insurance program, and had given satisfactory assurances that by June 30, 1970, permanent land use and control measures, consistent with criteria prescribed in section 1261, or for land management and use, have been adopted, and that application and enforcement of these measures would commence as soon as technical information on floodways and on controlling flood elevations was available.

This would not require the same land management and use measures for all areas, since these measures must meet the particular flood problems of each area.

Nature and limitation of insurance coverage

Section 1207(a).—Authorizes the Secretary, after consultation with the flood insurance advisory committee, and representatives of the State insurance commissioners, to provide by regulation for the general terms and conditions of insurability applicable to properties eligible for flood insurance. A representative organization of all State insurance authorities, such as the National Association of Insurance Commissioners, will be called upon for purposes of consulting State insurance authorities. These terms and conditions will include the types and locations of eligible properties; the nature and limits of insurable losses; the classification, limitation, and rejection of risks; and appropriate minimum premiums and loss-deductibles.

Section 1207(b).—Provides that insurance coverage for one- to four-family residential properties will be limited to $15,000 aggregate liability for any dwelling unit and $30,000 for any dwelling structure of from two to four units. Liability for personal property will be limited to $5,000 for the contents of each dwelling unit. Both real property and contents will be subject to an appropriate loss-deductible clause. For any other properties which will become eligible for flood insurance coverage in the future (such as small business properties), the aggregate liability for any single structure will be $30,000. These limits will apply to any insurance sold at premiums below full actuarial cost. Insurance coverage could be doubled under this section, but any excess over the limits specified will require the payment of premium rates at full cost.

Estimates of premium rates

Section 1208(a).—Authorizes the Secretary, on the basis of studies and investigations, to estimate on an area, subdivision, or other appropriate basis: (1) Risk premium (full cost) rates for flood insurance, (2) the rate (at below full cost, if necessary) which would be reasonable, would encourage the purchase of flood insurance, and would be consistent with the purposes of the act, and (3) the extent to which federally assisted or other flood protection measures initiated after the effective date of the act affect the estimates of rates mentioned in (1) and (2). The Secretary will base estimates of risk premium rates on a consideration of the risks involved and accepted actuarial principles. The rates will reflect applicable operating costs and allowances of participating private insurers, and, on a discretionary basis, nondevelopmental Federal administrative expenses which may be incurred in carrying out the flood insurance program.

Section 1208(b).—Provides that, in conducting the necessary rate studies and investigations, the Secretary shall, to the extent feasible, utilize the services, on a reimbursement basis, of the Army Corps of Engineers, the Geological Survey, the Soil Conservation Service, the Environmental Science Services Administration, the Tennessee Valley Authority, and other appropriate Federal departments and agencies.

Section 1208(c).—Requires the Secretary to give priority to those States or areas that have evidenced a positive interest in flood insurance, in making rate studies and investigations.

Establishment of chargeable premium rates

Section 1209(a).—Authorizes the Secretary, after consultation with the flood insurance advisory committee and representatives of the State insurance authorities, to establish chargeable premium rates and the areas, terms and conditions for the application of such rates. Rates will be determined on the basis of estimates made under section 1208 and other necessary information.

Section 1209(b).—Provides that, in prescribing chargeable rates, the Secretary shall be guided by a number of factors, including the consideration of the respective risks involved, the differences in risk due to land use measures, floodproofing, flood forecasting and similar measures. The Secretary would be authorized to prescribe chargeable rates at reasonable levels, lower than those at full cost where necessary, in order to encourage the purchase of flood insurance. In low-risk areas the chargeable rate for existing properties will be the same or close to the estimated full cost rate. The higher the flood risk for an area, the lower the chargeable rate would be, in relation to the estimated full-cost rate. Under this section, all chargeable rates will be stated so as to reflect their basis, including any differences from the estimated full-cost risk premium rates.

Section 1209(c).—Provides that after an area has been identified as being flood-prone and this information was published in the area, then newly constructed property or substantially improved property can be insured only at rates which are not less than the estimated (full cost) risk premium rate.

Section 1209(d).—Provides that where any chargeable premium rate is equal to the estimated risk premium rate (full cost) for the area, and if the rates include any amount for administrative expenses of the Federal Government in carrying out the flood insurance program (in the Secretary's discretion under section 1208), a sum equal to that amount is to be paid to the Secretary to be deposited in the insurance fund.

Treasury borrowing authority

Section 1210(a).—Provides that the authority vested in the Housing and Home Finance Administrator by section 15(e) of the Federal Flood Insurance Act of 1956 (pertaining to the issue of notes or other obligations to the Secretary of the Treasury) shall be vested in the Secretary.

Section 1210(b).—Requires that borrowed Treasury funds must be deposited in the national flood insurance fund established under section 1211.

National flood insurance fund

Section 1211(a).—Authorizes the Secretary to establish in the U.S. Treasury a national flood insurance fund. Premium equalization payments to the insurance pool, reinsurance claims of the pool, and repayments of borrowed moneys to the Secretary of the Treasury (available from appropriations or

reinsurance premiums) will be charged to the fund. Administrative expenses of carrying out the program may also be paid out of the fund.

Section 1211(b).—Requires the fund to be credited with: (1) Borrowed Treasury funds, (2) reinsurance premiums payable by the insurance pool, (3) amounts advanced to the fund from appropriations in order to maintain it on adequate levels, (4) interest on the investment of surplus amounts in the fund, (5) administrative expenses included in chargeable premium rates and which have been paid to the Secretary, and (6) receipts from other operations incident to the insurance program; and, in the event the flood insurance program is carried out through the facilities of the Federal Government, the insurance premiums paid.

Section 1211(c).—Authorizes the Secretary of the Treasury to invest surplus moneys in the fund in obligations issued or guaranteed by the United States, if: (1) All outstanding obligations have been liquidated, and (2) any outstanding amounts that have been advanced to the fund from appropriations for reinsurance payments to the pool have been credited to that appropriation, with interest accrued at a rate based on the average current yield on outstanding marketable obligations of the United States of comparable maturities.

Section 1211(d).—Provides that the fund will be available to finance the operation of the flood insurance program if the Secretary finds that it should, in whole or in part, be carried out through the facilities of the Federal Government, including costs incurred in the adjustment and payment of loss claims and payment of applicable operating costs of private insurers if such companies are involved. Any premiums paid are to be deposited in the fund.

Operating costs and allowances

Section 1212(a).—Directs the Secretary to negotiate with appropriate representatives of the insurance industry, from time to time, for the purpose of prescribing a current schedule of operating costs applicable to risk-sharing and non-risk-sharing participants in the flood insurance program, and a current schedule of operating allowances (profits) applicable to risk-sharing insurers. These schedules will be prescribed in regulations.

Section 1212(b).—Specifies that operating costs include: (1) Expense reimbursements covering the expenses of selling and servicing the insurance, (2) reasonable compensation or commissions payable for selling and servicing the insurance, (3) loss adustment expenses, and (4) other expenses which the Secretary finds were incurred in selling or servicing the insurance. Operating allowances include amounts for profit and contingencies which the Secretary finds reasonable and necessary.

Payment of claims

Section 1213.—Authorizes the Secretary to prescribe regulations establishing methods for the adjustment and payment of claims for losses to property insured under the flood insurance program.

Dissemination of flood insurance information

Section 1214.—Directs the Secretary to make information and data available to the public and to any State and local agency regarding: (1) The coverage and objectives of the flood insurance program, and (2) estimated and chargeable flood insurance premium rates, and the basis for the difference between such rates.

Prohibition against certain duplications of benefits

Section 1215(a).—Contains provisions which will prevent Federal disaster assistance from being made available to compensate for any loss to the extent it is covered by flood insurance. Also provides that no such assistance shall be made available to the extent losses of real or personal property could have been covered (at the maximum limits) if flood insurance was actually available more than 1 year prior to the loss. Authority is provided for the Secretary to prescribe, by regulations, an exception to this latter provision for low-income persons who might otherwise benefit from such assistance.

Section 1215(b).—Provides that "Federal disaster assistance" includes any Federal financial assistance made available to any person as a result of: (1) A major disaster, as determined by the President pursuant to "An Act to authorize Federal Assistance to State and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); (2) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961; (3) a disaster with respect to which loans may be made under section 7(b) of the Small Business Act.

Section 1215(c).—Makes the term "financial assistance" as used in section 10 of the Disaster Relief Act of 1966 (which directs that Federal assistance programs be administered to avoid duplication of benefits) include flood insurance.

State and local land use controls

Section 1216.—Provides that after June 30, 1970, no new flood insurance coverage (including renewals) will be provided in any area unless an appropriate public body had adopted permanent land use and control measures, with effective enforcement provisions, which the Secretary finds consistent with the comprehensive criteria for land management and use prescribed under section 1261.

Properties in violation of State and local law

Section 1217.—Prohibits any new flood insurance (including renewals) for property which violates State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Coordination with other programs

Section 1218.—Directs the Secretary to consult with Federal, State and local agencies having responsibilities for flood control, flood forecasting, and flood damage prevention, in order to assure mutual consistency between the programs of such agencies and the flood insurance program.

Advisory committee

Section 1219(a).—Directs the Secretary to appoint a flood insurance advisory committee. The purpose of the committee is to advise the Secretary with respect to the administration of this act and in the preparation of the regulations prescribed in the act.

Section 1219(b).—Provides that the committee shall consist of not more than 15 persons selected from: (1) The insurance industry, (2) State and local governments, (3) lending institutions, (4) the home-building industry, and (5) the general public.

Section 1219(c).—Provides that committee members, while attending conferences or meetings, will be compensated at a rate fixed by the Secretary not to exceed $100 a day and to also receive travel and living expenses when serving away from their homes or regular places of business.

Initial program limitations

Section 1220.—Provides that the face amount of flood insurance coverage outstanding and in force at any given time cannot exceed $2.5 billion.

Report to the President

Section 1221.—Directs the Secretary to include a report on the operations of the flood insurance program provided for under this act in his annual report to the president for submission to the Congress.

Chapter II—Organization and Administration of the Flood Insurance Program

Organization and administration

Section 1230.—Directs the Secretary, after such consultation with representatives of the insurance industry as may be necessary, to implement the flood insurance program by providing for an industry program with Federal financial assistance. In the event this program proves unworkable, the Secretary is directed to provide for a Federal program with industry assistance.

Part A—Industry Program With Federal Financial Assistance

Industry flood insurance pool

Section 1231(a).—Authorizes the Secretary to encourage and assist private insurers to join together in a pool to provide flood insurance coverage and to participate financially in underwriting the risk assumed and in assuming responsibility for some proportion of claims for losses.

Section 1231(b).—Authorizes the Secretary to prescribe rquirements for private insurers participating in the pool, including, but not limited to, minimum requirements for capital or surplus or assets.

Agreements with flood insurance pool

Section 1232(a).—Authorizes the Secretary to enter into agreements with any insurance pool as he deems necessary to carry out the purposes of this act.

Section 1232(b).—Provides that any agreement with a pool shall specify the terms and conditions under which: (1) Risk capital will be available for the adjustment and payment of claims, (2) the pool and its participants will participate in premiums received and profits or losses, (3) the maximum amount of profit which may be realized as established by the Secretary under section 1212, (4) operating costs prescribed under section 1212 and allowances are to be paid, and (5) premium equalization payments and reinsurance claims will be paid.

Section 1232(c).—States that the agreements will also contain such provisions as the Secretary finds necessary to assure that: (1) No qualified insurer wishing to participate in the pool will be excluded, (2) insurers participating in the pool will provide continuity of flood insurance coverage, and (3) other insurance companies, agents, and brokers will to the maximum extent practicable be permitted to cooperate with the pool as fiscal agents or otherwise on a non-risk-sharing basis. This section assures that no insurance companies shall be excluded from the program on the basis of considerations such as size.

Judicial Review

Section 1233.—Authorizes private insurers participating in the pool to adjust and pay claims for losses and permits any claimant, upon disallowance of a claim, or upon the claimant's refusal to accept the amount allowed on a claim, to institute an action, within 1 year after notice of disallowance is mailed, in the U.S. district court for the district in which the insured property or the major portion of it was situated. Jurisdiction would be conferred on the district court without regard to the amount in controversy. Claimants could also avail themselves of legal remedies in State courts.

Premium equalization payments

Section 1234(a).—Directs the Secretary, on such terms and conditions as he shall provide, to make periodic payments to the pool in recognition of any reduction made in chargeable premium rates under estimated risk premium rates in order to provide flood insurance on reasonable terms.

Section 1234(b).—Provides that payments for a share of the claims paid in a given period will be based on the aggregate amount of flood insurance retained by the pool after ceding reinsurance in accordance with section 1235.

Subject to the limiting terms and conditions of the basic agreement between the Secretary and the pool under section 1232, the Secretary is also authorized to make payments to the pool for a proportionate amount of applicable operating costs (including only administrative expenses) and allowances on the same ratio basis as used to determine the sharing of claim payments.

Section 1234(c).—Authorizes the Secretary to establish designated pay periods and the methods for determining the sum of premiums paid or payable during such periods.

Reinsurance coverage

Section 1235(a).—Authorizes the Secretary to take such action as may be necessary to make available reinsurance coverage to the insurance pool for excess losses.

Section 1235(b).—Authorizes entering into contracts, agreements or other arrangements to provide reinsurance, in consideration of premiums, fees, or other charges as the Secretary finds necessary to cover anticipated losses.

Section 1235(c).—Authorizes the Secretary to negotiate an excess loss agreement with the insurance industry pool whereby claims above a certain limit will be submitted to the Secretary on a portfolio basis, and paid by the Federal Government.

Section 1235(d).—Provides that reinsurance claims must be submitted on a portfolio basis, in accordance with terms and conditions as may be established by the Secretary.

Section 1235(e).—Provides that such pool shall make no distribution of earnings for a period of up to 5 years based on flood insurance premiums, unless the aggregate cumulative premiums, fees, or other charges established for excess loss reinsurance under subsection (b) and collected for deposit in the national flood insurance fund exceeds the aggregate cumulative expenses paid for reinsurance claims by such fund.

Part B—Government Program

Federal operation of the program

Section 1240(a).—Authorizes the Secretary, after consultation with representatives of the insurance industry if he makes a determination that the flood insurance program cannot be effectively carried on through the insurance pool, to take the necessary steps to operate the program through the facilities of the Federal Government, either by: (1) Utilizing insurance companies, other insurers, agents, brokers, and adjustment organizations as fiscal agents of the United States, (2) by utilizing employees of the Department of Housing and Urban Development or other Government employees (by arrangement with the heads of other agencies), or (3) by a combination of alternatives (1) and (2) above.

Section 1240(b).—Provides that at least 90 days before an all-Federal program of insurance is entered into by the Secretary, during all of which time Congress shall be in session, he shall make a report to the Congress which will: (1) State the reasons for his determinaton that a program under the industry-Government option in part A cannot be carried out, (2) support such determination by pertinent findings, (3) indicate the extent to which he anticipates the industry will be utilized in the all-Federal program, and (4) make any other recommendations he deems advisable.

Adjustment and payment of claims

Section 1241.—Authorizes the Secretary to adjust and pay claims, and authorizes any claimant, upon disallowance of a claim, or upon refusal of the claimant to accept an amount allowed, to institute an action, within 1 year after notice of disallowance or partial disallowance, is mailed, in the U.S. district court for the district in which the insured property or the major portion of it was situated. Jurisdiction would be conferred on the district court without regard to the amount in controversy.

Part C—Provisions of General Applicability

Services by insurance industry

Section 1245(a).—Provides legal authority for the Secretary to enter into the necessary arrangements with the insurance industry to implement the flood insurance program set forth in the act, including provisions for payment of applicable operating costs and allowances for such facilities and services.

Section 1245(b).—Exempts any such arrangements from any provisions of Federal law requiring competitive bids or requiring that contracts or purchases of supplies or services by the Federal Government be made only after advertisement is provided for a sufficient time to allow competitive proposals to be made.

Use of insurance pools, companies, or other private organizations for certain payments

Section 1246(a).—Authorizes the Secretary to enter into contracts with any pool, insurance companies, or other private organizations he finds acceptable for use as fiscal intermediaries. Such intermediaries could (1) estimate and determine amounts of Federal payments, and (2) audit participating insurers, agents, brokers, or adjustment organizations, as may be necessary to assure that proper payments are made.

Section 1246(b).—Provide that any contract may contain provisions necessary to carry out the Secretary's responsibilities, under the provisions of the act.

Section 1246(c).—Provides that contracts authorized by this section would be exempted from any provisions of Federal law requiring competitive bidding or requiring that contracts or purchases of supplies or services by the Federal Government be made only after advertisement is provided for a sufficient time to allow competitive proposals to be made.

Section 1246(d).—Requires a finding by the Secretary that the contracting party can perform its obligations efficiently and effectively before a contract can be entered into.

Section 1246(e).—Provides that the Secretary is authorized to require a safety bond from any organization performing responsibilities under the authority granted and any of its officers and employees. No individual designated to certify payments will be liable with respect to payments certified by him in the absence of gross negligence or intent to defraud the United States. No officer disbursing funds in accordance with a proper certification of payments would be liable with respect to such payments in the absence of gross negligence or intent to defraud the United States.

Section 1246(f).—Specifies that contracts will be automatically renewable from year to year in the absence of notice from either party as to termination, except that the Secretary may terminate a contract after reasonable notice if he determines that the other party has substantially failed in its obligations or in carrying them out in a manner inconsistent with the efficient and effective administration of the flood insurance program.

Settlement and arbitration

Section 1247(a).—Authorizes the Secretary to make final determination and settlement of any claims arising from the financial transactions which he is authorized to carry out under the act. The Secretary may, however, refer such disputes to arbitration.

Section 1247(b).—Specifies that this arbitration would only be advisory in nature.

Records and audit

Section 1248(a).—Provides that any flood insurance pool receiving financial assistance under the program, and any pool, company, or other private organization which has entered into any contract, agreement, or other arrangement with the Secretary under parts B and C of chapter II, shall keep such records as the Secretary prescribes. Such records are to fully disclose the total costs of the programs undertaken or services rendered, so as to facilitate an effective audit.

Section 1248(b).—Provides that the Comptroller General and the Secretary (or their duly authorized representatives shall have access to any books, documents, papers, and records of the pool, insurance company or other private organizations, which are pertinent to the costs of the programs set forth in this act.

Chapter III—Coordination of flood insurance with land-management programs in flood-prone areas

Identification of flood-prone areas

Section 1260.—Authorizes the Secretary, utilizing the Army Corps of Engineers, the Geological Survey, the Soil Conservation Service, the Environmental Science Services Administration, TVA, and other Federal departments and agencies, to identify and publish information within 5 years after the effective date of the act with respect to all flood plain areas, including coastal areas in the United States, which have special flood hazards. The Secretary is also required to establish within 15 years, flood risk zones in these areas and to make estimates with respect to the rates of probable flood-caused loss for the various flood risk zones for each area.

Criteria for land management and use

Section 1261(a).—Authorizes the Secretary to carry out studies or investigations with regard to the adequacy of State and local measures in flood-prone areas, as to land management and use, flood control, flood zoning, and flood damage prevention.

Section 1261(b).—Provides that these studies and investigations deal with laws, regulations or ordinances relating to encroachments and obstructions on stream channels and floodways, the orderly development and use of flood plains of rivers or streams, floodway encroachment lines or flood plain zoning, building codes, building permits, and subdivisions or other building restrictions.

Section 1261(c).—Provides that based on his studies and investigation, the Secretary is authorized to develop comprehensive criteria designed to encourage, where necessary, the adoption of permanent State or local measures which will lessen the exposure of property and facilities to flood losses, improve the long-range management and use of flood-prone areas, and inhibit, to the maximum extent feasible, unplanned and economically unjustifiable future development in such areas. The Secretary is also authorized to work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies to encourage the application of such criteria and the adoption and enforcement of such measures as may be necessary to help in reducing any unnecessary damages resulting from floods.

Purchase of certain insured properties

Section 1262.—Authorizes the Secretary to negotiate with owners of real property covered by flood insurance which are located in any flood-risk area, and damaged substantially beyond repair by flood, for the purchase of such property. The Secretary is then authorized to transfer such property to those State or local agencies agreeing to use the property for at least 40 years for those purposes as the Secretary may, by regulation, determine to be consistent with sound land use and management. This authority is voluntary and no property owner would be required to sell or lease his property to the Secretary.

Chapter IV—Appropriations and miscellaneous provisions

Studies of other natural disasters

Section 1270(a).—Authorizes the Secretary to make studies to determine the extent to which insurance protection against earthquakes or other natural disasters is not available and the feasibility of making such protection available.

Section 1270(b).—Provides that studies under this section be made in cooperation with other Federal, State, or local agencies, and authorizes the Secretary to enter into agreements for the conduct of such studies with other Federal agencies, on a reimbursement basis, or with State and local agencies.

Payments

Section 1271.—Vests discretion in the Secretary to make payments under this program in advance of their actual need, or by way of reimbursement.

Government Corporation Control Act

Section 1272.—Makes the provisions of the Government Corporation Control Act applicable in the administration of the flood insurance program to the same extent as applicable to wholly owned Government corporations.

Finality of certain financial transactions

Section 1273.—Provides that any financial transaction under this act or payment received or made in connection therein shall be final and conclusive upon all officers of the Government.

Administrative expenses

Section 1274.—Provides that any administrative expenses of the Federal Government in carrying out the flood insurance program may be paid out of appropriated funds.

Appropriations

Section 1275(a).—Authorizes the appropriations necessary to carry out the flood insurance program, including sums to cover administrative expenses and to reimburse the national flood insurance fund for premium equalization payments and reinsurance claims paid out of the fund.

Section 1275(b).—Provides that these funds shall be available without fiscal year limitation.

Effective date

Section 1276.—Provides for the act to become effective 120 days following the date of enactment, except that the Secretary is authorized to extend the effective date up to 180 days afer enactment if he finds conditions necessitate a long preparatory period.

TITLE XIII—INTERSTATE LAND SALES

Short title

Section 1301.—Provides that this title may be cited as "The Interstate Land Sales Full Disclosure Act".

Definitions

Section 1302.—Defines the terms contained in this title.

Exemptions

Section 1303(a).—Provides for specific exemptions from the provisions of the act.

Section 1303(b).—Provides that the Secretary of HUD may make exemptions from any of the provisions of the act if he finds the coverage is not necessary in the public interest and for the protection of purchasers due to the small amount of the offering or its limited character.

Prohibitions relating to the sale or lease of lots in subdivisions

Section 1304(a).—Makes it unlawful for any developer or agent engaged in interstate commerce (1) to sell or lease any lot unless a statement of record is in effect pursuant to section 1307 and a printed property report is furnished to each purchaser in accordance with section 1308; (2) to employ any device, scheme, or artifice to defraud; to obtain money or property by means of a misrepresentation with respect to information in the statement of record or the property report or any other information; or to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit on the purchaser.

Section 1304(b).—Provides that a purchaser may revoke a contract or agreement of purchase if he is not given a copy of the property report before or at the time of his signing the contract. Where the purchaser does not receive the property report 48 hours before signing the contract, he may revoke it within 48 hours, unless the purchaser read the property report, and inspected the lot to be purchased before signing the contract and so stipulates in writing.

Registration of subdivisions

Section 1305(a).—Provides that a subdivision may be registered by filing a statement of record with the Secretary meeting the requirements of the act and the rules and regulations prescribed by the Secretary.

Section 1305(b).—Provides for payment to the Secretary by the developer of a registration fee not in excess of $1,000 in accordance with a schedule to be fixed by regulations of the Secretary.

Section 1305(c).—Provides that the filing of a statement of record or an amendment takes place on its receipt accompanied by payment of the fee provided in subsection (b).

Section 1305(d).—Requires that information contained in or filed with a statement of record be available to the public under regulations prescribed by the Secretary.

Information required in statement of record

Section 1306.—Provides that the statement of record shall contain certain information and be accompanied by certain specified documents.

Taking effect of statements of record or amendments thereto

Section 1307(a).—Provides that a statement of record, or any amendment, shall take effect on the 30th day after filing or at an earlier date if the Secretary so determines. When additional lands are offered for disposition, a developer may consolidate the statement with any prior statement of record offering subdivided land under the same promotional plan.

Section 1307(b).—Provides that the Secretary advise the developer within a reasonable time if the statement is materially defective. Such notification suspends the effective date until 30 days after a corrective filing is made. The developer may, however, request a hearing which must be held within 20 days of the Secretary's receipt of the request.

Section 1307(c).—Requires the developer to file an amendment to a statement if any change occurs subsequent to its effective date which affects any material fact required to be contained in the statement.

Section 1307(d).—Permits the Secretary to suspend a statement of record if it appears to him that it includes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary to make the statement not misleading.

Section 1307(e).—Empowers the Secretary to make an examination to determine whether an order should be issued under subsection (d) and allows him to have access to and demand production of any relative books and papers of the developer, his agent, or any other person when the matter is relevant to the examination.

Section 1307(f).—Permits any notice required under section 1307 to be sent to or served on the developer or his authorized agent.

Information required in property report

Section 1308(a).—Provides that a property report shall contain any information in the statement of record that the Secretary deems necessary, as well as any other information prescribed under rules and regulations of the Secretary as necessary or appropriate.

Section 1308(b).—Requires that the property report not be used for any promotional purposes before the statement of record becomes effective and then only if used in its entirety. States that no person may advertise or represent that the Secretary approves or recommends the subdivision.

Cooperation with State authorities

Section 1309(a).—Provides that the Secretary of Housing and Urban Development shall cooperate with State authorities responsible for regulating the sale of lots in subdivisions subject to the act. It permits the Secretary to accept for filing under, and declare effective as a statement of record, material filed with and found acceptable by such authorities.

Section 1309(b).—Provides that nothing in the act shall affect the jurisdiction of any State real estate commission.

Civil liabilities

Section 1310.—Provides for civil liabilities against a developer or agent who sells or leases lots in a subdivision in violation of the provisions of the act.

Court review of orders

Section 1311(a).—Permits any person aggrieved by an order or determination of the Secretary, which was issued after a hearing, to obtain review in the U.S. court of appeals for the circuit in which the person resides or has his principal place of business or in the U.S. Court of Appeals for the District of Columbia.

Section 1311(b).—Provides that commencement of proceedings under subsection (a) will not stay the Secretary's order unless specifically ordered by the court.

Limitation of actions

Section 1312.—Bars the bringing of an action to enforce any liability created under section 1310 (a) or (b)(2) unless it is brought within 1 year after discovery of the untrue statement or the omission or after the discovery should have been made. If the action is to enforce a liability established under section 1310(b)(1), it must be brought within 2 years after the violation upon which it is based. No action under the act may be brought more than 3 years after the sale or lease of the property.

Contrary stipulations void

Section 1313.—Provides that any condition, stipulation, or provision requiring a person to waive compliance with the act, or rules and regulations of the Secretary pursuant to it, shall be void.

Additional remedies

Section 1314.—Provides that rights and remedies under the act are in addition to other rights and remedies at law or equity.

Investigations, injunctions, and prosecution of offenses

Section 1315(a).—Authorizes the Secretary to file suit to prohibit violations of the act or any rule or regulation promulgated pursuant to the act in any U.S. district court or in the U.S. District Court for the District of Columbia. The Secretary is also authorized to transmit evidence concerning prohibited acts or practices to the Attorney General who may institute criminal proceedings.

Section 1315(b).—Authorizes the Secretary to initiate investigations to determine if any person has violated or is about to violate the act or rules or regulations prescribed pursuant to it.

Section 1315(c).—Empowers the Secretary or his designee to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records relevant or material to an investigation or proceeding under the act.

Sections 1315 (d) and (e).—Provides for enforcement of subpenas issued by the Secretary in the U.S. district courts and for procedures concerning attendance and testifying at hearings prescribed by the Secretary.

Administration

Section 1316(a).—Vests authority and responsibility for administering the act in the Secretary of Housing and Urban Development and gives him authority to delegate any functions, duties, and powers under the act to employees of the Department or to boards of such employees in accordance with the provisions of sections 3105, 3344, 3562, and 7521 of title 5 of the United States Code.

Section 1316(b).—Requires that hearings be public and appropriate records be kept.

Unlawful representations

Section 1317.—Provides that the fact that a statement of record has been filed or is in effect does not constitute a finding by the Secretary of Housing and Urban Development that it is true and accurate on its face or that the Secretary has passed on the merits or approved a subdivision.

Penalties

Section 1318.—Establishes penalties for any person who violates the provisions of the act or any rules any regulations issued pursuant to the provisions of the act. The maximum penalty is a fine of not more than $5,000 or imprisonment for not more than 5 years, or both.

Rules, regulations, and orders

Section 1319.—Authorizes the Secretary of Housing and Urban Development to make, issue, amend, and rescind rules, regulations, and orders necessary or appropriate to the exercise of his functions and powers under the act.

Jurisdiction of offenses and suits

Section 1320.—Provides that the U.S. district courts and the U.S. District Court for the District of Columbia shall have jurisdiction of offenses and violations under the act and the rules and regulations prescribed pursuant to it. It provides these courts concurrent jurisdiction with State courts for all suits in equity or at law to enforce liabilities or duties created by this act.

Appropriations

Section 1321.—Authorizes appropriation to carry out the purposes of this act.

Effective date

Section 1322.—Provides that the act shall be effective 180 days after enactment.

TITLE XIV—TEN-YEAR HOUSING PROGRAM

Sections 1401–1404.—Adds new provisions to the housing laws requiring the President to submit a report, not later than January 15, 1969, containing a 10-year plan for the national housing needs, along with legislative recommendations for fulfilling these needs. In addition, these sections require annual reports to be made by the President on January 15, 1970, and on each succeeding year through 1978 showing the progress made under the plan and the reasons why, if any, the goals set forth in the plan have not been reached along with estimates of the need for the following year. This title also requires a final report to be submitted by January 15, 1979.

TITLE XV—MISCELLANEOUS

Model cities

Section 1501.—Amends section 111(a) of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize an appropriation of $1 billion for the model cities program for fiscal year 1970. In addition, this section adds an authorization of $12 million for planning assistance and administrative expenses for the demonstration cities program to be made available for fiscal year 1969.

Urban renewal demonstration grant program

Section 1502.—Amends section 314(a) of the Housing Act of 1954 to permit demonstration grants to be made to nonprofit organizations for carrying on demonstration projects and other activities for the prevention of slum and blight. (Existing law permits grants to public bodies only.) This section provides that such demonstration undertakings by nonprofit organizations must be consistent with any plans of a local public agency. This section also increases the percentage of the Federal grant from two-thirds of project cost to 90-percent of project cost. This section further increases the amount of capital grant funds available for demonstration projects from $10 million to $20 million.

Authorization for urban information and technical assistance services program

Section 1503.—Amends section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize an appropriation of $5 million for fiscal year 1969 and $15 million for fiscal year 1970 to carry out the purposes of the "Title IX Program" under which matching grants are made to States to help them provide urban information and technical assistance services to communities of less than 100,000 population.

Advances in technology in housing and urban development

Section 1504.—Amends section 1010(d) of the Demonstration Cities and Metropolitan Act of 1966 to authorize the appropriation of such money as may be necessary to continue the advances in technology in housing and urban development programs authorized under section 1010. This section would also permit the letting of research contracts for periods of up to 4 years instead of the present authorized 2-year period.

College housing

Section 1505.—Amends title IV of the Housing Act of 1950 by adding to the existing college housing 3-percent direct loan program a new program of annual grants to cover the difference between the average annual debt service an educational institution is required to pay on borrowings from private sources and the average annual debt service it would be required to pay under the 3-percent rate presently available under the direct-loan program. Annual grants with respect to any project could be contracted to be made for periods up to 40 years. The total amount of annual contracts contracted to be made for this interest rate subsidy could not exceed $10 million and this amount would be increased by an additional $10 million on July 1, 1969.

Federal-State training programs

Section 1506.—Amends sections 801, 802, and 805 of title VIII of the Housing Act of 1964 to expand the program to permit grants to States for the training of subprofessional as well as professional persons who will be employed by nonprofit organizations as well as public organizations in the field of housing and community development. This section would also allow grant assistance to be extended to Guam, American Samoa and the Trust Territory of the Pacific in order to meet the needs of these areas for training capable housing and community development technical and professional personnel.

Additional assistant Secretary for Housing and Urban Development

Section 1507.—Amends the first sentence of section 4(a) of the Department of Housing and Urban Development Act to increase the number of assistant secretaries for such department from five to six.

International housing

Section 1508.—Rewrites section 604 of the Housing Act of 1957 to clarify authority of HUD to: (1) Exchange data on housing and urban development with foreign countries; (2) employ private citizens to participate in intergovernmental and international meetings sponsored or attended by HUD; and (3) accept funds and other donations from international organizations, foreign countries, and private foundations in connection with activities carried on under international housing programs.

Low-rent public housing—corporate status

Section 1509 (Technical).—Amends sections 3 and 17 of the United States Housing Act of 1937 to repeal language which is now obsolete.

Eligibility for rent supplement payments

Section 1510.—Extends eligibility to participate in rent supplement program to two projects in New York City.

Consolidation of the low-rent public housing in Washington, D.C.

Section 1511.—Allows the National Capital Housing Authority in Washington, D.C., to consolidate, pursuant to section 15(6) of the United States Housing Act of 1937, into its annual contributions contract for its 8,423 units of low-rent housing under title II of the District of Columbia Alley Dwelling Act, the operating income and operating expense accounts for its 72 units of low-rent housing under title I of such act.

Urban renewal project in Garden City, Mich.

Section 1512.—Makes local expenditures in construction of the Florence Primary School in Garden City, Mich., eligible as a local grant-in-aid to the Cherry Hill urban renewal project in Garden City, Mich.

Urban renewal project in Sacramento, Calif.

Section 1513.—Makes local expenditures in connection with the construction of a storm drainage stem eligible as a local grant-in-aid to the Capitol Mall Riverfront urban renewal project in Sacramento, Calif.

Self-help studies

Section 1514.—Amends section 207 of the Housing Act of 1961 to permit the Secretary of HUD to include the study of self-help in construction, rehabilitation, and maintenance of housing for low-income persons and families in the low-income housing demonstration program. Also directs Secretary of HUD to make a report to Congress within 1 year after date of enactment of this act, setting forth the results of the self-help studies and demonstrations carried out under section 207 with such recommendations as he deems appropriate.

Earthquake study

Section 1515.—Amends section 5 of the Southeast Hurricane Disaster Relief Act of 1965 to extend the time the Secretary of HUD is required to report his findings and recommendations on earthquake insurance from October 31, 1968 to June 30, 1969.

Technical amendments

Section 1516(a).—Amends section 110(c) of the Housing Act of 1949 to make it clear that urban renewal project funds can be used for "the restoration of acquired properties of historical or architectural value."

Section 1516(b).—Amends section 110(d) of the Housing Act of 1949 to make it clear that grant-in-aid credit can be given for expenditures by a public body for the construction of foundations and platforms on air rights sites in urban renewal projects to the same extent that such work could now be done with project funds.

Section 1516(c).—Amends section 110(e) of the Housing Act of 1949 to make it clear that the restoration of historic properties

can be carried out as an urban renewal project cost for those projects approved for three-fourths Federal grant assistance on a limited project cost basis.

Section 1516(d).—Amends section 1101(c)(3) of the National Housing Act to permit amortization of the mortgage term under the medical group practice facilities program to commence after completion of construction of the facility rather than at the time the mortgage is executed.

Section 1516(e).—Amends section 213(o) of the National Housing Act to clarify the authority of the Secretary to invest all moneys, not currently needed for the operation of the cooperative management housing insurance fund, in Government bonds or obligations, or in the purchase on the open market of debentures which are the obligation of the fund.

Section 1516(f).—Amends section 810(e) of the National Housing Act to permit an individual, who is approved by the Secretary, to be a mortgagor under the FHA section 810 housing program for military personnel or employees or personnel of NASA or AEC research or development installations.

Home Owners' Loan Act of 1933

Section 1517(a).—Amends section 5(c) of the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to invest in time deposits or certificates of deposit in banks insured by the FDIC under regulations issued by the Federal Home Loan Bank Board and also amends section 5(c) to broaden the authority of a Federal savings and loan association to invest up to 1 percent of its assets in loans guaranteed by the Agency for International Development to help finance housing projects or home financing institutions in developing nations outside of Latin America.

Section 1517(b).—Amends section 5(c) of the Home Owners' Loan Act of 1933 to permit a Federal savings and loan association to make loans for the construction of new structures related to residential use of the property under the existing exception applicable to property improvement loans.

Section 1517(c).—Amends section 5(c) of the Home Owners' Loan Act of 1933 to authorize a Federal savings and loan association to invest in loans to federally supervised financial institutions secured by investments in which the association has statutory authority to invest directly.

Federal Home Loan Bank Act

Section 1518.—Amends section 12 of the Federal Home Loan Bank Act to authorize Federal home loan banks, subject to regulations by the Federal Home Loan Bank Board, to purchase AID-guaranteed housing loans and to sell participations therein to any bank member.

Federal Reserve Act

Section 1519.—Amends section 24 of the Federal Reserve Act to authorize construction loans up to 36 months in length as an exception to the limitation on real estate loans. (Under existing law, such construction loans may not exceed 24 months.)

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, I ask unanimous consent that staff members of the Committee on Banking and Currency, including the Housing Subcommittee thereof, be authorized to be on the floor during the consideration of the bill.

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

Mr. SPARKMAN. Mr. President, on yesterday afternoon, the distinguished senior Senator from Maine [Mrs. SMITH] asked a question and asked that it be answered in the course of the debate. I should like to answer the question of the Senator from Maine at this time. And if I omit anything, I should like the Senator from Illinois [Mr. PERCY] to feel free to prompt me.

Mr. President, the senior Senator from Maine [Mrs. SMITH] asked in the CONGRESSIONAL RECORD of yesterday, at page 14800, that I list the portions in the committee bill, S. 3497, which were adopted from S. 1592, a bill introduced by the Senator from Illinois [Mr. PERCY], of which the Senator from Maine was a cosponsor, as well as list those portions of S. 1592 which were not included in the committee bill.

Mr. President, I will ask the Senator from Illinois to check me on my statement if I am incorrect. I said that Mrs. SMITH was a cosponsor of the measure. I believe that every Member on the Republican side was a cosponsor, and there were three Democrats in addition to that. Furthermore, the bill was introduced by 112 Members of the House of Representatives. So it had very broad representation. Much of S. 1592 is in the committee bill, S. 3497. Some Senators on the minority side of the aisle have spoken to me about the committee bill, and I said, "Oh, sure, you certainly ought to support it, because you are one of the cosponsors." And that is just about what it amounts to.

Does the Senator from Illinois wish to be recognized?

Mr. PERCY. Mr. President, I should like to comment that not only was the Senator from New York [Mr. JAVITS] exceedingly gracious in working very closely with me on this bill, but also I believe it very important that the Senator from Washington [Mr. MAGNUSON] be recognized. He was an original cosponsor, and, of course, is chairman of the Independent Offices Subcommittee of the Senate Appropriations Committee.

Mr. SPARKMAN. The Senator is correct. I did not name the Democratic Senators, but I do know that there were three Democrats. I do recall that Senator MAGNUSON was one.

As the Senator from Maine knows, S. 1592 proposes the creation of a National Home Ownership Foundation which would have the authority to issue $2 billion worth of federally guaranteed debentures. The funds raised by the issuance of these debentures would be loaned to local "eligible borrowers"—that is, nonprofit corporations and organizations. In turn, these local organizations would construct or rehabilitate housing units and sell them to families needing housing. When appropriate, an interest rate subsidy would be given to the purchaser.

Funds necessary to provide debt service for the debentures when not paid back to the National Home Ownership Foundation by the homeowner receiving the loan and subsidy would be made up by direct appropriations from the U.S. Treasury.

S. 1592 also proposed that the Foundation would be given very broad authority to give assistance for training and other types of services and counseling that would help lower income families be more responsible homeowners.

As the Senator from Maine knows, several other bills, in addition to S. 1592, were introduced during the first session of the 90th Congress to provide assistance toward helping lower income families become homeowners. The bills, like S. 1592, contained a variety of ways in which such housing would be financed. The committee considered all of these matters and developed a committee bill which encompasses the best ideas for homeownership from all the bills submitted. The committee bill uses the established FHA mortgage insurance programs to promote homeownership rather than giving a nonprofit private foundation Federal guarantee backup for obtaining funds with which to promote housing as was proposed in S. 1592. That is, we did not authorize the issuance of debentures guaranteed by the United States, backed up by the Treasury.

In considering S. 1592, the committee was mainly concerned about giving a completely private nonprofit foundation a $2 billion bonding authority where the Federal Government would have very little jurisdiction and supervision over any of the activities of the Foundation. The committee, did, however, accept the idea of creating a National Home Ownership Foundation with certain functions for the purpose of providing technical assistance and encouraging local nonprofit groups to sponsor housing programs for lower income families. The committee bill authorizes an appropriation of $10 million for the Foundation to carry on its activities.

Since S. 1592 and the several other proposals before the committee were aimed toward providing homeownership for lower income families, it would be very difficult to list all of those portions which were included, or not included, from S. 1592 and the other bills in the committee bill.

Since S. 1592 was introduced by Senator PERCY, who is a member of the Banking and Currency Committee and who supports the committee bill, I invite him to elaborate on these remarks, if he wishes, for the benefit of the Senator from Maine.

Personally, I feel that a very refreshing idea was brought to the committee by the proposal of the Senator from Illinois, as embodied in S. 1592. Much of the essence of it was first contained in S. 2700, which the committee reported last year, and now is contained probably to a greater extent—certainly, the interest subsidy is more in line with what he advocated—in the present bill.

Again, I am glad to pay tribute to the distinguished Senator and to all those who joined in sponsoring that bill. It is largely included in the present bill.

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

Mr. SPARKMAN. I yield.

Mr. PERCY. I will be very happy to study carefully the distinguished Senator's statement.

In quick analysis, from what I have heard, it seems to me that the distin-

guished Senator has fully answered the question. I am happy to respond to the request of Senator SMITH. I was particularly pleased to have her cosponsor the National Home Ownership Foundation Act inasmuch as she is my senior colleague on the Aeronautical and Space Committee as well as chairman of the Republican conference. Her support of the principles enbodied in S. 1592 has meant a great deal to me.

The spirit of the committee has been to embrace the principles of S. 1592. In only one point did we actually fail to achieve one important objective of the original bill, and this was in the ability of the National Home Ownership Foundation to issue debentures that would be guaranteed by the Federal Government.

Mr. SPARKMAN. The Senator is correct. The Senator knows that there was considerable question about it in the committee as a whole and downtown—the idea of the Treasury guaranteeing bonds issued by a private corporation. Yet, we said that the program we worked out would give us a chance to try it out, and then we could chart the course in the future.

Mr. PERCY. May I say at that point that no Senator, particularly a freshman Senator from the minority party, could have been given more time and attention on this particular point.

I recall one afternoon last year in a Capitol conference room, when we felt that the whole process of government would slow up because we had so many people from downtown tied up—from HUD, the Federal Reserve, the Treasury, and other agencies—to try to work out this principle.

The committee itself has directed that 6 months after the enactment of this bill, we take another look to see whether sufficient money is flowing into the depressed rural and slum areas of our cities. If we find that mortgage credit is not sufficient to do the job then the committee will come back to take another look, to see how greater capital can be created.

But in the meanwhile, I was very pleased that the principle of partnership and government reinforcement was included in the administration request this year.

Mr. SPARKMAN. The Senator is correct. S. 2700 did not contain that provision, but the new bill does.

Mr. PERCY. At some point in the future, the need may be so great and the impact on the budget so great that if we move ahead with the type of job that must be done we may come back—after we have had experience with the bill and the National Home Ownership Foundation—and give this bonding power to the National Home Ownership Foundation so that it can issue debentures backed up by the Federal Government.

I believe we have proceeded in a cautious, prudent manner, and I am fully satisfied that every consideration has been given to S. 1592. I believe we could have moved ahead faster by giving bonding authority to the Foundation now, but I am willing to wait and see whether or not we have fulfilled the need in the committee bill and to reassess the situation in the future.

Mr. SPARKMAN. I thank the Senator.

I appreciate the patience of the Senator from New York in waiting for us to conclude these remarks.

Mr. JAVITS. Mr. President, first I should like to state to the Senator from Alabama that it is I who am indebted to him. I missed the time allocated to me because of a plane difficulty, and hence, quite properly, was called on to await my turn. He has been very gracious, and so have Senator PERCY and Senator TOWER for allowing me to proceed.

ECONOMIC POLICIES WHICH AFFECT THE HOMEBUILDING INDUSTRY

Mr. FULBRIGHT. Mr. President, I am pleased to note that title XIV of S. 3497 requires the President to submit to Congress annual reports upon progress in achieving our national goal of "a decent home and a suitable living environment for every American family." This has been our goal since the enactment of the Housing Act of 1949.

The requirements of title XIV are quite similar to a bill which I introduced on August 11, 1966. The purpose of my bill—S. 3714, 89th Congress, second session—was to require public debate of economic policies which affect the homebuilding industry.

I support title XIV wholeheartedly, and I hope that it may result in a national effort to achieve stability and expansion in the production of housing by the thousands of private businessmen engaged in homebuilding.

Mr. President, I ask unanimous consent to have printed in the RECORD: First, the text of my bill, S. 3714; second, excerpts from my remarks in the Senate on August 11, 1966; third, a letter which I wrote to the President of the National Association of Home Builders on October 19, 1966; fourth, an excerpt from the NAHB statement of policy for 1967; and, fifth, an excerpt from pages 119 and 120 of the report (No. 1123) of the Senate Committee on Banking and Currency on S. 3497.

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

S. 3714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the program of the President as expressed in his annual message to the Congress shall include statements and recommendations concerning a residential construction goal. In furtherance of the realization of this goal the President shall transmit to the Senate and the House of Representatives, after the beginning of each session of the Congress, but not later than January 20, a report which shall include the following: (1) a statement indicating the minimum number of housing units which should be started during the then current calendar year, or such year and the next following calendar year, in order to be consistent with the program of the President, (2) an indication of the manner in which the law will be administered by the executive agencies to achieve the number of housing units specified under clause (1), and (3) any recommendations for legislative action that the President determines are necessary or desirable in order that the construction of such specified number of housing units may be started.

EXCERPTS FROM REMARKS OF SENATOR FULBRIGHT TO THE SENATE, AUGUST 11, 1966

Mr. FULBRIGHT. Mr. President, I congratulate the Senator from Alabama and his colleagues on the Banking and Currency Committee for their continuing attention to the housing needs of the Nation. For several years during my chairmanship of the Banking and Currency Committee, it was my privilege to serve under the capable leadership of the Senator in his capacity as chairman of the Housing Subcommittee—a position which he still holds.

Through these years and through many prior years, the committee was periodically faced with crises in the homebuilding industry, because our economy was allocating an inadequate quantity of savings to home mortgage credit. Time after time, the committee recommended and the Senate passed bills designed to relieve critical shortages of mortgage money. Today we are in the midst of another such crisis.

I intend to support the committee recommendations, and I urge other Senators to do likewise. I believe that the time has come, however, to treat the cause of this recurring ailment rather than to continue ministering doses of aspirin and antihistamines, which merely relieve the unpleasant symptoms.

Mr. President, the drastic curtailment of homebuilding—described in the committee report—is a result of national fiscal and monetary policies. But the effects of these policies on homebuilding are never publicly debated until they have been implemented and their damaging effects have begun to reverberate throughout the economy. We can no longer afford the waste and sacrifice inevitable in a cycle of boom and bust in homebuilding. Roller coasters are for amusement parks and should not be characteristic of an economic system capable of relative stability.

Even a cursory review of the effects of fiscal and monetary policies over the last 20 years will reveal the circumstances under which home mortgage credit will be plentiful or will be scarce. Decisions made by the Federal Reserve Board, by the Treasury Department, by the Bureau of the Budget, by the Department of Housing and Urban Development, and by the Federal Home Loan Bank Board, turn the volume of homebuilding up or down like water from a faucet.

But these policies are never discussed or debated in specific terms until the homebuilding industry is drowning in a sea of tight money and going down for the third time. The present crisis has been foreseeable for many months. Each time that the discount rate is raised, each time that competition for savings causes a rise in yields offered to investors, each time that rates to borrowers are raised, the ultimate effect upon the supply and price of home mortgage credit becomes clearer and more certain. But this effect of monetary and fiscal policies is never discussed specifically in terms of the homebuilding industry.

This unhealthy state of affairs was recognized by the Committee on Banking and Currency in 1960. In that year the committee concluded a 2-year study of home mortgage credit needs anticipated for the present decade. The first recommendation made by the committee was addressed to the problem I am discussing. The committee recognized that fluctuations in home building do not occur by accident.

The committee realized that these fluctua-

tions are foreseeable and are a result of planned monetary and fiscal policies. To oversimplify, these policies require home building to quickly take up the slack when the economy is sagging, and to take it in the neck when the economy is booming.

Mr. President, we can plan better than we have been doing, and the time has come for the Congress to insist upon better planning.

Recommendations No. 1 of the Subcommittee on Housing, April 15, 1960, read in part, as follows:

"The subcommittee recommends . . . an amendment of existing law to require the following annual report from the President: At the beginning of each session of the Congress, the President shall transmit to the Senate and the House of Representatives a report stating, among other things, (1) the minimum number of housing units which should be started during the calendar year, or 2 calendar years following submission of the report, in order to be consistent with the program of the President, (2) the manner in which discretion contained in law will be used by Federal agencies to achieve this minimum number of starts, and (3) recommendations for changes in law which may be required to enable the achievement of this minimum number of starts."

This recommendation was subsequently expressed in bill form—S. 3379 of 1960—and, in modified form was included in the omnibus housing bill of 1960—S. 3670, Senate Report No. 1575. During debate on S. 3670, on June 16, 1960, the provision to require an annual housing goal was deleted from the bill by a vote of 44 to 37. It is interesting to note, Mr. President, that the proposal for an annual housing goal was supported by the late President Kennedy, by President Johnson, and by Vice President HUMPHREY. In fact, a total of 50 Senators voted for or were announced in favor of the proposal, and only 47 Senators voted or were announced in opposition.

Mr. President, I submit that if section 101 of S. 3670 had been enacted into law in 1960, we would not today be debating emergency measures to relieve a critical depression in homebuilding. If section 101 had been enacted, the Congress would have deliberated the economic plans of the President in 1961, 1962, 1963, 1964, 1965, and 1966 as they specifically related to the supply of home mortgage credit, and there would have been appropriate action to maintain stability in this vital economic commodity.

So far as I know, the need for better planning has not attracted attention since 1960. This is because 1966 is the first crisis year since that time—but it will not be the last such crisis, if we continue to let homebuilding be the primary deflator of an overheated economy.

Mr. President, it has been our practice to rely upon economic policies which periodically victimize the homebuilding industry. I propose that we devise economic policies which promise greater stability in allocating public and private savings to satisfy the growing shelter needs of the Nation.

I considered offering an amendment to the pending bill, but have decided instead to introduce a separate bill which may be studied prior to the next session of Congress. If there is no evidence of improvement in our national economic planning in the Economic Report of the President next January, the Congress should give prompt attention to the enactment of appropriate legislation.

OCTOBER 19, 1966.

Mr. LARRY BLACKMON,
President, National Association of Home Builders, Washington, D.C.

DEAR MR. BLACKMON: Thank you for your letter of October 13 and for your kind remarks concerning my support of housing legislation. I agree with you that action should be taken to relieve the alarming reduction in residential construction, but I am not very hopeful about the prospect for meaningful action in the near future.

It seems clear to me that decisions made by the Treasury, the Bureau of the Budget, and the Federal Reserve Board, throughout 1966, have been made with knowledge that a reduced volume of homebuilding would be an inevitable result. In other words, efforts to deflate an overheated economy have affected homebuilding in greater proportion than other segments of the economy, and this consequence was foreseeable.

Unfortunately, these decisions were made without any public debate of their effect upon homebuilding, and without any public discussion of alternative deflationary actions. The tremendous cost of the war in Vietnam—now engaging U.S. forces in a dimension exceeded in our history only by WW I and WW II—demands reduced economic activity in non-war related pursuits. Otherwise, the value of the dollar would erode at a faster rate than we are now experiencing.

Perhaps it would have been wiser to have imposed general wage and price controls, or restricted auto production, or deferred highway construction, the space program, and public works projects, or to have chosen a combination of these and other alternatives. The fact of the matter is, however, that none of these alternatives were chosen, and homebuilding is bearing a greater burden as a result.

I suggest, therfore, that it would be more prudent, and certainly more democratic, to discuss and debate national economic policies prior to their adoption and implementation. It is for this reason that I introduced S. 3714, about which we corresponded several months ago.

Based upon present estimates of the course of the war in Vietnam, its demand upon our economy will not diminish in 1967. Consequently, some hard decisions must be made with respect to continuing efforts to maintain national economic stability next year.

If the annual Economic Report to the Congress were to address itself specifically to prospects for homebuilding as estimated to be affected by Federal fiscal and monetary policies, it is possible that courses of action might be chosen which would lessen the burden upon your industry. If not, opportunity would have been afforded to face the issue squarely prior to adoption and implementation of policies predictably depressing to homebuilding.

If you are reluctant to support S. 3714 in its present form, I would be pleased to receive your recommendations for modification.

With best wishes, I am,
Sincerely yours,

J. W. FULBRIGHT.

[Excerpt from NAHB statement of policy for 1967]

IV. NATIONAL HOUSING GOALS

The events of the past year emphasize the need for a statement of specific National Housing Goals to minimize the danger of constant change in the direction of housing without the kind of orderly national debate which should precede any major shift in important public policy.

NAHB will take the lead to establish such goals and to obtain recognition of them by all appropriate Federal, state, and local governments. We will seek the cooperation of all groups in home building and residential finance and all others concerned with housing opportunity for all.

[Excerpt from S. Rept. 1123 on S. 3497]

TITLE XIV—10-YEAR HOUSING PROGRAM

Declaration of purpose

Section 1401 of the bill declares that the national commitment made in the Housing Act of 1949 to the goal of "a decent home and a suitable living environment for every American family" can best be attained through a definite plan providing for the effective utilization of available resources and capabilities existing in both the public and private sectors of the economy over a fixed period of 10 years.

This statement and finding by Congress would be in furtherance of the policy declared in 1949 and would bring it more into current focus by stressing the need for housing goals in the immediate future as well as for a plan by which they may be brought to public realization. Such a legislative pronouncement would also be in line with the recent proposal by the President to construct 6 million federally assisted housing units for low and moderate income families over the next 10 years.

Report outlining plan

Section 1402 of the bill would require the President to make a report to Congress on or before January 15, 1969, setting forth a 10-year plan covering the period June 30, 1968, to June 30, 1978. This plan would contain the number of units anticipated in both the Government-assisted and the conventional markets for each of the 10 years, together with a statement of what reduction in substandard units is expected, an estimate of costs in the various Federal programs for legislative action. The report would also include an estimate of residential mortgage market needs, including availability and flow of mortgage funds, for the coming year, and such other data and recommendations as are deemed pertinent.

Periodic reports

Section 1403 of the bill would require annual reports by the President on January 15 of each year, which reports would compare the results for the previous year with the goals set forth in the plan for that year. These annual reports would be required to give reasons for not meeting objectives, if that be the case, and would also set forth any revised objectives as would be necessary, together with an estimate of the availability and flow of mortgage funds. The annual reports would also provide an analysis of the monetary and fiscal policies for the coming calendar year required to carry out the objectives of the plan, and could contain such further legislative recommendations as deemed appropriate by the President.

Final report

Section 1404 of the bill would provide for a final report by the President on January 15, 1979 showing in detail the success or failure of the plan and an analysis of the reasons therefor.

The committee believes that there should be unification toward national housing objectives among the several departments and agencies of the Federal Government. While the Department of Housing and Urban Development is primarily involved in this subject, both the Department of Agriculture and the Veterans' Administration have direct contact with the public regarding it. The operations of the Federal Reserve Board respecting the flow of credit and the volume of borrowings permitted through the Federal Home Loan Bank Board, as well as the marketing and purchasing prices and policies of the Federal National Mortgage Association should not be determined or conducted without a view toward achieving some minimum volume of housing production consistent with

the need for both housing and general economic stability.

It is the view of the committee that the stating in definite terms of annual minimum housing goals with this added requirement of giving specific reasons in case they are not met, can do much toward achievement of the volume and stability of housing production that is so essential to the orderly growth of the country.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

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

THE VIETNAMESE PEACE NEGOTIATIONS

Mr. JAVITS. Mr. President, I speak today because I feel a conscientious duty toward our two Ambassadors in Paris, Ambassadors Harriman and Vance, with whom I talked at some length in Paris Tuesday night. I promised them I would make some observations in the Senate based on our talks.

I have just returned from presiding over a meeting of the Political Committee of the North Atlantic Assembly in Brussels, and from conferring in Paris with Ambassadors Harriman and Vance about Vietnam negotiations. Also, I had the great privilege of an audience with His Holiness Pope Paul who has been such a respected and persuasive advocate of peace in Vietnam.

There are certain observations and recommendations on Vietnam which these experiences have induced me to make, and I hope they will be of use to my colleagues and to our Nation.

I found a somewhat more sympathetic attitude in Europe regarding the Vietnam war. While we were being roundly condemned before by many, European criticism is being muted. However, I see no real prospect of material support for our efforts in the war.

There is, however, relief and a sense of confidence in Europe that a beginning has been made to attain the peace. In short, there is an attitude of sympathy in Europe as we carry on the negotiations.

As to the negotiations themselves, our negotiators are Ambassadors of the highest character and proven skill. They are, of course, bound by their brief from Washington and their efforts are subject to what is happening in the war itself so long as it continues. It is about this especially that I wish to speak.

For, we must have a clear idea of what we want to attain to be able to attain it. Also, we must be prepared to hear the other side uttering the abrasive words so typical of the Communists. All the while, the threat of a walkout hangs over the heads of all, as well as the use of the talks for propaganda purposes. This is standard operating procedure for the Communists. Therefore, we must have a basic concept from which we cannot depart even though there is always the risk that negotiations may break off for a time as a result. At the same time, this concept must be of such a basic nature that we are prepared to face a "moment of truth" with the Government of South Vietnam when we may feel that we are willing to make peace on a set of agreed negotiated terms and they may not. That may happen.

What we seek, as I understand it, is to end the war by transferring the struggle to the political forum. Also, that we intend that the political resolution be on a one-man, one-vote basis. In other words, the political forum must be generally opened up in free elections to all elements in the country—the political opposition to the present South Vietnamese Government—a number of whose principal leaders are now in custody—Buddhist leaders, and NLF members, including even Communists.

We know what North Vietnam wants. It wants an unconditional cessation of the bombing of any part of the north and for the United States to cease all other acts of war against it. For these purposes the North Vietnamese spokesmen in Paris hide behind the transparent fraud that there are no North Vietnamese military units in South Vietnam—a fraud Ambassador Harriman has very ably unmasked.

The question now is how do the parties get to the main point and when are the other parties to this main point brought in, to wit: the Government of South Vietnam, the NLF and perhaps others.

It is my view that the United States needs to state its purpose in the talks—the North Vietnamese have stated theirs—and that this purpose should be a cease-fire in place. In this I believe our negotiations should be backed by the people of the United States who would then be able to exercise the forbearance and patience which the difficulty and probable length of the negotiations will require.

Such an objective, that is, a cease-fire in place, by us would also deal with a basic sticking point in the negotiations and with the view of a large segment of United States opinion. This sticking point is, on the one hand, the insistence of North Vietnam that the remaining limited bombing of North Vietnam is "aggression" which the United States has "unleashed," and on the other hand our position that the current bombing is confined to the area and I quote from the President's statement, "where the continuing military buildup directly threatens allied positions, and where the movement of troops and supplies are related to that threat," and that the President "could not in good conscience stop all bombing so long as such action would immediately and directly endanger the lives of our men and allies."

What troubles many in this country who have wanted to end the bombing, is how to meet the assertion that we must now increase the intensity of the bombing within the limited zone outlined by the President, and launch major search and destroy operations in order to prevent another major North Vietnamese and Vietcong offensive in the south which would directly endanger the lives of our men and allies.

To declare the purpose of our negotiations to be a cease-fire in place seems to me to be the best position for the United States. Indeed, Ambassador Harriman has already signaled such an approach by his proposal to restore the demilitarized status of the DMZ.

It is undeniable that the President, in rolling back the bombing, has taken a first step and that, if "face" is a serious consideration, North Vietnamese "face" should reasonably have been satisfied. It is also undeniable that the President has thereby relieved the peril to the overwhelming mass of the population of North Vietnam and of sparking a wider conflict involving the U.S.S.R. or Communist China.

Considering therefore the declared purpose of the remaining U.S. bombing and the impossibility of North Vietnam's denying that its trooop units are operating in South Vietnam, the refusal of North Viet to join in a cease-fire while a political settlement is negotiated, would make Hanoi responsible for the continued killing. North Vietnam holds the key to stopping the killing. If a cease-fire is offered by us—and Hanoi refuses—then North Vietnam is the enemy of the peace. As to the Vietcong, if it does not honor a cease-fire agreed to by North Vietnam, then it remains a "behind the lines" problem to be dealt with by the South Vietnamese. However, if a cease-fire agreement is to be meaningful, both South Vietnam and the Vietcong should be committed to it, as well as North Vietnam and the United States.

With the United States committed to its position in negotiations, as seeking a cease-fire in place, forbearance and patience and support of our negotiators by the American people become a clear line of action—a line of action called for by all the hard lessons we learned during the 2 years of Korean negotiations, which few of us will forget.

Such a line of action necessarily excludes setting a time deadline on the U.S. side for the negotiations to be completed. Such a deadline could only embarrass us. If too prospective, it is weak; if short, the North Vietnamese have but to wait it out to build up their case of aggression as the deadline arrives and we are compelled to break off the talks.

Also, our position aimed at a cease-fire relieves the President of much pressure from the hawks in his own administration and from those who would seek vindication for their ideas even now in some military victory over North Vietnam, a military victory that would require waging all-out war—a course firmly rejected by our Government and people.

In my judgment, it is essential that those in Washington who send Governor Harriman his negotiating instructions realize that they cannot expect to achieve the optimum terms at the negotiating table, which have so far eluded us by use of the maximum resources we have seen fit to deploy on the battlefield.

The Nation wants peace negotiated in

Vietnam if it can reasonably be done. President Johnson has acknowledged this. On March 31 he even withdrew himself from the presidential race in order to effect it and in recognition of the will of the Nation on this issue. But it remains to be implemented.

Also, it is essential that our military establishment realizes that its valor and fighting skill are not in question. This is not the issue in the public mind. Our military forces have performed their military tasks with distinction and indeed heroism. Thus, rear guard efforts designed to retrieve "prestige" are unnecessary and could endanger peace.

That the negotiations will be long and difficult and will tax our patience and our tempers, there is no doubt. Therefore, let us at least broaden the objective of the Paris talks to achieve a cease-fire in place which, if pursued in good faith, can do much to gain for the administration time and room for maneuver for a negotiated peace settlement.

Now, Mr. President, I realize keenly it is essential that anyone who speaks to this matter, in the midst of the negotiations now going on, must do so with a sense of delicacy to avoid any adverse effect on the Paris talks.

All that I have tried to lay out here, based upon my experience in Europe, and upon my talks with our two Ambassadors, is to suggest a way in which the people of the United States can give to the President and to our negotiators that amount of time, patience, and forbearance which clearly will be required of them in this situation.

The North Vietnamese negotiators have very clearly stated the aim of their government. We should state our aim to be a cease-fire in place, in order to give room and opportunity for negotiating a political settlement which may be a long and different effort indeed.

Mr. MILLER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MILLER. Let me say, first, that I respect very much the sincerity and the efforts of the Senator from New York to make a contribution to the serious problem we face. I should like to ask him a few questions.

First, how would this cease-fire be policed?

Mr. JAVITS. Cease-fires generally are agreed upon by the parties to them—because both sides desire a cease-fire. They are policed by themselves. If a cease-fire is violated, then the other party has the right to resume hostilities. That was the case in Korea. That is the classic way in which a cease-fire is handled. There is also a distinction to be made between rather minor incidents which violate a cease-fire, and a breakdown of the cease-fire as such and on a significant scale.

Mr. MILLER. I remind my colleague that there have been about seven or eight ceasefires during this war, ranging all the way from 1 day to upward of a month, and there have been literally hundreds of violations of those cease-fires by the enemy. Now if there should be a cease-fire and then there should be violations continuing, which I would guess, on the basis of our own experience, would happen, so that if that should happen—and we would hope and pray that it would not—but if it should, then would it be the case that the cease-fire would be off and the fighting would begin, or do we just sit there and let continued violations pile up?

Mr. JAVITS. I answer my colleague by saying that the cease-fires to which he refers were those for holidays such as Tet, and so forth. They were not cease-fires as a result of set negotiations, face to face negotiations between parties with respect to a termination of hostilities and looking toward a negotiated settlement. Thus, I do not think they are analogous. In addition, it is a classic fact—we all understand it—that if there is a breach of that cease-fire which in the view of either one of the parties is serious enough, it is free to resume hostilities. The way in which this is handled, however, is that so long as the negotiations continue—and that was true in Panmunjom—the parties will come to the negotiating table and generally deal with the alleged violations of the cease-fire as an element in such negotiation.

I should like to say to my colleague that certainly I cannot, he cannot, no one can, ever guarantee that a cease-fire will continue. The history of war is that once they are negotiated as an element of a continuing peace negotiation, they generally do continue, although there are violations. The parties generally can deal with those violations in the process of negotiation.

Mr. MILLER. Let me say to my colleague that I recognize there could be a difference between a negotiated cease-fire—negotiated, say, at Paris—and an informal cease-fire which is generally agreed upon by means of radio communications between Hanoi and Saigon.

The point I want to make, though, is that if there was good faith out of Hanoi during the previous cease-fires, the good faith was quite evidently abridged so that we might not be too surprised if there is a similar violation, even if there is a negotiated cease-fire.

There is another point here and that is that if there should be a violation and if it should be, thereupon, important for us to resume hostilities as a result, it would not necessarily mean an end to the negotiations or to the talks. They could continue right along. I detect that my colleague might think this would happen when, in his statement, he states that if we had a deadline prescribing the deadline, we would be compelled to break off the talks. It would have to be that way, I submit. We could make a deadline so far as successful negotiations were concerned, and if the negotiations did not succeed by that time, then we could resume any military action deemed appropriate and continue the negotiations, could we not?

Mr. JAVITS. I do not believe that we could, if we set a deadline for how long we would talk. Great nations cannot bluff. We would have to set a certain time for talks, say x number of weeks, 3 weeks, and so forth. And then if we got no agreement by the end of that time, we would have to quit.

Mr. MILLER. I would agree, if we put it that way, but I do not think we need to put it that way.

Mr. JAVITS. I am urging that we do not. I am sure that the Senator would agree with me that we should not.

Mr. MILLER. I think we could say that we are going to continue negotiations but if there has not been certain progress made by a certain date then appropriate military action would be continued.

Mr. JAVITS. I do not believe that we could negotiate on that basis. I think that would be bad for us. That is what I am exactly against. The Senator and I may disagree. I thoroughly disagree with the Senator on that, that we can negotiate effectively by setting a deadline. If we did that, and there was no progress, we would have to break off negotiations. I would set no deadline.

Mr. MILLER. I suggest to the Senator that we might find ourselves in the position, if we do not set any deadline, by the end of the deadline for talks, or a deadline for a certain success of the talks, which would necessarily mean breaking off the talks thereafter, then we might find ourselves in a situation in which, in order to protect our troops and the South Vietnamese, we might have to leave the entire military establishment over there, our 500,000 men and all its equipment, for 1 year, 2 years, or 3 years.

It would seem that we might be leading ourselves into a most unenviable position by opening it up that way without some indication of a deadline.

Mr. JAVITS. I am sorry, but I do not go along with the Senator at all. We are in there now with 500,000 men, and unless we can negotiate peace, we might be in there for 2, 3, 4, or even 20 years more, and many thousand more troops. I am trying to outline what I think would be the most effective way to negotiate. I do not believe that that would be an effective way; namely, to set a time deadline. I think the Senator and I just differ on that.

Mr. MILLER. One more point. The Senator suggests that if the Vietcong would not honor a cease-fire, then that problem could be dealt with by the South Vietnamese. I detect the implication that if the North Vietnamese agreed to a cease-fire, the South Vietnamese might not, which would imply that South Vietnam is not being controlled by North Vietnam which, as I understand it, from all authority, it is controlled by North Vietnam.

Mr. JAVITS. There is no implication like that there. I do not think the Senator meant South Vietnam. I think he meant the Vietcong in South Vietnam. The only implication—and it is a military point—is that the North Vietnamese may agree to a cease-fire and allege they cannot control the guerrillas, Vietcong terrorists, or infiltrators. I pointed out that that need not necessarily make impractical an agreement to a cease-fire which was

respected by the regular North Vietnamese armed units. In other words, it would be practical even if there were elements of the Vietcong, irregulars and terrorists, who continue to operate, because that would be a problem which each side would be able to deal with. The ARVN would deal with it, even if there was a cease-fire.

Mr. MILLER. May I suggest that I do not believe that is a practical situation, because many Vietcong are intermingled with North Vietnamese troops. Many of them are involved with U.S. troops, not ARVN troops. What are we going to do if we say we are going to cease fire and they say they are going to cease fire, and, next thing, the North Vietnamese are firing at our troops? Are we going to wait until the ARVN comes in to protect them?

Mr. JAVITS. The Senator knows that is not my position.

Mr. MILLER. What are we supposed to do?

Mr. JAVITS. We are supposed to defend ourselves against anyone who shoots at us. I am suggesting a cease-fire only if, on the military details, it seems to be practical. We are not going to enter upon a cease-fire if it is impracticable. I am only pointing out that, if there are some Vietcong, et cetera, it does not necessarily invalidate our agreement on a cease-fire.

Mr. MILLER. I would respect that, but what still concerns me is that the Senator from New York seems to think that the South Vietnamese would take care of that. That is what he says here.

Mr. JAVITS. I do, and I would hope so.

Mr. MILLER. Why?

Mr. JAVITS. They have 800,000 men under arms, and they have to take the responsibility which is properly theirs.

Mr. MILLER. The Senator from Iowa is very much aware of that; but, I repeat, What do we do in a situation where our own troops are literally surrounded by the Vietcong and the ARVN forces are far away?

Mr. JAVITS. I have said what we would do. We are not going to enter into a cease-fire that is not practical. The Senator from New York is not saying that our troops are going to be sitting ducks. That is ridiculous. All I am saying is that the main responsibility for dealing with saboteurs and terrorists, in terms of internal security, is with the South Vietnamese troops. They are doing it now.

Mr. MILLER. In the situation the Senator from Iowa is talking about, it would not be handled by the South Vietnamese; it would be handled by our troops?

Mr. JAVITS. Of course, if we are being attacked.

Mr. MILLER. I wanted to be sure of the Senator's point.

The final point I wish to make is that all the evidence we have—all our military leaders have subscribed to this, and this is in effect our policy, because it has been announced by the President and the Secretary of State—shows that the Vietcong are directed and controlled by the North Vietnamese. Assuming the validity of that argument—and I have heard of no evidence otherwise—are we laying ourselves open to the North Vietnamese agreeing to a cease-fire and then letting the Vietcong, under their direction, carry on their dirty work for them?

Mr. JAVITS. If that is the kind of ceasefire we are faced with, we will not accept it. We are not going to negotiate a ceasefire with one hand and with the other hand get clobbered over the head. I am talking about a genuine ceasefire. The only contingency I was trying to deal with was with remaining guerrillas or Vietcong irregulars who cannot be controlled. In that case, it becomes an internal security problem.

Mr. MILLER. Knowing the Senator from New York as I do, we are not engaged in playing games with the North Vietnamese, and that should be made clear and loud.

Mr. JAVITS. That is why I say we should make as strong a stand as they have.

Mr. MILLER. I thank the Senator for responding. I must say I appreciate his sincere attempt to make a contribution to what is going on. I have some misgivings over it, especially the prospect of a long delayed period of negotiations tying up all our troops over there for 3 or 4 or 5 or perhaps 20 years. I would hope we would have some way of reconciling our differences over a deadline. I think the understanding should be that this is not to be a repetition of what happened in Korea.

Mr. JAVITS. I submit to my colleague that is above personal, let alone party, considerations. One of the main purposes of my speaking is that right now it would be very much wiser to give our people an opportunity to negotiate there without a time deadline than with a deadline. I think that is critical. I have spoken on the floor today because I wanted to get that idea across.

I thank my colleague for his help.

Mr. HART. Mr. President, before the Senator from New York leaves, I want to thank him for the comments he has made. He was thoughtful enough to send us a draft copy of his remarks. What he has had to say, and the timing of it, are excellent.

The one point that had not occurred to me, frankly, and which ought not to be overlooked in the contribution of the Senator from New York is the caution that, in the several years of brutal military action, there remain military men who are deeply convinced that, if they had a little more elbow room, they could prove what they have said all along—that they could achieve victory. The Senator from New York and I have never bought that. I think a most useful point is made when he cautions us to recognize that, human nature being what it is, there are men who have this conviction. It would be tragic if our Ambassadors, Mr. Harriman and Mr. Vance, in support of the President, are to be undermined in any respect by this small group that wants to prove it can bring the war to an end by military victory, which is impossible.

Mr. JAVITS. I thank the Senator for his comments. I really believe there is a chance at Paris to get a serious negotiation. I have tried to chart a course which would help us, if humanly possible, to realize that goal.

Mr. HART. The people of this country want a negotiated peace, and they want it done within reason.

NORTH VIETNAM ESCALATES WHILE NEGOTIATING

Mr. MILLER. Mr. President, in today's newspapers we read that the U.S. command in Saigon reports that last week saw 549 more U.S. troops killed in the war in Vietnam, the second highest weekly toll of the war and second only to the 562 killed the week before.

These tragic figures are what the President predicted at the White House last February 1, when he said that cessation of the bombing of North Vietnam would surely lead to more casualties among our troops.

The mounting death toll among our troops, who are bearing the real burden of this war, is the direct result of the escalation by North Vietnam of the flow of troops and war materiel into South Vietnam in response to the President's curtailment of our air campaign over North Vietnam nearly 8 weeks ago.

As I pointed out last Friday and a week ago last Monday, the President's assumption that North Vietnam would not take advantage of our restraint has proved erroneous. Press reports from South Vietnam uniformly indicate that instead of deescalating the flow of troops and war materiel to the south, north Vietnam has escalated the flow. All evidence indicated that this is exactly the kind of response that would be made.

Yesterday the President is reported to have warned North Vietnam that under no circumstances will it be allowed to win on the battlefield while negotiating in Paris. Such a warning is of small comfort to those who have paid and are paying the price for the erroneous assumption of the President that North Vietnam would not take advantage of our restraint. It is not enough. Our fighting forces in South Vietnam should not be exposed to greater peril on the battlefield, even though North Vietnam may not win on the battlefield. They are entitled to maximum protection from the enemy in their battlefield engagements. They should face fewer, not more, invading enemy troops on the battlefield.

Again, for the third time in 2 weeks, I call upon the President to take the American people into his confidence and tell them how North Vietnam has failed to respond to our restraint, has escalated its fighting forces in the south in order to cause greater casualties to our troops. And I again call upon him to make the policy decision, which the Secretary of Defense said would be made if the assumption that North Vietnam would not take advantage of our restraint proved erroneous.

I repeat that this policy decision should be in favor of—and never against—those who fight for freedom in South Vietnam.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

The Senate resumed the consideration of 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.

Mr. TOWER. Mr. President, the Housing and Urban Development Act of 1968, which we are now taking up for consideration, is the end result of a long and concerted effort by the members of the Committee on Banking and Currency to analyze and come to grips with the housing needs of our Nation's lower-income citizens.

The enormity of the problems facing many of our cities and rural communities does not lend to oversimplied solutions. These problems are real, to be sure, and the fact that we must approach the tasks facing us with every resource at our command goes without saying.

All these problems can, in my opinion, be solved if approached by a direct rather than in a disconcerted manner. We need not be awed by the seeming complexities ahead of us as we strive for solutions. And, likewise, we should not be so awed by the problems of our cities that we abandon objectivity and prudent inquiry in our undertakings in this area.

The problems facing our cities are many, but they did not arise overnight, and they will not be solved overnight. To believe such would only give rise to false hope. Our task is to make as much progress as possible, utilizing such resources as are available to do the job.

I think a good deal of the unrest, the surliness, and the angriness in our cities today has been precipitated by those of us in public life who have promised far more than we can deliver. So it should be understood that what we propose here today is not going to be a panacea, and will not solve everything overnight. However, it certainly is a start; I believe it should be recognized as such.

As our Nation's population has grown over the years, so have the housing needs of our citizens increased. The private sector of our economy has done a magnificent job of producing this housing, and our cities and communities give visible testimony to the fact that this housing is for the most part sufficient by any standard.

But, with the passage of time, there has come deterioration of large numbers of dwelling units. The lag in replacing these structures has been compounded by the increasing need for new units.

As our cities have expanded along with our population growth, great numbers of our families have sought out new and better housing to serve their needs. Much of the housing they have left behind has become outmoded and subject to neglect.

These are the dwellings that in most instances have come to be occupied by families with meager financial resources. Such structures now comprise entire neighborhoods in many of our cities.

Of the approximately 53 million occupied housing units in the United States, some 15 percent are considered substandard. It is estimated that about 75 percent of these substandard units are occupied by families with incomes of $4,000 or less. These families are the subject of our rightful concern. These are the families most in need of a helping hand if we are to make possible a decent living environment for every one of our citizens.

If there is to be continued Government assistance in the area of housing, these lower income families should be the beneficiaries.

The Government's past record in this area, however, is not in any sense enviable. Those programs now in existence have only served to make many of our needy families wards of the Government. They have displaced more families than they have housed. Entire neighborhoods and the lives of their inhabitants have been disrupted. Housing programs intended to rehouse these families have instead been out of their financial reach.

It is no small wonder that the families living in our deteriorated neighborhoods have not welcomed the Government's activities. To perpetuate this situation rather than providing better alternatives would be to disregard past experience.

I would urge that those programs bogged down in their shortcomings be made to justify their existence. There is altogether too little effort or inclination in this regard. Instead, programs proliferate and the ones marked by failure continue forward in unrestrained fashion. There must be a point at which we take stock of this unjustifiable trend.

In answer to where we begin and how we do it, I would answer that we must stimulate a response at the local level, unleash the productive capability of the private sector, and involve every single individual in the task at hand.

The human factor is all important. Where there is incentive and opportunity, there will be a response of individual initiative and responsibility. Direct Government involvement should be restrained when it is obvious that the price of its participation will be the inhibiting of this self-initiative.

Such has not been the case in the past, and there are those that would urge even greater reliance on the Government by the individual in the future. I would say to them that now is the time to reverse this misguided philosophy lest it erode the very foundations we should be building upon.

Greater Government involvement is not, I submit, the answer to fulfilling our country's housing needs. We have long been a nation housed by the efforts and resources of the private sector.

There should be a greater effort than ever before to accelerate the involvement of free enterprise and of the individual in solving the problems of our cities, for the Government not only cannot do the job alone but it should not be expected to do so. Every individual in every city and community should be encouraged and afforded the opportunity to participate in and benefit by the private enterprise process. It is this opportunity that we must extend.

This bill has within it several innovative programs for the production of housing for our lower income citizens. These programs hold out promise that such housing can be produced through the efforts of private enterprise, both for rental and ownership purposes.

The committee has prefaced the bill with a "declaration of policy" which calls for the highest priority and emphasis in Government-assisted housing programs for families with incomes so low that they could not otherwise decently house themselves.

By so assisting these families, we have it within our means to insure that the national goal of a decent home and a suitable living environment for every American family will be fulfilled. Our efforts should likewise encourage private enterprise to serve as large a part of the total need as it can in striving for the fulfillment of the goal.

I view the committee's efforts in formulating these programs as possible alternatives to existing programs. We should, I believe, accept, amend, or reject them in this context.

But, most importantly, I would urge that we guard against any trend toward turning our Nation into one predominantly housed by its Government. Similarly, we must not encourage the Government to enter into competition with free enterprise. Government must instead encourage free enterprise. It must encourage all of our citizens to participate in free enterprise.

As the ranking minority member of the committee's Subcommittee on Housing and Urban Affairs, I commend our chairman and my committee colleagues for their diligent efforts during the formulation of this bill.

I think that Senator SPARKMAN is probably the most knowledgeable man in the entire Congress of the United States on this matter.

We experienced an atmosphere of cooperation and cooperation in the consideration of this measure in committee. Where we have disagreed, we have disagreed agreeably.

I believe that we have produced a bill, that, while I might have some disagreements with it, represents the sentiment of the committee.

There are areas of the bill with which I do not concur, and I intend to invite this body's close scrutiny of several of its provisions. I will offer amendments to these provisions.

Overall, however, the thrust of the committee's efforts touches upon an area of vital concern to every Member and relates to our national well-being in general. It is my hope that the bill will provide workable solutions to many of the perplexing problems facing our cities and their inhabitants today.

Mr. President, noting that the distinguished Senator from Alabama is present on the floor, I thought I might raise a question or two with him regarding our procedure on the bill.

I am perfectly willing for my part to

agree to controlled time on the bill and on any amendments that might be offered.

I wonder if that is the view of the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, may I say to the distinguished Senator from Texas, whom I complimented earlier for the wonderful help and cooperation he gave in preparing the bill and bringing it to the floor, that I surely share those feelings.

I earnestly hope that we can finish the bill before leaving here for the Memorial Day holiday.

Mr. TOWER. I thought it might be a good idea, even though we do not agree on the situation, to mention it here and thus to serve notice on the Senators that this is what we would like to do.

Mr. SPARKMAN. Mr. President, I would like to do so. At some time when it is convenient and when the majority leader is available, I would like to talk with the distinguished Senator from Texas and the majority leader and the minority leader, if he can be present—and if not, certainly we can communicate with him—and see if we cannot evolve some plan that will make it certain that we can bring the measure to a conclusion before the termination of business on Wednesday, which does mark the beginning of the Memorial Day holiday.

Mr. TOWER. I believe that if we can agree on a controlled time situation by Monday, that will be helpful.

It is my understanding that the Senator from Alabama thought it would be a good idea if I were to offer one of my amendments and make it the pending business when we come in on Monday.

Mr. SPARKMAN. It is perfectly agreeable to me. I would say that one or two more speeches will be made today.

The Senator from Wisconsin [Mr. PROXMIRE] is prepared to speak. One or two other Senators have indicated to me that they might wish to speak.

I think it would be fine if the amendment were offered.

I did suggest earlier today, in response to inquiries, that it would be my thought that there would be no votes today.

Mr. TOWER. That was my understanding. I can submit the amendment now, at a time when we are not involved in a controlled-time situation. In that way some of our colleagues would be protected.

Mr. SPARKMAN. I think that would be very good.

AMENDMENT NO. 822

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 bill clerk proceeded to state the amendment.

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

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

The amendment, ordered to be printed in the RECORD, is as follows:

On page 3, line 22, strike out "be of lower income" and insert "have an income not in excess of 70 per centum of the limits prescribed by the Secretary for occupants of a project financed with a mortgage insured under section 221(d)(3) which bears interest at the below-market interest rate prescribed in the proviso of section 221(d)(5),".

On page 7, strike out lines 14 through 22, as follows:

"(2) Not more than 20 per centum of the total amount of assistance payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made on behalf of families whose incomes at the time of their initial occupancy are in excess of 70 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 221(d)(3) which bear interest at the below-market interest rate prescribed in the proviso of section 221(d)(5)."

On page 7, line 23, strike out "(3)" and insert "(2)".

Mr. PERCY. Mr. President, I rise to speak today on behalf of myself and 39 Senate colleagues who last year sponsored with me S. 1592, the National Home Ownership Foundation Act. They will not be held accountable for all that I am about to say, but I feel certain I do express their deep feelings when I discuss the stabilizing effect that homeownership can have for low-income families in rural and urban America.

The Federal Government has been involved in the housing field for more than 30 years. Since 1934, the Federal Housing Administration has insured more than $121 billion in mortgages and loans, helped 8,750,000 families to become homeowners, aided builders by financing about 1,250,000 apartment units and insured 28,000,000 home improvement loans. Unfortunately most of this effort has been directed toward benefiting middle income nonaffluent America. For low-income families, it has made available an estimated 685,000 units of public housing, that have proven of more dubious value.

With all of this activity our Nation's housing supply has not kept pace with demand. An estimated 8.5 million families today live in substandard housing. There are many reasons for this lag in attaining the goal of the 1949 act of a decent home for all Americans. The number of families seeking housing has, of course, dramatically increased. Our economic system has not provided the employment opportunities to all our citizens which would enable them to compete economically for decent housing. Too often the Federal Government's offer of assistance has been only to those persons who qualified as "safe borrowers" living in stabilized communities. Low-income families, or those living in certain declining urban and rural areas seldom qualified as "safe borrowers."

The result is that since the 1930's middle and upper income Americans have increasingly become homeowners. Because lower income citizens have not had this opportunity and low-income rental housing was not readily available, they have gravitated in great numbers to substandard housing in slum areas.

Now we are faced with the need to build more houses in the next 30 years than exist at present in the entire Nation. The future offers a great and difficult challenge which must be met if we are to achieve the goal we all seek.

The Senate Banking and Currency Committee now recommends new legislation which we feel corrects some of the mistakes of the past as well as takes into account the realistic situation of the present. I will not take time to detail all of the various new provisions in the Housing and Urban Development Act of 1968. However, I want to make clear that I do not feel a housing program can hope for success if it does nothing but provide new housing units. When we speak of housing we are speaking of a matter which affects a man and his attitude toward life. We need to think in terms of creating homes, not just housing.

For years there has existed a split between those whose speciality was housing and financing and those concerned primarily with the human matters, such as education, welfare, training, and employment.

Those concerned primarily with housing—the lenders, the insurers, the builders, the planners—customarily think in terms of bricks and mortar, credit records, and balance sheets. Those primarily concerned with people—the teachers, the social workers, the ministers, neighborhood organization participants, the antipoverty employees—customarily think in terms of human needs, skills, and aspirations.

Unfortunately, there is a cognitive and behavioral gap between these various specialists. The "housing people" frequently fail to perceive the importance of peculiarly human factors, and the "people people" often fail to appreciate sound business and financial practices. The result is a serious lack of communication and coordinated activity.

Any effort to achieve both human and physical renewal for low-income families and neighborhoods, then, must find a way to bridge this gap between the "housing people" and the "people people." If it does not, the effort will run aground on the shoals which have imperiled public housing and urban renewal, which are often open to the charge of ignoring people, and the many voluntary efforts which have exhibited ignorance of sound business practice.

We must, therefore, consider the need of the "whole man," and provide programs which are comprehensive in scope so as to provide homes, not just housing. I believe that the Housing and Urban Development Act of 1968 reflects an understanding of this concept in that it calls for a coordination and integration of programs related to housing. I support this concept with enthusiasm and hope that other opportunities will be found in future legislation to enlarge upon this philosophy.

Central to the philosophy of many who have drafted housing bills in the past has been private enterprise participation.

Unfortunately, however, this has not always worked well. Either insufficient incentives were given to private enterprise or the redtape connected with the programs discouraged even the most enthusiastic from taking part. The result has been that the private participation expected has never been realized. The Housing Act of 1949 stated that governmental assistance should be utilized, where feasible, to enable private enterprise to serve more of the total housing need. In my judgment, the bill now before the Senate meets this goal better than any other of the past. Realistic incentives have been written into the bill to encourage the private sector to participate in the solution of our Nation's housing problems. While we have not solved the entire problem in this bill, I think we have made a good start. The private sector now understands the importance of housing and is anxious to join in the solution of this problem. I am enthusiastic about the participation of the insurance companies in providing $1 billion of their funds for urban programs. I look forward to the savings and loan industry and the trade union movement as well as private groups such as pension funds joining in and committing a modest percentage of their funds to this important task.

Basic to any new program which purports to assist low-income persons must be the twin concepts of local decision-making and self-help. It is evident to all who read the newspapers that there is a concerted drive in all sectors of our society to participate in the decisions which affect their own lives. Several provisions in this bill give priority to projects which involve local citizen participation. This is as it should be, for projects, however well designed, that do not involve local citizen participation will be resented and often rejected by the community. Self-help must also be made an ingredient of more of our housing programs. To be truly successful, a housing program ought to offer an opportunity to better oneself through one's own efforts. Most lower income Americans are tired of being given handouts—they simply wish to be given a helping hand to better their life in the manner they have chosen for themselves. By opening up the range of housing choices as well as providing self-help techniques like "sweat equity," this legislation begins to make housing opportunity a more meaningful concept.

It is no secret that I personally feel strongly about offering the opportunity for homeownership to lower income Americans. As I have already pointed out, the Federal Government has done an excellent job through the FHA in making America a nation of homeowners within a relatively short period of time. Unfortunately, however, lower income families and families who reside in declining urban and rural areas have not had this same opportunity. The Housing and Urban Development Act of 1968 will provide the mechanism whereby many families who desire homeownership, but who have not yet had the opportunity can achieve this goal.

What is the tradition of homeownership in our Nation?

The cherished ideal of homeownership has roots as deep and rich as America's heritage itself. Ever since the Pilgrims set foot on Plymouth Rock, it has been an integral part of our way of life.

Long before the rise of the great cities, our forbears came here because America held forth the bountiful promise of land—land a man could afford, land whose produce could make a man independent of the great lord of the estate, land on which a man could build his own home and there raise his family in self-reliance and security.

It is not too soon to provide every possible means that as few as possible shall be without a little portion of land—

Wrote Thomas Jefferson shortly after the creation of the Republic—

The small landholders are the most precious part of the states.

By contrast, our forefathers took a scornful view of tenantry.

Tenantry is unfavorable to freedom—

Wrote Senator Thomas Hart Benton, of Missouri, in 1826—

It lays the foundation for separate orders in society, annihilates the love of country, and weakens the spirit of independence. The tenant has in fact no country, no hearth, no domestic altar, no household god. The freeholder, on the contrary, is the natural supporter of a free government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchs to multiply their tenants.

Making the public lands available to homesteaders—

Benton argued—

Brings a price above rubies—a race of virtuous and independent farmers, the true supporters of their country, and the stock from which its best defenders must be drawn.

A year earlier, Benton's native Missouri Legislature had expressed this same basic notion:

Every law, then, which opens before the poor man the way to independence, which lifts him above the grade of a tenant, which gives to him and his children a permanent resting and abiding place on the soil, not only subserves the cause of humanity, but advances and maintains the fundamental principles of our government.

The next quarter century saw a vigorous national debate over ownership and disposition of the public lands. In an impassioned plea to Congress in 1850, signatories of a homestead petition argued that too many Americans were being reduced to "the condition of dependent tenants, of which condition a rapid increase of inequity, pauperism, misery, vice, and crime are the necessary consequences—The expelled aristocracy of European despotisms are buying up our lands for speculation, while American republicans are homeless. The case admits of no delay."

The same year, then-Congressman Andrew Johnson, of Tennessee, movingly articulated the values of homeownership. Speaking of the man helped by the Government to own his own home, Johnson said:

You have made the man a better citizen of the community. He becomes qualified to discharge the duties of a freeman. He comes to the ballot-box, and votes without the restraint or fear of some landlord. He is in fact the representative of his own homestead, and is a man, in the enlarged and proper sense of the term.

In recognition of this principle, and in response to the need to make homestead lands available for ownership and settlement to the general public, the landmark Homestead Act was passed in 1862. In the best American tradition, the act made possible the development of one and a half million small family sized farms. As it opened up the Middle West to thousands of families, the Homestead Act contributed greatly toward shaping the political, economic, and social structure of the United States.

In particular, wirespread homeownership helped strengthen the base of democracy. As Indiana Congressman Holman put it:

Every new home that is established, the independent possessor of which cultivates his own freehold, is establishing a new republic within the old, and adding a new and strong pillar to the edifice of the state.

Abraham Lincoln, whose administration pledged and passed the Homestead Act, was a firm believer in homeownership as an essential element in the American way of life. In a statement of great relevance even today, when city after city is beset by wanton destruction and violence, Lincoln said in 1864:

Let not him who is houseless pull down the house of another; but let him labor diligently and build one for himself, thus by example assuring that his own will be safe from violence when built.

This same theme of our heritage was stressed by California Congressman Coghlan in 1872, when he said:

All history teaches that the landholder is a friend to stable government. He has too much at stake to allow slight causes or chimerical wrongs to lead him into revolt . . . for he knows that revolution may lift the roof from over the heads of his children and even deprive him of the title to his homestead itself. Nor is this all. There is a higher impulse still. Ownership of the land promotes and fosters a pure patriotism. The land owner, no matter how small his domain, by his near relations to the government, by that lively affection for his home that all men feel, is filled with a glowing love for his country and veneration for her laws; for has he not a part and parcel of her soil?

That these latter two statements are so distressingly relevant during our current urban turmoil suggests the historical validity of the principle of homeownership.

The poet, Walt Whitman, saw ownership of homes as a fundamental element in the great America to come when he wrote in 1888:

The final culmination of this vast and varied republic will be the production and perennial establishment of millions of comfortable city homesteads and moderate-sized farms, healthy and independent, single separate ownership, fee simple, life in them complete but cheap, within reach of all.

President Calvin Coolidge expressed it this way:

No greater contribution could be made to the stability of the Nation and the advancement of its ideals than to make it a Nation of homeowning families. . . . All the instrumentalities which have been devised to contribute toward this end, are deserving of encouragement.

President Herbert Hoover went even further in associating homeownership with the American way of life:

A family that owns its home takes a pride in it, maintains it better, gets more pleasure out of it, and has a more wholesome, healthy and happy atmosphere in which to bring up children. The home owner has a constructive aim in life. He works harder outside his home; he spends his leisure time more profitably; and he and his family lead a finer life and enjoy more of the comforts and cultivating influences of our modern civilization. A husband and wife who own their own home are apt to save. They have an interest in the advancement of a social system that permits the individual to store up the fruits of his labor. As direct taxpayers they take a more active part in local government. Above all, the love of home is one of the finest ideals of our people.

A century and more ago, the issue was between freehold and land tenantry. Today, in an increasingly urbanized America the context is changed. No longer do we think of ownership so much as a source of income, but rather as the possession of a valuable consumer good. The underlying principle, so much a part of our national tradition, is the same.

The freeholder of the 19th century becomes the homeowner of the 20th, and the tenant farmer of an earlier era becomes the man with no choice but to rent his dwelling from another. The goal today, as yesterday, is to broaden every man's choice, so that millions of American families who rent, but who yearn to own, may have a reasonable chance to become owners.

Instead of a sod hut on the open prairie or a log cabin in the forest, his home may be a city house, an apartment in a high rise cooperative building, a condominium unit, or a self-help home in the country. But the values encouraged by homeownership—whether on the prairies of the last century or in the cities, small towns, and rural areas of the modern age, are the same. To them, much of what we call the American way of life may be attributed.

The values of homeownership are many and varied. Perhaps the most basic are the psychological values—the feelings of security, of identity, of "roots" that can come from owning a decent home of one's own.

As Robert Ardrey has written in his recent book "The Territorial Imperative," man, like the other animals, needs a place to call his own. He needs to feel that there is at least one place where he is lord and master, where the decisions are made not by some outside person, but by himself, beholden to no other. The possession of that place helps to give him identity. It gives him the satisfaction of having something and being somebody. It gives him roots and a stake in his community. Renting, while preferred by many for various reasons, can seldom produce these psychological gratifications in equal magnitude. And today, those who stand most in need of those psychological gratifications are those who have the least opportunity for attaining them.

The prospect of owning a decent home of one's own can also be an important means for overcoming the "motivation barrier." Characteristically, lower income families feel that they have little or no control over events and their environment. They see little opportunity for advancing to a happier condition, both economically and socially. Their behavior focuses on immediate desires, often at the expense of attainable long-range rewards. In short, they feel that nothing they do can make a difference.

If a poor man attempts to take charge of his life in an aggressive way, he frequently comes to immediate grief. The complex forces of mass society rebuff his unsophisticated efforts. He is told to go stand in another line. His job is unexpectedly taken over by a machine. He is condescended to and patronized. After several such frustrating experienes, he begins to lose any incentive to invest in himself in expectation of later rewards. He is up against the motivation barrier.

In the matter of housing, the result may be resignation to misery. When the plaster falls on the floor, the landlord can't be found to do something about it. When the superintendent promises to have the hot water back on in a day, it takes a week or a month. These annoying and demoralizing aspects of the tenant's life lead in many cases to sullen fury, manifested in ways ranging from air mail garbage to the molotov cocktail.

But among the poor there are many who have the innate willingness to strive and the capacity to achieve, provided this motivation barrier can be overcome. This can be achieved by more ways than one. But one way is to show a low-motivation family the realistic prospect of becoming the owner of a decent home or apartment of his own. In actual experience, families have achieved remarkable feats of completing their basic education, of straightening out credit records, of taking training for better paying jobs, of budgeting the family income, and even of changing their life style—merely because of the influence of homeownership or its realistic possibility. In one case on record, a family with no cash income at all—the husband sleeping in a public housing washroom, the mother working in a church kitchen in return for leftover food for her children—became stable homeowners. The prospect of that decent home of their own pulled them together and got them moving up the ladder toward economic security.

Associated with this surmounting of the motivation barrier is the value of independence. A family that owns its own home, even if it is heavily mortgaged, nonetheless enjoys an independence unknown to the tenant. He cannot be bullied or pressured or threatened with eviction—or at least not nearly so easily. He is, in at least one important aspect, his own man.

An important manifestation of homeownership is a visible new pride in the home. The homeowner, not the tenant, puts out flower boxes, manicures the lawn, and paints the trim. He knows that it is up to him, and not to anyone else, to mend the broken window and the rusty gutter, and that the improvements he makes add to the value of his own property. In many lower-income areas resident-owned homes may often be identified by little more than a cursory glance, so evident is the additional care and upkeep lavished upon them. As Prof. George Sternlieb has written in summarizing his investigation of the Newark slums:

The prime generator of good maintenance is owner-residence.

Related to improved maintenance of the individual's home is a respect for the property of others. Homeowners, unlike renters who can walk away from their house or apartment, have an investment. Violence, theft, and vandalism damage that investment. It is thus very much in the homeowners' interest to discourage destruction and to encourage respect for property rights and the law that provides that protection.

Becoming a homeowner requires a certain investment in education. Mortgage financing must be arranged, taxes paid, and insurance contracted for. The homeowner must learn how to deal with minor home maintenance problems and, when they are beyond his competence, to contact the plumber or electrician or other craftsman. He must learn how to pay bills and how to keep track of his expenses. He must learn to project his finances ahead into the future, so that he will have the resources to meet future needs as they arise.

In the course of doing these things the homeowner comes to know a wide range of businessmen. He may learn how to do business with the insurance agent, the contractor, the mortgage lender, the lawyer, the accountant and the realtor. These interactions educate the home buyer in the American economic system. Its workings appear less mysterious to him. He comes to regard it, on the whole as a system for dealing with human needs through the institution of the marketplace, and not as a conspiracy to plunder his substance. It makes him more practical, more knowledgeable, and less detached from the larger society of which he is a part.

Finally, homeownership can be a powerful contributory influence on good citizenship. The homeowner, for the same reason that he takes better care of his property, takes a greater interest in his community. The condition of his neighborhood becomes of greater concern to him. The responsiveness—and responsibility—of local government and his elected officials assume new relevance. It is his voice, more than the renter's, which is heard at the neighborhood meeting or the city council session. Having a tangible stake in his community, he acquires with it a renewed sense of responsibility as a citizen for the welfare of his community, State, and Nation.

Acquiring homeownership does not

automatically instill in a poor man—or one recently poor—all these values. Merely signing a deed and a note does not transform a despairing, alienated slumdweller into a middle-class, aspiring homeowner. But over the long run the fact of homeownership can have an important effect on the family that rose from lower income tenant status to achieve it. That effect will be strengthening and reinforcement of values and behavior patterns long proven to be conducive to the highest ideals of America and the highest welfare of its people.

When the bill which we are considering here today is enacted, the potential for homeownership will be increased many fold. The subsidies provided in the bill, the new tools given to FHA and the multifaceted assistance provided for local organizations by the National Home Ownership Foundation will accelerate progress in this area so that a million Americans can move into a home of their own within the next 3 years that could not possibly have accomplished this "American dream" otherwise.

However, I wish to make it quite clear that the bill by itself does not represent instant homeownership. This bill merely provides the tools with which the private sector can undertake homeownership programs. Without the energetic and innovative participation of bankers, churches, labor unions, savings and loan associations, community organizations, and other private groups, this bill will amount to absolutely nothing. It will be just another housing bill. Now that low-income housing investment represents no greater a risk than other housing investments, the financial community must be willing to invest in these projects. Unions must open their ranks to more Negroes. They have both a moral and a practical obligation to do so for there are simply not enough skilled workers available to meet the present construction needs of the country, much less the additional 300,000 federally assisted housing units proposed for next year. In short, without the active support and cooperation of all segments of the private sector, this bill will not realize its potential. But with their support and enthusiastic involvement, this legislation can be a new dawn for hundreds of thousands of low-income Americans.

I would like to make a comment at this point about the housing bill in relation to the Poor People's Campaign. The Banking and Currency Committee has worked on this legislation for the past 17 months so than no one can claim that the bill is a direct response to the Poor People's Campaign. However, it is the first major new urban legislation to be considered by the Senate this session. There has been a sense of urgency throughout the committee's deliberations. We began our hearings last year immediately after the Newark riots and began executive sessions this year on a schedule drawn up months before the time of Dr. King's assassination. There has been sufficient evidence of late of the graveness of our urban problems. These problems will not be basically solved by increasing our police forces, or by special riot training of our National Guard. Our work here today on this housing bill is as important an ingredient to the solution of our urban ills as any that I know.

While housing may not be the total answer to the problems of the urban ghetto, it is an indispensable part of that answer. The National Advisory Commission on Civil Disorders listed three primary factors in Negro unrest: inadequate housing, unemployment, and police practices. Unless the Negro can improve his living conditions within the ghetto and unless we deploy the means whereby he can obtain decent housing in the suburbs, we shall only have additional and more serious urban unrest. By providing the means whereby families can own their own homes, we are providing more than decent shelter. We are permitting individuals to have a sense of pride in themselves. Without pride there can be little self-direction, ambition, and other important motivational factors. We cannot, of course, expect too much from this new program. Public housing has proven how wrong we can be in our understanding of the needs of lower income families and I sincerely hope that this new homeownership program will prove how right we can be.

Behind the presentation of this bill to the Senate lies many months of diligent and arduous work by the members of the Housing and Urban Affairs Subcommittee and the committee staff.

Throughout the deliberations of the subcommittee, two factors were conspicious: the willingness of all members of the subcommitteee to work together to bring out a measure commanding unanimous support, and the absence of partisan differences. The members of the committee were determined to bring froth a workable significant legislative package. The committee's success is a tribute to the leadership of its chairman, the distinguished Senator from Alabama, Senator JOHN SPARKMAN, also chairman of the Subcommittee on Housing and Urban Affairs, whose industry and patience were essential ingredients. I am deeply in debt to him for his understanding and patience with a freshman member of the subcommittee. The ranking minority member of the committee, my able colleague, Senator WALLACE F. BENNETT, deserves great credit, as does the able, dedicated and creative gentleman from Texas [Mr. TOWER] ranking minority member of the subcommittee who long ago recognized the desirability of homeownership. Through their efforts, and those of the entire membership, the committee has produced a genuine congressional initiative of sufficient importance to refute those who view Congress as a mere handmaiden to the executive branch. I am hopeful that the Senate, in approving this measure, will ratify the committee's initiative and craftsmanship by a vote commensurate with the efforts of the combined committee leadership.

I wish also to commend my colleague in the House, the Honorable WILLIAM WIDNALL, of New Jersey, for the leadership that he and 111 Members of the House had in sponsoring the National Home Ownership Foundation Act last year that contributed so substantially to the omnibus housing bill just reported out by the Housing Subcommittee of the House of Representatives.

Mr. PROXMIRE. Mr. President, I rise to speak on the pending bill as the ranking majority member of the Senate Committee on Banking and Currency and ranking member on the Subcommittee on Housing and Urban Affairs. I am happy to pay tribute to the chairman of the Committee on Banking and Currency, the distinguished Senator from Alabama [Mr. SPARKMAN], who has been Mr. Housing for as long as I have been in the Senate, for 11 years.

The Senator from Alabama has developed well-deserved recognition as an outstanding national expert on housing. He is certainly the Senate expert.

Literally hundreds of thousands of the housing starts we have had over the years are due in no small part to the distinguished Senator from Alabama. He has done a great job on the pending bill. The bill sets many new precedents.

The Senator from Alabama is truly the architect of this major bill.

I also pay tribute to the Senator from Texas [Mr. TOWER], the ranking minority member of the Subcommittee on Housing and Urban Affairs. The Senator from Texas has been a most constructive member of the committee. And, incidentally, he agrees with me, and I believe very strongly, on the necessity for housing legislation, recognizing that the country cannot afford to do everything we would like to do and that we must concentrate primarily on providing an opportunity for housing to become available for those families who cannot afford it.

These are the people who most urgently need it. If we are not careful about the kind of housing legislation we enact, we will be placing an enormous burden on the American people, and we will fail to meet the legitimate needs of the people of our country.

Mr. TOWER. I thank the Senator for his gracious remarks. The efforts of the Senator from Wisconsin with regard to the pending legislation have been tremendously helpful. I thank him for pointing out the very great need for targeting our effort toward the very-low-income families.

Mr. PROXMIRE. Mr. President, other members of the committee have worked very hard on the pending measure.

I should like to say that the Senator from Minnesota [Mr. MONDALE] has been really most inventive about developing the concept of homeownership which is incorporated in the bill. The proposal of the Senator from Minnesota breaks new ground, and I think it will make a great contribution in this field.

The Senator from Illinois [Mr. PERCY] worked, and worked very hard, with the Senator from Minnesota.

I have seen few Senators in the years I have been in the U.S. Senate that have worked harder on a piece of legislation than has the Senator from Illinois on this bill this year and last year in organizing support for his position and

testing it over and over again during the debate in the committee and coming up with, I think, a great piece of legislation that will enable hundreds of thousands of poor families who could not possibly now own their own homes to own them.

In owning their own homes, these people will develop a sense of responsibility and motivation which is too often lacking in people who do not possess property.

After 20 years of housing legislation, we still have a most serious problem in this country in respect to housing.

Eighteen years ago, in 1950, there were 4.5 million houses that were classified as dilapidated. I refer to the hard core of slum housing—not just housing that was substandard, but housing that was so dismally poor it fell into the lowest or dilapidated category.

In *1960, 10* years later, there were still 4 million housing units that were classified as dilapidated.

What happened is that 3 million of those 4.5 million units that were classified as dilapidated in 1950 left the inventory of dilapidated housing. However, 2.5 million more dilapidated housing units came into the inventory. So it appears that we have been creating slums almost as rapidly as we have been eliminating them.

It is true that we do not have up-to-date figures that are accurate on the situation that exists in 1968. But I suspect that we are still in pretty much the same situation we were in in 1960. We know that we have millions and millions of Americans living in slums, living in dilapidated, unsafe, unclean conditions, disease-ridden conditions. This is partly because of the legislation which has been passed, much of it with good intent, but legislation that really has wreaked havoc in some cases.

In Newark, in Cleveland, in Chicago, and in many other cities what has happened is that urban renewal has come in with the purpose of eliminating slums, but has literally created them. Over the years since 1950, 385,000 units were demolished but only 42,000 low- and moderate-income houses were constructed. This meant that the homes of people were demolished in order to clear the slum area, but instead of those people being able to move into low- and moderate-income housing they could afford, they were just pushed into new slums.

In addition, the FHA redlined the slum areas. This is understandable. I am not blaming the FHA as being poorly motivated, but they felt they had to comply with congressional enactment. That means that in the past, if a ghetto area was considered to be economically unsound, that it was an economic risk to insure housing in the area, even if the homeowner was responsible, hard working, and clearly a good risk, the FHA would not insure the housing there. Under these circumstances, of course, it was difficult or impossible for the slum areas to develop. They could not get FHA insurance. It was very difficult to get financing.

The FHA, as I have said, had followed the policy of redlining—of not going into the ghetto areas. We have corrected that in an amendment I have provided to the bill.

There is not a Member of the Senate—and very few Americans—who does not recognize that rioting not only is completely destructive and vicious but also is a terrible problem for the country. At the same time, we must recognize that one of the causes of riots—one of several, but a very important cause—is that millions of Americans live under conditions which are so revolting, so vicious, and so bad that they seek to protest in this most unfortunate way.

I should also like to point out—because this is something we are trying to develop in the bill, and I have an amendment calculated to meet it—that the cost of construction, the cost of building a home, is high and is rising rapidly. Unless we can find some way to introduce new methods, less expensive methods, more efficient methods of building housing, we will not be able to provide housing for people with low incomes without virtually bankrupting the country. We must find ways and means of constructing homes more cheaply than at present.

Mr. President, we should view this housing measure in relationship to the open housing bill, the great civil rights bill, that recently passed the Senate. It was enacted into law only a few weeks ago. That open housing measure can be an opportunity for minority groups in this country to secure safe and sanitary housing and to live in areas where they can have the kind of fine education so many Americans have, and to live in areas where they will have access to good jobs. In order for that to be possible, they must be in a position to buy their homes or pay rent within their limited income. This bill provides the economic muscle that makes the open housing legislation meaningful.

So, Mr. President, it is clear that a very big job in housing remains. It should also be clear that this bill starts—and I stress "starts," as a small beginning, as a step in a thousand-mile journey—in the right direction.

I believe we should recognize that we cannot achieve big ends—although we would like to—without spending big money, and we all desire to do what we can to hold down spending. However, to appreciate what this bill would and would not do, it is necessary to see that in the coming year the expenditure impact of all the new programs involved in this massive housing bill—the expenditure impact in the coming fiscal year, beginning July 1—is only $14 million—not billion dollars, but million dollars. As I have said, this is a beginning. So it is clear that for that kind of money the amount of housing units that can be constructed is only a fraction of 1 percent of what is needed.

I wish to stress the fact that we know from our experience with new programs in the past that the new programs we are now beginning will take years and years to really begin to pay off in new housing units. Approximately 3 years ago we began a rent supplement program. In the first 2½ years of the rent supplement program, in which so much hope and faith had been placed for providing housing for low-income people, how many low-income families were assisted? Through 1967, in the entire country, 400 low-income families were assisted. I say that not out of criticism, necessarily, although I believe some criticism of the administration of the program is merited, but to indicate that this is not the kind of situation in which you pass a bill today and next month solve all sorts of problems. It will not take months but years and years for this bill to have its real effect.

One other example of how slowly these programs operate is the urban renewal program. I am sure that all of us who have viewed urban renewal in our cities know how long it takes to get such a program moving—the court action, the work before the programs are approved, the agreement with local authorities, and so forth, and, then the demolition of the blighted areas. But this is just the beginning. We know how often blighted areas have been demolished, the bulldozer has come in, and then for years those areas—very valuable areas—in our cities have just stood fallow—and by "fallow" I mean the weeds growing up, without any real progress.

Mr. President, the programs we have had in the past—rent supplement, urban renewal, and the other programs—are beginning to move now, and with much more speed. But I say this because I believe we should put all this in perspective and recognize that the housing bill will not have its effect today.

There are reasons why I believe this bill will be the most effective housing bill Congress has ever passed. One reason is that for the first time we are requiring the administration to specify its goals, not just in terms of new housing starts and the number they want to get in a year, but for every single program. We are requiring that they come forward each year and indicate how many housing programs they expect to have for the low-income people, for the elderly, and so forth, under each program. Then, at the end of the year, we will have a report from them as to how far they have gone to achieve their goals, so that we can compare their goals with their achievements. We go further. After that is done, we consider why they have not been able to achieve their goal, and the Administration is required to come to Congress and say why they have not done it and what they intend to do about it.

With this type of congressional oversight, and direction, and guidance, we will make some real progress.

In addition, the bill contains a number of other provisions which I intend to discuss in greater detail, but let me say just one more thing with regard to the general approach to this bill. We all recognize that if we are going to get any housing constructed in a big way in this country, the greatest obstacle is high interest rates. As long as interest rates are high, there is a great inhibition against construction; because the interest, even with moderate interest rates,

is likely to be at least equal to the cost of the home, over the period that the home is being paid for.

Very few people can take from their pocket or from their bank account enough money to pay for their home. They must get a mortgage, pay off the mortgage, and pay interest on the mortgage; and the cost of interest adds enormously to the cost of the house. We all know that interest rates are now at their highest since the Civil War.

Mr. President, I think that no matter what we do in connection with the tax increase and spending reduction package, and no matter what we do in terms of correcting the balance of payments, the overall situation is such that we are going to have high interest. We hope it will not be as high as it is now, but we will have high interest rates for years to come. This bill has been especially designed to meet that problem. If it did not, it seems to me that whatever the bill provided, we would not get housing constructed because the reality of paying such high interest would prevent it.

I shall now make a few observations about the bill.

Mr. President, I am pleased to support S. 3497, one of the most significant housing bills recommended by the Committee on Banking and Currency in the last 20 years. In 1949, the National Housing Act declared as a national goal the realization of decent, safe, and sanitary housing and a suitable living environment for every American family. Although an improvement in housing conditions has long been a basic Federal policy, our results today fall far short of our objective. As the Kerner Commission on Civil Disorders has pointed out:

> In the 31 year history of subsidized Federal housing only about 800,000 units have been constructed, with recent construction averaging about 50,000 units a year. By comparison, over a period of only 3 years longer, FHA insurance guarantees have made possible the construction of 10 million middle or upper class homes.

I believe the time has come for a massive reorientation in our housing programs. We must begin to shift the emphasis toward providing decent housing for lower income families. The evidence has long been abundantly clear that inadequate housing is one of the principal causes in the deterioration of our central cities. The Kerner Commission listed adequate housing along with jobs and education as the three most pressing problems facing the residents of the urban ghetto.

The Housing bill now before us would make a significant start toward solving the housing problems of lower income families. Although the authorizations are for 2 years, the housing program recommended to the Congress represents the start of a 10-year program for realizing our national housing goals.

For the first time the administration has developed a practical and long range program for solving the housing problems of America. While the Congress over the last 10 years has enacted considerable legislation dealing with housing, the fact remains that the actual accomplishments resulting from this legislation have been sporadic and piecemeal in nature.

Under the 10-year housing program contained in the President's message, 6 million housing units would be constructed for low- and moderate-income families or an average of 600,000 units a year compared to the present rate of 50,000 a year. Mr. President, this is designed to begin a program to increase housing for low- and moderate-income families by twelvefold; not twice, not five times, but twelvefold over the next 10 years. In addition, the plan foresees a total of 26 million housing units over the next decade or an average of 2.5 million units a year.

Mr. President, this is a substantial increase over our present level of housing construction both for lower income families and for the general market as well. It is a bold and ambitious plan; but I believe it is a realistic and achievable plan. The Department of Housing and Urban Development has presented a careful study showing the impact of the 10-year program upon our economy. While our economic resources and the mortgage credit capacity would be stretched, the evidence shows that given the will the problem can be solved over a 10-year period.

Considering the fact that our Nation is spending upwards of $30 billion a year on the war in Vietnam, it is not realistic that the Congress can suddenly divert billions of additional dollars to solving our problems at home. But nonetheless, I believe this bill represents a substantial step in the direction of realizing our housing goals. Our problems cannot be solved overnight, but we can indicate that we recognize the problem and are taking firm and decisive action to bring about a solution. The frustration and despair of those who live in the ghetto can be lifted if they sense a national commitment to eradicate slum housing. No matter how long or difficult the task may be, today's burden can be made tolerable if one can see the end in sight.

In order to emphasize the long-term approach to our housing problems, I introduced an amendment which was accepted by the committee which would require the President to submit a formal 10-year plan to the Congress next January. This is included in S. 3497 as title 14 beginning on page 283. Each subsequent year, the President would be required to report to Congress on the progress realized as measured against the plan. Whenever the progress in any year falls short of the plan, the President would be required to indicate the reasons why and to propose specific steps for bringing the plan back on schedule. By focusing annual attention on our housing goals, I believe we stand a much better chance of realizing these goals in an orderly and expeditious manner. The annual report on housing would be comparable in status to the President's Economic Report. It would focus national attention upon the unfinished business of our Nation.

Mr. President, many of our more intricate and complicated weapon systems are programed over a 10-year period. In the early part of the 1960's we embarked upon a 10-year plan for putting a man on the moon. If we can make a national commitment to put a man on the moon in 10 years, I believe we are equally capable of making a commitment to solving our housing problems in 10 years. There is no reason why Congress cannot use the same management techniques to manage our housing programs which are employed by the Pentagon and the space department to manage defense and aerospace programs. I highly recommend title 14 to the Senate and hope that it will be included in the final legislation passed by Congress.

Mr. President, in addition to providing the first increment of a 10-year program, the Housing and Urban Development Act of 1968 constitutes a substantial reorientation of housing programs. The Kerner Commission recommended that our housing programs be reoriented to serve the needs of lower income families. I would like to describe briefly for the Senate several amendments which I proposed along these lines and which are included in the bill:

First. The urban renewal program has been reoriented to concentrate more on low and moderate income housing. This is a program that started out to help people who live in the slums so that they might live in better homes. We know that over the years this has not happened. The committee adopted an amendment I offered to require that at least 50 percent of the housing units created by residential urban renewal projects be for low and moderate income families. Under present law only 20 percent of housing units established under residential urban renewal projects need be for low and moderate income families. Thus, we substantially increased the commitment of the program to the needs of the poor. In the past, the urban renewal program has all too often operated to displace low income families while constructing luxury apartments for upper income families. The Federal bulldozer must be reformed if the urban renewal program is to survive and I believe the Congress and the Department of Housing and Urban Development have made substantial strides in reforming the program.

Second. Language has been included in the report of the committee directing the Department of Housing and Urban Development to concentrate on residential urban renewal projects as opposed to nonresidential projects. Tall office buildings may please mayors and councilmen but they do not provide housing. In the past, approximately one-half of urban renewal funds went for nonresidential downtown urban renewal. Today, under the strengthened guidelines of the Department of Housing and Urban Development, this percentage has dropped to 32 percent. The committee report language directing the Department to maintain this policy.

Third. The legislation recommended

by the Department of Housing and Urban Development would have focused assistance of those families toward the upper and the moderate income level. While we must assure that every family has the ability to obtain a decent home, I believe that the priorities must be shifted first to those on the lower end of the income scale. We need to solve our most pressing problems first before we move on to attack those of a lesser nature. For this reason, I proposed an amendment which was accepted by the committee which limits the income ceilings of those eligilbe for the new home ownership program and the administration's proposed interest subsidy rental housing program.

The amendment requires that at least 80 percent of the funds made available for these programs be used for families whose incomes are below 70 percent of the present 221(d)(3) income ceilings. This will insure that the benefits of the program will go to those who most need it, while at the same time providing enough flexibility in the program to accommodate the needs of families who live in areas of extremely high construction costs.

Fourth. Title 4 of the bill includes a new program for assisting the families of new communities. The title will provide guarantees for financing new communities. It also provides a program of supplemental grants for local public works projects constructed pursuant to the plan for the new communities. The committee approved an amendment which I offered which conditions such grants upon the construction of a substantial number of housing units for low and moderate income persons. If we are to assist in the planning and establishment of new communities and new towns we must strive to insure that the plan provides for low and moderate income housing as well as upper income housing.

Fifth. Last year in considering S. 2700, the committee approved an amendment I offered which permits the Secretary to waive existing FHA requirements in declining urban neighborhoods, if such waiver is needed to provide adequate housing for low and moderate income families. For many years FHA has concentrated in the suburbs while permitting mortgage credit in the central city to dry up. FHA is not to be entirely blamed since the law now requires that the FHA cannot insure in neighborhoods unless it makes a finding that such neighborhoods are economically sound. Under this legal restriction, FHA has concluded that it lacks the necessary authority to insure mortgages on a substantial scale in declining urban neighborhoods. By removing this legal restriction, we will insure that the program serves the needs of the poor as well as the needs of the middle class. I am delighted that the administration has endorsed this proposal and has included it in the legislation recommended to the Congress for 1968. The provision is embodied in the bill now before us.

Sixth. Senator PERCY and I introduced an amendment, accepted by the committee, which requires that to the greatest extent feasible opportunities for employment arising in connection with the construction or rehabilitation of housing existing under the low and moderate income housing programs should be given to lower income persons residing in the area of such housing. I believe this provision will serve to reduce the high rate of unemployment in the ghetto which is currently two or three times higher than the national average rate of unemployment.

I believe that these six provisions, taken as a whole, will substantially reorient and reduce the housing and urban development programs to better serve the needs of the poor.

I also want to mention, Mr. President, an amendment I introduced to the national riot insurance program which would extend the existing Federal disaster relief programs to riots and civil disorders as well as natural disasters. This would permit the President to declare a local riot-stricken community eligible for Federal disaster relief aid including emergency debris clearance, temporary housing and shelter, and the replacement of essential public facilities. In addition, the Small Business Administration would be permitted to make 30-year 3-percent loans to homeowners and businessmen affected by the riot.

In addition, if the President declared the area a disaster under the Federal Disaster Relief Act, the Small Business Administration could make loans for working capital purposes as well as to replace damaged plant and equipment.

Also, Mr. President, the Housing and Urban Development Act of 1968 contains a provision which I cosponsored with Senator JAVITS to reduce the pressure on the college housing program. Under the terms of the existing program the Secretary of Housing and Urban Development can make 3 percent direct loans to colleges and universities for the purpose of constructing college housing. The demand for 3-percent loans far exceeds the available supply with a result that many colleges have delayed their housing construction plans in hopes of eventually obtaining a more favorable 3-percent loan. Senator JAVITS and I have offered an alternative approach. It would permit the colleges and universities to obtain financing on the private market. The Department of Housing and Urban Development would be enabled to make annual interest repayments representing the differences between the market rate of interest and 3 percent. This will permit the Department to assist in the financing of several hundred million dollars of college housing while paying only the interest subsidy cost of $10 million a year. The alternative approach thus substantially reduces the impact of the program on the Federal budget.

By substantial, I mean the cut is by one-thirtieth of what it otherwise would be—even less than that.

Finally, Mr. President, I intend to offer an amendment to provide for a large scale program of experimental housing. The necessity for expanding the experimental housing program was presented to the committee in testimony from former Senator Paul H. Douglas, who is now the Chairman of the President's Commission on Urban Problems. In his testimony, Senator Douglas indicated that if we are to meet our goals of constructing adequate numbers of low income housing units we must achieve substantial technological breakthroughs. Only by lowering the cost of housing can we be sure that those with low incomes will be able to afford decent housing.

This Government cannot afford and will not pay for housing at the enormous cost which is now developing. The only way we can solve it is to effect technological breakthroughs which are practical and positive, and thus save literally billions of dollars in housing legislation in the future.

The amendment, therefore, would permit the Department of Housing and Urban Development to utilize its existing low and moderate income housing programs for experimental purposes. The Secretary would have authority to construct a thousand units a year to develop new housing technology. The housing would be constructed on Federal land or on land in which the laws of the local community permit the construction of experimental housing.

Mr. President, I believe that this bill is a most significant attack on poverty and when enacted will be the most far-reaching achievement of the 90th Congress.

I mean that. It will be the most far-reaching achievement the 90th Congress will have made—although it has made many already.

I am hopeful that following debate it will receive the support of the entire Senate. I want to especially compliment the able leadership of Senator SPARKMAN, the chairman of the committee, in bringing this legislation to the floor. Every member of the committee had a hand in shaping the bill. Senator PERCY, of Illinois, is to be particularly commended for his constructive participation. More than any other individual he was responsible for emphasizing the importance of homeownership on the part of the low and moderate income families. I also believe that Senator MONDALE played a most useful role in developing this important legislation. Through the long executive sessions, he has developed a unique grasp of our housing problems and is responsible for many effective provisions in the bill. In fact, the entire Committee on Banking and Currency is to be congratulated for its achievement on this legislation.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. The Senate is now considering what I am sure is probably the most comprehensive housing bill ever put before it. I ask the Senator from Wisconsin, who has been in the Senate and a member of the Committee on Banking and Currency longer than I have, is that not a fact?

Mr. PROXMIRE. I would agree wholeheartedly that this is the most comprehensive housing bill which the Senate has considered since I came to the Senate. It is not only comprehensive, as the Senator has indicated, but as he knows so well, also breaks new ground.

Let me say to the Senator from New Jersey that there is no more innovative pioneer than the Senator from New Jersey. The remarkable contribution he has made in the area of mass transportation, in open spaces, and in the whole area of housing, has been one in which his inventive mind has been most helpful in committee and, I think, most important for the country.

Mr. WILLIAMS of New Jersey. I appreciate that, but I did not ask the Senator from Wisconsin that question in order to provoke such very kind comments. I certainly appreciate them.

As comprehensive as is the pending bill, it has worked through the committee process of hearings, discussion, debate, and change, most thoughtfully and without acrimony, with our wise and beloved chairman, the Senator from Alabama [Mr. SPARKMAN], at the tiller. We have run the course to final consideration of this most necessary legislation. I do not know of any area of housing which has not been dealt with. We have dealt with the whole matrix of community living, rural, suburban, and city.

As the Senator from Wisconsin mentioned, I have, over the years, been working on some of the programs that can make for a more livable community. We have done so through the committee, in urban transportation, in open space programs, and in others. I shall mention two or three others in a moment, as we can be brief today, while probably there will be additional debate when the bill again comes before the Senate on Monday next.

Mr. President, in its recent report on civil disorders, the Kerner Commission recommended that the Federal Government "bring within the reach of low- and moderate-income families within the next 5 years 6 million new and existing units of decent housing, beginning with 600,000 units in the next year."

Secretary Weaver, in testifying before the Banking and Currency Committee on the administration's housing bill, reiterated this need. The Secretary, however, proposed a 10-year housing program rather than the 5 years recommended by the Kerner Commission and asked for additional authorization of $662,500,000 for fiscal 1969.

I, for one, prefer the approach recommended by the Kerner Commission. The authorization asked for in S. 3497 provides a bare minimum authorization to carry out the most pressing need for adequate low-income housing and to rebuild our Nation's ghettos. Any further cuts in the authorization would wipe out the recommendations of the Kerner report.

As a member of the Senate Committee on Banking and Currency, and its Subcommittee on Housing, I serve in a dual capacity. I find myself interested in the overall question of housing policy and the need for adequate housing for all of our people. And, as chairman of the Senate Special Committee on Aging, I share an interest in the housing problems of older Americans. The bill before us makes a number of new approaches to elderly housing, and I would like to comment briefly on these and other aspects of the pending bill.

Section 106 of the bill provides for assistance to nonprofit sponsors of low- and moderate-income housing by making available technical information in the planning stages. Experience has shown that many of the nonprofit sponsors do not have the background or the working knowledge required for adequate planning of their projects.

I am delighted that this provision for assistance has been included in this legislation. It should point the way to greater participation on the part of the nonprofit sponsors of elderly housing in meeting the great need for such housing that now exists.

Turning now to the established housing programs that benefit the elderly, the bill creates a new section 236 under the National Housing Act. This section provides for interest rate subsidies to the buyer. The reliance of the old programs on direct Federal loans has been a restrictive force in the view of the Department of Housing and Urban Development, necessarily limiting the number of projects that become available. I am confident that the new section will go far toward correcting this inadequacy.

For the rent supplement program, the bill provides $40 million in added contract authority.

In its annual report, the Senate Special Committee on Aging commented on the status of the rent supplement program:

> The experimental provision of the Act allows five per cent of the program funds to be used to assist low-income elderly or handicapped occupants under the Section 202 and 231 programs. At year's end, $1.7 million of the $2.1 million available under these programs had been allocated. These commitments covered 124 projects containing 2,800 units, out of an over-all project total of 15,000 units.

I am pleased that the contract authority of this vital program is being increased.

I am also pleased that increases have been provided for the low-rent public housing program. These increases would include $100 million when this bill becomes law.

One of the longfelt needs of public housing management, Mr. President, concerns providing adequate tenant services to low-income tenants.

A need for upgrading management practices in public housing has also been indicated. Under the terms of the bill, local housing authorities may make application to the Secretary of the Department of Housing and Urban Development to receive assistance on a case-by-case basis. This attempt to provide the means to improve the economic and social condition of tenants in need of assistance would bring the most efficient use of available resources.

An interesting part of the bill, dealing with low-rent public housing, permits tenants of such housing to purchase any unit found to be suitable for individual ownership. Mr. President, this extension of the principle of homeownership can have a salutary effect on tenants of public housing. It could bring them a sense of personal involvement and an increased feeling of security.

Before leaving the area of public housing, I would like to mention the provision in the bill for the public housing on Indian reservations. Under existing law, public housing is not permitted to be located on a farm or an extension of a farm site. I hope this will meet part of the difficulty which Indian housing has faced for some time.

The model cities program is now entering its operational phase, and it will begin to make its major contribution to the transformation of America's cities. The bill provides $12 million in planning grants and technical assistance for fiscal year 1969. In addition, an appropriation authorization of $1 billion for fiscal 1970 is included.

URBAN MASS TRANSPORTATION

When you look around cities such as Washington, Newark, and New York, you see huge building programs with the buildings going up, and up, and up—buildings being built primarily for office space. You then go out into the countryside surrounding these metropolitan centers and you see massive building programs designed to house people. Unfortunately, our means of getting these people from the homes to the buildings where they work, and back home again, has not kept pace with the building of the buildings.

In 1961 we were successful in getting an amendment to the Housing Act which provided the beginning of a mass transit program. Subsequently that program was improved upon, and in 1964 we enacted the Urban Mass Transportation Act. In the bill we have before us I am happy to say that we are continuing to improve upon this program in several ways. For instance, we increase the authorization for grants by $190 million for fiscal year 1970. This remains but a token effort of the need, when you consider that a 10-year projection of 11 major metropolitan areas shows that $10.9 billion in capital financing is needed.

The bill also extends the emergency provisions of the program until July 1, 1970. Under these provisions, Federal grants up to 50 percent for mass transportation facilities and equipment is provided for areas not yet able to meet full areawide comprehensive planning and program requirements.

Another provision included in the bill which is sorely needed would allow the private transit company to put up the local share of the money for expanding the local mass transit program. At the present time, the local share must come from public sources, which discriminates against metropolitan centers

which have private, as contrasted to public, transportation systems. It forces the already overburdened city to expend its revenues when the private transit company is usually in a better position to finance the necessary outlay. This amendment would allow any public or private transit company to provide as much as 50 percent of the local share. In a situation where the city can demonstrate that it is fiscally unable to put up any portion of the local share, then the private transit company would be allowed to put up the entire share.

As I said earlier, Mr. President, I believe that these amendments constitute widely needed improvements for our continuing Federal urban mass transportation program.

RURAL HOUSING

The rural housing section of the President's Commission on Rural Poverty Report emphasizes the shocking and immediate necessity for housing improvements:

> Decent housing is an urgent need of the rural poor. They live in dilapidated, drafty, ramshackle houses that are cold and wet in the winter, leaky and steaming in the summer. Running water, inside toilets, and screened windows are the exception rather than the rule.

The report recognized that solutions for the housing crisis were particularly complicated by the special problems of migrant workers and Spanish-Americans. Migratory farmworkers will be a primary beneficiary of title 10 provisions for direct and insured loans for construction of low rent and cooperative housing. Only in isolated instances has housing been constructed to meet minimum standards of health, safety, and sanitation.

NATIONAL FLOOD INSURANCE ACT—TITLE XII

This title represents a joint effort by both the Federal Government and the private property insurance industry to make available a program of flood insurance to occupants of flood-prone areas.

Damages caused by severe floods have been steadily rising in recent years in spite of protective measures taken by the Federal Government. Existing Federal disaster relief programs have been inadequate to deal effectively with the problems encountered by the property owner following severe floods. Subsidized loans from SBA or the Farmers Home Administration, as helpful as they may be, must still be repaid by the borrower. Loans do not compensate the victim as fully as would an insurance program.

The program authorized under this title would be administered by the Department of Housing and Urban Development, but other Government agencies would participate in providing data upon which premium rates would be based. Initially, coverage would only be available for certain residential properties, but later the Secretary could extend coverage to include business and other types of properties.

The facilities of the private insurance industry would be used to the maximum extent practicable to sell and service flood insurance policies, and they will also commit risk capital to an industry pool which would be used to absorb a share of the losses of the program in heavy flood years. The Federal Government would assist the program by providing premium subsidies to the pool and also by providing reinsurance coverage for losses above a certain point. The insurance companies in the pool would pay a premium to the Government for this reinsurance coverage in years of low-flood losses. Other nonrisk-bearing insurance companies could participate in the program as fiscal agents of the Government.

This title is identical to the flood insurance legislation (S. 1985) that was passed by the Senate on September 14, 1967. This legislation was subsequently amended and passed by the House on November 1, 1967. Both the House and the Senate insisted upon their versions of the legislation, and conferees were appointed by both Houses. A conference committee meeting between the two Houses on the legislation was not scheduled.

I believe that this program will fill a serious gap in insurance protection for residents of flood-prone areas. Only under such a program will it be possible for victims of flood disasters to fully recover from the losses which they now incur.

INTERSTATE LAND SALES FULL DISCLOSURE ACT

Over the past decade, the interstate sale of undeveloped land has grown to where its annual volume is estimated by some authorities at over $1 billion. A great number of these sales are made via long-distance telephone conversations or by personal solicitations. In many instances, the purchaser never sees the land he is buying and relies only on the salesman's oral representations. The purchase price may consist of only a small downpayment with monthly installments being as low as $10 a month. In this manner, many of our citizens, especially the elderly, have pledged millions of dollars for the purchase of land for retirement, investment, or in some instances for sheer speculation. From 1962 though 1966, 481 cases of mail fraud involving the interstate sale of land have been investigated by Federal authorities. As a result of these investigations, it has been estimated that unscrupulous land promoters have caused our citizens to lose approximately $50 million.

The proposed Interstate Land Sales Full Disclosure Act cosponsored by Senators BIBLE, MONDALE, MOSS, and MUSKIE, which has been developed as the result of 2 years of intensive hearings and consultations with all interested parties, will in my opinion provide this most needed consumer protection. The bill—proposed title XIII of the National Housing Act of 1968—merely requires that where a subdivision of 50 or more lots of undeveloped land is sold pursuant to a common promotional plan, the seller disclose to the buyer full and accurate information. Surely, no one here today would deny such information to purchasers of real estate, many of whom are senior citizens seeking retirement homesites.

Facts are needed in order to make sound business judgments. This bill will help to provide them. That is its only intention. It is not a regulatory statute which will permit the Federal Government to pass upon such questions as land value, its selling price, land use, or zoning. The only purpose of this legislation is to give the purchaser the necessary information upon which he can make his own investment decision.

CONCLUSION

Mr. President, in closing I would like to point out that this bill goes a considerable way toward fulfilling the words of President Johnson when he said:

> The only genuine, long-range solution for what has happened lies in an attack—mounted at every level—upon the conditions that breed despair and violence. All of us know what those conditions are: ignorance, discrimination, slums, poverty, disease, not enough jobs. We should attack these conditions—not because we are frightened by conflict, but because we are fired by conscience.

Mr. SPARKMAN. I commend the distinguished Senator from New Jersey for his very clear presentation of a number of the provisions in the bill. He has been, throughout, one of the most helpful members of the committee.

The distinguished Senator from Virginia [Mr. SPONG], who has been presiding over the Senate this afternoon, likewise has been most helpful, as a member of the Committee on Banking and Currency, in shaping the housing legislation. I commend him publicly for the fine contribution he has made to the cause of better housing.

Mr. President, no other Senators desire to speak on the bill this afternoon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there is 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 on Monday next.

The motion was agreed to; and (at 3 o'clock and 43 minutes p.m.) the Senate adjourned until Monday, May 27, 1968, at 12 noon.

NOMINATION

Executive nomination received by the Senate May 24, 1968:

PUBLIC SERVICE COMMISSION

George A. Avery, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1971. (Reappointment)

EXTENSIONS OF REMARKS

AWARENESS OF NATION'S CRITICAL WATER NEEDS

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. MOSS. Mr. President, it is encouraging to me, coming from an arid Western State, to see the growing awareness in this country of the critical water needs that face this Nation.

The future, not only of the arid West, but of the entire Nation and, indeed, the North American Continent, depends upon prompt, correct action which must begin soon.

Several plans for continentwide water development have been presented. One of the most promising is one called North American Water and Power Alliance—NAWAPA. This concept was developed by Ralph M. Parsons, of Los Angeles, Calif.

I was pleased to note that the April issue of the Elks magazine contains an extensive, well-written article on NAWAPA, written by John Clark Hunt. I congratulate the Elks for devoting important space in their magazine to report on water development, and I congratulate Mr. Hunt on a well-written article. I ask unanimous consent that the article, entitled, "Water for the Year 2000," be printed in the Extensions of Remarks.

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

WATER FOR THE YEAR 2000

(By John Clark Hunt)

Probably the only way to comprehend fully what has happened to water in the United States and to understand why our water problems have mounted to a crisis is to read the books and the government reports on the subject, then travel the nation to see our increasing need for clean water and the condition of our streams, rivers, and lakes.

The observer will not need to be an expert in any of the physical sciences to realize that huge basins and large valleys with deep soil in the arid and semi-arid areas of the West are producing next to nothing because of little or no water. He will learn that agriculture is being, or already has been, abandoned in some places because pumping has exhausted the underground water. He will be aware, wherever he travels, that the "urban sprawl" is demanding enormous quantities of water for the increasing population. The observer cannot fail to notice that the number of industrial plants is keeping pace with the population.

The United States population increased by well over 2 million in 1967. A baby was born every 14 seconds in spite of some family planning and the pill. Population figures projected to the end of the century indicate that by then this country will have a population of between 300 and 340 million. That will be at least a 63 percent increase. The demand for water and the implications for control of water and air pollution have only begun to be understood.

The traveler who goes across and up and down broad, beautiful America is sure to see the pollution and filth that is destroying the quality of much of our water. If he does not see it he will smell it, for nearly all our rivers and most of our streams and lakes are now polluted. If he happens to visit our national capital, for instance, he will find the lower Potomac to be a vile smelling, slow-moving sewer.

Scientists now say that Lake Erie can be considered a dead lake. It is so completely polluted and destroyed that its center has become a stagnant pool of green scum and most of its beaches are cancerous places. Some of the same group of concerned scientists also are alarmed over the condition of both Lake Michigan and Lake Superior. If these lakes are to survive as bodies of live, fresh water, the massive dumping of pollutants will have to cease. This has caused Richard J. Daley, mayor of Chicago, to demand that positive action be taken *now* to protect Lake Michigan.

Although we have a critical shortage of clean water it is not because we do not receive enough on our portion of the continent. The U.S. Geological Survey says we are blessed with water compared with most countries of the world. The United States land area as a whole receives about 30 inches of precipitation annually. This means that 2½ feet of water falls on American earth each year. The paramount problem is that nature does not distribute it equally. Some places get too much and others next to none. A quick study of a national precipitation map will show that the area east of, approximately, the 95th meridian receives from 20 to 60 inches per year. Westward the situation is different. The Great Plains and the high plateau country have from 10 to 20 inches per year. Large areas get from 4 to 10 inches. And here evaporation is greater than anywhere else in the nation. Only the Pacific slope west of the Cascades in Oregon and Washington, and portions of northern California, have heavy precipitation.

What becomes of the 2½ feet of water that falls on the country?

The Geological Survey says that almost three-fourths of the total is returned to the atmosphere through evaporation and transpiration. The remaining one-fourth, or whatever the amount may be in a specified area, is runoff and ground storage water. It is from this one-fourth that water for all uses must be taken in any area of the nation—unless an additional amount is transported from another area or region.

We are told that theoretically there are 7,500 gallons of water per day for each person in the country if all the one-fourth could be utilized. That is why the Geological Survey tells us we are blessed with water. At present the consumption is about 150 gallons per day per city dweller. About 70 gallons of this are used by industry and commerce to produce the commodities and services the population requires. The per capita use of water has increased 30 percent in 40 years and is still increasing rapidly.

All of the Southwest is in a low to very low precipitation belt. The region cannot help this nor can it be blamed that the sun shines there about 300 days each year and that people like to live where the sun shines. The promoters can, however, be blamed for luring more people to the region than the water supply can sustain. The leaders of the region understand their growing predicament and the meaning of water shortages. They live with it year in and year out. New York and other areas which have suffered through periods of drought have an idea of its meaning. They have had to speed up expansion of their water facilities and institute restrictions until the rains came. But it is the Southwest, particularly southern California and Arizona, that have really tried to solve their water problems.

California has, in fact, done more to develop and conserve her water resources than any segment of government in history. She has harnessed her rivers in the north and taken the surplus water where it is most needed—to the south, to irrigate her extremely large and fabulously rich central valleys. She has spent, and is spending, billions of dollars to build the dams, aqueducts, canals, pipe lines, tunnels, power plants, pumping stations, and reservoirs necessary to transport rivers of clean water hundreds of miles in the greatest water system in the world.

The Colorado River was for a long time considered the key to water development plans for both southern California and Arizona because it is the only large river in the area. So its waters have been a matter of controversy for 50 years. The fight is still smoldering and locked in Congress. But when the seven states in the Colorado Basin complete their projects and some of those proposed there will be nothing more to fight over. The river will have nothing more to give and millions of acres will still be dry.

It is little wonder, then, that the Southwest desperately wants what it believes to be the surplus water from the Columbia River, from which approximately 160 million acre-feet empty into the Pacific Ocean each year and are wasted. (An acre-foot is the amount of water required to cover one acre one foot deep.) But the Northwest shouts back that it will not share a drop of its water, that it has no surplus water. Meanwhile the politicians, both north and south, know a good emotional issue. They beat their breasts and lead the shouting.

As to how much surplus water there is in the Northwest, and whether or not there will be a surplus at the mouth of the Columbia in the year 2000, no one knows. Some of the calm, collected citizens will tell you that probably all the water the Northwest has is needed to flush out pollution. The truth is that even the great Columbia with its massive volume cannot cleanse itself of the refuse from paper mills and numerous other industries and the sewage from cities and towns.

It has taken the nation a long time to become conscious of the blessing of pure water and clean air. About 75 years ago it started to learn that topsoil, forests, and wildlife were not inexhaustible. Now it is beginning to learn that neither usable water nor breathable air is inexhaustible.

Today the United States is using approximately 355 billion gallons of water per day. It has been estimated that the volume will rise to 600 billion gallons per day by 1980. This would be about 85 billion gallons per day more than we now have available from all sources.

That poses a problem that needs some thinking about, for 1980 is not very far away. It takes time to plan and build water resource facilities. Millions of people assume, however, that enormous desalination plants driven by nuclear energy will provide a considerable portion of the extra water needed by 1980. These people may be right. The exhaustive and costly experiments that have been conducted and the many small desalination plants operating successfully around the world indicate that the age old dream of fresh water from the sea, dating to efforts of the Greeks 2,300 years ago, has come true. It is a matter of cost, but still a much better bet than trying to find a successful rainmaker or following the serious recommendation made to southern California that icebergs be towed down from Arctic waters.

During 1967, Key West, Florida, a city of 56,000, located on a small island without a stream or lake, completed the largest desalting plant ever to be placed in operation.

The city now has a fresh water plant producing 2,620,000 gallons per day. But this is a tiny baby compared to the one that will rise on a 40-acre man-made island that is being built a half mile off Huntington Beach near Los Angeles. The plant will start producing in 1972, and, when completed in 1975, will deliver 150 million gallons of fresh water per day, enough for a popultaion of more than a half million. The nuclear energy used will also generate electric power for two million people. Fresh water at the plant will cost approximately 20 cents per 1,000 gallons. Pumping and distribution inland will increase the cost to users to about 40 to 45 cents per 1,000 gallons. This is compared to 10 cents per 1,000 gallons for Colorado River water delivered to the same area.

Home owners can pay the higher cost for water. They will, in fact, pay whatever they have to. But irrigation farmers and orchardists say they cannot, and will have to have water from a cheaper source than the desalination plants. This is a real problem because irrigation is consuming 46 percent of all the water used in the United States today and warm, dry California has more than one fourth of the nation's cropland under irrigation.

Even if California, in its favored position beside the Pacific Ocean, could be furnished with all the irrigation water it needs at a cost the farmers could pay, what about the other thirsty states? Nevada, Utah, Arizona, New Mexico, Colorado, and Texas are as dry or dryer than California and, with the exception of southeast Texas, they are a long way from the ocean.

There is another source of water which in some places is already adding to the supply. Geological Survey engineers report that modern water treatment plants are capable of cleaning sewage waste and most other impurities from polluted rivers and lakes and making the water safe for drinking.

Will the harnessing of all our rivers, the operation of hundreds of desalination plants and reuse of immense volumes of water guarantee enough for the future? Probably not, if huge areas of arid land are irrigated to feed a hungry, teeming world. But there is a way it can be done. There is a water miracle waiting to be developed.

It has been called "water for 100 years." Its official name is North American Water and Power Alliance. It would cost $100 billion and take 30 years to complete. About 20 percent of the water from the Copper, Tanana, and Susitana Rivers in Alaska, as well as the Yukon, Klondike, Stewart, and Pelly Rivers in Alaska, as well as the Yukon, Klondike, Stewart, and Pelly Rivers in the Yukon Territory of Canada, would be diverted from northward flow and turned south by dams, tunnels, gigantic pumps, reservoirs, and canals. As the diverted water flowed south and east it would be joined by portions of other Canadian rivers. The largest reservoir would be the Rocky Mountain Trench, stretching more than 500 miles on the east side of the Rockies in both Canada and the United States. Water from high precipitation areas now wasting into the sea would be distributed throughout the continent, wherever it was needed, generating power as it descended to the sea. NAWAPA would return the investment in approximately 50 years.

The Alliance would provide 22 million acre-feet for annual irrigation, industrial, and domestic use in seven provinces and one territory. It would generate 30 million kilowatts of power for outside sale and 30 million to be purchased by the Alliance for pumping. The estimated annual income for Canada from the sale of power and water and from barge and ship toll would be about $2 billion. During the construction period, from $2 to $3 billion would be spent in Canada annually. National income from agriculture, livestock, mining, manufacturing, and recreation would be increased by approximately $9 billion per year.

Probably the most spectacular development would be a navigable canal across Canada to Lake Superior, which would connect the Pacific and the Atlantic through the Great Lakes and the St. Lawrence Seaway, thus creating a man-made Northwest Passage. North and south the Great Lakes would be connected by large canals with Lake Winnipeg, Hudson Bay, and northeast Canada.

The real treasure would be 78 million acre-feet of pure, clear water for 33 states in the West and the Great Plains. Irrigated agriculture would be increased by 40 million acres as needed. The system would generate 38 million kilowatts of power for sale. The Great Lakes would be stabilized and, hopefully, saved from choking pollution by an inflow of 48 million acre-feet of clean water from the north. From $3 to $4 billion a year would be spent in the United States each year during the construction period as a boon to employment, industry, and services. The completed project would increase our national income from agriculture, livestock, manufacturing, mining, and water-based recreation by approximately $30 billion per year.

Northern Mexico is a dry region and desperately needs a new source of water. The NAWAPA project would deliver 20 million acre-feet of water annually to the region for its towns, cities, industries, and agriculture.

Who can create this North American miracle? The concept and plan has been laid out by a highly successful and hard-headed engineering firm with projects around the world—the Ralph M. Parsons Company, headquartered in Los Angeles. The company employs 3,000 scientists, engineers, and technicians. It has a force of 5,000 construction people in the field. A Senate subcommittee on western water development held hearings on Parson's North American Water and Power Alliance proposal. The committee, under the chairmanship of Sen. Frank M. Moss of Utah, issued a 56-page report of the hearings. The above description of benefits to Canada, the United States, and Mexico were taken, principally, from the report. Senator Moss has worked on and studied western water development for years. He recently wrote what is no doubt the definitive book on North American water problems. He appropriately titled it *The Water Crisis*.

Has anything been done to start the NAWAPA project? There have been no official talks reported between Canada and the United States on the subject, but there have been talks. Canada is listening. She needs everything the project has to offer, including irrigation water. She cooperated with the United States on the St. Lawrence Seaway and on Columbia River development. A joint commission of the two nations has functioned successfully since the Boundary Water Treaty of 1909.

Probably the most difficult problem would be to get agreement between the states and regions in the United States. States rights and water rights are heady, emotion-producing traditions. No one is really in control. It is an old Western habit to figuratively grab the trusty Winchester and guard the water hole when there is a proposal to transport water over a state line or from one river basin to another.

We need a national water commission composed of the most knowledgeable, unbiased, honest, courtageous, non-political men in the whole country, with authority provided by Congress to assign water surveys, direct long range planning, and make and enforce decisions based purely on what is best for the nation. When we have such a national commission we will be ready to lead the creation of a North American water system.

The indications are that it would take 10 years to write the detailed treaties with our northern and southern neighbors and complete the engineering surveys, then 20 years to construct the project. Perhaps we will get together on it after the Vietnam war is over. One thing is absolutely certain: a lot of clean water will have to come from somewhere between now and the year 2000.

LETTER TO A GRANDSON

HON. MELVIN R. LAIRD

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. LAIRD. Mr. Speaker, a very interesting and appropriate column recently appeared in the Stevens Point Daily Journal in my congressional district. The column was written in the form of a letter to his first grandson by our State's foremost political reporter and columnist, John Wyngaard.

Its content and its message should be of interest to every American and, under unanimous consent, I place the full text of "Letter to a Grandson" by John Wyngaard in the RECORD at this point.

The article referred to follows:

LETTER TO A GRANDSON

(By John Wyngaard)

MADISON.

DEAR PETE: Many years from now you will understand why this letter is written. Then you will probably know out of your own experience what an important event in a man's life is the arrival of his first grandson. There is deep within every man the hope for the continuation of his family, and especially in the male line. You now give me the assurance that I had vaguely known I wanted but knew more positively when your father and mother informed me of your birth recently.

You have entered an uncertain and troubled world. Although when you become a little older and attend school in your historic New England City you will appreciate the providential circumstance that you were born a citizen of the United States, your parents and your grandparents today are deeply concerned about unfortunate and dangerous trends and conditions in the country.

We have poverty in the midst of plenty. We are embroiled in a hard war at the end of the earth that we are evidently unable to win and afraid to lose. Our citizen generation of college age is the most restless and rebellious, perhaps, in the history of the country. The tactics of anarchy are being applied by student rebels on some of the most distinguished campuses of the nation. Race conflict has a revolutionary tone.

No doubt your dad and mother observed recently the grim and drawn face of President Grayson Kirk of Columbia University, as the press reported the disruption of the operation of that historic and distinguished institution in New York. As it happens, Dr. Kirk is an old friend of mine and formerly worked as a teacher at the University of Wisconsin. I could understand the shock and incredulity with which he observed the rampage among his students and the virtual destruction of his own private office as a consequence of the ferocity of the rebellion of some of them.

I wondered when I read the press accounts whether he remembered the days in Madison when he was a young and underpaid instructor. Each morning he faced a big class of poorly clothed and underfed students from the farm and the towns of Wisconsin during the darkest days of the depression of the 1930's. I would venture that up to half of those students missed meals for reasons of sheer lack of money. But they did not rebel. Most of them were grateful that they were able to get into college. The alternative for many of them was to stand at the end of the line of the unemployed at the factory gates.

I mention these things because I want you to know, whatever your experiences as you grow up, that this is a strong and good country. It has weathered many other storms. Doubtless it will endure others in an uncertain and unsettled and dangerous world in which leadership and responsibility have been thrust upon it.

Sometimes I wonder what the country and the world will be like when you reach manhood, as I contemplate the breathtaking pace of change in every aspect of human life, science, technology and every one of mankind's infinite variety and number of enterprises. In my own lifetime history has been compressed almost unbelievably. In material progress, at least, there has been as much change since the day of my birth as there probably was in several preceding centuries.

Your father, I am proud to say, will be involved in many of the exciting changes to come. As a professional scientist, he is entering the elite of the productive generation of this era. As a son, you will learn to admire him. His long and hard training was largely the result of his own energy and resourcefulness. If when your time comes, dear boy, to go to college and prepare for your life work and can match his thrift and self-reliance and sense of responsibility, I will be a very proud ancestor, indeed.

YOUR GRANDFATHER.

WOMEN MARINES AND THE MARINE CORPS LEGEND OF DEDICATION AND SERVICE

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. TOWER. Mr. President, in its creation, preservation, and growth the Nation has been and still is fundamentally dependent upon dedicated, selfless men and women who interpret freedom as obligation, and commitment as service. Such is the case with the Women Marine Corps.

A resolution of the Continental Congress on November 10, 1775, created the U.S. Marine Corps. Since that time the Marines have served honorably and bravely in more than a dozen major wars and engagements, ranging from the undeclared war with France in 1798 to World War II, and from the War of 1812 to Vietnam. The fighting ability of the marines and their deeds of valor have of course become legendary.

Within this legend of dedication and service, there is, however, a major chapter that is sometimes overlooked. This chapter has its origins in World War I. It began not with a resolution of Congress but with a service directive. This chapter concerns the magnificent tradition of our women marines.

During World War I, when he saw the British utilization of women in military components to handle noncombat tasks, General Perishing asked for units of women in the U.S. Army. In that the existing laws concerning Army enlistment were restricted to men, his request was denied, although he did obtain women telephone operators, but under contract. The Navy discovered, however, that there existed a "permissive persons clause" by which the Navy authorized the service of "persons" without a specification of sex. Taking advantage of this clause, the Marine Corps enrolled a total of 305 female reservists known as "Marinettes." These women efficiently and tirelessly performed clerical jobs relieving the men in these billets for combat duty. With the conclusion of the First World War, all were separated from the Reserve, receiving honorable discharges and a commendation of "well done." By 1922 all "Marinettes" had returned to civilian life, although many of them became civil service appointees at the headquarters of the Marine Corps.

Thus, in word and deed, the women marines ceased to exist—that is, until the advent of World War II. Two years into the most terrible and demanding war of our history, the World War I experience was remembered, and this Nation again called upon womenpower to meet our desperately urgent needs for uniformed personnel. The formation of the U.S. Marine Corps Women's Reserve was approved by the wartime Commandant of the Marine Corps, Gen. Thomas Holcomb, and this year marks the 25th anniversary of the official activation of this Reserve.

Some 18,000 enlisted women and 800 officers of the women marines performed over 200 different types of duty during World War II. Indeed, fulfilling their recruiting slogan of "Free a Marine To Fight," every major Marine Corps post and station in the continental United States, as well as all recruiting districts, had contingents of valiant women serving their Nation. Following the war, a nucleus of well-trained women remained on duty despite rapid demobilization. With the passage of the Women's Armed Services Integration Act of June 12, 1948, the acceptance of women into the Regular Marine Corps was authorized.

In the Korean war, it was therefore not necessary to restructure a core of well-trained women, and for the first time in American history, women Reserves were mobilized as the Marine Corps Reserve was called to active duty. Fulfilling and surpassing the tradition of efficiency and competence they had achieved in the previous two wars, the women marines again served their country and again freed manpower for combat duty.

With the Vietnam war, we again see our women marines serving nobly and well in both stateside jobs and overseas assignments. Indeed, on March 18, 1967, M. Sgt. Barbara Dulinsky, who had volunteered for Vietnam duty, reported to the Military Assistance Command in Saigon as the first woman marine ordered to a combat zone.

According to legend, General Holcomb was once asked why the women marines did not have an acronym such as the Navy's "WAVES." His reply was in the form of a rather sharp retort:

Hell, they're Marines; call them Marines.

This rejoinder is eminently acceptable to the women marines who have constantly striven to do their job well and with dispatch, while simultaneously adding a woman's touch and efficiency to the very serious business of defense preparedness. In fact, the first Director of the Marine Corps Women's Reserve, Mrs. Ruth Cheney Streeter, retired colonel and Legion of Merit winner, has been quoted as saying:

We're proud to be called just Marines. They gave us no fancy name, which pleased us very much.

Performing 80 occupational specialties in more than 20 different fields, from data processing to personnel administration, the 2,700 women marines now in the corps—and the 40,000 who have served since February of 1943—deserve our praise and commendation. I salute this outstanding group of women who go to boot camp but do not carry guns and packs, who have all the spit and polish of the male Marines, but with a feminine style, who are not found in the frontlines of battle, but who can be found almost everywhere else doing just about everything that marines are called upon to do. These enlisted women and officers, efficient professionalists and sophisticated ladies, are performing an extremely valuable service to our Nation, a service that we are perhaps unaware of or tend to forget. It is primarily for this reason that I call to the attention of Senators and fellow Americans the chapter women Marines have played in Marine Corps tradition and history.

AVERELL HARRIMAN, NEGOTIATOR FOR WHOM?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RARICK. Mr. Speaker, many Americans recalling the miserable blunders of past peace talks pose the question why Averell Harriman was selected to represent the United States in Paris.

Perhaps the question is the answer. To the Communists, peace talks are but a strategic part of the war itself.

The Communists were agreeable to meeting with a man they were confident they could outnegotiate.

To the Communist, "negotiate" means how much more of what you have are you going to give me without a struggle.

Ho Chi Minh's band thinks they have a patsy. Especially with Cyrus Vance on the inside.

Mr. Speaker, Father Daniel Lyons, S.J., in the Twin Circle, the national Catholic press, for May 26, 1968, furnishes background on Mr. Harriman in his article, "Why Harriman?"

Father Lyons' article follows:

WHY HARRIMAN?

(By Daniel Lyons, S.J.)

I met the Presidential delegation from Saigon for lunch at the New York Hilton last week. Despite the many questions in my mind, they asked the first: "President Johnson has been strong militarily on the war. Why did he send W. Averell Harriman to negotiate in Paris?"

I was accompanied by Father Raymond de Jaegher, whom I first met in Saigon shortly after the coup that overthrew Diem. We all knew that Averell Harriman had been one of the strongest influences in that overthrow. We were all aware of his long list of blunders

before, during, and after the Yalta Conference.

Harriman had told Father de Jaegher in 1962 how we should force Laos to put Communists into its government, and he did. He then removed Laos from the protection of the SEATO Treaty, and left Laos unprotected by withdrawing our troops and "neutralizing" that poor country. Even Dean Rusk commented later that the treaty negotiated by Harriman over Laos in 1962 was "a dismal failure."

Harriman has always been regarded as a little slow: too little and too late. Now 77, he has been hard of hearing for 15 years. (Cf. "Harriman on Toast," by Wm. F. Buckley, in this week's issue.) "Why did President Johnson send Harriman to negotiate for him?" Why, indeed! "In our country," said Father Luan, "Harriman is regarded as a Leftist."

I have often pointed out that Hanoi wants to undermine the government of South Vietnam through her propaganda in the United States, just as she did with the government of Saigon in 1963. I have also pointed out that we should play the role of an ally in this war, and not pretend to be the government of South Vietnam. "We think it is a big mistake that our country is not represented at the discussions," said the delegation. "Hanoi is doing this to undermine the government of South Vietnam." The Thieu-Ky regime is the first stable government Saigon has had since Diem was overthrown It has taken ten interim governments to achieve stability.

Our President is not the President of South Vietnam. We have no right to speak for that beleaguered country. "Our Government will not be bound by any agreement made between Hanoi and Washington," the delegates pointed out. "No one can negotiate for us."

I posed another question. "The American press was very concerned about the immediate execution of a Viet Cong terrorist a few weeks ago by the Chief of Police in Saigon," I said. They pointed out: "People who fight out of uniform are not to be considered prisoners of war according to the Geneva Convention. They are simply outlaws. If they would fight according to the Geneva rules, so could we."

I posed another: "Is it true, as we are told in this country, that the Vietnamese people would not want Chinese soldiers from Formosa to fight in Vietnam?" "That is not true," the delegates said. "It is your government that will not permit them. It is your State Department."

"What about a coalition government?" I asked. "The vast majority of South Vietnamese do not favor a coalition government because they fear it would be tantamount to a Communist takeover. We would like to have an honorable peace as soon as possible. But we are determined that all of the sacrifices that have been made should not have been made in vain. We want a long-lasting peace in Vietnam and in Southeast Asia. We do not want to settle for peace at any price."

"What do you think should be done to end the war?" I asked. Said Ambassador Chi for the delegation: "We should close Haiphong harbor. We should seal off the Cambodian border. We should attack the Ho Chi Minh Trail in Laos. This would force peace quickly, if Washington would just permit it. I have advocated these steps for many months."

"So have I," I said, "so have I."

The whole idea that Ho Chi Minh will give up at the negotiation table is too naive to contemplate. Yet that idea is what our government has been counting on all along.

WILLIAM F. BUCKLEY, JR.: ON THE RIGHT

Averell Harriman has received considerable if not considered publicity in recent days as our emissary to Paris where we are to discuss with the North Vietnamese the future of South Vietnam. On a number of points there is general agreement, namely that Mr. Harriman is a stouthearted gentleman bred in the Yankee tradition, who knows how to bargain tenaciously. The legendary Harriman sleeps little, remembers everything, and comes home to Washington with the bacon. Unfortunately, as the spoil-sports say, there is the record.

It is rather dismal. Harriman is rightly credited as the first among the front-ranking diplomats of the late-war period who caught on to what Joseph Stalin was all about. Granted, the understanding of Stalin wasn't immediate. Harriman had been appointed ambassador to Russia in October 1943, and his communications to President Roosevelt shortly after arriving in Moscow were glowing with optimism. But by April of 1945, the month that Truman replaced FDR, the illusions were gone. "We must realize," he cabled the State Department, "that the Soviet program is the establishment of totalitarianism, ending liberty and democracy as we know and respect it."

Considering that penetration, one might have hoped for a better performance when Harriman met in Moscow with Molotov and British Ambassador Kerr on the matter of contriving a provisional government for Poland, as it was agreed at Yalta a few months earlier should be done. The ironic drag of that particular conference was very heavy, inasmuch as it was of course recognized that England had declared the Second World War in protest against the Nazification of Poland by Hitler. The idea was that Harriman should ensure free elections in Poland.

It is of course substantially unfortunate that the provisional government evolved into a puppet-Communist government, whose dynastic grandson, Gomulka, continues in iron control of the country. It is symbolically disappointing that Yankee Trader Harriman appeared, by the end of June, 1945, well pleased with himself and with the concessions he thought to have wrested from Moscow. Indeed, he threw a cocktail party at his Moscow residence to celebrate the achievement. Two months after all those toasts and all those happy grins, Poland had moved solidly into the Communist orbit.

Time passes, President John F. Kennedy nominates Harriman as our man to negotiate a nuclear test-ban treaty in Moscow, and away he goes. The government of the United States began by insisting on unlimited on-site inspection, for the very obvious reason that you don't, in a nuclear age, deal in the honor system.

Russia balked. So that, in February of 1963, we reduced our demands to seven sites. Russia balked again—but hinted that it might go along on two, maybe even three inspection sites. Harriman went to work. On Aug. 6, the Nuclear Test-Ban Treaty was signed. One of the provisions: No (n-o) inspections.

And then there was Laos. The problem was pretty hairy. But sure enough, we dispatched Mr. Harriman there, and presumably the idea was to contrive things so as at least to neutralize Laos, rather than to create within it great four-lane highways for the use of North Vietnam's war against South Vietnam. To recapture the thinking of the day, here is Mr. Jacques Nevard of the New York Times, writing on May 27, 1962: ". . . (There are those who) insist that if Laos is given to the Communists, the defense of South Vietnam and Thailand will be made much more difficult and costly . . . They ask, why give the Communists a corridor (the Ho Chi Minh Trail) through which they can supply their troops without making them fight for that, too?"

So Harriman concluded an arrangement for neutralization, which lasted approximately as long as it took Harriman to return to Washington to report his tidings gladly. Hostilities instantly broke out, with the Communists, taking advantage of the postures instituted by the treaty, getting the upper hand. Poor Mr. Harriman went once again to Moscow and was greeted cooly.

But, never say die, Boola Boola Harriman reported at the airport that he "had no reason to doubt Premier Khrushchev would fulfill his agreement with President Kennedy to establish a neutral and independent Laos."

Said neutral and independent Laos is, as we know to our great cost, a principal thoroughfare for the Communist aggression on South Vietnam. The point is: Ave is something less than Talleyrand, so don't be too disappointed. And if you're South Vietnamese, batten down the hatches.

THE "PEACE TALK" FARCE

HON. CLIFFORD P. HANSEN

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. HANSEN. Mr. President, all of us are filled with real anxiety about how things are progressing in Paris between representatives of our Government and those of North Vietnam.

We all share the very real hope that significant progress can be made and that matters can be so resolved that we can have a durable peace, with honor, as soon as possible.

But in our desire for an honorable peace, we will have to be most careful not to allow our attention to be completely diverted from the ominous activities of the U.S.S.R. in other strategic areas.

With that in mind, Managing Editor James Flinchum's editorial published recently in the Wyoming State Tribune spells out possible problems of the future for our country as it relates to a confrontation with Russia—not in Southeast Asia, but in India. He points out that we may be in for a rude awakening—and soon—in our dealings with India and the Soviet Union.

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

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

THE "PEACE TALK" FARCE

If we accept the thesis advanced by Dr. Robert Strausz-Hupe, director of the Foreign Policy Research Institute, that the war in Vietnam is a "crucial contest in the global protracted conflict between the United States and the Soviet Union," then the peace talks in Paris are a farce.

The worst thing, though, is that this farce is one of the Communists' own making, and that its goal is the political defeat of the United States in a war that it has so far won militarily, and could conclude on that basis if it were willing to do so, but obviously is not.

In Paris, we have the United States talking not with the main force behind the war, but a secondary participant, the Hanoi regime of Ho Chi Minh. While the Johnson Administration continues to behave in a cautious manner in the war because of the fear of intervention on the part of Communist Red China, it is Moscow who has really stolen the show in the Asian confrontation between the Free World and Communism by assuming the principal underwriting of the Communist military effort there.

Late in March, Reporter magazine noted that the Soviet Union already had spent

more on the Vietnam conflict than it did on the Korean war; its expenditure for Vietnam alone now is running from five to eight billion rubles a year (a ruble at the official exchange rate is pegged at $1.11).

"Why have the Soviets become too deeply involved in Vietnam since 1964?" asked Alfred L. Weeks in his article, "The Other Side of Coexistence." Was it mere cause and effect, with U.S. bombing in February, 1965, causing an automatic Soviet stepped-up response?"

Indeed not, says Mr. Weeks in answering his own question; the Soviet escalation preceded the U.S. bombing by four months and can be traced to the same forces that brought about the ouster of Khrushchev and resulted in a hardening of the USSR's attitude toward the U.S.

Weeks writes that "of course the Soviets counted on strictly limited and 'rational' mutual escalation with the United States," meaning that neither side would get too rash. This is what we presume our own Senator McGee has in mind when he says the United States has acted with "restraint" in Vietnam. Both sides have played out a rather grisly Alphonse-and-Gaston act in this war and as the ritual was prolonged the only sufferers have been American troops. The Soviets, Weeks pointedly notes, were not disappointed in what they expected this country to do as far as the "limited" escalation was concerned.

In that article, Mr. Weeks observed nearly two months ago that the Soviets were "manifestly uninterested in seeking an end to the conflict" in Vietnam, saying it serves Moscow with some "very pivotal military and political interests."

In his article "On the Southeast Asia Confrontation" appearing in the current issue of Air Force and Space Digest Magazine, Dr. Strausz-Hupe points out the Cuban crisis was a strategic contest between the United States and the Soviet Union over the strategic dominance of a specific area; and as far as the United States is concerned, the results for this country in that struggle were not as "conclusive as they are made out to be in our national mythology."

Similarly, he points out, the Vietnam war is a strategic contest between the United States and the Soviet Union over another world area, Southeast Asia. Dr. Strausz-Hupe says that only by abandoning the idea of a grand alliance with the two great nuclear powers can the United States rid itself of "the pernicious preconceptions" that have hampered its operations in Southeast Asia and thrown the American public into confusion.

In other words, the United States must stop thinking it can make an alliance with Moscow which is at the bottom of its troubles in Asia and elsewhere in the first place. This is supported by an alarming disclosure made this week by the Washington Report of the American Security Council. While the rest of the world has had its attention fixed on Vietnam, Moscow has been quietly preparing a political coup in India, the second most populous nation. India has become a front for Communist expansion, with that country aided by the customary influx of Soviet technicians and industrial experts—already having established plants for assembling MIG–21 and HF–21 fighters; industrial complexes at Nasik, Koraput and Hyderabad for manufacturing aircraft engines, frames and electronic equipment; an air-to-air missile production center at Hyderabad; a plant for turning out 360 tanks a year in Madras state; a shipbuilding complex near Bombay and enough small arms plants to provide India with export capability in this field.

Last February the USSR signed a contract to purchase 600,000 tons of steel from a Soviet-built plant in India; and at the very time when the United States was rushing between 16 and 17,000,000 tons of food to famine-stricken India, the Indian government had made a deal with Moscow to buy $600,000,000 worth of new planes for the Indian Air Force. Early this year 127 new Soviet-made SU–7 fighter-bombers arrived in India from Russia, and India announced it had obtained four submarines, 400 tanks, long-range artillery and short-range SAM-type missiles from the Soviets.

While the Soviets steal a march on us to assure its domination over Southeast Asia far from fields of conflict in Vietnam, the U.S. goes on with its empty ritual of "peace talks" in Paris, in a show rigged, and with the script written for their North Vietnamese stooges in Moscow.

ILLINOIS' GOVERNOR SHAPIRO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. PUCINSKI. Mr. Speaker, history was written in Springfield yesterday when a truly impressive son of Illinois, Lt. Gov. Samuel H. Shapiro, was sworn into office as the 34th Governor of the State of Illinois.

In an impressive ceremony Governor Shapiro took the oath of office for the unexpired term of Otto Kerner, who has resigned to accept a Federal judgeship.

Samuel Shapiro is a man without an enemy in the State of Illinois. His deep devotion to human dignity and his dedication to the highest ideals of public service qualify him for the role of Governor more than any other son of Illinois.

While we all have the highest respect for the leadership that Governor Kerner brought to Illinois, we know that if there ever was an individual competent and capable to not only carry on that leadership, but to bring a vista of new ideals to meet the challenge of our time, that man is Sam Shapiro.

Illinois can well be proud of the leadership we anticipate through the offices of Governor Shapiro, and his continued dedication to this great State is an asset to all the people of Illinois who applaud good government.

Mr. Speaker, I would like to include at this point in the RECORD, the remarks delivered by Governor Shapiro at the swearing-in ceremonies held in Springfield yesterday:

The text of Gov. Shapiro's inaugural speech:

"Father O'Connor, elected state officials, leaders of the General Assembly, my fellow citizens:

"To Gov. Kerner—he shall always be known by that name to the grateful citizens of Illinois—I am deeply appreciative that he should return to the Capitol to administer this solemn oath. He honors me as he has honored me thruout our association with his trust and friendship. His presence symbolizes the strength of that association, the bond of our friendship. In a greater sense, it symoblizes the validity and the vigor of our democracy in which peaceful and orderly change is willed by the people thru their constitution. I stand reminded, too, of another day when rather than preparing to fix different courses, we embarked together on a great journey.

"MOVE FORWARD

"Almost eight years ago, we assumed state office together with our elected colleagues, eager to move Illinois forward in new directions and, in harmony with new national leadership, scale new heights toward fulfilment of the American dream, contributing to the pursuit of national goals for the good of all Americans.

"Together with a vibrant man from Massachusetts we had taken our ideas and ideals to the people of Illinois, and we believed deeply as John F. Kennedy told all Americans later when we prepared to govern that 'the energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it, and the glow from that fire can truly light the world.'

"ATTACK NEGLECTED PROBLEMS

"Under the leadership of President Kennedy and President Lyndon B. Johnson, the glow from that fire lighted our nation and, under the leadership of Gov. Kerner, truly lighted Illinois. Problems long neglected were attacked boldly—education, civil rights, public aid, the economy itself, and many others not the least of which was mental health, a field in which I had engaged myself for 14 years in this very House seeking to bring compassion and aid to thousands of our fellow Illinoisans.

"The progress recorded in these seven and a half years, the heights we have climbed, the energy, the faith, the devotion—the dignity—all of this has marked the Kerner years. It has been a glorious chapter in Illinois history.

"WILL BE NO RETREAT

"There will be no retreat from these commitments and moreover, there will be no retreat from the promise of those commitments. I do not envision my administration merely as a holding action seeking only to preserve our gains against any force of retrenchment. We must move on. We must broaden our gains. A writer once said, 'Life is a wave which in no two consecutive moments of its existence is composed of the same particles.'

"This moment signifies a new wave born of the sea of success. What we will seek now are new advances in a great tradition.

"There is the opportunity yet this year for the General Assembly to join in achieving new advances, to resolve pending problems. By its decision not to adjourn sine die after regular session, by its desire to return in session, the leadership of the assembly has indicated it stands ready to solve any problem, meet any challenge, take any opportunity to serve the people of Illinois. I am preparing to meet with the assembly when it returns and help point the way.

"URGES RESPONSIBILITY

"Legislative responsibility of the highest order is imperative particularly in the vital field of revenue because, as you know, the administration's plan gave way to the program of the General Assembly which now has been declared unconstitutional by the Illinois Supreme court.

"The members of the General Assembly, I am sure, will assume fully their responsibilities in this matter and join with me in righting this situation, not as Democrats, not as Republicans, but as Illinoisans concerned with solving the state's problems.

"I believe deeply in the validity of the legislative process of which I have been so long a part as I believe deeply in the truth of democracy itself. I believe, too, in creative government, not a government of caretakers.

"MUST TREAT RETARDED

"I believe it is our mission not just to take custody of the mentally ill and retarded, but to take them on the road of treatment eventually leading to a decent and meaningful life in the community.

"I believe we are not here just to dole out relief checks but rather to provide the opportunities thru training and education so that those of our fellow citizens dependent upon us can become productive members of our society.

"I believe in schools and colleges that are not just institutions for those who can afford to pay. I believe in a growing educational system, wide and varied, that reaches out to touch as many of our young people as possible, in many ways.

"MANY HAVE TOO LITTLE

"I believe in the words of Franklin Roosevelt that 'The test of our progress is not whether we add more to the abundance of those who have much: it is whether we provide enough for those who have too little.' There are too many who have too little. There are too many who have been left out of the affluence of America.

"MUST END VIOLENCE

"I believe Illinois must push ahead and not leave to the federal government the great civil rights legislation of our time. Our task at the state and national level has been chartered for us by the National Advisory Commission on Civil Disorders—the Kerner report. We need a massive commitment on the part of state and national governments, on the part of all Americans: 'New attitudes, new understanding, and, above all, new will.'

"Let us heed as well these further words of the Kerner report: 'Violence cannot build a better society. Disruption and disorder nourish repression, not justice. They strike at the freedom of every citizen. The community cannot—it will not—tolerate coercion and mob rule. Violence and destruction must be ended. . . .'

"Abraham Lincoln phrased it another way: 'Let reverence for the laws . . . become the political religion of the nation.'

"Reverence for the laws—I pledge it as my political religion as I have pledged it thruout my life; as I pledged it 21 years ago in this House where I began my service to the state of Illinois.

"I ask each of my fellow citizens that reverence for the laws be your political religion so that we can devote all our energies to the struggles ahead, the work of democracy that calls upon each of us to add to the greatness of Illinois and America.

"It is to that greatness that I vow my full commitment—that I ask you to commit yourself, taking as our expression of faith to each other, our mutual mission, the words of the constitution of Illinois: '. . . Grateful to almighty God for the civil, political, and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generation . . .'

"We will succeed because our heritage and destiny as Americans insures it."

PUBLIC EMPLOYEE STRIKES

HON. PHILIP A. HART

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. HART. Mr. President, I ask unanimous consent to have printed in the RECORD a timely article entitled "Right of Public Employees To Strike," which was published in the 1967 fall issue of the De Paul Law Review. The article was written by Herb Hoffman, an associate editor of the De Paul Law Review, and now a member of the Justice Department's honors program.

Mr. President, to those interested in a perceptive analysis of the delicate issues involved in public employee strikes, I commend Mr. Hoffman's penetrating article.

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

RIGHT OF PUBLIC EMPLOYEES TO STRIKE

In the last thirty years there has been an explosive increase in the number of public employees and today they constitute almost seventeen per cent of the nation's working force.[1] With public employment continually increasing[2] there has been substantial development in public employee unionism,[3] and in the future there may be a greater number of labor disputes and consequently a rise in the number of public employee strikes.[4] These statistics and predictions emphasize the need to determine the precise legal status of the right to strike in public employment. It will be the subject of this comment to discuss the nature and validity of the theories used to prohibit or permit such strikes. While this article will be concerned with public employees in general, it will focus its attention to actual strikes by public school teachers, since it is felt by leading commentators that, because of their successes in the past, classroom teachers will take the lead as public employees in using the strike to gain their objective.[5]

Court decisions almost uniformly deny public employees the right to strike.[6] They support this position with the theory that a strike by public employees would, in effect, be a strike against the government itself.[7] This could only lead to anarchy and chaos. As stated by President Franklin D. Roosevelt:

Militant tactics have no place in the functions of any organization of Government employees. [A] strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of Government until their demands are satisfied. Such action, looking toward the paralysis of Government by those who have sworn to support it, is unthinkable and intolerable.[8]

In *Norwalk Teachers Ass'n. v. Board of Educ.*,[9] the court, in denying Norwalk teachers the right to engage in a strike or work stoppage, quoted Roosevelt's statement as having come to be regarded as gospel by the executive heads of state and nation.[10] The court also relied upon President Calvin Coolidge's comment on the Boston Police Strike, that "there is no right to strike against public safety by anybody anywhere at any time."[11]

In addition to judicial decisions denying the right of public employees to strike, state legislatures are tending to specifically prohibit strikes.[12] Congress also has specifically prohibited employees of the United States government from participating in a Strike.[13]

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[1] In 1930, public employees constituted only about six percent of the civilian labor force. Smith & McLaughlin, *Public Employment: A Neglected Area of Research and Training in Labor Relations*, 16 IND. & LAB. REL. REV. 30, 31 (1962). "Population growth, war and national defense, economic crises, technology, and the desire for additional services have been responsible in the last 25 years for a phenomenal rise in employment in public service." Seligson, *A New Look at Employee Relations in Public and Private Service*, 15 LAB. L.J. 287, 298 (1964).

[2] "It is estimated that by 1970, for every five employed persons there will be one government employee; by 1980 the ratio will have increased to 1 out of 4." Weisenfeld, *Public Employees—First or Second Class Citizens*, 16 LAB. L.J. 685, 687, (1965).

[3] *Id.* at 687. For statistics see, Brinker, *Recent Trends in Labor Unions in Government* 12 LAB. L.J. 13, 14–18 (1961).

[4] Anderson, *Disputes Affecting Government Employees*, 10 LAB. L.J. 707 (1969).

[5] *Supra* note 2, at 697. Radke, *Real Significance of Collective Bargaining for Teachers*, 15 LAB. L.J. 795 798 (1964). Wollett, *The Public Employee at the Bargaining Table: Promise or Illusion?*, 15 LAB. L.J. 8 (1964).

[6] Although there have been many strikes by public employees, very few of them have reached the courts of last resort, and consequently there are few reported cases. But see: City of Los Angeles v. Los Angeles Bldg. & Constr. Trades Council, 94 Cal. App. 2d 36, 210 P.2d 305 (2d Dist. 1949); Norwalk Teachers Ass'n v. Board of Educ., 138 Conn. 269, 83 A.2d 482 (1951); Board of Educ. v. Redding, 32 Ill. 2d 567, 207 N.E. 2d 427 (1965); City of Detroit v. Division 26 of the Amalgamated Ass'n. of St. Employees, 332 Mich. 237, 51 N.W.2d 228 (1952); Goodfellow v. Civil Serv. Comm'n., 312 Mich. 226, 20 N.W.2d 170 (1945); City of Manchester v. Manchester Teachers' Guild, 100 N.H. 507, 131 A.2d 59 (1957); City of Cleveland v. Division 268, Amalgamated Assn. of St. Employees, 85 Ohio App. 153, 90 N.E.2d 711 (1949); Local 976, Int'l. Bhd. of Elec. Workers v. Grand River Dam Authority, 292 P.2d 1018 (Okla. 1956); City of Pawtucket v. Pawtucket Teachers' Alliance, 87 R.I. 364, 141 A.2d 624 (1958); Port of Seattle v. International Longshoremen's Union, 52 Wash. 2d 317, 324 P.2d 1099 (1958). *Contra*, Local 266, Int'l Bhd. of Elec. Workers v. Salt River Project, 78 Ariz. 30, 275 P.2d 393 (1954); Board of Trustees v. Now, 9 L.R.R.M. 789 (Ohio C.P. 1941). For cases permitting a strike of public employees by statutory construction, see Los Angeles Metropolitan Transit Authority v. Brotherhood of R.R. Trainmen, 54 Cal. 2d 684, 335 P.2d 905 (1960), 59 MICH. L. REV. 1260 (1961), 47 VA. L. REV. 338 (1961), 18 WASH & LEE L. REV. 297 (1961) (right to strike implied by statute giving transit authority employees the right to engage in "concerted activities"). See also, Note 75 HARV. L. REV. 391, 407–408 (1961).

[7] SPERO, GOVERNMENT AS EMPLOYER 15 (1948).

[8] Letter from President Franklin D. Roosevelt to L. C. Stewart, President, National Fed'n. of Fed. Employees, Aug. 16, 1937, in RHYNE, POWER OF MUNICIPALITIES TO ENTER INTO LABOR CONTRACTS 24 (1941).

[9] 138 Conn. 269, 83 A.2d 482 (1951).

[10] *Id.* at 273, 83 A.2d at 484.

[11] *Ibid.* See also Message to Legislature 36, Jan. 4, 1961, where Governor Nelson A. Rockefeller of New York has recently said, "A strike or threat of a strike by public employees is wrong in principle and utterly inconsistent with their special responsibilities as public servants."

[12] At least twelve states prohibit strikes of public employees by legislation: FLA. STAT. § 839.221 (1963); HAWAII REV. LAWS § 5–8 (1955); MICH. STAT. ANN. § 17.455 (2) (1960); MINN. STAT. ANN § 179.51 (Supp. 1964); NEB. REV. STAT. § 48–821 (1943); N.Y. CIV. SERV. § 108; OHIO REV. CODE ANN. § 4117.02 (Anderson 1965); ORE. REV. STAT. § 243–760 (1963); PA. STAT. ANN. tit. 43, § 215.2 (1964); TEX. REV. CIV. STAT. art. 5154–c (Supp. 1964); VA. CODE ANN. § 40–65 (Supp. 1964); WIS. STAT. § 111.70 (4) (1) (1963). See also Pruzan v. Board of Education of City of New York, 25 Misc. 2d 945, 209 N.Y.S. 2d 966 (1960) holding an anti-strike law constitutional *Contra*, a number of bills have been introduced in state legislatures which would grant the right to strike to all or at least in some areas of public employment, but none has yet been enacted. Zander, *Trends in Labor Legislation for Public Employees*, 83 MONTHLY LABOR REV. 1293, 1296 (1960).

[13] Federal law declares that employees of the United States Government may not participate in any strike, assert the right to strike against the Government, or knowingly belong to an organization of government employees that asserts such a right 69 STAT. 624 (1955), 5 U.S.C. § 118–p–r (1964). For a discussion of other foreign countries' laws on the legality of strikes by government employees, see Brinker, *Recent Trends of Labor Unions in Government*, 12 L.J. 13 (1961).

The reason given for the passage of anti-strike laws, instead of relying on protection fashioned by the courts, is that occasional threats of organized public employees and actual strikes by them cause embarrassment not only to public officials but to leaders of employee organizations, as well as tax the patience of the public.[14]

The major theory advanced against public employees' strikes is the sovereignty of the governmental employer.[15] This theory argues that the people are the ultimate repository of authority. However, they can only act through the sovereign state, which is the embodiment of the will of the people. The state's employees are the means by which the will of the people is effectuated, and herein they differ from private employees. The government employee owes unquestioning loyalty and obedience to the state, for to disobey the state is to disobey the will of the people.[16] A strike against a governmental body is often thought of as equivalent to a revolt against governmental authority,[17] or tantamount to treason itself.[18]

The sovereignty theory, however, has been called a fiction.[19] The chief fallacy lies in its failure to differentiate the government as a sovereign and as an employer. In its latter capacity the government merely hires people to perform services.[20] In the normal course of events disputes arise which are settled by negotiation, conciliation or arbitration. But these methods may be insufficient, and employees may resort to a strike in an attempt to enforce their position. This pattern in labor relations is not altered by the fact that the employer involved is some unit or agency of the government.[21]

Another basis for denying the right to strike is that the authority of the state depends in a large measure on its prestige. Therefore, public policy cannot tolerate a strike which would inevitably weaken the state's prestige.[22] However, this argument has been criticized:

It is doubtful that the loss of a strike would cause such a loss of prestige as to cause a breakdown of the state's authority. A greater loss might occur by the resort to repressive labor policies. In any event no strike by government employees has yet had the effect of causing a breakdown of the state's authority.[23]

Furthermore, it is unlikely that such strikes would dampen the state's prestige, since they have no political motive and are not aimed at the function of government itself. They are aimed at particular politicians or administrators and in that respect are exactly like strikes in private industry.[24]

Some authorities feel that since the profit motive is lacking in government, there can be no conflict between the employer and employees for a greater share of the profits as there is in private industry.[25] However, the absence of a profit motive is often compensated for by the constant pressures for governmental economy.[26] Also, government officials, strongly motivated by a desire for advancement or for the added personal prestige which results from outstanding agency records, often behave in much the same fashion as do private employers.[27]

Yet, a fundamental difference exists between employment in private industry and employment in public industry, which renders strikes and unionism inappropriate. The management of a governmental enterprise is responsible to the body politic for the performance of the enterprise and provisions of law often limit the management in many matters which in private industry would be subject to the decision of the employer or collective bargaining.[28] In *City of Springfield v. Clouse*,[29] the plaintiff sought a declaratory judgment to determine the right of the city to enter into collective bargaining contracts with city employee labor unions. The court, in holding that the collective bargaining contracts concerning wages, hours, collection of union dues and working conditions were void, said that:

Although executive and administrative officers may be vested with a certain amount of discretion and may be authorized to act or make regulations in accordance with certain fixed standards, nevertheless the matter of making such standards involves the exercise of legislative powers. Thus qualifications, tenure, compensation and working conditions of public officers and employees are wholly matters of lawmaking and cannot be the subject of bargaining or contract. . . .[30]

Nevertheless, it is asserted that administrative officers frequently have wide discretionary powers over working conditions[31] and many strikes have been effective in improving working conditions.[32]

It is contended that government employees are responsible for the public welfare[33] and are obligated to remain at their jobs.[34] For example, the right to strike would seem completely incongruous and improper for employees directly concerned with the public safety and preservation of order.[35] However, the state's interest in avoiding work stoppages is not the same in all areas of public service.[36] Few persons would argue that the practical effect of a strike by the employees of the city municipal golf course would be as threatening to the public health and safety as a strike among employees of a private hospital. And a strike by employees of a private contractor at Cape Kennedy would obviously have a potentially more serious effect upon the public than a dispute

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[14] KAPLAN, THE LAW OF CIVIL SERVICE, 325 (1958).

[15] For discussions of the sovereignty argument see, COMM. ON EMPLOYEE RELATIONS IN PUBLIC SERVICE, EMPLOYEE RELATIONS IN THE PUBLIC SERVICE 57 (1942); Spero, *Collective Bargaining in the Public Service*, 248 ANNALS 146 (1946); Agger, *The Government and its Employees*, 47 YALE L. J. 1109 (1938); Watt, *The Divine Right of Government by Judiciary*, 14 U. CHI. L. REV. 409, 453 (1947).

[16] The theory of sovereignty forms the basis of certain arguments by analogy. The right to strike, it is argued, is analogous to the right to sue the state; unless the sovereign permits, it cannot be done. Kaplan, *Have Public Employees the Right to Strike? No*, 30 NAT'L. MUNIC. REV. 518, 520 (1941). Some go as far as to compare all government workers to the military forces and argue that the sovereign demands the same loyalty and obedience from both. Agger, *Supra* note 15 citing from SPERO, THE LABOR MOVEMENT IN A GOVERNMENT INDUSTRY 17–20 (1927).

[17] "In the American System, sovereignty is inherent in the people. They can delegate it to a government which they create and operate by law. They can give to that government the power and authority to perform certain duties and furnish certain services. The government so created and empowered must employ people to carry on its task. Those people are agents of the government. They exercise some part of the sovereignty entrusted to it. They occupy a status entirely different from those who carry on a private enterprise. They serve the public welfare and not a private purpose. To say that they can strike is the equivalent of saying that they can deny the authority of government and contravene the public welfare." *Supra* note 9, 276, 83 A.2d at 485.

[18] See City of Cleveland v. Division 268, Amalgamated Ass'n. of St. Employees, *supra* note 6; see *supra* note 2, at 686.

[19] Sovereignty theory has been criticized in other areas of the law. "It would seem somewhat anomalous that American courts should have adopted the sovereign-immunity theory in the first place since it was based upon the divine right of Kings." Holytz v. City of Milwaukee, 17 Wis. 2d 26, 30–31, 115 N.W. 2d 618, 620 (1961) (abrogating the doctrine of governmental immunity from tort claims). See generally City of West Frankfort v. United Ass'n. of Journeymen, 53 Ill. App. 2d 207, 202 N.E. 2d 649 (1964).

[20] Agger, *supra* note 15.

[21] "Government employees like their counterparts in private enterprise are subject to the same vicissitudes of insecurity of employment, rising prices, accident, illness and old age. Everywhere, from the remotest corners of the earth to the most sophisticated, people seek to assert a measure of control over the conditions under which they live. The public employee, no less than his private counterpart, labors under the same apprehensions and frustrations and seeks the same measure of fulfillment from his daily chores." Weisenfeld, *supra* note 2, at 688. "Strikes in government employment have had the same causes as those in private employment." Note, 2 VAND. L. Rev. 414, 445 (1949) citing ZISKIND, ONE THOUSAND STRIKES OF GOVERNMENT EMPLOYEES, 187 (1940).

[22] Note, *supra* note 21 at 446.

[23] ZISKIND, *supra* note 21 at 191, 249.

[24] Baldwin, *Have Public Employees the Right to Strike?—Yes*, 30 NAT'L. MUNIC. REV. 515, 516 (1960).

[25] Sullivan, *Labor Problems in Public Employment*, 41 ILL. B.J. 432 (1957). See also, Board of Education v. Redding, 32 Ill. 2d 567, 207 N.E.2d 427 (1965); City of Manchester v. Manchester Teachers Guild, 100 N.H. 507, 131 A.2d 59 (1959).

[26] Rains, *Collective Bargaining in Public Employment*, 8 LAB. L.J. 548, 549 (1957).

[27] Agger, *supra* note 15, at 1110; Baldwin, *supra* note 24.

[28] "For example, the following matters may be erased from the bargaining table by law: (a) recruitment and promotions because they are governed by civil service regulations; (b) retirement and pension programs because for financial and actuarial reasons, they have been fixed by state law; (c) if an increase in teachers' salaries depends upon expansion of the revenues available for the school district, the procedures of collective bargaining are useless." Wollett, *The Public Employee at the Bargaining Table: Promise or Illusion?*, 15 LAB. L.J. 8, 10 (1964). See also Radke, *Real Significance of Collective Bargaining for Teachers*, 15 LAB. L.J. 795 (1964).

[29] 356 Mo. 1239, 206 S.W. 2d 539 (1947).

[30] *Id.* at 1251, 206 S.W.2d at 543.

[31] "In public education, however, 54 per cent of the local school boards are fiscally independent and they, therefore, determine their own budgets. For the other 46 per cent of the school districts, which are fiscally dependent, a reviewing agency must give approval to the school board's budget." Moskow, *Collective Bargaining for Public School Teachers*, 15 LAB. L.J. 787, 792 (1964).

[32] ZISKIND, *supra* note 21, at 254.

[33] Rains, *supra* note 26, at 549.

[34] This notion appears to stem from an 1892 decision of the Supreme Judicial Court of Massachusetts involving the right of cities to restrict political activities of policemen. The Court, by Mr. Justice Holmes, said: "There are few employments for hire in which the servant does not agree to suspend his constitutional right of free speech . . . by the implied terms of his contract. The servant cannot complain, as he takes the employment on the terms which are offered him. On the same principle, the city may impose any reasonable condition upon holding offices within its control." McAuliffe v. New Bedford, 155 Mass. 216, 220, 29 N.E. 517, 518 (1892).

[35] The city is certainly justified in placing certain restrictions on employees entrusted with public health safety and welfare. This class would include policemen, firemen, health officers and others similarly situated. Note 4, DUQUESNE U.L. REV. 137, 138 (1965).

[36] See, e.g., Rains, *supra* note 26, Weisenfeld, *supra* note 2, at 702.

among the employees of a public school system.[37] Rather than classify all public employees together some courts apply a distinction based upon whether the service performed is governmental or proprietary in nature.[38] These courts find it incongruous to say that if a utility worker is working for a non-public employer he has the right to strike and perhaps imperil the welfare and safety of the public, whereas the same man, working for a government-operated utility, would not have the right to strike.[39] Thus, these courts allow strikes by public employees engaged in operations similar to activities in the private sphere.[40]

ALTERNATIVES TO THE PUBLIC EMPLOYEE STRIKE

In light of the sentiment against public employee strikes, some authorities feel that the public employee should only have recourse to other methods to settle their disputes.[41] The primary alternatives to the strike which are available to public employees are political persuasion and pressure, mediation, compulsory arbitration, picketing and strike threats.

Political persuasion and pressure by public employee groups is said to be the best substitute for economic pressure.[42] Lobbying and political pressures, brought upon those in authority,[43] are tactics natural to government and are better understood by the legislature and executive than the traditional theories of collective bargaining.[44] Well organized legislative and political programs by powerful public employee unions can result in new laws providing for increases in wages and may suggest new sources of revenue which can be used to give increased benefits.[45] Even so, there has been a considerable difference of opinion as to whether or not political pressures should be employed by public servants. In 1960, when President Eisenhower vetoed a bill granting a pay raise to postal employees, he openly criticized the concealed pressures asserted on members of Congress.[46] Some courts have gone further than criticism and have placed restrictions on the right of public employees to organize or participate actively in politics. They have, in effect, prevented them from crystallizing public opinion so as to change the employment practices of their employer.[47]

A few states, in an effort to avoid strikes by public employees, have provided for mediation wherein a neutral third party is employed to help the parties reach a voluntary agreement.[48] Though neither party is compelled to accept the recommendations of the mediator, the mediation process is still valuable for it may remove the emotional walls separating the parties and improve the communication lines between them.[49] Nevertheless, it is still questionable whether mediation is an adequate substitute for the right to strike because in most instances public employees are denied access to the various arbitration and mediation boards set up under federal and state labor relation acts.[50]

A third alternative to the strike is compulsory arbitration, which has occasionally been authorized by statute or municipal charter.[51] Legislation providing for arbitration is based on the view that uninterrupted public service is absolutely essential.[52] In the absence of such legislation courts tend to consider any arbitration agreement entered into as an unlawful delegation of governmental authority.[53] Even where compulsory arbitration is authorized problems exist which discourage its use as a strike alternative. In most areas of public employment, collective bargaining is new and undeveloped, thus, inexperienced bargainers tend to rely on arbitration to settle every major disagreement and are confronted with an uncontrollable work load.[54]

Picketing can also be used as a legitimate tactic by public employees. Although picketing was once held to fall "within that area of free discussion that is guaranteed by the Constitution," [55] the Supreme Court has since declared that "picketing by an organized group is more than free speech" [56] and it has been held constitutional for a state to enjoin peaceful picketing which is "aimed at preventing effectuation [of] some public policy, whether of its criminal or its civil law, and whether announced by its legislature or its courts." [57] This rule has been applied to uphold the granting of injunctions to prohibit picketing by public employees.[58] However, in these cases the picketing was carried on in conjunction with a strike or had the immediate purpose of a work stoppage.[59] Nevertheless, when picketing does fall within the constitutionally protected area established by the Supreme Court,[60] it alone will not suffice to ensure the equitable resolution of labor-management disputes. When picketing is employed against the Government while the Government continues to be judge and jury, the bargaining process strains the principle of good faith to the utmost.[61]

Some labor practitioners agree that the threat to strike may be a more effective weapon than the strike itself, for it may not turn out to be as hard to live with as feared. Also, a prolonged strike inflicts serious harm on the strikers and the danger of a break in ranks. By instilling fear in the community and mobilizing pressure on the management of the enterprise the union can have its demands answered without reverting to the actual strike.[62] But it remains doubtful whether strike threats will be genuinely effective for they tend to alienate the public opinion and support which is needed in order to finance improvements in the economic welfare and work situation of public employees.[63] The alternatives to the strike previously discussed are limited tools, but public employees consider it important that they be provided with a substitute for the strike weapon and have even struck to achieve such a substitute.[64]

The American Bar Association at its 1955 meeting recognized the urgent need for some type of system whereby public employees could settle their grievances. Commenting on the dichotomy of Government's encouraging full freedom of association and bargaining rights to employees in private industry, but denying similar rights to its own employees, the ABA said:

Government which denies to its employees the right to strike against the people, no matter how just might be the grievances, [illegible] provide working conditions and standards of management-employee relationships which would make unnecessary and unwarranted any need for such employees to resort to

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[37] Anderson, *supra* note 4, at 708; for other similar comparisons of the gravity of the consequences involved in strikes by public and private employees, see Keyes, *Right to Strike by Employees*, 31 DICTA 267–275 (1954); [illegible]

[38] *E.g.*, International Bhd. of Elec. Workers v. Salt River Project, 78 Ariz. 30, 275 P.2d 393 (1954); Board of Trustees v. Now, 9 L.R.R.M. 789 (Ohio C.P. 1941). This distinction has been rejected by the majority of courts, *e.g.*, City of Los Angeles v. Los Angeles Bldg. & Constr. Trades Council, 94 Cal. App. 2d 36, 210 P.2d 305 (2d Dist. 1949); Port of Seattle v. International Longshoremen's Union, 52 Wash. 2d 317, 324 P.2d 1099 (1958).

[39] Rains, *supra* note 26, at 549.

[40] *Supra* note 37.

[41] Note, 54 HARV. L. REV. 1360, 1365 (1940).

[42] Anderson, *supra* note 4, at 709.

[43] "The process is not unlike the pressures developed in major private disputes when the parties seek the help of the executive to bring about the settlement of a dispute by exerting some form of pressure upon the parties to the dispute." *Id.* at 709–710. The recent air-lines strike is an example where we have seen requests for executive help.

[44] The postal employees are a good example of public employee groups which traditionally apply strong and effective political pressures to achieve their legislative goals. Smith and McLaughlin, *supra* note 1, at 37 n. 29.

[45] Wortman, *Collective Bargaining Strategies and Tactics in the Federal Civil Service*, 15 LAB. L.J. 482, 489–490 (1964).

[46] Smith & McLaughlin, *supra* note 1, at 37 n. 29.

[47] For examples of restrictions on the organization of public employees, see cases: Perez v. Bd. of Police Commissioners 75 Cal. App. 2d 368, 178 P. 2d 537 (1947); CIO v. Dallas, 198 S.W.2d 143 (Tex. Civ. App. 1946); Seattle High School v. Sharples, 159 Wash. 424, 293 Pac. 994 (1930). For examples of restrictions on political activities, see cases: Oklahoma v. U.S. Civil Service Commission, 330 U.S. 127 (1947); U.S. Public Workers v. Mitchell, 330 U.S. U.S. 75 (1947).

[48] See ORE. REV. STAT. §§ 243.750, 662.435 (Supp. 1963); WIS. STAT. § 111.70(4)(b) (1963); of particular interest in MICH. STAT. ANN. §§ 17.45(1)–(8) (Supp. 1963).

[49] For full discussion of the conciliation process in the area of public employment, see Moskowitz, *Mediation of Public Employee Disputes*, 12 LAB. L.J. 54 (1961); Chisholm, *Mediating The Public Employee Dispute*, 12 LAB. L.J. 56 (1961).

[50] *E.g.*, TEX. REV. CIV. STAT. art 5154c (Supp. 1964): "It is declared to be against the public policy of the State of Texas for any official or group of officials to recognize a labor organization as the bargaining agent for any group of public employees." See also Westwood, *The Right of an Employee of the United States Against Arbitrary Discharge*, 7 GEO. WASH. L. REV. 212 (1938).

[51] *E.g.*, 92 NEB. REV. STAT. §§ 48–801–823 (Supp. 1964); R.I. Gen. Laws. Ann. §§ 28–9.1–1–9.2–14 (Supp. 1964) Sometimes such arbitration is limited to disputes arising under an existing labor contract See CONN. GEN. STAT. REV. § 7–422 (1958).

[52] One union executive notes that there is little that can be done if the governmental employer does not grant the union requests: "For this reason . . . there should be some form of compulsory arbitration machinery in lieu of the right to strike." Wortman, *supra* note 45, at 490.

[53] *E.g.*, Everett Fire Fighters v. Johnson, 46 Wash. 2d 114, 278 P. 2d 662 (1955).

[54] HERRICK, UNIONS FOR GOVERNMENT EMPLOYEES—THEIR IMPLICATIONS, N.Y.U. FIFTEENTH ANN. CONF. ON LAB. LAW. 129, 135 (1962).

[55] Thornhill v. Alabama, 310 U.S. 88, 102 (1940). See also, Comment, 15 DEPAUL L. REV. 331 (1966).

[56] International Bhd. of Teamsters v. Vogt, Inc., 354 U.S. 284, 289 (1957).

[57] *Id.* at 293.

[58] See, *e.g.*, City of Los Angeles v. Los Angeles Blg. Trades Council, 94 Cal. App. 2d 36, 210 P.2d 305 (Dist. Ct. App. 1949); Bd. of Educ. v. Redding, 32 Ill. 2d 567, 207 N.E. 2d 427 (1965).

[59] *Ibid.*

[60] For example, the parade of the members of the Chicago Teachers Union on the Board of Education offices in January, 1961, Chicago Sun Times, Jan. 11, 1961, p. 1, col. 1 (final turf ed.).

[61] Note, 75 HARV. L. REV. 391, 412 (1961), citing ABA LABOR RELATIONS LAW, PROCEEDINGS 90 (1959).

[62] For a full discussion of the strike threat alternative and its actual use see, Wollett, *supra* note 28, at 12–13.

[63] *Ibid.*

[64] The recent strike of social workers in New York City involved among other things, such an issue. See, Address by Al Bilik, President, Cincinnati AFL–CIO, University of Chicago Conference on Public Employment and Collective Bargaining, Feb. 5, 1965.

stoppage of public business. It is too idealistic to depend solely on a hoped-for beneficent attitude of public administrators. Promises of well-meaning public officials imbued with a sense of high authority who resort to the pretense of alleged limitations on their powers to avoid dealing forthrightly with representatives of their subordinate employees only aggravate grievances. Some practical machinery for handling grievances, fancied or real, needs to be provided to insure to employees that public management is concerned with their just complaints.

Every public jurisdiction should carefully review its laws pertaining to the conditions of service of public employees to be sure they meet present day concepts of sound employee relationships.[65]

INEFFECTIVENESS OF ANTI-STRIKE LEGISLATION

Regardless of the legal status of public employee strikes as determined by statute or case decisions, the fact remains that public employees do have disputes with their employers and do engage in strikes.[66] As with so many other problems in law and morals, merely stating thou shall not does not automatically prevent lawbreaking.[67] In light of the actual public employee strikes contrary to law there has been much criticism of anti-strike legislation, especially where the recorded penalties are severe. While violation of the federal government's no strike law is a criminal offense,[68] state statutory provisions do not generally contain criminal sanctions. Instead they call for the dismissal of public employees engaging in strikes.[69] Although some states do permit the reinstatement of striking employees under certain conditions [70] most statutes calling for dismissal are inflexible.[71] They offer the public administrator no choice of alternatives, such as fines or suspension, which could be based on the facts and circumstances of the individual case.

The effectiveness of harsh penalties such as discharge or imprisonment has been negligible for several reasons. First, severe penalties are rarely a deterrent to a strike by public employees who believe present conditions are intolerable and no other practical alternatives to the strike exist.[72] Secondly, even when the statute gives a public official discretion to invoke certain penalties against striking employees, the penalties are rarely invoked when strikes do occur. Public officials in metropolitan communities which employ a large number of workers and where organized labor has great political strength are reluctant to seek injunctive relief because of possible political repercussions.[73] The principal concern of the public official is to see that services are resumed as promptly as possible. Obviously, the best way to accomplish this is to induce the employees to return to work.[74] Where the statute provides no discretion a similar result is also reached since strikers may refuse to return to work until they receive guarantees of immunity from the statutory penalties. Moreover, in many cases, it is physically impossible to resume services unless they are rehired.[75]

In a recent New York case,[76] a group of school teachers sought to have the Condon-Waldin Act declared unconstitutional.[77] The Act provided that public employees absenting themselves from their positions in an effort to change conditions of employment or compensation shall terminate their employment.[78] Though the court upheld the Act, it spoke out against its harsh penalties.

A word may not be amiss, at this juncture, about the desirability that the Condon-Waldin Act be clarified as to some features. . . . It is thought by some that at least one reason for the general reluctance of public officials to invoke the Act is the severity of some of its provisions. . . . Leading newspaper editorials and many magazine articles have urged revision of the Condon-Waldin Act by easing penalties and providing state machinery for giving the fullest and most considerate hearing to grievances of public employees.[79]

Legislation which provides for inflexible and harsh penalties to be invoked against striking employees, without providing them with alternatives to voice their grievances, is correctly criticized as being unduly negative.[80]

ILLEGAL STRIKE BY PUBLIC SCHOOL TEACHERS

In recent years, the teaching profession has erupted with demands for consideration of its views. Still making obeisance to their professional status, teacher organizations behave like trade unions as they discuss mutual problems with their respective Boards of Education.[81] From 1940 through 1965 public school teachers were involved in 107 actual work stoppages,[82] and school board members are deeply concerned that teacher militancy will increase in the future.[83] Some reasons for this growing militancy by teachers are: (1) the steady growth in the size of school districts making the personal relationships which once existed in many districts more difficult to achieve, (2) frequently teachers salaries are not equal to those in other professions or to wages paid for jobs of less importance and requiring less training and skill , (3) the male percentage of the teaching force is increasing and the turnover in the teaching profession has declined, (4) the interest of labor unions in attracting teachers to memberships, and (5) the success of strikes conducted by teachers elsewhere.[84] In recent years, teachers have struck or threatened strikes in defiance of anti-strike laws. The result in almost every instance was an accomplishment of some, if not all, of the desired objectives, without penalty.

In September of 1961 Utah teachers called off their threatened close-down of the schools in all 40 districts after reaching an agreement with the Governor on a procedure for determining how additional revenue for public education would be appropriated.[85] Teachers in Hamtramck, Michigan, conducted a four day union meeting until the school board agreed to terms and signed the first contract in any Michigan school district.[86] In South Bend, Indiana, after teachers struck for four days and 65 Notre Dame faculty members signed a petition supporting their demands for a higher salary schedule, the striking teachers received telegrams to return to work or be fired. Only after the firing threat was rescinded and an agreement for an orderly discussion of the grievances was reached did the teachers return to work.[87] One of several successful strikes called by teachers in 1966 [88] was held in Plainview, Long Island. There the school board and the state commissioner of education called in strikebreakers and threatened the loss of teaching certificates. After the threat was rescinded, the teachers returned to work with a comprehensive contract including a salary increase and improved working conditions.[89]

CONCLUSION

From these successful strikes it is apparent that public school teachers have been willing to disregard statutory prohibitions against strikes in an effort to better their positions. It seems no less likely that public employees in other areas will follow this lead and resort to strikes, if necessary, to accomplish their goals. Flatly prohibiting public employees the right to strike [90] is clearly not the answer to the problem. To

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[65] Cornell, *Collective Bargaining by Public Employee Groups*, 107 U. PA. L. REV. 43, 56 (1958) citing AMERICAN BAR ASSOCIATION, SECOND REPORT OF THE COMMITTEE ON LABOR RELATIONS OF GOVERNMENTAL EMPLOYEES (1955).

[66] From 1947 through 1959 more than 450 strikes were called by public employees. Note, 75 HARV. L. REV. 391, 407 (1961). A recent study illustrates the failure of anti-strike legislation; in New York the average annual number of public employee strikes increased after the passage of a no-strike law. Krislov, *Work Stoppages of Government Employees, 1942–59*, I.Q. REV. OF ECONOMICS & BUS. 87 (1961).

[67] Anderson, *supra* note 4, at 707.

[68] 69 Stat. 624 (1955), 5 U.S.C. §§ 118–p–r (1964). Violation of the act is a felony; it is punishable by a fine up to $1,000, imprisonment of up to one year and a day, or both. *Supra* note 13.

[69] *E.g.*, TEX. REV. CIV. STAT. art. 5154–c(3) (Supp. 1964): "Any such (public) employee who participates in such a strike shall forfeit all civil service rights, re-employment rights and any other rights, benefits, or privileges which he enjoys as a result of his employment or prior employment."

[70] See, *e.g.*, PA. STAT. ANN. tit. 43 § 215.3 (Supp. 1964).

[71] *Supra* note 69.

[72] "The recent strikes of teachers and welfare workers in New York City was in direct violation of law and resulted in the case of the latter dispute in the jailing of the strike leaders for criminal and civil contempt. . . ." Weisenfeld, *Public Employees—First or Second Class Citizens*, 16 LAB. L. J. 685, 695 (1965).

[73] Moberly, *The Strike and Its Alternatives in Public Employment*, 1966 WIS. L. REV. 549, 551 (1966).

[74] In 1957, motormen and other employees of the New York City Transit Authority engaged in an illegal strike. When asked why the strict statutory penalties provided by the state of New York for engaging in an illegal strike were not invoked, the chief administrator replied: "We'd never have got the subways running." N.Y. Times, Dec. 29, 1957, § 4, p. 4, col. 4.

[75] See Note, *Union Activity in Public Employment*, 55 COLUM. L. REV. 343, 360–61 (1955).

[76] Pruzan v. Bd. of Educ. of City of New York, 25 Misc. 2d 945, 209 N.Y.S.2d 966 (1960).

[77] N.Y. CIV. SERV. LAW § 108 (1963).

[78] *Ibid.*

[79] *Supra* note 76, at 956, N.Y.S.2d at 977–978.

[80] Note, *Labor Relations in the Public Service*, 75 HARV. L. REV. 391, 410 (1961).

[81] *Supra* note 7, at 694.

[82] U.S. DEPT. OF LABOR, BUREAU OF LABOR STATISTICS, March, 1966. For an understanding of the extent and duration of past and present strikes see SCHNAUFER, THE USES OF TEACHER POWER 28–30 (1966).

[83] A National School Board Survey conducted in 1964 found that 34 state school board associations believed the number of board-teacher disputes would increase in number and significance in their own state. Radke, *Real Significance of Collective Bargaining for Teachers*, 15 LA. L.J. 707, 798 (1959).

[84] *Id.* at 779–800.

[85] Moskow, *supra* note 31, at 793.

[86] *Supra* note 72, at 694; also AFL–CIO NEWS, May 22, 1965.

[87] *Ibid.*

[88] See also, Detroit Free Press, June 3, 1966, p. 1, col. 2 (strikes held in four suburban Detroit, Michigan, school districts).

[89] SCHNAUFER, *supra* note 82, at 11.

[90] *E.g.*, Norwalk Teachers Ass'n v. Bd. of Educ., 138 Conn. 269, 83 A.2d 482 (1951); Board of Educ. v. Redding 32 Ill. 2d 567, 207 N.E.2d 427 (1965); City of Manchester v. Manchester Teachers' Guild, 100 N.H. 507, 131 A.2d 59 (1957); City of Pawtucket v. Pawtucket Teachers' Alliance, 87 R.I. 364, 141 A.2d 624 (1958). *Contra, e.g.*, FLA. STAT. § 839.221 (1963); HAWAII REV. LAWS §§ 5–8 (1955); MICH. STAT. ANN. § 17.455(2) (1960); MINN. STAT. ANN. § 179.51 (Supp. 1964); NEB. REV. STAT. § 48–821 (1943).

continue to deny grievance procedures or not to provide alternative solutions to public employee disputes can only lead to more serious disputes. This will result in a lower level of morale among public employees and a lower standard of public service.

The use of a Public Employees' Act which denies the right to strike to all public employees [91] is no more equitable than a criminal law statute which calls for the same punishment irrespective of the crime committed. Different areas of public employment should be classified into categories which establish or deny the right to strike according to the nature of the employment. A test which can be employed to categorize areas of employment is, "the nature and gravity of the consequences involved in a strike by that area of employment." [92] Using this test three categories may be arrived at. First, as to those areas of public employment controlling public health and safety,[93] the right to strike against the government should be denied. However, other means of mediation and arbitration should be opened. Secondly, in areas which do not directly affect public health and safety but are practically indispensable to society's everyday functioning,[94] the right to strike should be granted subject to provisions reminiscent of the Emergency Dispute procedures of the Taft-Hartley Acts [95] where the governor of each state is given authority to invoke an 80-day cooling-off period. Finally, in those areas of public employment where a strike against the government would present no threat to public health or safety, nor inconvenience the functioning of everyday society,[96] the right to strike should be same as in private industry.

In private industry it is government itself, in its role as lawmaker, which has granted and protected the rights of employees and unions. Extending such protection to its own employees will not result in any breakdown of government. On the contrary, granting the public employee a voice in the determination of the conditions under which he works will promote better managerial techniques and make for more, not less, efficient government.

[91] *Supra* note 69.

[92] Each area is categorized by viewing the potential injury to a particular state by a strike in that section of government employment.

[93] This category would include policemen, firemen, health officials, and other similarly situated.

[94] This class would include teachers, transit workers, welfare workers, sanitation workers and others similarly situated.

[95] 61 Stat. 155 (1947), as amended, 29 U.S.C. §§ 176–180 (1958).

[96] This class would include, for example, employees of a state owned liquor store, employees of municipal golf courses and others similarly situated.

ORDER OF AHEPA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. DERWINSKI. Mr. Speaker, during the last 14 months, there has been a great deal of debate in the United States over the merits of the present Greek Government and the policy that the United States should follow in dealing with that Government. It has been my personal opinion during this debate that the Greek Government deserves the continued support of the U.S. Government.

However, a very significant interest in the situation in Greece has naturally been maintained by Americans of Greek descent. One of the major organizations serving the Greek-American community is the Order of AHEPA—American Hellenic Educational Progressive Association. Therefore, Mr. Speaker, I feel it very timely to insert into the RECORD a letter I received today from Mr. Andrew Fasseas, supreme president of the Order of AHEPA, along with a statement originally issued on October 17, 1967. The two items speak for themselves:

ORDER OF AHEPA,
Washington, D.C., May 21, 1968.

Hon. EDWARD J. DERWINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DERWINSKI: In October of last year in Chicago, I met with the Supreme Lodge, Past Supreme Presidents and other leaders of the Ahepa, from all over the United States to discuss, among other things, the policy that the Americans of Greek descent should take in reference to the situation in Greece.

It is needless for me to tell you that, by the very nature of things, we follow the events in Greece more closely than most of our fellow-Americans.

After three days of deliberations, we drafted the enclosed statement which was adopted unanimously, and I was authorized to issue it as the official policy of the Order of Ahepa.

Nothing has happened since last October to require a change in that policy. In fact, I am more than ever convinced that this policy is in the best interest of the United States and NATO and I sincerely urge you to support it.

I shall be glad to hear your comments on this matter.

Most sincerely yours,
ANDREW FASSEAS,
Supreme President, Order of Ahepa.

AHEPA URGES UNITED STATES CONTINUE MILITARY AND ECONOMIC AID AND ASSISTANCE TO GREECE

CHICAGO, ILL.—Andrew Fasseas of Chicago, Ill., Supreme President of the Order of Ahepa (American Hellenic Educational Progressive Association) today issued the following statement:

"The Order of AHEPA is composed, in great part, of Americans of Greek descent. It is non-sectarian in religion and non-partisan in politics.

"Ahepa's members are proud and happy that our country and Greece always have been allies and friends. As an historic fact, there were many Americans, including Samuel Gridley Howe, George Jarvis, and many others who fought in the Greek War of Independence of 1821. The United States, by Presidential action and Congressional Resolution, wholeheartedly supported the people of Greece in that great struggle.

"During World War I, the United States and Greece fought side by side.

"In World War II, Greece was again a valued and fruitful ally of our country. In that war its small but brave little army won the first victories against the Axis powers.

"After World War II, while other peoples and nations were busy rebuilding and recovering from war's devastation, the Greek people were called upon to fight yet another enemy—Communism.

"With American help, under the great Truman Doctrine, the people of Greece were the first nation that stopped the communist aggression. It is noteworthy that not a single American soldier shed his blood or lost his life in that great struggle of the Greek people.

"Since World War II, Greece has been a faithful ally of the United States. She is a valued and loyal member of NATO. Greece supplies the bases in the Middle East for the United States 6th Fleet and other American forces required in that part of the world in order to contain Communism.

"The best interests of our country require that Greece become and remain economically sound, and militarily strong.

"In the recent Israel-Arab war, Turkey, the other leg of the eastern anchor of NATO, declared that she would not allow the United States to use the NATO bases in Turkey. That left Greece as the only base of the United States in the Eastern Mediterranean. That proved once more that Greece is, as she has always been, a loyal and reliable friend and ally of our country.

"The Order of Ahepa therefore urges that the United States continue its military and economic aid and assistance to Greece.

"Many of our officers and members have recently visited Greece. They have found that law and order prevail and that conditions for visitors and tourists are most pleasant.

"If a European came to the United States and told the American people what type of government we should have, or whom to elect as our President, we would rightfully reject it as an unwarranted interference with our internal politics.

"The members of the Order of Ahepa feel that the type of government in Greece is a matter that concerns the Greek people only.

"As Americans, our only concern is that whatever Greek government Greece has should keep Greece as a member of NATO and a faithful ally of the United States."

THE ADMINISTRATION'S MARITIME PROPOSALS

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. TOWER. Mr. President, a few days ago, Secretary of Transportation Boyd unveiled the administration's maritime proposals. I am rather disappointed, as are a number of other Senators, with this approach. It is certainly my hope that the administration will reassess its position on this important matter and see fit to support S. 2650, of which I am a cosponsor. In contrast to the administration's proposals, this bill, I believe, provides a more positive plan for America's merchant marine.

In continuing our discussion of the great need for a new maritime program, I ask unanimous consent to have printed in the RECORD an editorial entitled "U.S. Maritime Needs," published in the Wichita Falls Record News of May 17, 1968. I believe that everyone will benefit from the reasoning which it presents.

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

U.S. MARITIME NEEDS

It wasn't so many years ago that the U.S. might well have been called a coastal nation. Its inhabitants lived largely near the sea. They built ships and sailed them. The people understood ships, they were proud of them, knew them by name and where they went throughout the world. Young men followed the sea. The U.S. Clipper ships were known around the world. They became central characters in fact and fiction. They were spoken of with pride by our citizens. Today, it is a safe bet that you couldn't name a U.S. ship.

As a nation that depends on ships to move its products of farm and factory to countries around the world, we are largely dependent on foreign vessels. Since we are a maritime nation, this is sheer folly in peacetime and holds the seeds of disaster in a military emergency. High military and civilian officials are calling on Congress for a strengthening of the U.S. Merchant Marine in the most forceful language they can command.

Leading steamship line officials, most notably those from a group of 13 companies operating 270 regularly-scheduled ships in U.S. foreign trade from all coasts, are doing one of the most important selling jobs in this country's history. They are working to show that we are a maritime nation. They travel from city to city showing different regions, with cold figures, their dependence upon foreign trade. They have developed a Trade Expansion Program tailor-made to national needs at a time when increased exports have become a necessity. They are working to reawaken pride in the U.S. maritime tradition. The Clipper ships have passed into history, but underestimation of our maritime needs could be the Achilles heel of U.S. security.

THE HUMANISTIC HEARTBEAT HAS FAILED

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. PUCINSKI. Mr. Speaker, Life magazine, in its current edition, has performed a most impressive public service by placing into sharp focus one of the main reasons for the current unrest on American campuses.

Dr. James H. Billington, professor of history at Princeton University, who also teaches at the Woodrow Wilson School of Public and International Affairs, has done an outstanding job in spelling out why the universities of this Nation are failing to meet their challenge.

Humanities is the keystone of an educational system in a democracy.

We will always need the scientist, the mathematician, the engineer, and all the other professionals to provide an orderly development for our society. But it is the humanities that should provide the real depth of understanding to comprehend the full forces of freedom in a society such as ours.

I was particularly pleased to read Mr. Billington's excellent analysis, because some time ago I told this House that I feared America's institution of higher learning was sacrificing the humanities for more materialistic goals.

It is my hope that Dr. Billington's provocative article will start a significant dialog in this Nation among those responsible for the management of our universities and perhaps lead to a revival of those deep-rooted traditions in the humanities that have played such a key role in the early development of our Nation.

I hope young scholars will also recognize the need for revision and will press for it in an orderly manner befitting the decorum which should identify our college students.

Those young people who have contributed to turmoil and irresponsible behavior on our campuses should know that they are weakening the entire fabric of educational pursuit and are creating a disillusionment among American citizens who heretofore had viewed our institutions of higher learning as citadels of reverence for the intellect and the pursuit of truth.

Aristotle quite properly stated:

The human race lives . . . by art and reasonings.

Dr. Billington has captured the spirit of Aristotle in this excellent article. I am including this article in the RECORD today because I want future historians who will try to understand the turmoil on our university campuses today to be able to have the value of Dr. Billington's excellent interpretation.

Mr. Speaker, the Life magazine article written by Dr. James H. Billington follows:

IN U.S. UNIVERSITIES: "THE HUMANISTIC HEARTBEAT HAS FAILED"

(By James H. Billington)

The American version of the international student upheaval demands not just a new structure, as in Paris, and new politics, as in Prague, but new substance in higher education itself. Our collegiate discontent arises largely among well-fed students in the humanities and the social sciences and is the consequence of a spiritual poverty in academia that, in some ways, is as explosive as the material poverty in the ghetto. Rebels in the cities have kept "soul" alive; the modern American university seems to have lost its soul amidst unprecedented material growth. The university, as the center of rational criticism in our civilization, has an obligation to become its own most searching critic. It should not leave the job by default to the demagogic anti-intellectualism of either reactionary politicians or revolutionary students.

"If you don't know where you are, you're in the right place," read the hand-painted sign at Columbia University, the last of 20 university campuses I recently visited. It was the first day of classes after 10 days of upheaval; and I was given a flood of word pictures of the university in turmoil: "New York's newest form of zoo" (my disgusted cab driver); "a battlefield rather than a university" (a young teaching assistant in politics); "a beautiful happening that has drawn us all way out in left field" (a leader of the student strike rushing off to a "liberation class").

It was not the chaos at Columbia that depressed me but the lack of constructive ideas for the future. It corresponded with the poverty of educational thinking that I found almost everywhere. Universities which presume to analyze everything else in our society have failed to take serious stock of themselves.

The blunt fact is that liberal education is largely dead. Its humanistic heartbeat has failed, and rigor mortis is setting in throughout the giant higher educational system. The humanistic ideal of involving the whole man in the quest for order and beauty through the ennobling exposure to other men's accomplishments has been mostly replaced by the training of task-oriented technicians.

The trouble begins in the large universities, on which American higher education principally depends for leadership and ideas. They have been called multiversities, megaversities and a good deal else. But the false impression has been created that there is some kind of enriching variety built into all this gigantomania. The sad fact is that each is just another branch factory of a nationwide knowledge industry. Faculty and administration shuffle from one branch to another—interchangeable parts in a highly mobile market. Students are a standardized, subsidiary by-product of an assembly line whose main product is publications. Thus, after mastering the three "r's" in elementary school, young America must now face the three "c's" of higher education: commercialization, competition and compartmentalization.

In its relentless search for money, the modern university has let concern for "image" replace aspiration for an ideal. Public relations with the outside world has often become more important than human relations within the university itself. Plato deliberately left the marketplace of ancient Athens to set up his academy; modern America has thrust its academicians back into the commercial arena. Marketability—not truth—has become the criterion of intellectual value. Almost no one in the status-conscious education industry has seriously challenged Clark Kerr's view (*The Uses of the University*, 1963) that the "really modern university" is simply "a mechanism . . . held together by administrative rules and powered by money"; that academic subjects will ultimately survive only if they earn their own money; and that "it only pays to produce knowledge if through production it can be put into use better and faster."

Competitiveness is the corrosive consequence of commercialization. "Admission to Amherst College is competitive," begins a typical college catalogue, and the elbowing continues all the way up the Byzantine staircase that leads to the ivory tower.

Instead of sharing knowledge, graduate students often seek to hoard it. When I once accidentally came across a dozen books in English literature oddly placed in the Baltic periodicals section of Widener Library, a Harvard graduate student explained that I had stumbled on someone's "secret stockpile of reserve ammunition" designed to "shoot down the opposition and impress the professor in one of those dog-eat-dog, first-year graduate seminars."

Competitiveness gets worse as the young scholar moves into the academic "job market." Since modern college administrators more easily recognize market values than intellectual ones, "making it" in the race for advancement almost invariably involves blackmailing administrators by threatening to take outside offers. Thus, university presidents are repeatedly in the position of systematically rewarding *dis*loyalty to their own institutions.

Compartmentalization further cuts down the possibilities of human communication—let alone human community—in the modern university. Departments, which largely control the higher educational process, have only an incidental interest in the intellectual lives of any students not fully apprenticed to their narrow guild. There is a lack of dialogue not only among students, faculty and administration but also within faculties, and even within the different sections of individual departments. The faculty meeting of Columbia during the recent student unrest was the first in living memory to bring together in one place all faculties located in the Morningside Heights area.

We are producing a generation of scholars who prefer to provide definitive answers to small questions rather than tentative answers to important ones. In the process, the undergraduate, hemmed in everywhere by narrow compartments, feels fragmented and frustrated. "We were all divided up into punches on an IBM card," a Berkeley student told me. "We decided to punch back in the riots of 1964, but the *real* revolution around here will come when we decide to burn computer cards as well as draft cards."

"We have just not been given any passionate sense of the excitement of intellectual life around here," said the editor of the Columbia *Spectator*.

A student columnist in the Michigan *Daily* wrote, "This institution has dismally failed

to inculcate, in most of its undergraduates at least, anything approaching an intellectual appetite." He spoke of the drift "towards something worse than mediocrity—and that is absolute indifference. An indifference towards perhaps even life itself."

This truly is a "sickness unto death"; for humanistic education is nothing if not a continuing celebration of life. Both the subject and object of humanistic study are the whole man—where mind and passion meet, where creativity and criticism interact. Humanistic studies—history and philosophy, arts and letters—directly involve men in the anguish, achievements and aspirations of other people, and in enduring human questions of artistic form, moral value and personal belief. These questions, dealing with the quality of life, are relevant to everyone—and not merely to departmental specialists.

Since the "output" of the humanities is the enrichment of individual lives rather than the corporate economy, their study languishes in the "marketversity." "We have more information and less understanding than at any time in history," warns Robert Hutchins. But the "great books" and "great ideas" around which he built a humanistic curriculum at the University of Chicago a generation ago have been largely replaced by narrow monographs and methodologies even at Chicago.

"At least we feel badly about it," one Chicago student wistfully said. Only occasionally does someone publicly protest in the manner of the Dartmouth student at the end of a "Great Issues" conference a few years ago: "In the course of all these meetings," he said, "I have never heard anyone mention the word God. Isn't that a great issue?"

In the monetary language which the marketversity best understands, one should perhaps divide the blame for the present bankruptcy among the stockholders (alumni), the management (administration), the professional staff (faculty) and the consumers (students).

The alumni have helped kill off humanistic education in America by not insisting that it be kept alive. This was, after all, the only kind of education most college students receive in the essentially prescientific era prior to World War II. But rather than concern themselves with the *educational* life of their alma maters, these old graduates are inclined to confine their criticisms to the political views of the faculty and the sexual views of the students.

The alumni are perhaps easiest to forgive, since they do support higher education, financially at least, and are legitimately preoccupied with other things. But it does seem ironic that self-styled "defenders of hallowed custom" will go to battle for just about every college tradition except the one which brought colleges into being in the first place: the ideal of a liberal education.

The administrators bear special guilt—not for their apparently inescapable preoccupation with fund-raising and coordinating, but for their lack of intellectual acumen and moral passion in diagnosing the ills of their own institutions.

"We are hedged in by prima donna professors, feudal departments that do the hiring and a professorial union that won't let me fire anyone on tenure," one college president complained. But his tone of weary resignation provided another reminder that university presidents with the stature and authority of a Woodrow Wilson or a Nicholas Murray Butler are a thing of the past.

Constantly preoccupied with short-term crises and outside economic pressures, the typical college administrator has an almost neurotic need to reassure himself with familiar platitudes. Thus, there has come into being a kind of "rhetoric gap" between the oratory and the reality of higher education. On the commencement platform, the university spokesman celebrates the values of liberal education; but back at the office he has no time to discuss the essence of it with those most intimately involved: students and faculty. The report of a committee to investigate student life at Columbia was not made public by the president until one week before the recent upheaval, when the students themselves threatened to release it—eight months after it had been submitted, two years and four months after the committee had been formed.

The university administrator senses that the humanities are in trouble, but he consoles himself with the thought that the English department is "as big as ever," as a western college administrator told me. "We do better than most with the humanities," a Harvard professor said, "but attention here is focused on a $50 million college fund drive exclusively for the sciences."

The faculty bears a deep responsibility for the death of the humanities. It is not simply a case of scholarship at the expense of teaching, but a neglect of both in favor of committee rituals, cocktail parties and a subtle corruption of humanistic scholarship. A variety of faculty foibles and failings have contributed.

There are, first of all, the pipepuffing Platonists, who identify the humanities inextricably with the ideal of a natural and remote aristocracy. At its best, this tradition was rich and liberating—in the famous Harvard philosophy department of James and Santayana; at Princeton in Whitney Oates' pioneering cross-departmental Special Program in the Humanities; or in the humane study of literature at Yale under figures like the still-active Maynard Mack.

But if the humanists previously were too isolated in Platonic academies, they now seem too anxious at times to imitate Aristotle as counselor to Alexander the Great. This new cult of perpetual political involvement has created a breed within the academies who are variously known as "action intellectuals," "in-and-outers" and "voyeurs of power." Honest criticism and honorable consultation are the obligations of citizenship, but there is real danger today that the humanist, exploited for his articulateness, may become little more than a make-up man tidying up some public figure's image or activist's program for public presentation.

The heaviest death blow to the humanities, however, has come from the sycophants of science. They have spread within the traditional humanities a crippling inferiority complex that has led to a loss of confidence in dealing with qualitative problems of value, taste and belief. The advent of the computer has often encouraged the trivialization of scholarship and the belief that the things that count are those that can be counted. The largest of the humanistic guilds, the mammoth 25,000-member Modern Language Association, has computers in its headquarters but few readable articles in its publications.

"Not only are there no real men *teaching* history," one Ivy League undergraduate complained, "but there is a resentment against those real men who *made* history. The lecturer in our course on modern European history discussed every social class and psychological complex known—but never even mentioned the name of Napoleon."

The problem is emphatically not a simple case of the "two cultures"—scientific and humanistic—warring against each other. Scientists such as J. Robert Oppenheimer, the late director of the Institute for Advanced Study, have often been the most passionate patrons of pure humanistic scholarship. Moreover, humanistic interest in the sciences has produced some stimulating new intellectual activity in the history of science, linguistics, anthropology, etc.

The most important problem arises within the humanities themselves, and among the more aggresive promoters of new methodologies in the neighboring social sciences.

Accepting a naive, positivist view of science which is largely rejected by modern scientists themselves, the behaviorists have largely taken over the academic study of politics. One no longer reads the works of great political theorists in "professional" political science, any more than one reads noncontemporary philosophers in "professional" philosophy.

"As intellect and reason become increasingly identified only with science," warns Sheldon Wolin of the Berkeley political science department, "too many people feel driven either to private irrational withdrawal or to purposeless, irrational violence." Anxious to keep alive an awareness of past political thinkers, Wolin has sought (unsuccessfully so far) to set up a separate Department of Political and Social Thought at Berkeley and has collaborated with other theorists in founding a new learned society to overcome their feeling of isolation within the primarily behaviorist American Political Science Association.

A paltry one out of every thousand dollars of government funds given for basic research in 1966 went to the humanities. The much smaller amount given by private foundations to support research and teaching was some 23 times greater in the sciences than in the humanities. The federal government has recently shown an indifference bordering on contempt for humanistic scholarship: first in the original Selective Service recommendation that humanistic but not scientific graduate students were to lose draft deferments; second, in the decision of the House to cut sharply the already small authorization of the National Foundation on the Arts and Humanities to about one fifth the amount recommended by congressional committees.

Princeton originated an interdepartmental Council on the Humanities 15 years ago and sponsored publication of 11 volumes surveying the state of the humanities in America which pointed to many critical needs. However, Princeton's new $92 million academic development campaign is devoted exclusively to five "key interdepartmental areas" of "critical national importance"—none of which (except, in part, the library) are in the humanities.

The continued acceptance of giant scientific grants tends to cannibalize other university funds rather than "free them for those subjects that don't pay their own way," as one college dean put it. Another Ivy League university which has accepted much government money for the sciences in recent years but is also strong in the humanities will spend this year $38.50 of its own funds to support scientific research for every dollar spent in support of humanistic research.

What difference does the death of the humanities really make? It means, first of all, that we are feeding our best young people what former Secretary of Health, Education and Welfare John Gardner has called the "anti-leadership vaccine." By learning to "factor" every human problem into technological sub-problems, the student may never be encouraged to see the big picture in perspective.

"As a civilization, we no longer know how to do anything," comments Jacques Barzun, former provost at Columbia. "We can meet no situation, pursue no purpose, without stopping work and studying." The situation might be described as paralysis through overanalysis; and, as Barzun puts it, "Turning the academic experts loose on the so-called problems of society tends toward the general paralysis."

Consider, for instance, the two greatest practical problems America faces today: Southeast Asia and our cities: It is tragic for us all that—with pitifully few exceptions—academic discussion has been uninformed by any deep historical perspective based on first-hand human knowledge of the life and culture of either Vietnam or the ghetto.

"Where are our Vietnamese experts?" plaintively asked John Fairbank, president of the American Historical Association, at a congress of Orientalists last year. Although the United States has been deeply involved in Vietnam for nearly 15 years now, we still have no one in a high policy-making position with any deep knowledge of Vietnamese culture. Instead, we have the optimistic faith in scientific predictability and cultural uniformity voiced by Presidential Assistant (and former M.I.T. professor) Walt Rostow that "all peoples of the globe . . . sail the same voyage, are bound to the same destination."

Nor has the behaviorist establishment equipped us very well to anticipate the great problems of the cities. The ghetto riots and breakdowns of confidence in recent years call into legitimate question the optimistic assumptions of the fashionable "community power studies" that conflicts would be resolved through democratic processes. The archetype of this genre, a study of New Haven by Robert Dahl of Yale in 1961, conveyed little sense of the uniqueness of the Negroes' plight in the cities.

We seem able fully to grasp national and racial feelings only when they translate themselves into violent movements with an "output" of destruction that can be recorded on our sociological seismographs. Had we seriously encountered earlier, through literature and history, the moral issues and human passions involved, bloodshed might have been prevented—and at least some imaginative resources stored up for creative rather than repressive responses to crises.

Can the humanities be revived to play a role in healing some of the ills of our civilization? There is a glimmer of hope.

The current student ferment is in many ways a cry for the renewal of humanistic education in America. To be sure, it is sometimes hard to see anything more than symptoms of a declining civilization in a student generation that enjoys unprecedented subsidies and liberties yet often seeks to demean, if not destroy, the universities that shelter them. Some have turned their backs altogether on the great tradition of rational discourse within an atmosphere of mutual trust which, after all, is the lifeblood of any university. Some are loudly proclaiming (with characteristic disregard for rational argument) that it is already 1984 and they are Che Guevara or Ho Chi Minh. But many of the most sensitive students simply feel spiritually starved; they protest against the failure of the arid classroom to provide the humanizing education that the college catalogue had promised. In their often clumsy way, they are trying to bridge the rhetoric gap—but they see no hands extended from the other side.

Thus, the tuned-out student generation has joined (or merely identified with) the two heavily publicized young people's revolts of the mid-sixties; the hippies, with their passionate belief in instant esthetics and salvation-through-hallucination; and the New Left, with its equally passionate commitment to instant morality and salvation-through-confrontation. Both groups are purer than their detractors contend. They generate an authentic feeling of human community; and they are trying to put esthetic and moral questions back onto the intellectual agenda of the Machine Age.

But while the hippies and the New Left are raising many of the classic questions, they offer few real answers. Their undisciplined emotionalism and blind totalism would prevent them from working within almost any conceivable academic framework. Intellectual activity itself could hardly thrive, and might not even survive, the total mystical withdrawal or the total revolutionary upheaval which appear to be the ultimate ideals of the hippies and the New Left, respectively.

On balance, however, both groups represent a deserved rebuke to the modern university. For behind the affront to tradition lies the reprimand which one of their culture heroes delivered more than a century ago to Emerson, who was boasting that Harvard now taught all branches of human learning. "Yes," said Thoreau, "all the branches, but none of the roots."

Only if we admit that the humanities really are very nearly dead is there much chance of pruning away old branches to make room for new growth. Even at the University of Chicago, where there are many cross-departmental programs, a semi-secret recent study by a faculty member concluded that a *real* regeneration of the humanities would require the liquidation of almost all the traditional departments. The future may lie with those who are less encumbered by inherited structures and vanities: the unified humanities department at M.I.T., which has devised a new set of courses for its scientific elite; the effort to define a new core curriculum at Upsala College in New Jersey; or the proposal of Daniel Bell of Columbia that undergraduate specialization be completed before a final senior year of broad general education.

Whatever the redefined curriculum, meaningful humanistic education will have to be conducted in smaller, less impersonal human communities. Hopeful models are the cluster colleges of California—privately supported at Claremont and publicly supported at Santa Cruz—which combine the overall curricular diversity and resources of a large university with the living and working scale of the college. Smaller colleges in the Midwest are gaining outreach by following the lead of Antioch and Beloit in regularly sending students out for work or community service in a totally different environment before bringing them back for their final years of study. There is a growing realization that the small college has a humanizing role to play educationally if it can survive economically; that there is much stimulus in experimental colleges within larger universities (such as those at Fordham, Chicago, Michigan State); and that new structures for shared "living-learning" experience can enrich even relatively small collegiate communities (Wesleyan, Bowdoin).

There is a danger, however, with experimental programs of producing conscience-salving tokenism rather than opening a continuing process of radical innovation. The option introduced at Princeton, of taking some courses with no grade except Pass or Fail, seems still in the realm of such tokenism. Though the "pass-fail" program has encouraged many students to venture outside their specialty, it usually serves to intensify the amount of neurotic student concentration on the "real" courses from which the all-important grades and class ratings are derived. Far more effective would be a program that devoted an entire term or year to pass-fail courses—or one that liberated the last two years from courses and grades altogether for tutorial, seminar and independent work with one continuing supervisor.

Our universities will best meet the overall need for renewal of society if they begin with their own self-renewal. People at all levels in Swarthmore told me that the atmosphere on that campus was never better—in both intellectual and human terms—than during the week last fall when all classes were called off and the entire community engaged in systematic small group discussion devoted to a long critique of the college by a commission appointed by President Courtney Smith. An institution that was more entitled than most to self-congratulation was dipping into the more rewarding realm of self-renewal.

The gradual disappearance of teachers dedicated to making humane learning relevant to students in all fields has led many to look beyond the faculty for gurus. Maharishi Mahesh Yogi last winter filled Harvard's Sanders Theatre in a way no professor could have done. Yale's William Coffin evoked an unprecedented and sustained student ovation in a packed Princeton chapel after a recent speech on radical Christian protest against current American policies; the most popular adult at Stanford seems to be Dean of the Chapel, D. Davie Napier, who regularly attracts capacity crowds to "Mem Chu" (Memorial Church) to hear his unorthodox sermons often based on texts from folk songs.

It may even be that just as the original humanists in the Renaissance formed an alliance with science against a dogmatic, scholastic theology, so now humanists may have to form links with a liberalized religion in order to combat the intolerant scientism of the modern marketversity. President Frank Haig of small, Jesuit Wheeling College in West Virginia points out that theology—wherever it has ceased being taught exclusively by priests out of rote duty—has tended to become one of the most lively and popular subjects in Catholic Colleges. Comparative religion is a rapidly growing field in larger universities and Oriental religions in "free universities."

"The rich but empty educational establishment may even have to reexamine its condescending attitude toward the denominational college," observed a Protestant minister who graduated from one in the Midwest. Certainly many in this student generation are anxious to be confronted with living traditions of value and belief, along with the intellectual techniques of analysis and expression.

For the larger university the hope is that one can re-create for the good of our entire civilization what the marketversity is not producing: the free, unselfish and joyful pursuit of wisdom within an atmosphere of mutual respect and ideological diversity. We will need to give authority to men with ideas—administrators willing to hire teachers outside regular departments and even outside the academic profession. We will need leaders to help overcome by example rather than rhetoric what the student-faculty report at Berkeley has called the "lack of intellectual fellowship"—the sterile opposition between the "passionless mind" of the formal curriculum and the "mindless passion" of student rebellion. One can hail the work of Clark Kerr in diversifying and enriching the state system of education at California, yet still question his image of the college president as a man "in the control tower helping the real pilots make their landings without crashes even in the fog." A new generation of students wants to know where and why the pilots are flying, what the purpose is of using a foggy airfield, and what the plane is carrying.

These restless students have begun the needed work of regenerating the American university by confronting it with the need for more commitment, not just more committees. The university is committed only to scholarship, people and the free and ennobling interaction between the two. If it is to survive, the university cannot accept the extremists' commitment to hallucinogenic drugs or hallucinatory politics. But if it is to revive, it must find radically new approaches that will in their own way expand the consciousness of a complacent America and lift its imagination beyond the supermarket pushcart. There may be a groping for greater sense of community even in the bizarre courses listed by the "Mid-Peninsula Free University" near San Francisco on "advanced group loving" and "people heaps"; a call for a richer, more diversified creative arts curriculum in the flowering of creative crafts at Penland, North Carolina, or even of such experimental art forms as the "guerrilla theater" and nude body-painting sessions in Southern California.

Student turmoil in America offers no inevitabilities and has produced too many pretentious prophecies. The "handwriting on the wall" is mostly adolescent graffiti. My only message is that humanistic scholarship is

fun. Joy in posing and solving questions for oneself may help one create fewer problems for others. Indeed, the real argument for reviving the humanities may well be that they provide useful occupational therapy for a disturbed humanity that has been showing some suicidal tendencies.

Within and beyond our academies, we still have a chance to create a civilization that could surpass all others—even the Greeks, for theirs was built on slavery. We now have machines to do the work—unless they in turn have enslaved us. But our relatively young, sometimes arrogant civilization desperately needs a deeper sense of both the grandeur and the evil in humanity. Man is a fallen angel as well as a naked ape.

WASHINGTON, D.C.—A U.N. HUMAN RIGHTS PROJECT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RARICK. Mr. Speaker, who and what are the guiding hands behind the Poor People's Campaign in Washington, D.C.?

Many concerned citizens the country over express indignation and disgust at the flagrant efforts of a few to disgrace our Nation's Capital—to torment any image of respect for America, the world image of America—for dramatizing the negative.

Congress finds itself hamstrung to take any postive action as representatives of the majority of the American people—in the traditional role of a government of laws promulgated by the people.

Law and order likewise find themselves handcuffed. It seems to many as if some unseen gigantic power has ordered that the occupation must be suffered and that no American—official, or otherwise—is to be permitted to interfere.

Similar demonstrations, pockets of violence, party line gobbledygook, racist smears, and like charges occur in other countries such as France, England, Panama, Greece, and Africa.

Is there a correlation between what is transpiring in South Vietnam, South Africa, Rhodesia, and other free countries with the mess in Washington, D.C.?

In every other country experiencing similar attack, we have no trouble in identifying the cause and labeling it Communist-controlled and inspired—although the sinister action readily reverts back to the Red-black power bloc of the United Nations. Compare the limited force orders of the military in South Vietnam to the same orders against our police in the District of Columbia. Law and order are not to be permitted to give anyone safety.

The patron saint of the billionaire's subsidized project in the District of Columbia—the poor people's infestation—the control and intellectual mechanism can be identified as that great unapportioned body, the United Nations.

Black-Red power have combined to smite the United States of America to its knees—hiding behind the sympathetic label of helping "poor people"—feeling content that none dare raise a voice to warn the poor involved, or the citizens for that matter, that all are being exploited to promote the new one world order. The Poor People's Campaign assumes part of an international movement to subvert established authority. Involved here are the same faces, same programs, same double-talk, same demands, same threats against individual freedoms and national sovereignty as called for in the U.N. Declaration of Human Rights.

Why the instigated attacks against America—movements to promote un-American ideals and solutions?

Can it be because we Americans still have too much individual freedom—we pose a threat to all tyranny?

Must we be equalized by being reduced to the world equal standards—our progress retarded and controlled to permit socialist governments to catch up?

The socialist line "to take from those who have and give to those who have not" is to be now expanded on a worldwide basis, and we Americans are to be the goat? For all must admit that the poorest of the poor in the United States of America are far better off than the poor in the majority of the U.N. nations.

The year 1968 has been proclaimed as the International Year of Human Rights by the United Nations organization. All member states must comply. Somehow responsible American leaders feel these orders from the United Nations are controlling and that the wishes of the American people must be ignored. See my remarks, "Target Date for Subjugation: 1968," daily CONGRESSIONAL RECORD, March 20, 1967, page A1386. I also ask our colleagues study in depth U.N. Resolution 2217 (XXI) dated December 19, 1966.

It would be interesting to learn the true extent of the United Nations participation in the Washington battleground—merely as an international tribute so the United Nations can commemorate 1968, as its theoretical International Year of Human Rights.

The need exists for legislation calling for the appointment of a select committee to investigate the U.N. participation in the so-called Poor People's Campaign and to report to the Congress and the American people who and what are in control or estopping control of our governmental functions in the United States.

Mr. Speaker, I place the article "The International Year of Human Rights," by David Mends; U.N. Resolution 1904 (XVIII) "Declaration on the Elimination of All Forms of Racial Discrimination," November 20, 1963; U.N. Resolution 1905, (XVIII) "Publicity To Be Given the United Nations Declaration on the Elimination of All Forms of Racial Discrimination," November 20, 1963; U.N. Resolution 1906, (XVIII) "Preparation of a Draft Convention on the Elimination of All Forms of Racial Discrimination," November 20, 1963; U.N. Resolution 2017 (XX) "Measures To Implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination," November 1, 1965; and U.N. Resolution 2217, (XXI) "International Year for Human Rights," December 19, 1966; and H.R. 6954 and H.R. 11465 at this point in my remarks:

[From the Rhodesia and World Report, March 1968]

THE INTERNATIONAL YEAR OF HUMAN RIGHTS

(By David Mends)

Since the days of Cleopatra, everyone has known that vipers are bad for bosoms, but it seems that the United States has clasped the most monstrous viper the world has ever known, i.e., the United Nations, to its bosom. Some bosom, some viper!

In 1963 this nest of vipers declared that 1968 would be known as the "International Year of Human Rights", and on December 20, 1965, this Resolution was adopted unanimously in the UN General Assembly. As a result of our having placed virtually every aspect of our Government under the U.N., admittedly as a result of some very dubious pseudo-legal syllogisms, we are bound by law to implement the terms of this Resolution, presumably by the end of 1968. The Resolution itself, which is couched in the usual UN double-talk that is deliberately designed to mean everything and nothing, starts off like a record with a stuck needle, saying, "Abolish Apartheid, Abolish Apartheid, Abolish Apartheid", and so on ad infinitum. According to the Declaration, the whole world is supposed to implement in practice the "principles of the protection of human rights laid down in the UN Charter, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and People and the Declaration on the Elimination of All Forms of Racial Discrimination". They hope to abolish apartheid (for some obscure reason the UN always prints the word "apartheid" in italics, no doubt because it is a dirty word), implement a number of International Labour Organisation Conventions on Abolition of Forced Labour, Discrimination in Employment, Equal Remuneration for Men and Women, etc., and the Convention on the Prevention and Punishment of the Crime of Genocide, and many other Conventions of this ilk. On the face of it, all this sounds absolutely wonderful to the casual observer, but if one takes the trouble to delve deeply into the subject, one can see that this is just the bait in a gigantic beartrap. So let us now delve into this "International Year of Human Rights" a little bit deeper.

THE GENOCIDE CONVENTION

The Genocide Convention, for instance, sounds like a really good thing. Genocide means mass killing, which is universally condemned, and if the Genocide Convention were confined to prevention of mass killing, few could oppose it. But when the definition of genocide is extended to cover persons causing "serious mental harm" to national, ethnical, racial or religious groups, and permits trial of an individual before an "international penal tribunal", then truly a Pandora's box of incalculable trouble is opened.

The Genocide Convention was actually signed on behalf of the United States on December 11, 1948, just two days after it was adopted unanimously by the UN General Assembly. Should the Senate ratify the Genocide Convention as a treaty, American people would be liable to possible arrest, extradition, and trial before an international tribunal if accused of the poorly defined crime of genocide. There is absolutely no mention in the Genocide Convention of trial by jury, such trial might not even be conducted in English, and obviously there could not be any appeal of the sentence, since an international tribunal would presumably be the highest court in the world. If the treaty were ratified, who would determine when "mental harm" is "serious"? And what is the definition of "incitement to genocide", which Article III of the Convention makes punishable? Pursuing this argument to the absurd limit, a person might write a letter to the Editor of a newspaper today, which some member of a religious or racial group felt

had caused them "severe mental harm". The author is not a Philadelphia lawyer, but it seems to him that since the Nuremberg Trials the principle of *ex post facto* has been abolished as regards dealings of the United States with the UN, as a result of treaties signed at that time. Some months or years late, if the Senate ratifies the Genocide Convention, the writer of that letter could be arrested, extradited and tried without a jury in a world court with no right of appeal.

The crowning folly of the Genocide Convention is that it makes no mention of persecution of political groups. Thus, totalitarian countries can commit inhuman acts against "enemies of the state" with impunity and without fear of being accused of the crime of genocide. Even assuming the unlikely situation where the Soviet Union actually decided to honour such a Genocide Treaty (it would be quite a turn-up for the book if they ever honoured any treaty), they could still gaily carry on performing mass executions with gay abandon!

HUMAN RIGHTS

The UN Universal Declaration of Human Rights is also replete with high-sounding phrases, and also sounds pretty good. Section 25 provides that everyone has the right to "food, clothing, housing and medical care and necessary social services, and the right of security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".

Let's take a good close look at this. First of all there is no provision in the Declaration that everyone shall work for such benefits, or help establish a fund to finance them. How does one define "old age"? The life expectancy of the inhabitants of the backward nations is probably not much more than 40 years, and by that age most of them are too old and feeble to work, mainly as a result of disease and dietary deficiencies. Obviously the Western nations are expected to finance all of this, so does this mean that an American or Britisher must work to the age of 65 to provide old-age pensions for 40-year-old retired Africans or Asians? Where are all the social workers, nurses and doctors going to come from to implement this Declaration?

Doctors in particular are a vanishing breed as more and more nations introduce socialised medicine which results in less and less students studying medicine. One simple way out of the dilemma might be to adopt the Red Chinese system of medical training. Apparently all one has to do there is to clasp the "Thoughts of Chairman Mao" firmly in one hand, and declare in ringing tones, "I have been so inspired by the Thoughts of Chairman Mao that I now feel competent to practise medicine. Please pass honourable scalpel". This may be a good way of making "instant doctors", but in the long run the old way of training doctors will probably turn out to be the best way.

Is a wandering nomad from the Sahara Desert who has never worked a day in his life, but has merely followed a flock of goats in their quest for vegetation on which to graze, also entitled to unemployment compensation? Is he entitled to housing when he has spent all his life in a tent? With a little imagination one could think up dozens of questions of this nature.

ANTICOLONIALISM

The Declaration on the Granting of Independence to Colonial Countries and People also means a lot more than it says. The deliberate plan by the United States to dismember the British Empire, hatched out in the early thirties, has almost been consummated, about the only British "possession" of any importance is Rhodesia, who has declared her independence from Britain. Even remote Pacific islands such as Fiji and Nauru are in the throes of "Uhuru" now. Needless to say, without the system of Imperial Preference, the abolition of which was a *sine qua non* of Lend-Lease from America, the days of Britain as a nation was numbered. In UN language, however "colonialism" means much more than the dictionary says it does.

The Southern States in the United States are also considered to be an area where colonialism exists, so if colonialism is to be abolished all over the world, the Negroes in the South will have to be allowed to secede from the Union and form a separate Negro Soviet State. Also United States military bases are also considered to be a form of colonialism, so we will probably have to abandon the Panama Canal, and the Guantanamo Naval Base in Cuba, etc. White rule in Rhodesia, South Africa and the Portuguese colonies is also a form of "colonialism", and this, too, will have to be abolished. In order to "safeguard Human Rights", the UN will undobutedly try to order the United States into a war against Southern Africa to "liberate the Negros from brutal white oppression". As a gesture of support they will probably offer to hold our coats while the United States (possibly with our "friends" in the Soviet Union as allies) engages in a war that will destroy both South Africa by devastation, and the United States by destroying her currency by cutting off the source of its gold backing.

RACIAL DISCRIMINATION

The Declaration on the Elimination of All Forms of Racial Discrimination is by far the most potentially devastating of all the UN Declarations. It means exactly what it says, *all forms* of racial discrimination must disappear, and the ultimate form of racial discrimination is discrimination in sex and marriage. The International Year for Human Rights Resolution states that discrimination between race and sex must be eliminated, along with other forms of discrimination. A barrage of propaganda has been let loose about the ideal UN "brown man" as the ultimate form of humanity, and a bevy of so-called anthropologists have set forth to prove, by the technique of discarding all data that fails to support their theory, and using only data that does, that racial intermarriage is highly desirable. To the best of the author's knowledge, none of these "experts" ever married anyone but white people, which proves something.

We are told *ad nauseam* that heredity means nothing, and that environment alone determines what a person becomes, so all that has to be done is to spend lots of money to provide a perfect environment, and mankind will be perfect. A spaniel puppy raised in a litter of police dogs will grow up to be a spaniel, or a thistle growing in a field of wheat will still be a thistle at harvest-time; but for some miraculous reason a human imbecile, of whatever race, if placed in the right environment will somehow grow up to be a pillar of society. The author is not an anthropoligist, but it seems that those guys ought to go back to their anthropology school and get their money back. They were robbed!

The argument of the liberals is that wars are caused by nationalism, poverty and racial hatred (while in actual fact they are caused by wealthy bankers and armament manufacturers conspiring to produce wars), so all that is needed to end wars is to interbreed all the races so that all of mankind will be of one polyglot race and one polyglot nationality. Of course this is only a *theory* with no facts to back it up, while a host of facts exist to disprove the theory; but nevertheless these characters propose to encourage racial intermarriage so that in the course of a few generations the white race will cease to exist.

Nobody knows for sure what will happen as a result of mixing up the races, but it is a "noble experiment", and therefore it has to be tried. Unfortunately, just as a scrambled egg cannot be unscrambled if the cook decides he wanted his eggs poached after all, if the result of interbreeding all the races of mankind into the ideal UN "brown man" is to convert all of humanity into imbeciles, who would be left with enough intelligence to figure out how to unscramble that gigantic egg?

[From the CONGRESSIONAL RECORD, Mar. 20, 1967]

TARGET DATE FOR SUBJUGATION: 1968

Mr. RARICK. Mr. Speaker, many taxpayers, constituents, puzzled businessmen, and concerned parents are writing inquiries as to why all the emphasis is being placed on 1968 as the must year for forceful compliance with every guideline, edit, and program to regulate our lives, our businesses, our unions, and our childrens' futures, our manner of worship in this country.

So that all may know and remember the source of the pressure and the cause, I am asking that the international blueprint, that is, the U.N. resolution—"International Year for Human Rights," designating the year 1968 as the International Year—be printed en toto in the RECORD, with this question: Must the Governments of South Rhodesia and South Africa be overthrown before the end of 1968?

The resolution follows:

"TEXT OF RESOLUTION ON INTERNATIONAL YEAR FOR HUMAN RIGHTS

"Date adopted: December 20, 1965.

"Vote: Adopted unanimously.

"Document numbers: Committee report to Assembly: Third Committee Report A/6184; Resolution as adopted by Assembly: 2081 (XX).

"*The General Assembly, Recalling* its resolution 1961 (XVIII) of 12 December 1963 designating the year 1968 as International Year for Human Rights.

"*Considering* that the Universal Declaration of Human Rights [1] has been an instrument of the highest importance for the protection and promotion of the rights of individuals and the furtherance of peace and stability,

"*Convinced* that its role in the future will be of equal significance,

"*Considering* that the further promotion and development of respect for human rights and fundamental freedoms contributes to the strengthening of peace throughout the world and to friendship between peoples,

"*Considering* that racial discrimination and in particular the policy of *apartheid* constitutes one of the most flagrant abuses of human rights and fundamental freedoms and that persistent and intense efforts must be made to secure its abandonment,

"*Reaffirming* the belief that the cause of human rights will be well served by an increasing awareness of the extent of the progress made, and the conviction that the year 1968 should be devoted to intensified national and international efforts and undertakings in the field of human rights and also to an international review of the achievements in this field,

"*Stressing* the importance of further development and implementation in practice of the principles of the protection of human rights laid down in the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and People [2] and the Declaration on the Elimination of All Forms of Racial Discrimination,[3]

"*Convinced* that an intensification of efforts in the intervening years will heighten the progress that can be made by 1968,

"*Convinced further* that the proposed international review of progress in the field of

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"[1] General Assembly resolution 217 (A) (III) of 10 December 1948.

"[2] General Assembly resolution 1514 (XV) of 14 December 1960.

"[3] General Assembly resolution 1904 (XVIII) of 20 November 1963.

human rights can advantageously be carried out by means of an international conference,

"*Noting* the interim programme of measures and activities to be undertaken in connection with the International Year for Human Rights and in celebration of the twentieth anniversary of the Universal Declaration of Human Rights, recommended by the Commission on Human Rights and set out in the interim programme annexed to the present resolution,

"*Noting further* that the Commission on Human Rights is continuing the preparation of a programme of observances, measures and activities to be undertaken in 1968,

"1. *Calls upon* States Members of the United Nations and members of the specialized agencies, regional inter-governmental organizations, the specialized agencies, and the national and international organizations concerned, to devote the year 1968 to intensified efforts and undertakings in the field of human rights, including an international review of achievements in this field;

"2. *Urges* Member States to take appropriate measures in preparation for the International Year for Human Rights, and in particular to emphasize the urgent need to eliminate discrimination and other violations of human dignity, with special attention to the abolition of racial discrimination and in particular the policy of *apartheid*;

"3. *Invites* all Member States to ratify before 1968 the Conventions already concluded in the field of human rights, and in particular the following:

"Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery; [4]

"International Labour Organisation Convention concerning the Abolition of Forced Labour;[5]

"International Labour Organisation Convention concerning Discrimination in Respect of Employment and Occupation;[6]

"International Labour Organisation Convention converning Equal Remuneration for Men and Women Workers for Work of Equal Value;[7]

"International Labour Organisation Convention concerning Freedom of Assocation and Protection of the Right to Organize; [8]

"United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education;[9]

"Convention on the Prevention and Punishment of the Crime of Genocide;[10]

"Convention on the Political Rights of Women; [11]

"International Convention on the Elimination of All Forms of Racial Discrimination;[12]

"4. *Decides* to hasten the conclusion of the following draft conventions so that they may be open for ratification and accession if possible before 1968;

"Draft Covenant on civil and political rights;

"Draft Covenant on economic, social and cultural rights;

"Draft International Convention on the Elimination of All Forms of Religious Intolerance;

"Draft Convention on Freedom of Information.

"5. *Decides* to complete by 1968 the consideration and preparation of the draft declarations which have approved by the Commission on Human Rights and by the Commission on the Status of Women;

"6. *Approves* the interim programme of measures and activities envisaged for the United Nations annexed to the present resolution and requests the Secretary-General to proceed with the arrangements for the measures to be undertaken by the United Nations set out in the annex;

"7. *Invites* Member States to consider, in connexion with the International Year for Human Rights, the possible adanvtage of undertaking, on a regional basis, common studies in order to establish more effective protection of human rights.

"8. *Invites* regional inter-governmental organizations with competence in the field to provide the international conference envisaged for 1968 with full information on their accomplishments, programmes and other measures to realize protection of human rights;

"9. *Invites* the Commission of the Status of Women to participate and co-operate at every stage in the preparatory work for the International Year for Human Rights;

"10. *Requests* the Secretary-General to transmit the present resolution and the interim programme annexed thereto to States Members of the United Nations and members of the specialized agencies, regional intergovernmental organizations, the specialized agencies, and the interested international organizations;

"11. *Recommends* that, in view of the historic importance of the observances of the International Year for Human Rights, the United Nations Educational, Scientific and Cultural Organization should be urged to mobilize the finest resources of culture and art in order to lend the International Year for Human Rights, through literature, music, dance, cinema, television and all other forms and media of communication, a truly universal character;

"12. *Commends* to the States, regional inter-governmental organizations, agencies and organizations mentioned in paragraph 10 above the programme of measures and activities set out in the annex and invites their co-operation and participation in this programme with a view to making the celebrations successful and meaningful;

"13. *Decides* that, in order to promote further the principles contained in the Universal Declaration of Human Rights, to develop and guarantee political, civil, economic, social and cultural rights and to end all discrimination and denial of human rights and fundamental freedom on grounds of race, colour, sex, language, or religion, and in particular to permit the elimination of *apartheid*; an international conference on human rights should be convened during 1968 in order to:

"(*a*) Review the progress which has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights;

"(*b*) Evaluate the effectiveness of the methods used by the United Nations in the field of human rights, especially with respect to the elimination of all forms of racial discrimination and the practice of the policy of *apartheid*;

"(*c*) Formulate and prepare a programme of further measures to be taken subsequent to the celebrations of the International Year for Human Rights;

"14. *Decides* to establish a Preparatory Committee, in consultation with the Commission on Human Rights, consisting of seventeen members to compelte the preparation for the International Conference on Human Rights in 1968 and in particular to make proposals for the consideration of the General Assembly regarding the agenda, duration and venue of the Conference and the means of defraying the expenses of the Conference, and to organize and direct the preparation of the necessary evaluation studies and other documentation;

"15. *Requests* the President of the General Assembly to appoint the States to the Preparatory Committee, eight of which shall be States represented on the Commission on Human Rights and two of which shall be States represented on the Commission on the Status of Women;

"16. *Requests* the Secretary-General to appoint an Executive Secretary for the Conference from within the Secretariat and to provide the Preparatory Committee with all necessary assistance;

"17. *Requests* the Preparatory Committee to report on the progress of the preparation in order that such reports might be considered by the General Assembly at its twenty-first and twenty-second sessions."

"ANNEX: INTERNATIONAL YEAR FOR HUMAN RIGHTS: INTERIM PROGRAMME

"I. The theme of ceremonies, activities and celebrations [13]

"It recommended that the programme of measures and activities to be undertaken throughout the International Year for Human Rights should be calculated to encourage, on as wide a basis as possible, both nationally and internationally, the protection of human rights and fundamental freedoms and to bring home to all the people the breadth of the concept of human rights and fundamental freedoms in all its aspects. The theme of the ceremonies, activities and celebrations should be: 'Greater recognition and full enjoyment of the fundamental freedoms of the individual and of human rights everywhere'. The aim should be to dramatize universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

"II. A year of activities [14]

"It is agreed that all the participants in the celebrations should be invited to devote the year 1968 as a whole to activities, ceremonies and observances relating to the question of human rights. International or regional seminars, national conferences, lectures and discussions on the Universal Declaration of Human Rights, and on other declarations and instruments of the United Nations relating to human rights, may be organized throughout the year. Some countries will wish to stress the entire content of the Declaration, as further elaborated in later United Nations human rights programmes. Some participating countries may wish to emphasize, during particular periods of the International Year for Human Rights, rights and freedoms in connexion with which they have faced special problems. During each such period the Governments would review, against the standards set by the Universal Declaration of Human Rights and other declarations and instruments of the United Nations relating to human rights, their domestic legislation and the practices within their society in respect of the particular right or freedom which is the subject of that period's observances. They would assess the extent to which the right had been effectively secured and would give publicity to it and make special efforts to promote among their citizens a basic understanding of its nature and significance so that the gain already made might not easily be lost in the future. To the extent that the right or freedom had not yet been effectively secured, every effort would be made during the period towards its achievement. In the choice of subjects, priority could of course be given to those rights of a civil and political character and those of an economic, social and cultural character.

" [4] United Nations, *Treaty Series*, vol. 266 (1956)), No. 3822.

" [5] *Ibid.*, vol. 32 (1959), No. 4648.

" [6] *Ibid.*, vol. 362 (1960), No. 5181.

" [7] *Ibid.*, vol. 165 (1953), No. 2181.

" [8] *Ibid.*, vol. 68 (1950), No. 881.

" [9] *Ibid.*, vol. 429 (1962), No. 6193.

" [10] *Ibid.*, vol. 78 (1951), No. 1021.

" [11] *Ibid.*, vol. 193 (1954), No. 2613.

" [12] General Assembly resolution 2106 (XX) of 21 December 1965.

" [13] See E/CN.4/886, paras. 46–52, and recommendation I (para. 52).

" [14] *Ibid.*, paras. 53–58, and recommendation II (para. 58)."

"A. Measures to be Undertaken by the United Nations in the Period Prior to the Beginning of the International Year for Human Rights

"1. Elimination of certain practices [15]

"Believing that certain practices which constitute some of the grosser form of the denial of human rights still persist within the territories of some Member States, the Commission on Human Rights recommends that the United Nations adopt and set before the Member States as a target to be achieved by the end of 1968 the complete elimination of the following violations of human rights:

"(*a*) Slavery, the slave trade, institutions and practices similar to slavery, and forced labour;

"(*b*) All forms of discrimination based upon race, sex, language, religion, political or other opinion, national or social or ethnic origin, property, birth or other status;

"(*c*) Colonialism and the denial of freedom and independence.

"2. International measures for the protection and guarantee of human rights [16]

"Measures for the effective implementation of the rights and freedoms set forth in the Universal Declaration of Human Rights and other declarations and instruments of the United Nations relating to human rights have been under consideration in the United Nations for many years. The Commission on Human Rights is confident that action on the draft Covenant on civil and political rights and the draft Covenant on economic, social and cultural rights, and measures of implementation, and on the other conventions or international agreements in the field of human rights listed in the draft resolution prepared by the Commission in 1964 for consideration by the General Assembly, will be completed before the beginning of the International Year for Human Rights. If, however, by the beginning of 1968, international machinery for the effective implementation of these covenants and conventions or international agreements does not form part of the instruments adopted, international measures for the guarantee or protection of human rights should be a subject of serious study during the International Year for Human Rights.

"B. Measures to be undertaken by member states in the period prior to the beginning of the International Year for Human Rights

"3. Review of national legislation [17]

"Governments are invited to review their national legislation against the standards of the Universal Declaration of Human Rights and other declarations and instruments of the United Nations relating to human rights, and consider the enactment of new or the amending of existing laws to bring their legislation into conformity with the principles of the Declaration and other declarations and instruments of the United Nations relating to human rights.

"4. Machinery for implementation on the national level [18]

"All Member States are invited, as one of the measures they will undertake in connexion with the International Year for Human Rights, to establish or refine, if necessary by the end of 1968, their national machinery for giving effect to the fundamental rights and freedoms. If, for example, within any Member States, arrangements do not exist which will enable individual persons or groups of persons to bring before independent national tribunals or authorities any complaints they may have concerning the violation of their human rights and obtain effective remedies, the Member States should be invited to undertake that such arrangements will be introduced. If such arrangements already exist, the Member States should be invited to undertake to refine and improve them. This is not a recommendation that any particular improvement in machinery should be introduced. In one set of circumstances what may be needed is the establishment of a special court; in another the appointment of an Ombudsman or Procurator-General or similar official; in another simply the setting up of offices to which individual citizens may bring their complains. The determination as to what machinery or improvement in machinery is required for giving effect to the fundamental rights and freedoms would be within the sole discretion of the Government concerned.

"5. National Programme of Education on Human Rights [19]

"Believing that there are limits to the effectiveness of laws in making the enjoyment of human rights and fundamental freedoms a reality, the Commission is convinced that a concentration of effort on legal and institutional guarantees of human rights, although it will go far towards the achievement of objectives we seek, will not go all the way. Attention needs to be concentrated, in addition, on means of changing some old ways of thinking on these subjects, and of rooting out deep-seated prejudicies in regard to race, colour, sex, religion and so on. In short, it is necessary to embark upon a complementary programme of education, including both adult and child education designed to produce new thinking on the part of many people in regard to human rights. Accordingly, it is recommended that an integral part of any programme of intensification of effort to be undertaken in the next three years should be a world-wide educational programme in human rights. Such an educational programme would be consistent with the objectives of the United Nations Development Decade and also with the objectives in the field of human rights the proposed United Nations Training and Research Institute. This programme should aim at mobilizing some of the energies and resources of:

"(*a*) Universities, colleges and other institutions of higher learning, private and public within Member States;

"(*b*) The teaching staff of primary and secondary schools;

"(*c*) Foundations and charitable, scientific and research institutions;

"(*d*) Media of information and mass communication, including the Press, radio and television;

"(*e*) Interested non-governmental organizations;

towards the education of the people, adults and children, about the state of human rights in their communities and elsewhere, and about the further steps which need to be taken to secure the fullest and most effective realization of these rights. Member States with federal systems of government are called upon to encourage the activities in the field of human rights of local and state educational institutions.

"It would guarantee the success of this educational effort if the national leaders within Member States would give it every encouragement. Within this effort Governments would organize conferences of universities and other institutions of higher learning within their territories and invite them to consider how the curricula and their teaching programmes can be utilized to improve the awareness in the student population of the fundamental questions of human rights, how their research programmes might be directed to this end, and how they can cooperate with the other interested organizations, through extra-mural and other programmes, in furthering the aims of adult education in human rights. In this context, studies of local customs and traditions could be undertaken by national authorities with a view to examining to what extent they might be fostering and encouraging attitudes or values contrary to the principles of the Universal Declaration of Human Rights and how these customs and traditions can be eventually eliminated. Charitable and philanthropic foundations might be invited to consider making grants for programmes of research and study in this field and to make bursaries and fellowships available for research in human rights. Responsible authorities of colleges, and of elementary and secondary schools, could be invited to review their curricula and textbooks in order to eradicate bias, intentional and unintentional, towards the preservation of ideas and concepts contrary to the principles of the Universal Declaration of Human Rights, and to introduce courses of study which positively promote respect for human rights and fundamental freedoms.

"It has been noticed with appreciation that certain universities have already included in their curricula courses in the international protection of human rights, other universities could be guided by such programmes and benefit by those experiences. Attention is also called to the UNESCO Associated Schools Project in Education for International Understanding.

"Governments might also convene, or give encouragement to the convening of, conferences amongst the radio and television broadcasting services within their territories, inviting them to consider how their facilities might most usefully co-operate with other organizations within the country, and with international agencies, in advancing the effort to educate the people into greater respect for individual rights and fundamental freedoms.

"The specialized agencies of the United Nations, especially the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, can make a particularly valuable contribution towards the intensification of the educational effort with the co-operation of United Nations regional institutes, bearing in mind Economic and Social Council resolution 958 D I (XXXVI of 12 July 1963. It is recommended that they should be invited to do so.

"[On 21 December, the President of the General Assembly, in pursuance of the above resolution, appointed the following 17 States to the Preparatory Committee for the International Conference on Human Rights: Canada, France, India, Iran, Italy, Jamaica, New Zealand, Nigeria, Philippines, Poland, Somalia, Tunisia, Union of Soviet Socialist Republics, United Kingdom, Uruguay, United States and Yugoslavia.]

TEXT OF RESOLUTIONS ON INTERNATIONAL YEAR FOR HUMAN RIGHTS

Date adopted: *19, December 1966.*

Votes: Resolution A: *108 in favour, none against, with 2 abstentions;* Resolution B: *91 in favour, none against, with 17 abstentions;* Resolution A: *Adopted unanimously;* Resolution D: *103 in favor, none against, with 9 abstentions.*

Document numbers: Committee report to assembly: *Third Committee Report A/6619;* resolutions as adopted by assembly: *2217 (XXI).*

The General Assembly, Recalling its resolutions 1961 (XVIII) of 12 December 1963 and 2081 (XX) of 20 December 1965 on the International Year for Human Rights,

1. *Approves* the further programme of measures and activities envisaged for Mem-

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[15] *Ibid.*, paras. 73–67, and recommendation V (Para. 77), as well as paras. 424–425.

[16] *Ibid.*, paras. 93–99, and recommendation VI (para. 99).

[17] *Ibid.*, paras. 116–120, and recommendation XI (para. 120).

[18] *Ibid.*, paras. 121–129, and recommendation XII (para. 129).

[19] *Ibid.*, para. 130, and recommendation XIII in the same paragraph.

ber States, the United Nations, the specialized agencies and national and other international organizations, which has been recommended by the Commission on Human Rights and is set out in the annex to the present resolution;

2. *Invites* Member States, the specialized agencies, regional intergovernmental organizations, and the national and international organizations concerned to devote the year 1968 to intensified efforts and undertakings in the field of human rights, including the measures set out in the above-mentioned programme, and to keep the Secretary-General informed of their plans and preparations;

3. *Invites* the Secretary-General to make any necessary arrangements to facilitate the co-operation of competent regional intergovernmental organizations in observing 1968 as International Human Rights Year, as provided in General Assembly resolution 2081 (XX);

4. *Requests* the Secretary-General to coordinate the measures and activities undertaken by Member States, the United Nations, the specialized agencies, regional organizations and the national and international organizations concerned, and in particular to collect and disseminate at regular intervals information on activities contemplated or undertaken by them in connexion with the International Year for Human Rights;

5. *Further requests* the Secretary-General to submit an interim report on the plans, preparations, arrangements, measures and activities referred to in paragraphs 2, 3 and 4 above to the General Assembly at its twenty-second session.

1904 (XVIII). UNITED NATIONS DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, and that the Declaration on the granting of independence to colonial countries and peoples proclaims in particular the necessity of bringing colonialism to a speedy and unconditional end,

Considering that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or in practice,

Taking into account the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, in particular the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, in the field of discrimination,

Taking into account the fact that, although international action and efforts in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world continues none the less to give cause for serious concern,

Alarmed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form, *inter alia*, or *apartheid*, segregation and separation, as well as by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

Convinced that all forms of racial discrimination and, still more so, governmental policies based on the prejudice of racial superiority or on racial hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

Convinced also that racial discrimination harms not only those who are its objects but also those who practise it,

Convinced further that the building of a world society free from all forms of racial segregation and discrimination, factors which create hatred and division among men, is one of the fundamental objectives of the United Nations,

1. *Solemnly affirms* the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person;

2. *Solemnly affirms* the necessity of adopting national and international measures to that end, including teaching, education and information, in order to secure the universal and effective recognition and observance of the principles set forth below;

3. *Proclaims* this Declaration:

ARTICLE 1

Discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.

ARTICLE 2

1. No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the ground of race, colour or ethnic origin.

2. No State shall encourage, advocate or lend its support, through police action or otherwise, to any discrimination based on race, colour or ethnic origin by any group, institution or individual.

3. Special concrete measures shall be taken in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

ARTICLE 3

1. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing.

2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

ARTICLE 4

All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

ARTICLE 5

An end shall be put without delay to governmental and other public policies of racial segregation and especially policies of *apartheid*, as well as all forms of racial discrimination and separation resulting from such policies.

ARTICLE 6

No discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

ARTICLE 7

1. Everyone has the right to equality before the law and to equal justice under the law. Everyone, without distinction as to race, colour or ethnic origin, has the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution.

2. Everyone shall have the right to an effective remedy and protection against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

ARTICLE 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the granting of independence to colonial countries and peoples.

ARTICLE 9

1. All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.

2. All incitements to or acts of violence, whether by individuals or organizations, against any race or group of persons of another colour or ethnic origin shall be considered an offense against society and punishable under law.

3. In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

ARTICLE 10

The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote energetic action which, by combining legal and other practical measures, will make possible the abolition of all forms of racial discrimination. They shall, in particular,

study the causes of such discrimination with a view to recommending appropriate and effective measures to combat and eliminate it.

ARTICLE 11

Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples.

1261st plenary meeting,
November 20, 1963.

1905 (XVIII). PUBLICITY TO BE GIVEN TO THE UNITED NATIONS DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

The General Assembly,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination provides that the United Nations, the specialized agencies, States and non-governmental organizations should do all in their power to ensure the abolition of all forms of discrimination based on race, colour or ethnic origin,

Considering the great importance of the speedy implementation of that Declaration in order to liquidate all forms of racial discrimination as soon as possible,

Considering it essential that, as a step towards the elimination of all forms of racial discrimination, the Declaration should be made known throughout the world,

1. *Requests* that all States shall undertake all necessary measures in order to implement fully, faithfully and without delay the principles contained in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination;

2. *Requests* the Governments of States and non-governmental organizations to publicize the text of the Declaration as widely as possible, using every means at their disposal, including all the appropriate media of communication;

3. *Requests* the Secretary-General and the specialized agencies to ensure the immediate and large-scale circulation of the Declaration, and to that end to publish and distribute texts in all languages possible;

4. *Invites* the Governments of Member States, the specialized agencies and the non-governmental organizations concerned to inform the Secretary-General of action taken by them in compliance with the Declaration, and requests the Secretary-General to submit a report on this matter, which will be considered by the General Assembly at its nineteenth session as a separate agenda item.

1261st plenary meeting,
November 20, 1963.

1906 (XVII). PREPARATION OF A DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

The General Assembly,

Having adopted the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,[1]

Considering that that Declaration is an important step towards the elimination of all forms of racial discrimination,

Deeply disturbed by the manifestations of discrimination based on differences of race, colour or ethnic origin still in evidence throughout the world,

Convinced therefore of the necessity of taking further action towards the elimination of racial discrimination,

Emphasizing in this connexion the importance of the speedy preparation and adoption of an international convention, as envisaged in General Assembly resolution 1780 (XVII) of 7 December 1962,

1. *Requests* the Economic and Social Council to invite the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth and eighteenth sessions of the General Assembly, any proposals on this matter that may be submitted by the Governments of Member States and any international instruments already adopted in this field, to give absolute priority to the preparation of a draft international convention on the elimination of all forms of racial discrimination, to be submitted to the Assembly for consideration at its nineteenth session;

2. *Requests* the Secretary-General to include in the provisional agenda of the nineteenth session of the General Assembly an item entitled "Draft International Convention on the Elimination of All Forms of Racial Discrimination".

1261st plenary meeting,
November 20, 1963.

TEXT OF RESOLUTION ON MEASURES TO IMPLEMENT THE UNITED NATIONS DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Date adopted: *1 November 1965.*

Vote: *Adopted unanimously.*

Document numbers: Committee Report to Assembly: *Third Committee Report A/6046;* Resolution as adopted by Assembly: *2017 (XX).*

The General Assembly, Having considered the question of the implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination contained in General Assembly resolution 1904 (XVIII) of 20 November 1963,

Noting that racial discrimination continues to exist in some countries in spite of the decisive condemnation of it by the United Nations,

Noting with satisfaction Economic and Social Council resolution 1076 (XXXIX) of 28 July 1965, and in particular the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, in the light of the Declaration, a special study of racial discrimination in the political, economic, social and cultural spheres,

Recognizing that, in order to put into effect the purposes and principles of the Declaration, all States should take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin,

1. *Calls upon* all States in which racial discrimination is practised to take urgent effective steps, including legislative measures, to implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination;

2. *Requests* the States where organizations are promoting, or inciting to, racial discrimination to take all necessary measures to prosecute and/or outlaw such organizations;

3. *Requests* the States which have not yet done so to inform the Secretary General without delay of the measures they have taken to implement the Declaration;

4. *Requests* the Secretary-General to submit to the General Assembly, in time for consideration at its twenty-first session, a report on the progress made in the implementation of the Declaration;

5. *Requests* the Economic and Social Council to invite the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to recommend, in the light of the special study of racial discrimination in the political, economic, social and cultural fields envisaged in Council resolution 1076 (XXXIX), any further measures which could be undertaken by the appropriate United Nations bodies with a view to eliminating all forms of racial discriminaton, and to submit these recommendations to the General Assembly;

6. *Recommends* that a seminar on the question of the elimination of all forms of racial discrimination should be held under the programme of advisory services in the field of human rights and in the context of the programme for the International Year for Human Rights.

[1] See resolution 1904 (XVIII), p. 35.

H.R. 6954

A bill to amend section 242 of title 18, United States Code, to prohibit deprivation of rights under color of any statute, treaty, order, rule, or regulation implementing decisions of the United Nations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 242 of title 18, United States Code, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color of any law, statute, treaty, ordinance, regulation, or custom (including any order, rule, or regulation issued by the President to apply measures which the Security Council or General Assembly has decided, or may decide, pursuant to chapter 41, or any other chapter, of the Charter of the United Nations, are to be employed to give effect to its decisions or resolutions under such charter, or otherwise), willfully subjects any inhabitant of any State, District, Commonwealth, territory, or possession of the United States to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

H.R. 11465

A bill to repeal the United Nations participation Act of 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United Nations Participation Act of 1945 is hereby repealed.

THE HONORABLE JOSEPH W. MARTIN, JR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. ROYBAL. Mr. Speaker, I want to join with my fellow Members of the House in offering tribute to the memory of the late Joseph W. Martin, Jr., former Speaker of the House of Representatives, and a Member of Congress from the State of Massachusetts for 42 years.

Joe Martin, as he was affectionately known by his many friends throughout the country, was a gentlemen in the truest sense of that word, and history will record him as a real statesman and great patriot.

He was particularly helpful to younger Members of the House, and shared with us all his deep respect for the traditions of democracy and freedom of expression that have made the Congress the essential institution in America's revolutionary experiment in government of the people, by the people, and for the people.

I consider it an honor to have had the privilege of serving in the House with the late Speaker Martin, and I extend my sincere sympathy to his loved ones and to his many friends.

A PROGRAM TO MEET THE CRISES

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. COLLIER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the "Program To Meet the National and International Economic Crises," which has just been released by the National Tax Reform Committee. This program is based on a study made for the committee by the distinguished economist, Dr. Emerson P. Schmidt. While I do not necessarily subscribe to every jot and title of the program, I believe the Members of the House will benefit from a perusal of it.

Among the members of the board of sponsors of the National Tax Reform Committee is our former colleague, Hon. Donald C. Bruce, who served an Indiana district with distinction, from 1961 to 1965. Another member is one of my constituents, Dale S. May, the president of Electrodatic Controls International Co., Park Ridge, Ill.

The program follows:

FIFTEEN-POINT PROGRAM TO MEET NATIONAL AND INTERNATIONAL ECONOMIC CRISES

(By the National Tax Reform Committee—A summary based on a study made for it by Dr. Emerson P. Schmidt, Economic Consultant)

1. In a budget of about $190 billion for fiscal 1969 the central government should eliminate 10%, or close to $20 billion, and could do so given the will, determination and the incentive.

2. Over 10% of the unexpended authorizations ($222.3 Billions), from previous years, including foreign aid, should be rescinded.

3. Each proposal for the authorization of new programs, and appropriation requests for old ones should be tested against at least two questions:

a. Should the central government be engaged in this activity at all? and

b. Can the problem actually be solved thru central government action and spending?

4. All spending authorizations should be accompanied by a ceiling on outlays and estimated annual requirements for each of the next four years following the year of originating or renewal authorizations. The Bureau of the Budget should be required to release adequate annual information on the performance of the government under these guidelines.

5. Government expenditures financed by tax dollars, always in competition with private savings, investments and expenditure, should be made only when and where a careful weighing of the use of the funds reveals a return to the taxpayers at least equal to what they could have earned in the private sector.

6. Cost-benefit analysis, cost-effectiveness studies and careful Planning-Programing-Budgeting Systems (PPBS) should precede every new program and be applied to existing programs in order to determine their survival merits, if any.

7. Forthright and determined application of the foregoing principles will make it unnecessary to raise tax rates or levy surtaxes on existing income taxes.

8. Our heavy reliance on income taxation (much greater than in most modern industrial countries) should be corrected by greater dependence on indirect and value-added types of taxes, in order to reduce disincentives to save and invest.

9. Consideration should be given at an early date to the replacement of our graduated income tax by a proportional tax on incomes.

10. In foreign affairs we must reduce by a wide margin our military and economic aid, reduce drastically our armed forces in Europe, yet fully support our troops in southeast Asia, but without waste.

11. The imbalance (deficit) in our international payments should be corrected by drastic reductions in overseas government expenditures, mentioned above. Existing restrictions on foreign travel, foreign lending and investing should be abolished concurrently.

12. Import and export quotas and other barriers to trade, travel and investment should be removed, thereby providing the entire free world with a greatly improved international division of labor, and making the need for any foreign economic aid obsolete.

13. Our monetary authority should stabilize changes in the rate of increases in the money supply, at a non-inflationary level, and thereby avoid the go-stop-jerky impact on our economy.

14. The Congress and the Administration should combine forces to enable the Congress to eliminate the fragmentation of responsibility in the area of taxation, spending authorizations and spending appropriations.

15. All Congressional Committees should have adequate and competent professional staffs to make independent investigations, studies and evaluations of all proposals coming from government agencies, the White House, and the Bureau of the Budget. This significant step would help regain for the Congress its power and control over expenditures.

DISTRICT YOUTHS HONORED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ROSENTHAL. Mr. Speaker, a number of young residents of our district earned high honors in recent months. Three of the top 10 winners in the Westinghouse National Science Talent Search were from Forest Hills, and students of the Forest Hills High School. They were John Goldsmith, John Gomori, and Perrin White. I had the pleasure of joining with these young men at the awards dinner in Washington. We all have every reason to be proud of them.

Competition was severe, as usual, for attendance at the service academies. The successful candidates this year were: Paul B. Gabelia of College Point and Michael Sawicki of Flushing for West Point; Jeffrey R. Visconti of College Point for Annapolis; and Louis Buttino, Jr. and Richard P. Solana, both of Whitestone, for the Air Force Academy.

Soon to join the Washington scene are: S. Elliott Cohan of Kew Garden Hills, who will be with the Securities and Exchange Commission as an attorney, and Howard Perlstein of Forest Hills, who will work as a member of the staff of the Chairman of the National Labor Relations Board.

Joining our Washington staff for this summer will be: Dennis B. Drapkin of Bayside; Kenneth S. Geller of Rego Park; and Mark Helfat of Douglaston.

VETERANS' ADMINISTRATION HOSPITALS THREATENED WITH CLOSING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the recent actions by the Congress have emphasized the seriousness of the financial crisis which is facing our Nation at this time. For many years I have been an advocate of more economy in Government, and have voted consistently to cut expenditures within the realm of necessity and reason. I have contended consistently that we cannot survive as a nation if we continue to spend more than we take in. I realize that our problems are compounded by the Vietnam war, and there is no question that these expenditures are necessary for the preservation of our freedom.

As chairman of the Veterans' Affairs Committee I have held what could be considered "tight strings" on all expenditures involving our veterans, but at the same time we have been able to provide needed benefits and medical care of outstanding quality to all of our veterans. I feel that we have continued to fulfill our obligation to those men who have served our Nation. At the same time, I feel that we have not wasted any money nor have we been extravagant in our provisions. I know that the House has agreed with me and shares this same belief, for it has approved the legislation which the committee has presented as required and equitable.

We have all agreed that we must take actions to curtail the spending by the Federal Government and make adjustments to restore and preserve our economic system. This does not mean that these actions must be taken through arbitrary and unwise formula that will wreck the benefit programs of the Veterans' Administration.

The conference report on H.R. 15414 calls for reductions which, in my opinion, are completely unrealistic. Very shortly we will be called upon to act on the report. I believe in all fairness, because of the intense interest of every Member of this body in all veterans' affairs, that you

should be acquainted with the consequences if the personnel formula and cut formula recommended are adhered to.

The exact reductions should be outlined before we take any action on this measure. To blindly accept the reductions without first knowing where and what they entail is pure lunacy. I have been endeavoring to pin down some specifics ever since information on the conference report was made available. Within the last few days I have been able to ascertain, at least in a speculative manner, just what these proposed cut-backs must be in order to comply with the provisions of the law.

I am convinced that if the personnel reduction requirements are allowed to stand as are now in the report, the operation of the Veterans' Administration would be practically paralyzed. The greatest disservice to our veterans would come about through the reduction of medical services.

We are all in agreement that budget cuts—realistic budget cuts—are a prerequisite if we are to maintain the economic stability of our Nation. And, though it is regrettable, there can be no respector of agencies or departments when these cuts are imposed, other than the operation of the war. Consequently, the Veterans' Administration and the Veterans' Affairs Committee realize that certain economies must also be placed on the operation of the Veterans' Administration. Naturally, we are hopeful that whatever cuts are imposed will not substantially reduce the service or benefits now provided for our veterans. But, in all fairness, I must sound a note of warning to you that should the fund limitations and personnel limitations be allowed to stand as written, the veterans of this Nation will suffer severely from such action.

Specifically, I refer to the provisions of the conference report relating to employee limitation. Realizing the gravity of the national situation, the Veterans' Administration can and will perform its duties to our veterans as long as personnel are available. But catastrophic consequences will come about if the conference report is accepted as it is now written. Let me quote; the conference report says:

> It was agreed that with respect to permanent full-time civilian employees in the executive branch one vacancy in four in each department or agency is not to be filled until such time as the overall number of employees reaches the level of June 30, 1966.

Because of the uniqueness of the employment situation in the Veterans' Administration and the steady turnover in personnel in the hospitals all across our Nation, the VA would, through attrition, reach its own June 30, 1966, level through the cutback of 3,000 employees in a period of 4 months. However, it is estimated that for all agencies—as required in the conference report—to reach their June 30, 1966, level would require 37 months. In other words, for 33 months after the VA had reached its employment level of June 30, 1966, further reductions of personnel would continue to take place until all agencies of the Federal Government had reached the June 30, 1966, level. Within a 37-month period, the Veterans' Administration would lose over 25,000 employees. Since 90 percent of all VA employees are engaged in medical programs of some nature, the brunt of employee losses would be absorbed in the Department of Medicine and Surgery. The conference report gives the Bureau of the Budget some latitude in distributing the cut of personnel, but I have been able to gain no assurance that the Veterans' Administration will be given any special treatment. In response to my inquiry, the Bureau of the Budget has informed me that such a personnel reduction, required by the conference report, would be so drastic as to completely cripple, if not destroy, the present medical system of the Veterans' Administration.

The interpretation of the provision is quite clear. No department or agency will be permitted to fill more than three out of four vacancies until such time as the total Government employment reaches the June 30, 1966, rate. Because the VA—and especially the medical system—is in a unique category, the provision would ultimately destroy the entire program.

I ask you to envision exactly what the loss of 25,000 employees, mostly in VA hospitals, would do to the Veterans' Administration. The on-duty employment in permanent positions at the end of May 1968 of 150,462 would be reduced in total by 25,466 to a level of 124,996 in 3 years. The reductions in terms of employees would be largely in the medical programs, since they comprise 90 percent of the total decrease in employment. In addition, the reduction would be very severe in regional office programs where employment would be reduced by 1,100 in fiscal year 1969, 2,200 by the end of 1970, and 3,200 by the end of 1971. With such a reduction, the regional offices' ability to process workloads and render service would be severely impaired. Over this same period, workloads will substantially increase because of veterans returning from service in Vietnam.

The Administrator of Veterans' Affairs has outlined some of the drastic reductions in the hospital services that would be necessitated by these actions. Primarily, the quality of service would gradually degenerate. By reprograming, decreasing selected workloads, and realining staff assignments, the VA medical programs could live with the impact of the first few months of employee reductions required by the attrition formula of only filling three in every four vacancies.

The situation would shortly become traumatic. A great consolidation of services to save on manpower would inevitably take place. Staffing of hospitals, clinics, domiciliary and restoration center staffs would be inadequate to serve those veterans needing medical care. Mere closing of hospital wards—or even a few hospitals—would not solve the problems incurred by such drastic personnel losses.

Three years ago we went through a very unpleasant episode in this Nation when some Veterans' Administration hospitals were closed. That unpleasant circumstance would be repeated many times over if the personnel cuts are put into effect as now prescribed in the conference report. Here are but a few of the things that will be necessary:

First. Approximately 24,000 hospital beds would be eliminated from the system.

Second. The number of patients to be treated by the VA would be decreased by more than 200,000, or 29 percent of the level funded in the 1969 budget. This, of course, would deprive veterans of benefits which they require and have been guaranteed by both the Congress and the executive.

Third. And this is truly most serious. In order to maintain the reduction of 25,000 employees required by the formula, the equivalent of about 30 hospitals would have to be closed.

As I mentioned previously, the facts concerning the exact details and consequences have been hard to come by. But the whole pattern is beginning to emerge, and the facts of the situation are shocking. I do not believe that the Members of this body would ever condone such drastic actions as are inherent in the adoption of a $6 billion budget reduction for fiscal year 1969, and agreeing to the demands imposed in the personnel reduction clauses.

I have endeavored to ascertain exactly what the budget cuts would amount to for the Veterans' Administration. At this time, no exact figure can be set, but it is presumed that the minimum required in the 1969 budget would be $100,000,000. This is, as I say, a minimum, for some estimates range as high as twice that amount.

Based on the very minimum estimate, I asked the Administrator of Veterans' Affairs what would be the result of a $100,000,000 reduction in expenditures brought about by an overall budget reduction of $6 billion, if the full reduction were applied to operating appropriations.

Because the medical benefits are the largest part of the operating expenses of the VA, where the cuts would have to be made, $86.3 million would have to be withdrawn from the medical budget. The impact of such a large reduction in this appropriation would result in these program deletions, curtailments or deferrals—

First. A daily average of 5,325 veterans would be denied care in VA facilities: 1,870 general medical and surgical patients; 3,300 nursing home patients; and 155 restorees in the rehabilitation/outplacement program.

Second. A total of 52 general hospital wards of 40 beds each would not be operated, with a resultant loss in available beds of 2,080 and the inability to treat 22,360 patients in those beds over a period of a year.

Third. The average employment level would be reduced 3,709 below the budgeted level, which would result in further depressing an already low ratio of em-

ployees to patients and permit no expansion of critically needed programs for training of health service personnel.

Fourth. The activation of additional new medical services throughout the system would not be possible, services such as: hemodialysis, pulmonary emphysema treatment, radioisotope, open heart surgery, organ transplant and intensive coronary care, to name a few.

Fifth. The replacement of obsolete and wornout hospital and medical equipment would be deferred, resulting in further increase in the backlog of requirements—to a year-end level of $72.7 million.

Sixth. The acquisition of new and additional equipment would have to be reduced by 50 percent, with direct impact on both the type and quality of care which could be rendered.

Highlighted in a different manner, the reduction of $86.3 million would require program reductions in the "Medical care" appropriation, which would be equivalent to the closing of 10 hospitals with a total of 5,700 beds.

If the reduction were to be met by closing entire hospitals rather than cutting back severely in all, then it would be necessary to select the hospitals to be closed.

A reduction in the magnitude of $100 million would also require a minimum reduction of $6 million in the general operating expenses appropriation which supports the regional office activities. This would mean fewer employees to provide services to an increasing veteran population. Employment would be reduced by 1,100 in 1969, with progressive reductions to 3,200 in 1971. Such a reduction at a time when the number of veterans has reached an alltime high and Vietnam veterans are returning at the rate of 70,000 each month, would make it impossible to render timely services in compensation, pensions, education, and housing credit assistance programs. During the first year, significant backlogs in adjudication actions would develop and by the third year the quality of service would have fallen far below tolerable limits.

I think it is also important that we take a look at the specific new medical services that were originally planned for activation in the fiscal year 1969 that would have to be canceled if the $6 billion budget cut is put into effect, or if the personnel reductions are left at the conference report requirements. Activations of new and replacement hospital beds will have to be canceled, programs that have already been instituted but which require specialized personnel and equipment will have to be abandoned.

Here is a list of items which will have to be stricken from the programs of the VA to comply with the proposed reductions:

NEW MEDICAL SERVICES ORIGINALLY PLANNED FOR ACTIVATION IN FISCAL YEAR 1969 WHICH WILL BE CANCELED

[Hospital and cost]

1. Psychiatric medically infirm (care for patients with psychiatric disorders who are also medically infirm).

Knoxville, Iowa	$63,000
Los Angeles, Calif	63,000
Louisville, Ky	63,000
Murfreesboro, Tenn	63,000
North Little Rock, Ark	63,000
Northport, N.Y	63,000
Salem, Va	63,000
St. Cloud, Minn	63,000
Total	504,000

2. Pulmonary emphysema (improved care for veterans with emphysema to give an extension of useful life and reduction in period of hospitalization).

Allen Park, Mich	$36,273
Atlanta, Ga	36,273
Castle Point, N.Y	36,273
Des Moines, Iowa	36,273
Gainesville, Fla	36,273
Knoxville, Iowa	36,273
Miami, Fla	36,273
Muskogee, Okla	36,273
Seattle, Wash	36,273
Temple, Tex	36,273
Wadsworth, Kans	36,273
Total	399,003

3. Speech pathology program (treats veterans with seriously impaired speech and language usually resulting from a stroke, brain damage, or loss of voice following surgery of the larynx).

Albany, N.Y	$15,000
Alexandria, La	15,000
Columbia, S.C	15,000
Hines, Ill	15,000
Lake City, Fla	15,000
Martinez, Calif	15,000
Oteen, N.C	15,000
Providence, R.I	15,000
Shreveport, La	15,000
Total	135,000

4. Foster home care (provides a home where former patient can live as a member of a family and receive supervision by foster parents in cooperation with the VA physician and social worker).

Bedford, Mass	$8,429
Danville, Ill	8,429
Gulfport, Miss	8,429
Los Angeles, Calif	8,429
Perry Point, Md	8,429
Tomah, Wis	8,429
Waco, Tex	8,429
Total	59,003

5. Supervoltage therapy (treatment of patients with cancer by supervoltage Units such as cobalt, betatron, and linear accelerators).

Boston, Mass	$73,667
Denver, Colo	73,667
Houston, Tex	73,667
Total	221,001

6. Prosthetics treatment centers (coordinates in one installation all facets of treatment required for veterans needing an artificial limb or other body part).

Boston, Mass	$53,500
San Francisco, Calif	53,500
Total	107,000

7. Pulmonary function units (measures the efficiency of the lungs at rest and under stress of measured exercise which results in accurate diagnoses of lung diseases).

Alexandria, La	$21,334
Charleston, S.C	21,334
Gainesville, Fla	21,334
Louisville, Ky	21,334
Miami, Fla	21,334
Montgomery, Ala	21,334
Muskogee, Okla	$21,334
Sioux Falls, S. Dak	21,334
Vancouver, Wash	21,334
Total	192,006

8. Intensive/coronary care unit (a specially constructed and equipped area for treatment of acute coronary occlusion or other types of heart diseases).

Albuquerque, N. Mex	$116,080
Allen Park, Mich	243,770
Ann Arbor, Mich	127,690
Baltimore, Md	92,870
Bay Pines, Fla	139,300
Buffalo, N.Y	185,730
Charleston, S.C	69,650
Cheyenne, Wyo	92,870
Chicago (WS), Ill	162,510
Chicago (Res.), Ill	162,510
Clarksburg, W. Va	92,860
Dallas, Tex	174,120
Denver, Colo	116,080
Gainesville, Fla	301,800
Hines, Ill	139,300
Houston, Tex	46,430
Indianapolis, Ind	243,770
Iowa City, Iowa	162,510
Iron Mountain, Mich	116,080
Jackson, Miss	174,120
Kansas City, Mo	116,080
Little Rock, Ark	185,730
Livermore, Calif	127,690
Madison, Wis	92,860
Miami, Fla	92,860
Nashville, Tenn	255,380
New York, N.Y	46,430
Oklahoma City, Okla	185,730
Oteen, N.C	197,340
Palo Alto, Calif	46,430
Philadelphia, Pa	139,300
Phoenix, Ariz	116,080
Providence, R.I	116,080
Reno, Nev	46,430
Salt Lake City, Utah	92,860
Sepulveda, Calif	104,470
St. Louis, Mo	58,040
Syracuse, N.Y	116,080
Temple, Tex	92,860
Tucson, Ariz	46,430
West Haven, Conn	162,510
White River Junction, Vt	92,860
Wichita, Kans	81,260
Wilmington, Del	139,300
Wood, Wis	92,860
Total	5,804,000

9. Clinical radioisotope (the use of highly sophisticated laboratory facilities and electronic equipment in clinical diagnosis and treatment of patients, particularly those with cancer).

Bedford, Mass	$155,667
Gainesville, Fla	155,667
Temple, Tex	155,667
Total	467,001

10. Cardiac catheterization (a procedure for discovering if a person has a certain type of heart or lung trouble and the extent of damage that has resulted).

Augusta, Ga	$89,000
Boston, Mass	89,000
Total	178,000

11. Blind clinics (to treat psychiatrically ill blind patients, particularly those too ill to go to regular blind centers).

Northampton, Mass	$26,000

12. Stereotactic brain surgery (the application of intensively cold freezing temperatures to localized areas deep in the brain. Used in treatment of painful conditions aris-

ing from injured nerves, strokes, or involuntary motor disorders).

Bronx, N.Y.	$159,000
Durham, N.C.	159,000
Long Beach, Calif.	159,000
Total	477,000

13. Organ transplantation (primarily kidney transplants which can result in longer life span of patients).

Denver, Colo.	$148,000
Durham, N.C.	148,000
Los Angeles, Calif.	148,000
Nashville, Tenn.	148,000
Syracuse, N.Y.	148,000
Total	740,000

14. Epilepsy centers (provides specialized service to veterans with uncontrolled epilepsy).

West Haven, Conn.	$31,000

15. Day hospital treatment (permits patients to live at home by providing care and special treatment at the hospital during the day).

Boston, Mass.	$54,200
Chicago (WS), Ill.	54,200
Coral Gables, Fla.	54,200
Durham, N.C.	54,200
Gainesville, Fla.	54,200
Kansas City, Mo.	54,200
Salt Lake City, Utah	54,200
Seattle, Wash.	54,200
St. Louis, Mo.	$54,200
Topeka, Kans.	54,200
Total	542,000

16. Electron microscopy (an instrument used in better delineation of renal diseases leading to improved therapy and more precise classification of certain cancers and sometimes detection of viruses).

Allen Park, Mich.	$84,667
Hines, Ill.	84,667
Long Beach, Calif.	84,667
New Orleans, La.	84,667
Salt Lake City, Utah	84,667
Washington, D.C.	84,667
Total	508,002

17. Reference laboratories (new and highly specialized procedures such as the determination of adrenal hormones, thyroid hormones or genetic abnormalities will be performed in these laboratories).

Denver, Colo.	$39,000
Hines, Ill.	39,000
Memphis, Tenn.	39,000
San Francisco, Calif.	39,000
Washington, D.C.	39,000
Total	195,000

18. Hemodialysis units (this is the artificial kidney machine used for purifying blood).

Dallas, Tex.	$194,333
Jackson, Miss.	194,333
Miami, Fla.	194,333
Total	582,999

19. Alcohol treatment unit (a separately located unit for treatment and rehabilitation of the alcoholic patient).

Brockton, Mass.	$72,500
East Orange, N.J.	72,500
Indianapolis, Ind.	72,500
Lincoln, Nebr.	72,500
Los Angeles, Calif.	72,500
Lyons, N.J.	72,500
Minneapolis, Minn.	72,500
Nashville, Tenn.	72,500
Northampton, Mass.	72,500
Salem, Va.	72,500
Total	725,000
Grand total	11,893,015

PLANNED ACTIVATION OF NEW AND REPLACEMENT HOSPITAL BEDS, FISCAL YEAR 1969, WHICH WILL BE CANCELED

Hospital	Operating beds		Increase in—	
	Capacity	To be activated	Patients	Funds
Complete:				
Charleston, S.C.	498	110	95	$230,000
Gainesville, Fla.	480	276	257	2,230,000
Miami, Fla.	1,056	505	548	5,103,000
Under construction:				
Long Beach, Calif.	920			[1] 975,000
San Juan, P.R.	720	202	178	4,025,000
Total	3,674	1,093	1,078	12,563,000

[1] Initial activation cost of 920-bed replacement hospital and additional employees required for the increase in number of ward units from 39 to 46.

POTENTIAL BED REDUCTION IN HOSPITALS OPERATING AT 80 PERCENT OF CAPACITY, AS OF MAR. 31, 1968

	March 1968 ADPL	Operating beds, as of Mar. 31, 1968	Beds in excess of ADPL	Potential fund "reduction"
Sheridan, Wyo. (NP)	438	575	137	$425,000
Altoona, Pa. (G.M. & S.)	158	200	42	218,000
Amarillo, Tex.	122	156	34	195,000
Ann Arbor, Mich.	385	486	101	504,000
Birmingham, Ala.	381	479	98	461,000
Bronx, N.Y.	976	1,324	348	1,774,000
Des Moines, Iowa	308	386	78	426,000
Grand Island, Nebr.	149	201	52	243,000
Iron Mountain, Mich.	197	269	72	293,000
Madison, Wis.	365	475	110	501,000
Newington, Conn.	199	250	51	$241,000
Reno, Nev.	153	202	49	236,000
Tucson, Ariz.	309	402	93	459,000
Vancouver, Wash.	340	430	90	451,000
Walla Walla, Wash.	187	275	88	446,000
Wichita, Kans.	186	252	66	278,000
Wilmington, Del.	237	300	63	271,000
Wood, Wis.	756	1,020	264	1,338,000
Total	5,846	7,682	1,836	8,760,000

ESTIMATED CONSTRUCTION OBLIGATIONS FOR FISCAL YEAR 1969

	Estimated obligations		Expenditure estimate in fiscal year 1969 budget (thousands)
	Amount (thousands)	Date	
TO BE DEFERRED			
Design Contracts			
Replacement hospitals:			
San Francisco, Calif.: 540 beds	$675	June 15, 1969	$210
Seattle, Wash.: 250-bed addition	700	Feb. 1, 1969	170
Modernization:			
Indianapolis, Ind.: A/C cl., research	597	Oct. 30, 1968	450
Louisville, Ky.: Cl., A/C, research	239	Feb. 28, 1969	200
Muskogee, Okla.: Gen. mod., A/C	113	Oct. 1, 1968	0
Research:			
Chicago, Ill. (WS): Research addition	32	May 1, 1969	25
Cincinnati, Ohio: Research wing	55	(1)	40
Iowa City, Iowa: Research alteration	16	(1)	10
Minneapolis, Minn.: Research addition	11	Dec. 1, 1968	10
Oklahoma City, Okla.: Research addition	75	July 30, 1968	70
TO BE DEFERRED—Continued			
Design Contracts—Continued			
Other improvements:			
Murfreesboro, Tenn.: M.S. & N.	$20	Mar. 1, 1969	$70
St. Louis, Mo.: Cl. consolidation	149	(1)	60
Total, design	2,682		1,315
SUBJECT TO DEFERRAL			
Construction Contracts			
Replacement hospitals:			
Lexington, Ky.: 370-bed hospital	11,800	June 30, 1969	250
San Diego, Calif.: 811-bed hospital	29,100	Feb. 6, 1969	6,400
Tampa, Fla.: 720-bed hospital	19,700	(1)	4,000
Modernization:			
Des Moines, Iowa.: Chapel, etc.	368	(1)	275
Marion, Ill.: Modernization	2,422	(1)	200

[1] No schedule.

CONSTRUCTION CONTRACTS—ESTIMATED OBLIGATIONS

[In thousands of dollars]

	Amount	Date	Expenditure estimate in fiscal year 1969 budget
OTHER IMPROVEMENTS			
Alexandria, La.: Sewage connection	$269	(1)	100
Allen Park, Mich.: Cobalt unit	90	Aug. 15, 1968	90
Ann Arbor, Mich.: Fire sprinklers	86	(1)	86
Bath, N.Y.: Sewage plant	174	(1)	50
Biloxi, Miss. (Gulfport): M.S. & N. unit	170	(1)	150
Birmingham, Ala.: MICU, SICU, CCU	328	Nov. 15, 1968	199
Bronx, N.Y.: Hemodialysis	165	Dec. 15, 1968	70
Bronx, N.Y.: Betatron	44	Aug. 20, 1968	19
Brooklyn, N.Y.: Cobalt	121	June 30, 1969	128
Castle Point, N.Y.: Sewage plant	162	(1)	190
Cheyenne, Wyo.: Surgical suite	139	Jan. 15, 1969	120
Chillicothe, Ohio: Boiler plant	865	Mar. 31, 1969	250
Cincinnati, Ohio: Air jets	25	(1)	25
Columbia, S.C.: Cardio. pul. unit	166	May 30, 1969	50
Denver, Colo: Cobalt	76	(1)	20
Downey, Ill.: Additional electrical work	49	Aug. 31, 1968	49
Durham, N.C.: Surg. int. care	74	July 31, 1968	74
East Orange, N.J.: Central oxygen system	80	Sept. 30, 1968	86
East Orange, N.J.: Cobalt therapy	119	Dec. 31, 1968	75
Fort Wayne, Ind.: Air conditioning	991	(1)	30
Hampton, Va.: Sprinklers	99	(1)	90
Houston, Tex.: SICU	91	Oct. 15, 1968	100
Houston, Tex.: MICU	72	do	92
Houston, Tex.: CCU	64	do	84
Iowa City, Iowa: Laboratory addition	188	Mar. 31, 1969	150
Iron Mountain, Mich.: Recovery room	35	(1)	35
Kansas City, Mo.: Audiology cl	56	Nov. 1, 1968	19
Long Beach, Calif.: Intensive care	90	July 20, 1968	90
Los Angeles, Calif.: Smoke barriers	92	(1)	87
Los Angeles, Calif.: Electron micro	55	Oct. 30, 1968	55
Lyons, N.J.: Air conditioning, M.S. & N. unit	140	Sept. 30, 1968	110
Madison, Wis.: Card. cath. unit	89	Apr. 29, 1969	40
Marion, Ind.: Sewage plant	197	(1)	50
Minneapolis, Minn.: Chem. laboratory	85	Apr. 30, 1969	40
New Orleans, La.: Tray service	59	July 26, 1968	39
OTHER IMPROVEMENTS—Continued			
New Orleans, La.: Hemo. unit	110	Aug. 22, 1968	98
New Orleans, La.: SICU	105	Oct. 25, 1968	100
New Orleans, La.: MICU	104	Oct. 25, 1968	99
New Orleans, La.: CCU	78	Oct. 25, 1968	74
Oklahoma City, Okla.: Card. cath. unit	61	Aug. 17, 1968	61
Oklahoma City, Okla.: SICU	124	Oct. 15, 1968	124
Oklahoma City, Okla.: MICU and CCU	93	July 30, 1968	93
Palo Alto, Calif.: Incinerator	58	(1)	5
Philadelphia, Pa.: Cobalt	66	Nov. 30, 1968	49
Pittsburgh, Pa.: ICU	27	Dec. 31, 1968	27
Pittsburgh, Pa.: Central tray service	80	May 31, 1969	5
Portland, Oreg.: CCU	78	Dec. 31, 1968	60
Providence, R.I.: Consol. OP cl	127	Jan. 8, 1969	50
San Francisco, Calif.: Storm sewer	195	May 31, 1969	0
West Haven, Conn.: Cl. consol	186	Apr. 15, 1969	165
White River Junction, Vt.: Elec. Ser	48	Sept. 1, 1968	25
Wood, Wisc.: SCI	104	Feb. 28, 1969	60
Hemodialysis: Various	85		3,650
Intensive care: Various	5,465		70
RESEARCH			
Boston, Mass.: Research addition	1,162	Apr. 24, 1969	250
Brooklyn, N.Y.: Research addition	148	Aug. 31, 1968	70
Chicago, Ill. (Res.): Research addition	1,085	Mar. 31, 1969	400
Cincinnati, Ohio: Research wing	1,115	(1)	810
Iowa City, Iowa: Research alterations	290	(1)	176
Madison, Wis.: Research addition	931	Feb. 28, 1969	600
Oklahoma City, Okla.: Animal laboratory addition	156	(1)	79
Philadelphia, Pa.: Research alterations	110	Oct. 31, 1968	88
Washington, D.C.: Research addition	1,315	Mar. 28, 1969	100
Total construction	84,169		21,536

[1] No schedule.

Now, if the conference report should be accepted and the $6 billion cut made by the law, and if the personnel requirements of the report are not corrected, then I am going to face the issue squarely. I will not condone the lessening of the quality of the medical services rendered to our veterans. I will not stand by and see the bleeding of the hospitals in the system to try to keep all of them open. We will do what we must to maintain the quality of patient care that has been established over the years, and reluctantly close whatever hospitals that must be sacrificed to maintain this level. To absorb a reduction in employment of such magnitude as prescribed in the conference report, plus a $6 billion reduction resulting in $100 million or more from the operating appropriation of VA budget, would require closure of hospitals in order to utilize the remaining staff in administering quality care.

Therefore, I am making an earnest appeal to you that every effort be made to amend the conference report; that the personnel formulas as set forth be amended to allow each agency to reach its reduction of personnel through attrition to the levels of June 30, 1966, but that the prerequisite that such attrition continue until all agencies have reached this level be stricken from the provisions.

INFANT MALNUTRITION AND ADULT LEARNING

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. GOODELL. Mr. Speaker, as the House Education and Labor Committee is presently conducting hearings to establish a Commission on Hunger, revelations about hunger are coming from private studies and witnesses. It is difficult for me to comprehend why, in an affluent society such as ours, there are starving Americans and that existing Federal programs are not reaching them. Evidence would indicate that malnourished children whose diets are inadequate may suffer irreparable damage and never attain full mental or social development.

To illustrate the implications of malnutrition I am inserting into the RECORD, today, an article by Nevin S. Scrimshaw, head of the Department of Nutrition and Food Science, Massachusetts Institute of Technology, which appeared in the Saturday Review on March 16, 1968.

The article follows:

INFANT MALNUTRITION AND ADULT LEARNING

(By Nevin S. Scrimshaw)

Two-thirds of the world's children live in the developing countries of the world, and for most of them malnutrition during their early years is a fact of existence. The consequent retardation in physical growth and development is reflected in the almost universally smaller body size of members of low-income populations in these countries. Genetic differences are a minor factor. Many underprivileged children among poor families in the industrialized countries are also malnourished at an early age.

Attention was focused until recently mainly on the high mortality of malnourished infants and preschool children of developing countries, with no particular concern for the smaller body size of the survivors. In the 1920s, experiments with rats began to show that nutritional deficiencies not only retarded physical growth and development but affected the central nervous system as well. In recent decades, early malnutrition sufficient to impair growth in experimental animals has repeatedly and conclusively demonstrated its effect on their subsequent learning, memory, and adaptive behavior. This has led to the stunning implication that infants and young children whose physical growth is stunted by malnutrition may also be prevented from attaining their full mental capacity and social development.

At an International Conference on Malnutrition, Learning, and Behavior at MIT last March, more than 500 medical, biological, and school scientists from thirty-seven countries reviewed the evidence and emphasized the urgent need for better understanding of consequences of early malnutrition in man. Investigations are now required in a variety of cultural situations, taking into account not only malnutrition, but also infectious disease and the social, psychological and educational influences in the young child's life.

Although the conditions under which malnutrition exerts a permanent influence on learning and behavior need to be defined further and the effects measured with greater precision, present knowledge impels public concern and action. Aid programs for industrialization and for the development of material resources are of limited value if essential human resources are neglected and inadequate. Even in advanced countries, remedial programs for underprivileged school children come too late when children have already suffered permanent physical and psychological damage.

In the rat, 80 per cent of brain growth occurs by four weeks of age; in the pig, by eight to ten weeks. The total body weight of both at these ages is less than 20 per cent of their usual weight at maturity. Rats which are underfed in the first few weeks after weaning and then placed on an adequate diet have smaller brains at maturity than control animals. Since the brain is growing so much faster than the rest of the body during these early weeks, the result of early undernutrition is a brain which is abnormally large for the body weight but small for the age of the animal. Recently, Dr. John Dobbing, Dr. A. A. McCance, and Dr. Elsie Widdowson, in the department of

experimental medicine, University of Cambridge, England, have demonstrated more marked postnatal retardation of brain growth of infant rats by having a single mother suckle fifteen to twenty young. In this way undernutrition was made to coincide with the period when the brain was growing most rapidly.

Beyond about three weeks of age for the rat and five weeks of age for the pig, the effect on brain size of short periods of undernutrition becomes progressively less pronounced. The adult brain is remarkably resistant to changes in weight, even during severe starvation, provided it is able to grow normally to a mature size before the starvation begins. Prisoners of war and concentration camp internees in World War II who survived long periods of severe food restriction showed no loss of intelligence after rehabilitation.

Food restriction in animals simulates the form of undernutrition in young children known as marasmus. Marasmus is particularly common in children less than one year of age, when the rate of postnatal brain growth is at its peak. It occurs because, under conditions of poverty and ignorance, children who are weaned early in the first year of life are likely to be given substitutes for breast milk which are inadequate in both calories and protein. Marasmus is found with growing frequency in the mushrooming cities of the developing countries, because recent arrivals imitate the early weaning practices of the middle- and upper-income groups without either the knowledge or the resources to provide a proper substitute for mother's milk.

Children who are not weaned until the second or third year of life—until recently, the common practice in nearly all unsophisticated societies—are likely to receive sufficient calories but inadequate dietary protein. The type of malnutrition which then results is called kwashiorkor, a dramatically acute and often fatal disease which is due primarily to protein deficiency.

In experimental animals, central-nervous-system damage is still more pronounced on a diet deficient in protein but adequate in calories. When Dr. R. J. C. Stewart, Dr. B. F. Platt, and collaborators at the Human Nutrition Research Unit of the National Institute for Medical Research, Mill Hill, in London, fed diets severely deficient to protein though adequate in calories to weanling rats, piglets, and puppies born of well nourished mothers, the animals exhibited signs of central nervous-system damage. Electroencephalograms showed diminution of rhythmic activity, and degenerative changes were found postmortem in the nerve cells and neuroglial cells, of the spinal cord and brain medulla.

Similarly depleted animals were subsequently fed a high-protein diet for one to three months, and their clinical condition improved promptly, but again, when these animals were examined postmortem cells in the central nervous system were still obviously damaged. The severity of such changes was increased by lowering the age at which the deficiency was established, by further reducing the protein value of the diet, or by increasing the duration of the deficient diet.

Dr. Richard Barnes and his colleagues at Cornell University have observed rats deprived of adequate food from the second to the twenty-first day of life. The animals were foster-nursed in large litters of fourteen to sixteen and further deprived on a low-protein diet for eight weeks after weaning. Five to nine months after rehabilitation on an adequate diet the rats still showed significantly poorer learning performance in a Y-shaped water maze. The Cornell observers concluded from these and other studies that, in rats and swine, simple undernutrition induced by general food restriction during the nursing period produces behavioral changes but has little effect upon the animals' ability to learn to solve complex problems. Severe protein deficiency in early life, however, causes not only the behavioral changes seen in food-restricted groups but also impairs the capacity to perform well in tests requiring the animals to learn from multiple trials.

In the studies of the Mill Hill group, in which the diets of the animals during pregnancy were deficient in protein and the animals' offspring were fed deficient diets after weaning, the effects were similar but even more pronounced. Dr. Bacon Chow at Johns Hopkins University and Dr. Sanford Miller at MIT have observed that young rats born of malnourished mothers show behavioral changes when they continue to be fed by their mothers. Dr. Miller has demonstrated that these effects can be avoided if the young are transferred at birth and suckled by a well nourished mother.

At the University of Aberdeen in Scotland, Dr. John Cowley found that a low-protein diet fed in unrestricted amounts to rats after weaning had no effect on their problem-solving ability in a maze. But the progeny of these rats, also maintained on such a diet, showed markedly reduced intelligence by the same test, as did second- and third-generation rats continued on this protein-deficient diet.

In the child, the brain achieves 80 per cent of its adult weight by age three, while the body reaches little more than 20 per cent of adult weight. The child's first three years of development are thus comparable to the first four weeks in the life of a rat or eight to ten weeks for the pig. At birth the human brain is gaining weight at a rate of one to two milligrams per minute. It could be expected, therefore, that protein deficiency serious enough to limit gain in height and weight during the first two to three years of life can also limit brain growth. While head circumference is of no value in predicting normal variations in intellectual capacity, it is a useful—if not absolute—indicator of brain size. When children are undernourished at an early age, their brain growth, as judged by head circumference, is significantly poorer than that of matched children who are well fed.

Dr. Mavis B. Stoch and Dr. P. M. Smythe in Capetown, South Africa, have followed twenty grossly undernourished infants, first examined in 1955–60, and compared their gain in weight and head circumference with a matched control group of the same racial background which was considered adequately nourished. When the measurements were last made in 1967, the head circumferences of the control group were within normal limits for the United States children of the same age, while those undernourished as infants averaged a full inch smaller. Similar differences in the head circumference of individuals of comparable genetic background but different nutritional histories have been reported by other observers.

To the extent that brain growth is impaired concurrently with early retardation in linear growth, more than 300 million children are in jeopardy today. Dr. Moisés Béhar, director of the Institute of Nutrition of Central America and Panama (INCAP), bases this calculation on the almost universal finding that the great majority of young children in the lower socioeconomic groups of developing countries show a decreasing growth rate after the first few months of life. This is true whether they are compared with children of the same ages in North America and Europe or with those of middle- and upper-income groups in their own countries.

Speakers at last year's MIT conference and at an international meeting held in Washington, D.C., in 1964 on Preschool Child Malnutrition presented data from more than forty developing countries, illustrating widespread growth failure among young children. Characteristically, growth retardation begins after the first four to six months of life and becomes progressively worse until the child passes the critical weaning period or succumbs to kwashiorkor or an infectious disease. Poor growth is associated with the inadequacy of breast milk as the sole source of protein after a child is six months old. This inadequacy is serious because the supplementary foods offered during the generally prolonged period of breast feeding also are often insufficient. One result is a mortality rate for children one to four years of age in developing countries which is twenty to forty times higher than that in North America and Europe. Too, average height and weight for children of developing countries are well below the fifteenth percentile of children in the industrialized countries.

Genetic differences appear to be of minor importance in accounting for these findings, for children of middle- and upper-income families who are well fed in the developing countries generally share the growth patterns of children in Europe and North America. Whether the racial composition of the more privileged groups within a country differs from that of lower-income groups or is identical, the less privileged children fail to grow as well. Countries in which retardation in growth and maturation due to malnutrition is common among preschool children include nearly all of those considered to be technically underdeveloped. Some particularly underprivileged groups in industrially advanced countries would be included as well.

The most serious complication in designing field studies of these problems is the fact that social and psychological factors may independently have the same adverse effects as malnutrition on learning and behavior and on the anatomical and biochemical development of the brain. Studies with rats, kittens, and monkeys have clearly indicated that animals which are protected from stimulation and prevented from exploring their environments have not only smaller brains with fewer nerve cells but also develop functional impairment of the central nervous system.

Similarly, institutionalized children, well fed and genetically normal, but deprived of affection and stimulation at an early age, may show marked mental impairment. The many kinds of psychological and social deprivation common among malnourished children can exert a direct effect on intellectual performance. Unstimulating home environment, poor educational facilities, isolation resulting from illness, limited recreational opportunities, and lack of incentive due to repeated discouragement are examples of such deprivations.

In industrialized countries, inadequate intellectual or social performance in a child is more likely to be the result of a complex interaction over a period of time between genetic variables and primarily non-nutritional factors in the social or cultural environment than a consequence of malnutrition. In the rural areas of many developing countries, however, and often in city slums and ghettos, variations from family to family in education, economic status, and cultural practices may be relatively slight. In such populations, deficiencies in intellectual performance due to malnutrition and its synergism with infection may be detectable. While genetic factors are important determinants of individual potential, they do not account for most differences between privileged and underprivileged populations.

Very few long-term field studies in human learning and behavior have been completed, and most have failed to separate adequately the effects of malnutrition from those of other environmental factors. In the Capetown study, a series of intelligence tests revealed consistently lower scores in malnourished children when compared with the control group's scores over a period of approximately ten years. The disparity in living conditions between the two groups, however, was equally marked. Wretched housing with no sanitary facilities, alcoholism, un-

employment, illegitimacy, and broken homes were the rule for the initially malnourished group. By contrast, the families of the control group lived in clean brick houses with running water and flush toilets; the children were legitimate and their parents employed.

The Capetown observers believe that the smaller body size and brain size in the malnourished group, as well as an increased frequency of abnormal brain waves and impaired visual perception, indicate organic brain damage. Despite this there is no way to separate the nutritional from other environmental influences in evaluating performance on various intelligence tests. Unfortunately, this was also the case in a number of studies of Serbian, American, and Indian children.

Dr. Fernando Mönckeberg of the University of Chile has reported a more critical study of the same type. Fourteen children with severe marasmus diagnosed at ages one month to five months were treated for long periods, discharged, and observed during visits to the outpatient department. As each child was discharged from the hospital, the mother was given 20 liters of free milk per month for each preschool child in her family. Three to six years later the children were clinically normal and some had weight-to-height ratios above normal. Their height, head circumference, and intelligence quotients, however, were significantly lower than in Chilean children of the same age without a history of clinical malnutrition. Significantly, language skill was the most retarded.

The information gathered in the town of Tlaltizapán, Mexico, by Dr. Joaquin Cravioto, Dr. Rafael Ramos-Galván, and their collaborators, is the outstanding pioneering effort in this field. Their studies have played the major role in attracting attention to the association of nutritional retardation of growth and development with performance on tests of learning and behavior. Because the economic, educational, and social status of families in Tlaltizapán was very uniform, these factor were judged to influence the variation within the study population to a lesser degree than the differences in nutritional status.

Retardation in physical growth and development was found to depend upon family dietary practices and on the occurrence of infectious diseases. It was not related to differences in housing facilities, personal hygiene, proportion of total income spent on food, or other indicators of social and economic status. Under these circumstances, the investigators found test performance of preschool and school children to be positively correlated with body weight and height.

In order to extend these studies to another population and also to make more prolonged observations, Dr. Cravioto and several members of his team joined forces with INCAP in Guatemala. They selected school-age children living in Magdalena Milpas Altas, Guatemala—a predominantly Mayan Indian village of 1,600. More than 10 per cent of the children born in this village died in their first year, and mortality in the one-to-four-year age group was more than forty-five times higher than in North America and Western Europe.

Variations in height and weight among the children of this community were not related to height of the parents or to the minor differences in economic and social status among families. The major reason for short stature was malnutrition at an early age. Two years of intensive work in this village showed once again that retardation in height for age relative to other children in the village was accompanied by poorer performance on psychological tests.

A growing body of evidence indicates that primary learning and the development of adaptive capacity is based on the development of interrelation among the separate senses. During ages six to twelve years, intersensory relationships follow a well defined growth pattern in normal children. Dr. Cravioto gave principal emphasis, therefore, to tests of intersensory integration. The tests involved manipulating eight differently shaped wooden blocks. The examiner determined visual integration by asking the child to put the blocks into their corresponding holes as rapidly as possible. The integration of visual stimuli with the complex sensory input required by active manual manipulation of a test object was judged by asking the child whether a block placed in his hand behind a screen was the same or different from one in front. Kinesthetic-visual integration was measured by moving the child's hand behind the screen to trace a shape which he had to judge to be the same or different than that of a block in front of him.

Each of these types of intersensory relationship improved with the age of the child. This was true for both children of the study village and those from middle- and upper-income families in Guatemala City. The rural children clearly lagged in the development of intersensory competence when compared with the privileged urban children. Of even more significance, the relationship between poorer test performance and shorter physical stature in the rural village did not apply to the well nourished urban children. Among the urban children there was no correlation between the height of the child for age and test performance.

Dr. Gravioto returned to Mexico and obtained similar information or intersensory integration among school children in Tlaltizapán. He found that there as in Guatemala, the smallest children in the village show poorer intersensory integration for their age than those who are tallest. Among children of upper income families in Mexico City, no such correlation exists. Clearly, where the child is more nearly able to realize his genetic potential for growth, differences in height lose their nutritional and social significance.

The most comprehensive and well controlled study to date is now underway in Guatemala under the direction of Dr. Cipriano Canosa of INCAP. Children in three villages are being given adequate supplementary food from an early age. An extensive battery of psychological tests is being used to compare their performance over the next seven years with that of children in three control villages.

There are circumstances in which the effects of early malnutrition on mental development are firmly established. A number of hereditary diseases induce a nutritional deficiency through an inborn error of metabolism. The resulting impairment of brain development is so disastrous that it illustrates dramatically the way in which nutritional factors can influence development and function of the central nervous system if operative at an early postnatal age. These inherited nutritional defects should dispel any doubt that nutritional deficiency, if sufficiently early and severe, can have profound and permanently detrimental consequences for the learning and behavior of children.

It is clear that under circumstances common to developing countries, malnutrition can interact with infection, heredity, and social factors to bring about physical and mental impairment. The social factors responsible are multiple and difficult to correct, but the elimination of malnutrition and infection among underprivileged populations is a feasible goal. For each child in the world, of any race or heritage, of any social or economic background, the events of early childhood determine whether he will suffer some degree of permanent physical and mental impairment. Every child should have the opportunity to attain his full potential. Measures to ensure the maximum mental development and optimum learning and behavior of children deserve a high priority. Among these the prevention of malnutrition is of fundamental importance.

WHERE IS CONGRESS' POWER?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. SIKES. Mr. Speaker, the Commercial Appeal, a distinguished Memphis newspaper, has editoralized in a constructive and useful vein on our distinguished colleague from Mississippi, the Honorable JAMIE L. WHITTEN. I am pleased indeed to submit this fine editorial for reprinting in the RECORD:

WHERE IS CONGRESS' POWER?

Representative Jamie L. Whitten (D-Miss.) is deeply and rightly bothered about encroachment upon congressional prerogatives and powers by the executive and judicial arms of federal government.

The three constitutional branches of government should, of course, provide a balance. What Representative Whitten regrets with strong objections is the failure of Congress to hold up its end of the scale.

Point one: The federal budget. Congress, asked by the White House to impose a 10 per cent surtax on income taxes this year, has demanded a six-billion-dollar reduction in the administration's budget in return for such action. The Senate followed a package plan which included a six-billion cut. But, says Mr. Whitten, "it did not point out a single, solitary place." Moreover, he says (in the text of a House Appropriations Committee hearing), "The next day we met in conference on the supplemental and they (Senate) added millions of dollars over the budget, and would not yield an inch, and the conference is still pending."

Speaking to Henry H. Fowler, secretary of the Treasury, and William McChesney Martin Jr., chairman of the Federal Reserve Board, Mr. Whitten said: "They are disturbed (about the economy), but they have not pointed their finger to a single place to cut."

What Mr. Whitten wants from the administration is an amended Budget Bureau recommendation. "Get busy and send us an amended budget down so we could see where you want to apply the cuts, and then the Appropriations Committee and the Congress could decide. . . . You ask us to repeal numerous acts, without a word of counsel and advice as to where."

Mr. Whitten's concern is well placed. A package cut without specifications may instruct the administration as to how much to trim, but not where. If the White House and its agencies will not say where, then Congress must specify the exact locations of the cuts it wants, and must allow no more money than it intends to be spent. It would be a surrender of power for Congress to approve a budget cut and let the White House then decide how available funds could be manipulated from one area to another for political purposes.

Point two: The Supreme Court, Mr. Whitten has introduced in the House a resolution providing for a standing committee on the Constitution. "Most Americans are good citizens," he said in an April 9 speech, "but this Supreme Court has repeatedly acted to release—on technicalities—agitators, rapists, murderers and revolutionists upon innocent members of the general public. . . . We must stop the Supreme Court from its actions of setting itself up as a 'supreme department'."

Such a committee as Mr. Whitten proposes could call Supreme Court justices to testify on matters where the two branches are at odds. This would be no different than the occasional call on administration executives to explain and uphold their actions and policies.

The aim in both prongs of this Whitten attack is to preserve a single standard of government for the nation as a whole, and to prevent the usurping of congressional power. Mr. Whitten's major obstacle is the Congress itself, which has become more inclined to pass the buck to the court and the White House.

APOLOGIES TO THE SOIL CONSERVATION SERVICE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. WYATT. Mr. Speaker, on May 21 I placed in the RECORD an editorial from the Capital Journal titled "Uncuttable Federal Budget?" In part the editorial read:

And few persons could believe that the government will go to pieces with $6 billion in cuts, as Congress is proposing now.

Just a quick scanning of the budget shows these vulnerable programs:

Space programs, $4.1 billion.

Highways, $4.1 billion.

Farm price supports, $3 billion.

Development of a supersonic airplane, $230 million.

Soil Conservation Service projects—$710 million.

"Pork barrel" public works, about $1 billion.

Surely many of these products could be reduced, and partially delayed, without damaging the country's long-range interests.

I wish to call attention to the reference to the statement, "Soil Conservation Service projects—$710 million." This is obviously a gross error because it is about three times greater than the total annual appropriation for the Soil Conservation Service. The House on May 1 passed H.R. 16913 making appropriations for the Department of Agriculture and related agencies in which $228 million was provided for the several activities administered by the Soil Conservation Service.

The Soil Conservation Service, in my judgment, is one of the finest of our Federal agencies which is composed of highly dedicated personnel who perform outstanding service in the field of soil conservation. Money appropriated for the Soil Conservation Service is really an excellent capital investment which is returned many times by the highly efficient programs devised and operated by the Service.

I deeply regret the error in the editorial and apologize to the fine Conservation Service and to all who were misled by the reference to the Soil Conservation Service.

The only mitigating factor I can suggest is the fact that the editorial as printed in the Capital Journal actually read "Soil, Conservation Service projects—$710 million." As printed in the RECORD the comma after the word "Soil" was omitted. It is possible the author of the editorial did not mean to attribute all of the $710 million to the Soil Conservation Service and was including funds for programs not under the Soil Conservation Service.

MATCHING PEOPLE TO JOBS

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RUMSFELD. Mr. Speaker, the May 21 edition of Chicago's American carried an article by Mr. Don Harris which observed that there are enough jobs in the Chicago area for every unemployed person, but the difficulty is in developing worker skills to match the available jobs.

This problem of structural unemployment continues as one of the major causes of unrest in our Nation. The unskilled and semiskilled worker sees job openings all around him, but he is unable to qualify to fill those jobs. The result is frustration and, oftentimes, hostility toward society as a whole.

Along with a number of my colleagues, I have introduced measures which, if encated into law, could help to alleviate this most vexing problem. Such measures include the National Manpower Act of 1968, H.R. 16304; the Employment Incentive Act of 1968, H.R. 16620; and the Human Investment Act, H.R. 4664. I am hopeful that the House will seriously consider these measures at the earliest possible time.

I offer the American article by Mr. Harris for the RECORD, as follows:

PEGS TOO SQUARE: JOBS FOR ALL (WHO QUALIFY)

(By Don Harris)

There are enough jobs in the Chicago area to take care of every unemployed person here—but the big job is matching them.

Statistics show 86,000 persons out of work and looking for jobs here. An equal number of positions are waiting.

In addition, business and industry are opening up new jobs for the so-called "hard core unemployed". Some labor experts estimate 80,000 persons are in this category.

This means most jobless persons in this area are not working simply because they don't have the skills to hold a job.

Various private and governmental programs seek to train these people to get and hold jobs.

At the same time, Mayor Daley's Summer Jobs for Youth program has enlisted the Chicago Junior Association of Commerce to find 20,000 temporary positions for youngsters 16 to 21.

What all this adds up to is an all-out drive to put people to work in meaningful jobs so they can improve their own standards of living.

Here are some examples of the job openings known to the Illinois labor department's bureau of employment security:

Machinist: 94 openings; $2.35 to $4.20 an hour; 35 applicants.

Master tailor: 131 openings; $2.50 an hour; 1 applicant.

Bus driver: 57 openings; $3.26 an hour; 25 applicants.

Civil engineer: 74 openings, $600 to $1,000 a month; 10 applicants.

Secretary: 107 openings; $80 to $100 a week; 104 applicants.

Licensed practical nurse: 106 openings; $325 to $500 a month, 4 applicants.

Bindery worker: 6 openings; $1.60 to $2 an hour; 257 applicants.

The list goes on and on—laborers, auto mechanics, college professors, truck drivers, chemists, clerks, cooks, elevator operators, maids, phone operators, and sales managers.

But the jobs stay open because applicants lack necessary experience, reject offered wages, don't have necessary tools, are too old, or can't get transportation to the job.

Perhaps the most frequent reason given is lack of experience. In the bindery worker category, all 257 applicants for the 6 available jobs were turned down because they didn't have the needed skills.

In some cases, job seekers are rejected because of a language barrier. This is particularly true of Spanish-speaking Chicagoans.

Many find the jobs for which they might qualify for are disappearing.

John E. Cullerton, state director of labor, said that from March, 1967, to March, 1968, Illinois lost 44,000 manufacturing jobs.

Even with the Chicago area's low unemployment rate of 2.8 per cent in March, growth in both the work force and total employment is slowing.

In the six-county Chicago metropolitan area, the civilian work force totals 3,213,500, while employment is 3,124,200.

FREEDOM FROM FEAR

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. QUILLEN. Mr. Speaker, "Freedom From Fear" is an editorial which everyone should read. It was written by the eminent and well-known editor of the Knoxville Journal, Guy L. Smith, and appears in the May 22 issue.

The editorial follows:

FREEDOM FROM FEAR

No one's crystal ball can accurately foretell what this country's loss of the war in South Vietnam would cost us in years to come even though we can now tally it up in terms of American lives and treasure expended to date. However, if we do lose it at the negotiating table in Paris—this has been the history of previous wars in which we have engaged in this century—our nation can continue to survive. This is taking the least opeful view of the possible outcome of the South Vietnam conflict.

It is no accident, though, that the Vietnam war has now taken second place in the minds of most American citizens and that domestic peace and tranquillity have become the number one concern. Sensible people recognize that if our own society proves incapable of preserving law and order, then what happens to us elsewhere in the world becomes of minor importance. Continued inability or unwillingness on the part of officials—the courts and politicians generally—to enforce our laws and to preserve peace for our citizens in the streets and in their homes will pave the way toward this country's fading from the scene as a world power just as did Rome and many other nations in the past.

No candidate for the Presidency has more clearly recognized the necessity for freeing the nation's society from criminal elements or has spoken out on it so forthrightly as former Vice President Richard M. Nixon. In a speech earlier this year under the title of "Toward Freedom From Fear," Nixon bore down upon this issue which promises to be overriding in the contest for the Presidency. It is worthy of note that this will be the first time in the history of this country in which the preservation of law and order, the preservation of peace in the streets and

in our homes, will have been the principal issue.

We quote here some introductory passages from the Nixon speech.

Pointing out that in the past seven years crime has increased almost nine times as rapidly as the population, Nixon properly concedes that the prime responsibility for dealing with crime rests with local and state governments.

"We want no centralized federal police force in this country. But crime has become a first priority domestic crisis, a distinct threat to the social order, and it should be a matter of the highest federal urgency. That urgency has not been reflected in this administration's actions or recommendations.

"The administration in Washington seems to have neither an understanding of the crisis which confronts us nor a recognition of its severity. As a result, neither the leadership nor the necessary tools have been provided to date to enable society's peace forces to regain the upper hand over the criminal forces in this country."

Other excerpts from Nixon's remarks follow:

"In the last seven years while the population of this country was rising some 10 percent, crime in the United States rose a staggering 88 percent. If the present rate of new crime continues, the number of rapes and robberies and assaults and thefts in the United States will double—by the end of 1972.

"That is a prospect America cannot accept. If we allow it to happen, then the city jungle will cease to be a metaphor. It will become a barbaric reality, and the brutal society that now flourishes in the core cities of America will annex the affluent suburbs. This nation will then be what it is fast becoming—an armed camp of 200,000,000 Americans living in fear.

"But, to stop the rising crime rate and to reduce the incidence of crime in America, we must first speak with a new candor about its causes and cures.

"We cannot explain away crime in this country by charging it off to poverty—and we would not rid ourselves of the crime problem even if we succeed overnight in lifting everyone above the poverty level. The role of poverty as a cause of the crime upsurge in America has been grossly exaggerated—and the incumbent administration bears major responsibility for perpetuation of the myth.

"On October 16, 1964, the President said that, 'The war on poverty which I started—is a war against crime and a war against disorder.' If the President genuinely accepted that proposition, the near 50 percent increase in the crime rate since 1964 would be adequate proof of the utter failure of the government's war on poverty.

"But the war on poverty is not a war on crime; and it is no substitute for a war on crime. It is certainly true that rising prosperity will gradually reduce the number of those below the poverty level, and eliminate many of the conditions in which crime is likely to flourish.

"But poverty cannot begin to explain the explosion of crime in America. In recent years, this nation has grown wealthier and its riches have been more widely distributed than in any other country in the world. And yet crime has been going up about three times as rapidly as the GNP.

"And poverty tells us nothing about the enormous increase in juvenile crime and drug abuse by teenagers in the affluent suburbs of America.

"The success of criminals in this country plays a far greater role in the rising crime rate than any consideration of poverty. Today, an estimated one-in-eight crimes result in conviction and punishment.

"If the conviction rate were doubled in this country, it would do more to eliminate crime in the future, than a quadrupling of the funds for any governmental war on poverty.

"In short, crime creates crime—because crime rewards the criminal. And we will reduce crime as we reduce the profits of criminals.

"There is another attitude that must be discarded if we are to wage an effective national war against this enemy within. That attitude is the socially suicidal tendency—on the part of many public men—to excuse crime and sympathize with criminals because of past grievances the criminal may have against society. By now Americans, I believe, have learned the hard way that a society that is lenient and permissive for criminals is a society that is neither safe nor secure for innocent men and women."

TWO FROM STATE DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. John L. Wojcicky and Pfc. Richard K. Morrison, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the RECORD:

TWO FROM STATE DIE IN VIETNAM: SOLDIER, MARINE ARE KILLED IN RECENT FIGHTING

An Army private from South Baltimore, who wrote his wife that he was "living in hell," was one of the two Maryland servicemen listed by the Defense Department yesterday as Vietnam war casualties.

The dead sevicemen were identified as Pfc. John L. Wojcicky, husband of Mrs. Mary E. Wojcicky, of the 500 block East Fort avenue, and Marine Pfc. Richard K. Morrison, son of Mrs. Dorothy J. Morrison, of the 8700 block Bradford road, Silver Springs.

Private Wojcicky, a 25-year-old infantryman, died May 13 of wounds received in combat in the Bien Hoa area, near Saigon, according to his wife.

LISTED AS MISSING

Mrs. Wojcicky said that notification of his death came two days after military authorities had alerted her that her husband was missing in action.

Born in Baltimore, Private Wojcicky grew up in the Curtis Bay area. He attended Francis Scott Key Elementary and Junior High School.

For six years before he was drafted into the Army last October he had been a chemical operator for the Davison Chemical Division of W. R. Grace & Co.

Private Wojcicky left for South Vietnam from Seattle March 17. He underwent basic training at Fort Bragg, N.C., and advanced training at Fort Polk, La.

MARRIED A YEAR

Mrs. Wojcicky, who married the soldier in March, 1967, said that her husband "wrote almost every day."

"He said he didn't like it there. He said he was tired of it. He said he was living in hell," she stated yesterday.

Surviving, besides his wife, are his parents, Mr. and Mrs. Leon Wojcicky, of Solley road, Anne Arundel county, and a brother, Joseph Wojcicky, a member of the Navy stationed in Seattle.

THE "NEW LEFT": NUISANCE OR MENACE?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ASHBROOK. Mr. Speaker, the advent of the "new left" in this country poses a problem which is more serious than many citizens realize. The role of the Students for a Democratic Society which is raising such havoc at Columbia University is an excellent case in point. Through their use of force, a major center of education has been severely affected in performing its basic function. The overwhelming majority of its students, unassociated with the SDS campaign, have been made to suffer as the result of the efforts of a small and extremist coterie.

The Washington Report of the American Security Council, in its May 20, 1968, issue deals with this issue of the "new left" both here and abroad. Written by Dr. Kurt Glaser, professor of government at Southern Illinois University, it provides a fine explanation of the motivations behind this new collection of radicals. Dr. Glaser is the author of "Czecho-Slovakia: A Critical History," and was a Fulbright lecturer at the University of Kiel in West Germany during the 1966–67 academic year.

I include the above-mentioned report, by Dr. Kurt Glaser, from the ASC's Washington Report of May 20 in the RECORD at this point:

THE "NEW LEFT": NUISANCE OR MENACE?

(By Dr. Kurt Glaser)

The "New Left," which achieved notoriety in the United States through the Berkeley riots of 1964, and in West Germany with student demonstrations against the Shah of Iran and protest marches after the killing of an "innocent bystander" named Benno Ohnesorg in June, 1967, has burst into print again this spring. In the siege of Columbia University and in the blockading of the Springer newspapers in Berlin and major West German cities, it has flatly challenged the authority of constitutional democracy. In Frankfurt on Holy Saturday, April 13, 1968, a spokesman of the *Sozialistischer Deutscher Studentenbund* called for "smashing the institutions of the state." Four policemen and 20 students were injured in the ensuing brawl. By Easter Monday, when the count had reached 100 serious injuries and 500 arrests, the Frankfurt SDS called time out for "revolutionary self-criticism," as had the comrades in Berlin two days earlier.

The political styles of the "New Left" range from the free-swinging absurdity of Amsterdam's Provos and the sheer animal violence of British "New Left" students to the almost incomprehensible sociological jargon of Germany's Rudi Dutschke, whose speeches abound in words like "subsumption," "abtraction," "transformation," and "reproduction." It is loosely organized—often disorganized—and lacks anything that could be called an International. Yet the contours of the movement are already clear enough to permit at least a provisional diagnosis. The shaping of reasoned and consistent policies for dealing with the "New Left" has by now become a matter of urgency, not only for university administrators, but also for presidents, prime ministers, and political candidates. Campus radicals have already dis-

posed of at least one mayor of West Berlin, have spearheaded a wave of anti-Americanism in Europe and in the United States as well, and have become a factor in both Western and Eastern tactical thinking.

On the whole, the "New Left" has not grown and it's not likely to grow beyond the academic community where it started. Its theoreticians, organizers, and shock troops are for the most part students, professors and instructors, and "intellectuals" (such as publishers of little magazines) who cater to the university trade. Its continuity is provided by campus-based organizations, among them the Students for a Democratic Society in this country, its German counterpart, the *Sozialistischer Deutscher Studentenbund* (significantly, both use the abbreviation SDS) and the Radical Students' Alliance of England. While the "New Left" sympathizes with the Black militants, and its American members participate in many of their demonstrations and marches, the Black Power group—the only sector of the "New Left" with an important off-campus base—has begun to assume goals, attitudes, and a *mystique* that Whites cannot share. According to a California "New Left" source, the growing separation has deprived the rest of the movement of a direction it had when civil rights were the main issue: a Berkeley strike in 1966 collapsed because it lacked thought-out bases and long-term purposes. The German "New Left," on the other hand, benefits from several local issues: a long-standing need for basic reform of university organization and curricula, the lack of an effective opposition since the Social Democrats joined the Christian Democrats in the "great coalition," and some cases of excessive zeal on the part of the German police in dealing with demonstrators and suspected demonstrators.

The adoption of Moscow's line on Vietnam without significant change, the adulation of Fidel Castro and Che Guevara, and the rhythmic chanting of "Ho, Ho, Ho Chi-minh!" by German marchers suggest that the "New Left" may be nothing more than Communism in its latest disguise. This judgment, while natural, is wrong and bars the way to an effective policy for dealing with student radicalism. There is no doubt that the Communists profit greatly from the activities of the "New Left," and that they infiltrate and control it where they can. The British Communist Party has openly admitted its alliance with the Radical Students' Union in recent disturbances. Yet the ideology expressed by "New Leftists" differs from Communism in major respects: orthodox Marxists have criticized the German SDS as a group of "anarcho-syndicalists and petty-bourgeois deviationists." Anarchist ideas likewise pervade the program of the American SDS while German Leftists are supporting the demonstrations of Polish and Czech students against Communist governments.

Insofar as the "New Left" has a central idea, it is that of revolt against an industrial society that is experienced as "repressive"—the same society that conservatives decry as too permissive. Paradoxically enough, however, the statements that modern society is too repressive and too permissive may *both* be true in certain respects. The breakdown of traditional norms of behavior and family controls combined with the denigration of the ethics of self-reliance constitutes a permissiveness that dissolves the individual's systems of internal guidance, thus weakening his inner freedom and his power of personal decision. At the same time, the pressures of a corporate society tending toward bigger and bigger units impose the "other-directed-ness" David Riesman has so aptly described. "Freed" from the demands of the market economy, the individual becomes a client of the state, which "owes" him a living. Economic freedom, as the Leftist philosopher Herbert Marcuse understands it, is freedom from having to earn a living; freedom to enjoy a guaranteed annual income—which someone else must be compelled to donate through taxation.

Prof. Lieber of Berlin, rector during the last year's anti-Shah riots, defines the "New Left" as a more or less world-wide protest movement against society, authorities, and the powerful. Its German leader, Rudi Dutschke, has been called "the spokesman for a sector of youth in a state of moral secession from the conformity and all subjections of industrial society." Dutschke himself, his disciples and critics agree, has built his influence on a combination of personal charisma and dialectical fluence. "If I did not use foreign words," he once admitted. "I'd be rejected as unscholarly." His speeches, in which he is often carried away by his own oratory and by audience response, emphasize the need far "overcoming manipulation," "achieving consciousness," and "revolutionizing the revolutionaries." Attempts to have him define an ideal society, however, draw the cryptic reply: "A Dutschke gives no answers." Dutschke, and with him much of the "New Left," is entirely concerned with the *process* of revolution: the classless society, once achieved, would be static and boring. Since the industrial workers, the revolutionaries of classical Marxism, have been corrupted by the high standard of living modern capitalism affords, it is necessary to create a new revolutionary class, which will find out its goals in the process of struggle.

Having no positive program other than planks borrowed from the Communists—mainly proposals to resolve international quarrels on Moscow's or Peking's terms—the "New Left" indulges in repeated provocations designed to shock the bourgeois. Typical of these are placards with four-letter words and demands for legalized narcotics in the United States and disturbances of academic ceremonies and church services in Germany. The most extreme case to date is that of the leaflets issued by Communie I in Berlin, one of which praised the Brussels department store fire of May 22, 1967, as a realistic representation of the battles in Vietnam and suggesting that similar fires would be desirable in Berlin. Its authors, students Teufel and Langhans, were arrested and charged with incitement to arson. They were finally acquitted on the strength of a memorandum by four professors, who declared that the Commune's productions were clearly "surrealist documents," to be compared with the bloodthirsty manifestos of the early surrealists in Paris. Although couched in deadly seriousness, the surrealist threats to destroy society were held to be denials of reality and not calls to action. The court deferred to the professors on what appeared to it to be a matter of artistic style.

The thesis that surrealism cannot be a basis for action was disproved in April, 1968, however, when fires *were* set in two Frankfurt department stores. Although SDS officials denied any knowledge of the matter, three of four arrested suspects—Berlin students—were identified by Commune members as participants in SDS meetings and demonstrations. No such connection has yet been made in the department store fires set in Chicago and New York this Spring.

Unlike Communists, who aspire to a scientific society, modern nihilists—for such are the "New Leftists" or surrealists in politics—believe that science has now collapsed, as metaphysics did in the face of the scientific revolution. Science, authority, and logic are thrown overboard as instruments of the establishment. As Mayor Schutz of Berlin observed:

"The nuclei of these groups are not mainly concerned with whatever theme is in the foreground of agitation: be it press concentration, Vietnam, or general democratization. Their sole concern is to paralyze the liberal constitutional state."

Finally, however, the ideals collapse. The surrealists of the 1920s became Communists (Aragon, Breton) or admirers of fascist dictators (Dali), while the anti-authoritarianism of today's "New Left" is stifled by spreading organization and conformity. In both cases, unbridled freedom leads to self-enslavement.

Of some 300,000 West German students, only 3 percent belong to political clubs, and only a part of these are Leftists. The SDS has about 2,000 members in local chapters that manage their own affairs with some ideological guidance from the national leaders. Percentages of American, British, and French students who are active Leftists are probably about the same. Yet these small minorities have brought the educational process to a standstill, they have intimidated administrators, and in some cases they have plunged metropolitan cities into uproar and confusion. At times, the German Leftists have managed to get almost one-third of the student body out on the streets, and those in Paris have produced crowds estimated at 10,000.

On April 11, 1968, Rudi Dutschke was shot and critically wounded by a lone assailant who later told police he "thought Dutschke was a Communist." This provided the "New Left" with a pretext for staging a major action against Axel Springer's newspapers, which the Left detests because of their "reactionary" policies. The day after the shooting, students besieged the Springer House in Berlin, broke most of the windows on lower floors, burned delivery trucks, and blocked access routes with cars, building materials, and rubbish. The police responded by setting up a barbed wire barrier manned with submachine guns and clearing a path for newspaper deliveries. Similar blockades resulted in pitched battles with police and hundreds of injuries and arrests in six West German cities. After Chancellor Kiesinger and Vice-Chancellor Brandt made clear that all necessary force would be used to uphold law and order, the SDS suspended further direct action and called for meetings to consider the situation, including the matter of creating a link with industrial workers. In the meantime, the Federal Ministry of the Interior has compiled evidence to support a suit asking the Constitutional Court to ban the SDS as a totalitarian organization, if the radical students do not mend their ways.

Further experience with the "New Left" in Germany and recent experience in the United States, Great Britain, and France—is familiar to any reader of a daily newspaper—suggest the following conclusions: the "New Left" is not a movement of the underprivileged; it is drawn from the upper middle class and the parlor radicals of Havard, Wisconsin, and Berkeley. It will never achieve mass support among trade unionists, who have less to revolt about than anyone in our society. It is, nevertheless, a menace rather than a nuisance. It has shown itself capable of disrupting the functions of universities, which are *and should be* pillars of the existing political order. A complex industrial society, which aspires to remain an open society and does not want its schools, offices, factories, and public utilities bristling with armed guards, cannot tolerate a group that preaches and practices violence. Nor can it tolerate the distortion of the intellectual climate that occurs when a minority imposes its dictates by force—a distortion that diminishes the free-

dom of others, *including the freedom of national governments to conduct foreign policies in their countries' interest.*

Effective policy for dealing with the "New Left" must begin with absolute firmness. University administrators have an obligation to protect the freedom of all, including the freedom of the student majority to pursue their studies, the freedom of faculty to serve their government, and the university's freedom to extend its courtesies to recruiters, guest speakers, and other visitors with legal missions—as well as to bar those whose purpose is to disrupt and incite to violence. The university should call on government for whatever force is necessary to fulfill this obligation, and it should deal promptly and severely with faculty members who aid and abet disorder.

But firmness does not mean obduracy or insensitivity. Administrators should keep channels of free discussion open, and should enlist the cooperation of students in developing reforms and improvements—without, however, abdicating their basic authority and responsibility.

The psychological root of the "New Left" is that of protest against meaningless affluence: against the materialism which, it must be admitted, besets modern capitalists as well as socialist society. It is, indeed, a frantic search for values worth fighting for. This is what distinguishes the "New Left" from Communism, and what poses an opportunity and a challenge to libertarians and moderates. While certain leaders of the "New Left" may be too far corrupted by collectivist ideas to be reasoned with, or may even be Communists on "detached service," this is not true of the rank and file, who are floundering in their search for personal identity.

There *are* values worth fighting for. These values are in the American tradition, and the Western tradition of freedom and individualism. The proper answer to the "New Left" is a militant reassertion of these traditions.

TRIBUTE TO THE LATE JOSEPH W. MARTIN

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. KUPFERMAN. Mr. Speaker, my first memory of Joe Martin was gaveling at the Republican National Convention in Philadelphia, Pa., in 1940.

I had just graduated from college and was acting as an usher at the convention, and I appreciated the opportunity of observing him in action.

Some 26 years later in the 89th Congress when I took my seat as a Congressman from the 17th District of New York on February 23, 1966, to complete the unexpired term of John V. Lindsay who had been elected mayor of New York City, Joe Martin welcomed me.

As I sat next to him on the House floor and reminisced on the conventions of 1940, 1944, 1948, 1952, and 1956 about which I knew, and in which he played a major role, it was as if history were being replayed.

Joe Martin did not come back to us in the 90th Congress, but there was no longer any point to it. He had made his mark in many years of service to his country and party. He had been Speaker during the 80th Congress and 83d Congress, a time when he was third in line in succession to the Presidency. He had, as minority leader in the House, helped shape national Republican policy for the loyal opposition.

In his older age, as a senior citizen and statesman, the routine of quorum calls could only be an echo of this former glory.

As a stalwart of the Republican Party in good and bad times, we salute Joe Martin and wish for him that he preside with equal diligence and dedication on the right hand of the Almighty.

AIR POLLUTION IS GOOD FOR YOU

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. OTTINGER. Mr. Speaker, on April 15, New York magazine published an article describing in reasonably restrained words, the unseen and unappreciated beauties of air pollution. The article, while not serious in tone, does have great relevance to the problems confronting the urban dweller today, and I commend it to the attention of my colleagues.

I am, in all honesty, compelled to admit that the pictures accompanying the article were in fact beautiful, and if anyone can argue today that air pollution has any benefits whatever, these would be principal witnesses in support of the argument.

It is unnecessary for me to say that the problem of air pollution is one of the major problems that we face in our efforts to recreate a decent environment. One of the major villains in the story is our old friend and standby, the internal combustion engine. I expect to appear before joint Senate committee sessions next week which will be held to look into the present state of technology and development of the steam car, which is suddenly assuming new significance as a realistic and nonpolluting alternative to the gasoline-powered automobile.

If the steam car or the electric car become a real choice to the commuter and the city dweller, it is possible that pictures such as appeared in New York magazine may no longer be seen. Esthetics aside, we will not mourn their passing.

The article follows:

THE BEAUTY OF POLLUTION: WHAT'S NEW IN FUME CITY?

(By Dick Schaap)

Every body picks on polluted air. Get one speck of dirt behind your contact lenses, and the air gets blamed. Sneeze once when you don't have the flu, and the air gets blamed. Every crime from mental illness to sooty drapes gets pinned on the poor air. Polluted air is the greatest scapegoat in New York City since George Whitmore, the young man who, under questioning by the Brooklyn District Attorney's office, confessed that he had killed Judge Crater, Cock Robin and the Broadway theater.

Nobody ever sees the good side of dirty air. (I suppose you think that's the dirty air's own fault.) But now an enterprising photographer named Ryszard Horowitz has done for polluted air what F. Lee Bailey did for Carl Coppolino. Horowitz has cleared the air, at least of one charge: Polluted air doesn't have to be ugly. "I felt I had an obligation to the air," Horowitz explains.

In his pictures on the followings pages, photographer Horowitz has composed a rhapsody in gray, a paean to pollution, an ode to Fume City, a visual treat every bit as lovely as Marlboro Country. He has caught the wonders of the city by utilizing the wonders of the city. In so many cities, photographers would have to smear Vaseline on their lenses to create a dreamy, hazy effect, but not in New York. In so many cities, photographers would have to move their cameras slightly to create a wistful, blurry effect, but not in New York. Only in New York can a gifted photographer, armed simply with tearing eyes and wracking cough, capture the essential glory of air pollution.

Beyond its natural loveliness, pollution serves the City of New York in so many ways. It helps keep the city from becoming overpopulated; it ensures that only the fittest survive, and that the rest move to the suburbs. It helps keep the city from becoming overgrown with foliage; it kills roses and tulips and other harmful weeds. It provides employment for windowwashers and carwashers and eager little shoeshine boys. And it saves money; it provides all the joys of cigarette smoking without any of the expense.

The beauty part of air pollution is that it is for all the people. It does not discriminate by race or religion, age or sex, rich or poor. The air in New York provides each individual New Yorker with 730 pounds of pollution each year, his own 730 pounds, whether he votes Republican or Democrat, whether he favors the war in Vietnam or fights it. It is his inalienable right; it is, like a good view of a good mugging, one of the fringe benefits of city living.

Hardly anyone fully appreciates the amount of effort that goes into providing New York with its hallowed air. Out of its smokestacks and its furnaces, out of its exhaust pipes and its incinerators, out of the jets of planes and the cigars of men pour 230,000 tons a year of soot and flyash, 597,000 tons a year of sulphur dioxide, 298,000 tons a year of nitrogen oxides, 567,000 tons a year of hydrocarbons and, last but certainly not least, 1,536,000 tons a year of carbon monoxide, which is, of course, colorless, odorless and tasteless and, therefore, does not really add to the visual appeal of air pollution. Consolidated Edison alone, at last count by the Mayor's Task Force on Air Pollution, has to operate 116 boilers and 49 smokestacks in order to give New Yorkers the distinct flavor of the air they breathe.

Most of the charges against air pollution, of course, have been grossly exaggerated, perhaps because nobody lobbies for air pollution. The critics of air pollution, men grievously lacking in a sense of beauty, sound like hawks discussing the Viet Cong. They claim that dirty air, for instance, creates a safety problem for airplanes. But, really, how many times a year do planes collide over New York because they can't see each other? Not very often, you can bet. The critics harp, too, upon the health hazards of air pollution; they like to point at the disaster that swept Donora, Pennsylvania, in 1948, when 17 persons died, and at the one that swept London in 1952, when 4,000 people died. Nothing like that has ever happened in New York; no one has ever proved conclusively that the 330 New York deaths attributed to air pollution in 1963 actually were caused by the shimmering haze.

Yet, because of the persistence of the critics and because of the unflattering myths that surround dirty air, the people of New York are actually in danger of losing their precious and picturesque pollution. Not all of it, naturally, but a decent share of it. A nonprofit group called Citizens for Clean Air Inc. admits in its literature that one of its aims is to eliminate air pollution. The city's own Department of Air Pollution Control, under Commissioner Austin Heller, has persuaded apartment-house owners to upgrade their incinerators and Consolidated Edison to burn cleaner fuel. People everywhere are uniting to battle air pollution; it is the same sort of misguided civic spirit that has already robbed the City of New York of some of its grandest monuments—the Third Avenue El, Stillman's Gym and countless old-law tenements.

The thought of New York without its scenic flying filth is terrifying. Can you imagine men coming home from work with their collars white? Can you imagine automobiles without corroded metal trim? Can you imagine the financial damage to cough-medicine companies and eye-drop firms? It would take away so much of the excitement of living in New York; the next thing you know people will expect trees and clean streets and all the other decadent signs of comfortable living.

It is not too late to save air pollution: Refuse to put control devices on your cars. Burn garbage in the streets and in open lots. Use low-grade heating fuels in your homes. Keep New York beautifully hazy.

Remember: Beauty is in the eye of the beholder—and it stings.

JOHN KENNETH GALBRAITH—POLITICS IN 1968

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. EDWARDS of California. Mr. Speaker, the outstanding Harvard economist and former Ambassador to India, John Kenneth Galbraith, was unanimously reelected national chairman of the Americans for Democratic Action for the coming year. I had the honor to have preceded Mr. Galbraith as chairman of ADA.

In its 21 years of existence ADA has had many distinguished Americans serve on the executive board and as officers, but never have we had a chairman who speaks and writes with such elegance, wit, and clarity. His keynote address to the ADA convention held last weekend is a prime example of his ability as a wordsmith, but he is a man of action as well. Chairman Galbraith was one of those who pushed for ADA endorsement of EUGENE MCCARTHY at a time when his cause looked hopeless. ADA now can rightfully claim, along with Senator MCCARTHY, a share in the tremendous enlargement in the prospect ahead for a more decent and humane and rational America.

Mr. Speaker, I would urge my colleagues to pay particular attention to Professor Galbraith's thesis that our foreign and defense policymakers are prime culprits in the domestic crisis we face at home.

Professor Galbraith's address follows:

POLITICS IN 1968 AND THE LIBERAL RESPONSE

(Address by John Kenneth Galbraith, national chairman of Americans for Democratic Action, at the 21st annual convention of ADA in the Shoreham Hotel on May 17, 1968)

My friends: When you elected me a year ago as National Chairman of ADA I confess that, like others, I was puzzled by your choice. I know now that you looked ahead last March and saw, politically speaking, that it would be a somewhat complicated year. Thus, the extreme response. May I be the first, possibly the only one, this evening to congratulate you on your prescience.

In these remarks this evening I intend, of course, to look ahead. That is a liberal imperative. Not since Bellamy has anyone of our political faith admitted to looking backwards. And my intentions are by no means rhetorical; what I urge this evening I have every hope we can make happen. But first of all, let me reflect for a moment on the events of this remarkable year. And let us not sacrifice truth to modesty. In the not unduly self-effacing mood in which I initiated these remarks, let us have our moment of self-congratulation.

This has been a year of marked personality. It will have standing in history, with 1933 and 1945, as a time when change came swift and welcome—when the molds were broken. Or to change the metaphor, it is a time when many faces in the United States we had thought were ikons turned out to be only empty spaces on the wall.

Change is never an easy companion, even for liberals. We have had violence and tragedy these last months. We find no pleasure in lawlessness. And we have lost the gentlest and the most naturally eloquent of our citizens. But, the comfortable to the contrary, historians will celebrate these last months as a time of brilliant change. They will say, I think, that there was some kind of revolt toward rationality.

When we met a year ago we seemed irrevocably committed to an endless war—a war which even the defenders increasingly conceded was the result of a hideous miscalculation. It was begun by men who believed they were fighting world communism. It had become, all could see, a battle with a relentless, but passionate, nationalism. On our side, the defenders of the war had once spoken of the forces of freedom. Increasingly they had come to concede, privately if not publicly, that they supported one of the greatest convocations of minor despots and major larcenists in what the Secretary of State called the free world. It was a government held together and held in power only by the force of our diplomacy supported by the force of our arms. And we looked forward to an election year in which Lyndon Johnson would be the Democratic candidate and Richard Nixon would be the Republican.

We do not forget the applause we once accorded Lyndon Johnson for the legislation he won on civil rights, for the laws he passed on housing, education, poverty and the other unfinished tasks of a compassionate society. And we remember without difficulty that Richard Nixon stands for nothing at all. (One notices, characteristically, that he expelled the dissenting students from Columbia yesterday not in a speech on Morningside Heights but in Eugene, Oregon.) But, on Vietnam, both candidates would have been united in an effort to gild what all with access to information knew to be a national disaster. Discussion of the greatest issue of our time would have remained outside the main current of politics. It would have been an issue not of politics but of dissent. People would continue to wonder if, in reacting to reason, they weren't being unpatriotic or if they weren't committing that even more serious sin of these last two decades, of being soft on communism.

Now all has been changed. Error has been implicitly acknowledged. The goal of military victory in Vietnam has been abandoned. The central thrust of our policy has been reversed; only a few of the architects of the old policy seem not to have got the message. We are not yet home. Though we are not negotiating ourselves out of a defeat, we are negotiating ourselves out of a terrible mistake. That, some have yet to realize. And there is no possibility, of course, that we can get out of South Vietnam without conceding to the opposition, the most vital force in the country, a role in the government. Anything else is a dream. But, clearly, American commonsense is again asserting its considerably authority.

The A.D.A. has had a leading role in converting dissent from the war into political opposition. Nothing we have ever done has been so important. We have shown that on great public issues there can still be persuasion. We have helped to show that on such issues people can still speak with authority to Washington. We have helped to show that even the most profound dissent is not an excuse for violence—that it can still succeed in democratic debate.

We learned one other thing. Once opposition to the war was brought out of the streets and into the political arena, public support evaporated. Support for the old goal of military victory in Vietnam was reduced to what historians, no doubt, will one day define as the Rostow-Alsop-Aesop axis.

But let us not be too exclusive in our award of credit for our achievement. Clergymen, liberal labor leaders, concerned businessmen, students, teachers, scientists all shared or led in the effort. It was a formidable mobilization. Not even the State Department will soon again regard the opinion of such people with quite the same contempt.

And the undisputed hero of this effort is the man who last autumn came forward against all advice to take the war into the political arena. That was Eugene McCarthy. He then turned out against all expectation, all prediction, to be the political phenomenon of the season. In the chronicle of these times he will, indeed, be part of the main text.

I say that Gene McCarthy has succeeded against all expectation. Naturally, we in A.D.A. were not surprised. After all, we endorsed him.

The political experts are always astonished when the American people come out on the side of liberalism, intelligence, sanity and a sense of political adventure. One wonders why. Certainly they could improve their score by being better guided by A.D.A. For, sooner or later, it is our candidates who come to office. Sooner or later it is our program that gets enacted. I plead with the experts to be guided by these useful facts.

More than support of the Vietnam war has been a casualty of this season of discontent. The mood of questioning has been worldwide. Perhaps not since 1848 has there been anything so universal. It extends from New York to Paris and on to Rome, Berlin, Prague, Warsaw and Moscow. No industrial community is exempt. Let us not suppose because goals are confused or reactions extreme that nothing is wrong. The labor movement was born out of the confessed objectives of anarchists, socialists and reformist trade unions. It was not thus without reason for existence.

I would sense that there is a revolt against

conformity—against the comfortable men of well-padded mind for whom truth is what they wish to believe. It is a revolt against what may one day be called the politics of convenience—a revolt against the belief that the proper remedy for man's problems is whatever does not cause too much trouble.

Certainly here in the United States we have gone far in these last years to exploit the politics of convenience. We have come to expect all domestic problems to be solved painlessly by increasing production. From this bounty we offer a little more for the poor, a little more for the Negroes, a little more for the cities. We conbine this with a great deal of oratory about the depth of our commitment to compassion. We have been confident that people would be endlessly patient. Sooner or later the disturbing voices would see the higher advantages of contentment. Certainly nothing need be done to disturb the equanimity of the contented or the incomes of the rich.

And all these tasks were subordinate to our international mission which was to oppose communism and defend the free world. And in accordance with the politics of convenience we avoided too many questions about the freedom of the people we defended. Greek colonels, Argentine generals, Saigon profiteers were all, as necessary, promoted to be honorary exponents of freedom.

I overstate matters a little but not much. Even liberals have been lulled at times. Is it surprising that there has been a reaction? I think not. And I for one strongly welcome it. We have often told ourselves that liberalism is not a safe and comfortable faith. Let us believe it. We do not know where all the ideas now in dispute will carry us. But let us not shy away from the journey. Wherever the comfortable men are to be found, liberals are not.

Let me turn to the tasks ahead and to the alternatives to convenience. Again let me say that I do this in no permissive spirit. These are things I really want you to do.

This autumn, let us face the fact, all of us here will be supporting one or another of the three Democratic candidates for President. The possibility that A.D.A. might become an arm of a rejuvenated Republicanism, I think we may say, has receded. The Republicans are acting in the great tradition of competitive democracy. Having heard that the Democrats are having trouble with a credibility gap, they are planning to come up with a man you can really mistrust. That, of course, is Nixon. But even should they nominate Rockefeller, we would find ourselves reflecting on the kind of Congress he would bring out from under the stones and the moss. That also would force us to rise above nonpartisanship.

Like all others here I have my preferences as between the three Democrats. Like almost everyone here and millions throughout the country, I consider the war an overriding issue. Let us all be completely clear on that. We are certainly not fighting this election campaign to perpetuate the policies or the people or the mode of thought that were responsible for this disaster. With our fellow-citizens we have a right to expect all candidates to reject these past errors and reassure us as to the future.

But this vital point settled, I would urge that we do not let our preferences get the better of our judgment. We liberals have had our big battle for this year; its outcome has been better than any of us could have imagined. Let us so conduct ourselves now, and in the months ahead, so that we choose one of the three Democrats without opening any wounds that might endanger his election. Let the candidates too, without exception, avoid opening such wounds.

It is more important that we keep plainly before our candidates the things for which, as liberals, we urge and indeed rightly expect them to stand.

Foreign policy, we have not learned, is the ambush of American liberalism. And it is a matter, we must face it, that is as much of men as of policies. For a liberal policy, we know, men of liberal thought must be in charge at Labor, Agriculture, H.U.D., H.E.W. Only for foreign policy in these last decades have conservatives or the bloodless experts been thought better. We have now seen what they do.

There is, in fact, no practical difference between the conservative reaction in foreign policy and reactionary conservatism in domestic policy. We must never again be confused by matters of style—or false pleas for bipartisanship. In both domestic and foreign policy conservatives operate under a conspiracy theory of history. It is not social grievance but Communist agitators who are the source of disorder. This is so whether it be in an American ghetto or an Asian jungle. Both kinds of conservatives have unlimited faith in firepower. In case of trouble abroad as at home, both ask to send in the troops. For both the United States is a police force. Both kinds of conservatives have an overpowering commitment to authority. Both, accordingly, expect public support for any constituted authority, however unpopular or corrupt. Both kinds of conservatives cry appeasement if there is negotiation or compromise with those in revolt. Both end up in disaster for neither, either by instinct or compassion, can understand how people are moved.

But conservatives are ultimately far more dangerous in the field of foreign affairs. The weapons on which they place their faith are ultimately more lethal than riot guns or Mace. And ultimately this conservatism does more damage to liberalism here at home. When, in the years ahead, prizes are awarded to those who, in our time, have done the most to arrest social progress in the United States in these last years, I naturally hope that Wilbur Mills and his allies in the Confederate-Republican coalition will be duly celebrated. Their insistence that the Vietnam war cannot be paid for except by drastic sacrifices by the American poor, while taxation of the affluent is postponed, will stand as a small classic of well-considered reaction. But the biggest place in this pantheon must, in all fairness, go to the men who made our Asia policy. They preempted the billions that could have saved our own society from despair. They put all our domestic efforts on a standby basis. They made the response to the Kerner Commission a bitter joke. We now know what foreign policy by conservatives can cost us. It would have been better had we learned sooner.

Our concern for the role of conservatives in foreign and military policy is not confined to Vietnam. As liberals let us ask all candidates for public office to face up fully to the role of the military in our society and to the role of military operations in our economic life. Let there be no evasion of this issue. I do not hold with those who think that to be a soldier is to be any less a citizen. Our tradition of civilian control of military policy is not a figment of our oratory. It is the sound instinct of most of our military men to accept civilian leadership and eschew politics. In these last years civilian attitudes on military policy have been far firmer in the Defense Department than in the State Department. But the military establishment must be wholly the servant, and never the master, of our society. And so especially must be the vast industries which serve the defense establishment. The next President must show us that this is true in all aspects of his administration. The production of arms is not an industrial convenience or an interesting way of underwriting research and industrial risk, or a safe and agreeable way of piling up profits. Any new administration must assert itself effectively on these matters. We must show that we are as willing to accept the risks of negotiated disarmament as those of an enduring arms race.

I come now to the agonizing problem of race and the urban crisis. I do not offer a full revelation on this; were I to do so you would be right to inquire as to its source. But as the election approaches I would like to urge that all liberals and all liberal candidates keep their eyes firmly on two fundamentals. One of these is that income is an unquestioned antidote for poverty. Let us cease evading issues and recognize this single fact. Let us set for all Americans a generous minimum. There is no more plausible response to the Poor People's March. There is no better way of removing from the cities some part of the welfare burden under which they now struggle. There is no better way of slowing down the pace of urbanization with which our cities contend. For grim as may be the life in the ghetto, it is often more compassionate than in the rural areas whence its inhabitants have come.

Second, let us be aware that much of our urban problem more I believe than we imagine, is the result of the simple financial starvation of our cities. It is the result of the unwillingness of rich and contented people to pay taxes. It is the result of a simple evasion of financial responsibility.

The modern city, if it is to be agreeable and not merely tolerable, is an incredibly expensive thing. That fact we continue to evade. In consequence, and in contrast with the suburbs, everything about it is negelected, cheap and nasty. Housing, schools, parks, police, sanitation, health and recreation are all on short rations. And the burden of this neglect falls not on the whites, who have escaped from the central city. It falls on the blacks for many of whom the city has been an escape from something yet worse.

I am sure there is both white and black racism in our society. It would be wrong to be blind to the fact. But I am sure there is a great deal more old-fashioned unintegrated selfishness. It remains, I believe, the greater menace.

Even if it is not, it is the thing on which we can act. Maybe attractive, well-maintained houses, really good schools, equality of opportunity for higher education, clean streets, good health care, sound law enforcement, a good basic income for all will not eliminate the problem of the ghetto. But we will never know until we try.

One of the reasons for the starvation of the public services is that public employees, unlike those in industry, are weakly organized. So their pay is inadequate, so, accordingly, is the drawing power for talent. As liberals we must, in the future, come strongly to the support of organization by public employees. Let there be no doubt. In A.D.A. we remain irrevocably committed to the liberal-trade union coalition.

We hear much in these days of the wickedness of violence. It could not fall on more open ears than mine. Except in the vehemence of my political exhortation, I am the least violent of men. But, alas, in our day, the exhortations to avoid violence come mostly from men who happily use its absence as a sanction for inaction. We can condemn violence only if we are willing to act in its absence. This plainly, has yet to be proven.

Let me in conclusion revert to the revolution which I mentioned at the outset of my

remarks. It will lead us, as liberals, into new areas of activity. Let us welcome the opportunity. Let us, above all, not be frightened by novelty—or the respectable reaction that novelty, inevitably, provokes.

The stirring in the universities must concern us as an organization—as it does so many of our members. In universities as elsewhere effective government is a requisite of freedom. But that does not mean that present forms of university government are immutable. There is no case for university government by boards of fat cats or superannuated businessmen or even by excellent and conservative laymen whose only qualification is respectability and an inbuilt aversion to change. If we have faith in self-government we cannot indefinitely avoid a responsible application of it to our university life.

We must bring our moral and intellectual convictions far more strongly to bear on civil liberty. It is intolerable that the State Department, at a time when it is led by distinguished jurists, should be denying visas to peripatetic poets and mathematicians who wish to come to the United States because they have been sharp or even uncouth in their criticism of our Vietnam policy.

We must seize upon every opportunity to enlarge artistic and aesthetic experience in our society. We must wage a much more relentless battle against the encroachments on our environment of a commercial and industrial squalor. The day of bread-and-butter liberals is not past—and certainly not for those who lack bread. But it no longer defines the whole of the liberal task or even the most of it.

Because the revolution of which I speak is against the cliches and platitudes of our time and for the intellectual and artistic spirit of our time, we must express our solidarity with all who see it in these terms. No one should doubt our admiration, unmarred by any exercise in Cold War tactics, for the progress being made toward greater intellectual and artistic freedom in Czechoslovakia. None should doubt our regret over its loss in Greece, Argentina or its repression in the Portuguese colonies and Rhodesia. There were rumors last week that our ambassador in Greece has been assuring the colonels there that there is a great continuity in American foreign policy—and that after the election their despotism will have our military support as before. Let all candidates say he is wrong. Let us applaud especially the clear stand that Senator Kennedy has taken to the contrary. Let us also applaud Senator Kennedy for his plain talk on the scandal of the present tax laws and the imperatives of reform. I trust that too will be an example to all.

So now to our tasks. Once more the country is turning our way. Once more we are realizing that, neither at home or abroad, is there any alternative to the adventure of change. Once again they are realizing that political struggle must be welcomed not avoided and that the politics of convenience will not do. This is fine with us.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. SCHERLE. Mr. Speaker, this is the 123d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

ADA'S ROAD DOWNHILL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. WYMAN. Mr. Speaker, it may be a sign of the times or even a portent of the future, but it is certainly an indication of the choice for Americans this fall, that the Americans for Democratic Action have now come out openly for pot, homosexuality, and abortion. The story in the Washington Sunday Star of May 19 by Robert Walters merits the attention of all Americans as they prepare to go to the polls in November.

Such a road for America leads only downhill. Such a call for pot, homosexuality, and abortion at will is proof that liberality has become confused with license. These things are not the stuff from which a strong America may yet emerge, and those who advocate these things as the rule for America ought to be roundly defeated at the polls—at which Americans still have a free choice.

The article follows:

NO DISSENT, EITHER: ADA FOR POT, SEX, ABORTION

(By Robert Walters)

Americans for Democratic Action, that bastion of "establishment liberals," has suddenly turned into something of a swinging organization.

After regaling one another for years with detailed—and often boring—analyses of virtually very possible danger faced by mankind, the ADA members this year celebrated their 21st birthday by joining hands with youthful advocates of the "new politics."

With barely a murmur of dissent, the more than 500 delegates opened their ADA convention session yesterday by quickly approving a trio of resolutions which:

Said that the personal use and possession of marijuana should not be a crime and the unlicensed sale of "pot" should be no more than a misdemeanor.

Called for legalized abortion, stating that any woman has the right to such an operation as part of her sex's new-found emancipation.

Said, with no further comment: "The sexual activity of consenting adults when conducted in private is not an appropriate matter for criminal or other governmental sanctions."

The theme for the day's activities may have been sounded by a guest speaker, former Rep. John J. Gilligan, who recently scored an upset victory over Sen. Frank Lausche in Ohio's Democratic senatorial primary.

"The people of this nation are beginning to question their faith in the free institutions of this country, in our ability to govern ourselves and solve our own problems," Gilligan said.

"This is a time when all of us either get into the act or become part of the problem that the rest of the people of this country will have to try to solve. The times call for a new and unprecedented effort at every level of our society."

GUARANTEED INCOME PUSHED

Following that address, the delegates plunged into consideration of a far-reaching "income distribution" resolution, drafted by several of the organization's younger and more radical members.

The resolution, approved by an overwhelming show of hands, proposed to end virtually all poverty in the country through these steps:

1—"Our government should make a firm commitment to reduce our unemployment rate to 3 percent before the end of 1968, to 2 percent before the end of 1969 and never again permit it to rise above the 2 percent level."

2—Further, the government should assure employment opportunities to the chronically unemployed and under-employed through job creation and special programs and should raise the federal minimum wage "as soon as possible to at least $2.50 per hour."

3—"The federal government should provide a guaranteed annual wage to workers now seasonally or intermittently unemployed," and should abolish the current welfare system, replacing it with automatic federal payments in the form of child allowances and a negative income tax.

The delegates then took a brief recess from their policy-making to hear a succession of Negro and white students from Ohio State University describe their takeover of the college's administration building several weeks ago. One girl said university officials had no cause for complaint "because we warned them ahead of time that we were going to take over the building at 1 p.m."

A CHANGE

Delegates and observers who have attended past ADA conventions agreed that the organization was considered quite radical in the post-World War II years following its founding, but in recent years has tended to rely on traditional concepts, rather than breaking new ground.

Many of the ADA members believe the change displayed during the current three-day convention can be traced back to the organization's endorsement last February of Sen. Eugene J. McCarthy, thus breaking a two-decade-long tradition of standing behind an incumbent Democratic president.

After that vote, a number of ADA's older and more tradition bound members angrily resigned from the organization, opening the way for younger members who have sought to reshape the organization in recent years.

One sign of that change came late yesterday when ADA's nominating committee submitted a proposed list of board members to serve during the current year. Included on the list were several younger Negro leaders, who will sit beside the white middle class suburbanites who long have dominated the ADA leadership.

Among those additions are Rep. John Conyers Jr., D-Mich.; A. June Franklin, a member of the Iowa state legislature; Clarence Mitchell III, a Maryland state legislator from Baltimore, and Marian Wright, a young civil rights attorney.

PROPOSED CENSUS REFORM

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. COLLIER. Mr. Speaker, as we prepare for the enormous task of taking the Nineteenth Decennial Census of Population in 1970, serious questions are raised with regard to the extent of the project.

On November 15, 1967, I introduced a companion bill to that of my colleague, Representative JACKSON BETTS, of Ohio, which, if enacted into law, would limit

the categories of questions to the following: name and address, relationship to head of household, sex, date of birth, race or color, marital status, and visitors in home at the time of census. Answers to these questions would be required under penalty of law. Replies to other categories of questions could be furnished voluntarily.

The taking of a census of population is one of the activities of the National Government that is specifically provided for by the Constitution of the United States, in fact, it is mandatory, inasmuch as the apportionment of the House of Representatives is based on the census.

The third clause of section 2 of article I of the Constitution provided:

> Representatives . . . shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

The first sentence of this clause was superseded by section 2 of Amendment No. XIV:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

During the almost two centuries that have elapsed since the first census was conducted in 1790, the Congress has from time to time enacted legislation whereby the Bureau of the Census is authorized to require everyone over 18 years of age to respond to queries concerning this personal and economic affairs. This, of course, goes beyond the constitutional requirements, however, it is justified as a means of obtaining information that assists the Congress in legislating intelligently. Unfortunately, the list of interrogatories has become longer and longer as the decades have gone by.

The census that will be taken in 1970 will be the first one to be conducted primarily by mail. The forms to be used ought, for that reason, to be as uncomplicated as it is reasonably possible to make them. To the contrary, each family will receive a 20-page form, each page of which measures 12 inches by 11 inches. A family of seven persons will be required to fill out every page of this form. Where a household consists of but one person, that individual would have to fill out eight pages. A man and wife, a widow and one child, two brothers, or any other combination of two individuals, would be required to fill out 10 pages. Any family of three would have to fill out 12 pages, a family of four would complete 14 and so forth.

What are some of the questions that will be asked and to which someone in the family will have to respond? Besides the obvious ones relating to name, sex, color or race, date of birth, and marital status, other questions concern the number of rooms in the family's living quarters, whether it owns or rents them, and the value of the property; if the family owns it, or is buying it, or how much rent it pays otherwise. Still other questions cover such subjects as telephones, the kinds of kitchens and bathrooms in the living quarters, whether heat, hot water, gas, electricity, air conditioning, furniture, off-street parking, or a swimming pool are included in the rent payments, whether or not the family shares bathroom facilities with one or more families, whether or not it has such items as a clothes washing machine, a clothes dryer, a dishwasher, a television set, a radio, an automobile, et cetera. Yet other questions cover such subjects as employment, means of transportation to work, earnings, education, marital history, military service, et cetera.

Altogether, a person who fills out this form for himself, his wife, and two children would have to reply to over 100 questions, some of which have several parts. For example; in question 26, an individual is asked if he worked at any time during the previous week. If he answers in the affirmative, he is then required to respond to three other queries. He must tell how many hours he worked, where he worked, and how he got to work—he is not asked how he returned from work.

The Members of the House are doubtless familiar with the forms that were used by the enumerators who took the 14th census of population back in 1920. While the form contained numerous questions, it actually was fairly easy to fill out.

For example, an enumerator would use four lines to record the data for Mr. and Mrs. John Doe and their son and daughter. Some of the data could be filled in without asking questions, such as that pertaining to sex and color. If the enumerator already knew the Does or if introductions were exchanged, he could fill in the question about their marital status without further ado. Obviosuly he would know that a babe in arms did not attend school and could neither read nor write. Questions such as those about homeownership would be asked only once—not four times.

Today the amount of data that was required for the 1920 census could be put on one side of a card and used for a census to be conducted by mail.

Mr. Speaker, I object to the size and scope of the form that is to be used for the 1970 census. I object because of the invasion of the privacy of the citizens who will be forced to answer personal questions. I object because of the extra expense to the taxpayers who will be forced to pay for the extra printing and tabulation.

In these days we hear a great deal about the constitutional rights of individuals. In all too many instances the concern is about the rights of the individual murderer, the individual rapist, or the individual traitor. There is a tendency to forget about the rights of the ordinary individual who goes about his daily tasks and never commits such a serious crime that attention becomes focussed on his rights. The decent, law-abiding individuals who make up almost all of the population also have constitutional rights. Among them is the right to be let alone as far as that is reasonably possible, consistent with the maintenance of law and order.

If a person who is suspected of being a criminal or subversive has a constitutional right to refuse to answer routine questions about his date of birth, his residence, and so forth, the answers to which could not possibly incriminate him, then certainly an individual against whom no suspicion is directed has a similar constitutional right to refuse to tell the Bureau of the Census whether or not he has a flush toilet in his living quarters.

If he does not have one, he may be reluctant to admit it, just as another person may hesitate to confess to nonownership of an automobile or television set. He may resent having to tell how much rent he pays. The fact that he—or his wife—has been married more than once may have been the cause of difficulties between them and therefore something that they do not want to bring up, even on a census form.

While we could permit respondents to ignore objectionable questions, this would cause a distortion of the resulting statistical data. I suggest, therefore, that personal questions be eliminated.

The form for the 1970 census, as I mentioned earlier, consists of 20 pages, of which a family of four would have to fill out 14. Mr. Speaker, you and the other distinguished Members of this great body would have little or no difficulty in filling out this form, except that you might have better uses for your time. Personally, I feel confident that I could fill it out with a minimum expenditure of effort.

Unfortunately, among the 50,000,000 families that will receive this form in 1970 there will be many individuals with limited ability to read and understand the questions that are included in the form and with even less ability to fill it out properly. Many persons who have graduated from grade school or even high school will experience trouble in answering more than 100 questions, while many who have had little or no schooling will not even attempt to make replies to them.

The cost of printing such a lengthy form will be tremendous. Later will come the cost of mailing it; the fact that the 50,000,000 forms will be mailed out under governmental franks does not mean that there will be no expense involved in such a huge mailing. Eventually the forms will be returned for tabulation and for publication of the resulting statistical data.

Today we are worried about the recordbreaking deficits in the National Government's budgets for fiscal 1968 and fiscal 1969. Perhaps the budget for fiscal

1970, which will be over soon after the completion of the 1970 census, will be balanced, but we will undoubtedly still be plagued with fiscal problems, including a public debt of approximately $350,000,000,000. The savings of even a few million dollars must be encouraged and the Bureau of the Census is an excellent place to engage in some budget cutting.

I would like to offer, in two stages, a solution to the problem that confronts us. I will demonstrate how the number of questions can be greatly reduced and the form streamlined while the desired information will still be available.

I am confident that the people who are in charge of the Bureau of the Census are not interested in whether or not CLARENCE BROWN, KENNETH GRAY, WILLIAM GREEN, or RICHARD WHITE have color television sets, or whether ALPHONZO BELL has a telephone, or whether GERALD FORD owns an automobile, or how JAMES KEE enters his living quarters, or the month in which CATHERINE MAY was born. What it is really interested in is the number of color television sets, telephones, and automobiles in the United States, the number of people who are engaged in agriculture, industry, commerce, skilled trades, and so forth, with the various data broken down by States, counties, and other geographical areas.

Mr. Speaker, a great deal of this information is already available on a current or nearly current basis. If the Bureau of the Census wants to know how many telephones there are in a particular area, it can consult the local telephone company and get the information without asking 50,000,000 families whether they have telephones. If an automobile manufacturer wants to know how many automobiles there are in a certain county, he can communicate with the proper automobile registration office at the particular county seat or State capital. A plumbing supply house that has a need for data about the number of homes without bathtubs in a certain urban area can probably obtain the needed information from the local board of health or the water company. Data pertaining to homeownership can be secured from the real estate records that are available at county courthouses.

Much of the information that is asked for on the proposed census forms is probably already available, as the Bureau of the Census from time to time has taken or will take several other censuses besides the census of population. Finally, if desired information is not immediately and conveniently available anywhere, it is seldom the obligation of the Government to provide it.

Suppose a manufacturer of watches wants information regarding the number of wristwatches in use throughout the United States, with the data broken down by States and counties, by men and women owners, and by other desired categories? Granted, this information would be of immense benefit to the manufacturer, his employees, and the community where his manufacturing facilities are located. Then let him gather and compile the information at his own expense and not at the expense of his fellow taxpayers. For the Government to gather and compile data for a particular business or industry is to subsidize that business or industry at other people's expense.

Mr. Speaker, you and our colleagues are familiar with the various questionnaries that Members of the House of Representatives send out to their constituents from time to time. Some of them fill both sides of a legal-sized sheet of paper, while others are confined to little cards that have questions on one side and the address of the Member on the reverse side. A constituent can spend a lot of time responding to a lengthy and detailed questionnaire or he can spend just a few minutes checking small spaces on a little card or punching them out. The cards are much easier to tabulate, as they can be handled with greater facility than cumbersome legal-sized sheets; some cards can be fed into machines and tabulated electronically.

Surely the Bureau of the Census can, by eliminating extraneous questions and through other streamlining processes, reduce the contemplated 20-page booklet to a form that would fill but one side of a modest-sized card. By putting the Bureau's address on the other side for return mailing, there would be a saving of 50 million large envelopes, besides the expense of opening them.

I want to emphasize, Mr. Speaker, that I do not believe employees of the Bureau of the Census are going to tell employees of the Internal Revenue Service how much money John Doe, of Oconomowoc, Wis., received last year, nor do I believe they will divulge to Mr. Doe's neighbors that he has an ex-wife of whom they may not have heard. On the other hand, there is always the danger that confidential information can fall into the wrong hands through accident, without any wrongdoing on the part of Government employees. Then, too, there is always a potential danger in having too much information of a personal nature concentrated in the National Capital. With the invention of electronic monsters that can swallow, digest, and expel millions of facts in a moment of time, an unscrupulous politician or bureaucrat would have an immense power that would not necessarily be used for the good of the Nation and its people. In the hands of a malevolent big brother type of official, a dossier of information on a particular individual or family could be used to his or their destruction.

Mr. Speaker, I urge this body to give serious and careful consideration to the suggestions that I have made, as well as to the suggestions offered by our esteemed colleague from Ohio.

BROADCAST MUSIC, INC., (BMI) PRESENTS PRIZES TO STUDENT COMPOSERS

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. KUPFERMAN. Mr. Speaker, one of the outstanding music organizations in my district is Broadcast Music Inc.—BMI.

As an inducement to musical creation, BMI gives annual cash prizes to student composers under the age of 26.

I know that my colleagues will be interested in the announcement of this year's awards and especially in their constituents who are recipients.

The announcement follows:

14 STUDENT COMPOSERS AWARDED $10,000—BMI PRESENTS PRIZES FOR 16TH YEAR

Fourteen young composers will share a total of $10,600 in the 16th annual Student Composers Awards (SCA) competition, which is sponsored annually by Broadcast Music, Inc. (BMI), an organization which licenses the performing rights of music. The award recipients range from 14 to 25 years of age. This year's awards, BMI president Edward Cramer announced, bring to 130 the number of talented young people in the Western Hemisphere who have been presented with SCA prizes to be applied toward their musical education.

1967 Student Composers Awards are being made to the following:

Richard S. Ames, age 24, of Princeton, N.J., a student at Princeton University;

Stephen S. Dankner, age 23, of Bayside, N.Y., a student at Queens College;

Stephen Dickman, age 24, of Glencoe, Ill., a student at Brandeis University;

Primous Fountain III, age 18, of Chicago, Ill., a student at DePaul University School of Music;

Harley Gaber, age 24, of New York, N.Y., studying privately with William Sydeman;

Dennis Kam, age 25, of Honolulu, Hawaii, a student at the University of Illinois;

Howard Lubin, age 14, of Merrick, N.Y., a student at the Juilliard School of Music;

William David Noon, age 21, of Pomona, Calif., a student at Pomona College;

Eugene O'Brien, age 22, of Lincoln, Nebr., a student at the University of Nebraska;

Dennis Riley, age 24, of Urbana, Ill., a student at the University of Illinois;

Joseph C. Schwantner, age 24, of Evanston, Ill., a student at Northwestern University;

Daria Semegen, age 21, of Rochester, N.Y., a student at the Eastman School of Music;

Kathleen Solose, age 16, of Niagara Falls, Ont., a student at the Royal Conservatory of Music, University of Toronto;

Greg A. Steinke, age 25, of Moscow, Idaho, a student at Michigan State University.

Established in 1951 by Broadcast Music, Inc., in cooperation with music educators and composers, the SCA project annually gives cash prizes to encourage the creation of concert music by student composers (under the age of 26) of the Western Hemisphere and to aid them in financing their musical education. All awards are made on the basis of creative talent evidenced by original manuscripts which are submitted and judged under pseudonyms.

BMI annually makes the sum of $7,500 available to the National Judging Panel, in addition to all monies not previously distributed. Prizes ranging from $250 to $2,000 are awarded at the discretion of the judges, who have the right to determine the amount and number of all awards. Next year, the panel will have a total of $11,200 available for distribution. This includes $3,700 which the judges chose not to present previously.

The permanent chairman of the judging panel for Student Composers Awards is William Schuman, president of Lincoln Center for the Performing Arts.

Others who served as judges in the 1967 competition were composers Norman Dello Joio, Charles Dodge, Alberto Ginastera, Udo Kasemets, Ulysses Kay, Carlos Surinach, Alexander Tcherepnin, Francis Thorne, Lester Trimble and Frank Wigglesworth; Serge Fournier, conductor of the Toledo (Ohio) Symphony Orchestra; Donald Harris, assistant to the president for academic affairs at the New England Conservatory of Music, and Oleg Kovalenko, conductor of the Green Bay (Wis.) Symphony Orchestra.

The 1968 Student Composers Awards competition will be announced in the fall, at the beginning of the next school year. Inquiries regarding rules and official entry blanks should be addressed to Oliver Daniel, Director, SCA Project, Broadcast Music, Inc., 589 Fifth Avenue, New York, N.Y. 10017.