pact of the recent Douglas-fir beetle outbreak in northern California and in providing data for salvage operations. The same technique looks particularly promising for other bark beetle surveys because large areas can be sampled at a reasonable cost and with a high degree of accuracy. The statistical technique is also adaptable to bark beetle losses in other types of timber and terrain.

NIXON-LINDSAY TEAM VIEWED AS A DREAM TICKET FOR TIMES

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the Washington Post of August 1, 1968:

NIXON-LINDSAY TEAM VIEWED AS A DREAM TICKET FOR TIMES

(By Joseph Kraft)

Because the polls have not yielded the decisive result required for the candidacy of Nelson Rockefeller, the Nixon camp approaches the Republican convention full of confidence. Now serious attention is turning toward putting together what amounts to a dream ticket—a ticket that would have as Mr. Nixon's running mate, Mayor John Lindsay of New York.

The Nixon-Lindsay ticket would be a dream ticket because it is in harmony with the basic political condition of the country today. That condition features a public opinion fragmented along unfamiliar lines.

Because opinion is so badly fragmented no single candidate in either party can by himself appeal to a substantial majority of the voters. Each man has to supplement his own appeal with that of another political figure. For that reason, as much as because of the "pressures of the nuclear age," both parties have been casting about intensively for men of reputation as possible Vice Presidents.

As Mayor of the media capital, Mr. Lindsay has had good exposure on television and in the press. He has campaigned across the country for Governor Rockefeller. Thus he passes the first test. He is a man of national stature.

Traditionally, the fault lines Vice Presidential candidates were supposed to cement were lines of regional tension. Franklin Roosevelt, as usual, provides the classic example. A New Yorker with broad appeal in the cities of the East, he supplemented his own strength first with John Garner of Texas, and then with Henry Wallace from Iowa and Harry Truman from Missouri.

But supermarkets and suburbs have planned away regional differences, while the pace of change has tended to intensify distinctions between age groups. As the constant criticism of Nixon and Vice President Humphrey for being old, tired and familiar suggests, the generational line of division is as important as the regional one.

But at 46, Mayor Lindsay is physically young. Having first run for office only a dozen years ago, he is a fresh face. He also has the looks, manner and wideranging cultural interests of the new breed. He bridges the generational gap.

With respect to an even more basic line of division—race—the question is not so easy. Almost all candidates who have taken an outspokenly liberal line on issues associated with the Negro have paid for it. And no one is more sympathetic to the Negro cause than the Mayor of New York.

But his reputation is that of the man who has held the lid on. His personal appeal has enabled him to avoid having to say some of the things about Black Power that spelled trouble for Senator Robert Kennedy, and more recently for Hubert Humphrey and, I believe, Governor Rockefeller.

Not only is Lindsay not offensive to the low-income whites of the big cities and the South, but his standing with civil rights and civil liberties groups is so great, that it would afford Nixon wider room for acommodations in other quarters. With Lindsay as running mate, Nixon could safely take stances that would cut into the law and order vote that now seems to be heading in the direction of the third Party headed by former Governor George Wallace of Alabama.

But would Lindsay take the assignment? Well, his future career, notably the need to exit from City Hall in New York moving upwards, leaves open only very few possibilities as the next step. His statements so far have fallen short of the absolute prohibition, required to rule him out. At the most, it is an open question.

There remains the obvious drawback that both Nixon and Lindsay come from New York. Under the Twelfth Amendment to the Constitution, the electors of a state cannot cast its votes in the electoral college for two men from the same state as President and Vice President.

One possible way out is for Nixon to change his residence to, say, Washington, D.C., after the election. But he has rightly pointed out that such a move would be considered "tricky."

As it happens, however, the 43 electoral votes from New York would become absolutely vital only under very special conditions—only if the Republicans carried New York and won a national majority in the electoral college by 20 votes or less.

Otherwise, the problem could be solved simply by an advance statement that the New York Republican electors would split their vote, with 22 going for Nixon as President, and 21 for Lindsay as Vice President. And that course, which is now being urged on Mr. Nixon, looks to me like a sensible way out.

THE AKRON BEACON JOURNAL ENDORSES CONGRESSMAN WHALEN'S CRITICISM OF THE NLRB'S HANDLING OF THE NATIONAL CASH REGISTER CO. UNION REPRESENTATION CASE

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. AYRES. Mr. Speaker, my distinguished colleague from the State of Ohio [Mr. WHALEN] took the National Labor Relations Board to task in a speech on the House floor on July 23, 1968.

He detailed for us what he rightly called incredible ineptness and unbelievable bungling on the part of the NLRB in its handling of a union representation case affecting employees of the National Cash Register Co.

An eminent newspaper in my district, the Akron Beacon Journal, has commented editorially on Mr. WHALEN's evaluation of that continuing labor impasse.

Mr. Speaker, for the information of the Members of the House, I herewith insert that editorial:

[From the Akron Beacon Journal, July 26, 1968]

BUNGLING

Rep. Charles W. Whalen of Dayton is not one of those congressmen who make sensational statements just to get their names in the papers. Though a Republican, he does not go out of his way to find fault with federal bureaus. He is, in short, a responsible man.

So when Whalen says the National Labor Relations Board has been guilty of "incredible ineptness and unbelievable bungling," you can believe that the NLRB has really goofed.

Whalen was talking about the NLRB's handling of a dispute over what union shall represent 14,000 employes of the National Cash Register Co. This, Whalen said, is what the NLRB did:

—Took five months to decide to call a bargaining election.

—Set the date of the election 3½ months after expiration of the existing contract.

—Miscounted 100 votes cast during the election.

—After six months still has not determined the outcome of the election.

That's pretty incredible all right.

SENATE—*Friday, August 2, 1968*

The Senate met at 10 a.m., and was called to order by the President pro tempore.

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

Our Father God, enable, we pray, with the light of Thy wisdom and strength of Thy might, those who in these fear-haunted times here entrusted with the stewardship of the Nation's life, send forth to waiting tasks conscious of a great heritage worth living for and dying for, and with a deathless cause that no weapon that has been formed can defeat. Hear our prayer: America, America, God mend thine every flaw.

Amid all the contentions and convulsions of these volcanic days, still may the Republic say with utter confidence—"God lives and the Government at Washington still stands," and with Thy help will continue to stand as the beacon light of truth for all the earth.

And now may the Lord bless you and keep you; may the Lord make his face to shine upon you and be gracious unto you.

Lord God of Hosts, be with us yet,
Let we forget—lest we forget.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 1, 1968, be dispensed with.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

SUSPENSION OF THE RULE ON NOMINATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that paragraph 6 of rule XXXVIII of the Standing Rules of the Senate, relating to the procedures on nominations, be suspended with respect to the nominations unacted upon before the August adjournment for the national conventions, and that the status quo of the nominations shall not be affected by the adjournment for the remainder of the second session of the 90th Congress.

Mr. CURTIS. Mr. President, reserving the right to object—and I shall not object—the distinguished Senator from Delaware [Mr. WILLIAMS] and the junior Senator from Nebraska were about to approach the distinguished majority leader and tell him that we did not expect to object to this request.

We are aware that if an objection were made, it would not go to the contest of confirming or failing to confirm the nomination of any particular person; but the alternative action that would have to be resorted to would be some sort of session next week.

Mr. MANSFIELD. The Senator is correct.

Mr. CURTIS. That would involve the plans of many employees and many officials of the Senate, as well as of Members of the Senate.

For that reason, there will be no objection, certainly so far as the junior Senator from Nebraska is concerned; but in failing to object, we want the record clear that it is not an expression of approval of the nominations in reference to the Supreme Court.

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

Mr. CURTIS. I yield.

Mr. MANSFIELD. If I had known that the distinguished Senator from Nebraska and the distinguished Senator from Delaware were interested in this matter, I would have gone to them before I made this request. I thought it had been cleared.

Mr. CURTIS. There is no complaint about that, but we wanted the majority leader to know that while we feel a very serious situation has been presented to the Senate, about which we feel very strongly in the position we take, we are aware that an objection at this time would have nothing to do with the merits of it, but would inconvenience a great many other persons. Therefore, I shall not object. I understand that the distinguished Senator from Delaware wishes to make a statement.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object—and I shall not object—the Senator from Nebraska has expressed my sentiments completely.

This is a parliamentary procedure and in no way indicates an expression as to whether the Senate should or should not confirm these nominees. The request should be granted.

Mr. MANSFIELD. The Senator is absolutely correct.

Mr. KUCHEL. Mr. President, I should like the RECORD to disclose that the staff of the able minority leader indicated earlier today precisely what the majority leader desires to do. It appeared to me that there was no reason for any of us to raise any question whatever. I fully acquiesced in the desire of the majority leader to have this consent in the Senate.

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

AUTHORITY TO SIGN BILLS, RECEIVE MESSAGES, AND FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business, hopefully today, until September 4, 1968, all committees of the Senate may be permitted to file their reports, together with any minority, individual, and supplemental views, if desired; that the Vice President, the President pro tempore, or the Acting President pro tempore may be permitted to sign duly enrolled bills; and that the Secretary of the Senate may be permitted to receive messages from the President of the United States and from the House of Representatives.

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

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1468, H.R. 18037, an act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

May I say, before the Chair acts on the request, that this would be the pending business when we return. Nothing would be done on it until we return.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 18037) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, 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.

GUN CONTROL BILL—REFERRAL

Mr. MANSFIELD. Mr. President, H.R. 17735 is the companion bill of S. 3633, which has been ordered reported from the Committee on the Judiciary and will be reported during the August adjournment of the Senate, if not before the adjournment takes place. I ask unanimous consent that H.R. 17735, to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, approved by the House, be ordered placed on the Calendar.

The PRESIDING OFFICER. Is there ojection? There being no objection, the bill (H.R.17735) was read twice by its title and ordered placed on the calendar.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the referral of S. 3633 to the Committee on Commerce be ordered immediately upon its report to the Senate during the August adjournment, or before, if it is available.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations for the Department of Commerce, the Department of Justice, the Federal Power Commission, the National Mediation Board, U.S. Army, U.S. Navy, U.S. Marine Corps, and nominations placed on the Secretary's desk. That would exclude the nominations for the Civil Aeronautics Board and the Interstate Commerce Commission, for the time being.

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

DEPARTMENT OF COMMERCE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Commerce.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of James L. Latchum, of Delaware, to be U.S. district judge for the district of Delaware.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

FEDERAL POWER COMMISSION

The assistant legislative clerk read the nomination of John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission.

JOHN CARVER: A MAN OF PROVEN ABILITY

Mr. CHURCH. Mr. President, I am pleased that President Johnson has nominated John A. Carver, of Idaho, who is presently serving as a member of the Federal Power Commission, to another term as a member of that Commission. Endorsing his proven ability, the Committee on Commerce has unanimously approved the nomination.

This appointment is another benchmark in the distinguished public career of John Carver. It is further testimony to his continuing effectiveness, competence and integrity.

John Carver came to Washington as my administrative assistant in 1957. Four years later, he was appointed by the late President Kennedy as Assistant Secretary of the Interior. In 195, he was named Undersecretary of the Interior, and in 1966 became a member of the Federal Power Commission, serving the remainder of a term expiring this year.

Men of all political views have paid tribute to John Carver's extraordinary success as a public administrator. He has vast talents in the field of natural resource management; and possesses the capacity of listening thoroughly to all sides of an issue—always with fairness and objectivity.

He is a man of proven ability to cut to the heart of the most difficult problems, and then make final decisions that reconcile the facts of the case with the national interest. He has served with distinction as a member of the Federal Power Commission.

President Johnson once said, during a visit to Idaho:

One of the finest men in public life is your own John Carver.

I agree. I commend the President for this renomination and support it without reservation.

Mr. JORDAN of Idaho. Mr. President, I rise today to express my endorsement of the reappointment of the Honorable John A. Carver, Jr., as a member of the Federal Power Commission. Mr. Carver is a distinguished Idahoan with broad experience in private law practice and in both the legislative and executive branches of Government.

His work with the Federal Power Commission over the past few years has proven his competence and integrity. He has an incisive mind and great ability as an administrator. As a Commissioner he has earned the respect of many men of different persuasions for his constant fairness and sound judgment.

Through his experience Mr. Carver has gained a thorough awareness of the problems and responsibilities of the Federal Power Commission. I am sure he will continue to contribute importantly to the effectiveness of the Commission's efforts. I certainly add my strong support and urge that his reappointment be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL MEDIATION BOARD

The assistant legislative clerk read the nomination of Francis A. O'Neill, Jr., of New York, to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. BYRD of Virginia. Mr. President, the pending nominations include that of Rear Adm. David C. Richardson to be a vice admiral in the U.S. Navy. I should like to comment briefly about Admiral Richardson.

I first met him aboard the carrier *Kitty Hawk* in the Gulf of Tonkin, when he was serving as commander of Task Force 77. Admiral Richardson's new assignment will be that of commander of the 6th Fleet in the Mediterranean.

My impression of Admiral Richardson is that he is one of the ablest men in our Navy. He has had an outstanding record, and I know that he will add greater luster to his record when he assumes his new duties as commander of the 6th Fleet.

I am pleased to urge today the confirmation of the nomination of Admiral Richardson to the rank of vice admiral.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Environmental Science Services Administration, Coast Guard, Air Force, and Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the nomination of Mr. John H. Crooker, Jr., of the District of Columbia, to be a member of the Civil Aeronautics Board.

The Presiding Officer. Without objection, it is so ordered. The nomination will be stated.

CIVIL AERONAUTICS BOARD

The assistant legislative clerk read the nomination of John H. Crooker, Jr., of the District of Columbia, to be a member of the Civil Aeronautics Board.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

Mr. COTTON. Mr. President, reserving the right to object, at this time, as the majority leader knows, it is my duty to make a statement. I refer to the pending nomination of John H. Crooker, Jr., to be a member of the Civil Aeronautics Board. The same remarks will apply, although his nomination has not yet been brought up, to Kenneth H. Tuggle, of Kentucky, for reappointment to the Interstate Commerce Commission.

Mr. President, the recommendation of the Committee on Commerce concerning these two nominations was not unanimous. I would like to have the RECORD show that five members of the committee voted against recommending the confirmation of these two nominees at this time. The objection does not go to the merits of either of these nominees. The objection, as a matter of fact, has a partisan tinge because the five Senators voting in opposition were five Republican members of the Committee on Commerce.

The reason, and I am speaking on behalf of myself and the four other members, who could not be present today, for our opposition at this time and in committee is that in the case of Mr. Crooker and Mr. Tuggle, their terms have not yet expired. There is no vacancy and the term of each nominee does not expire until the 31st day of December of this year.

Therefore, we wished, as a matter of record, to register our opposition to the appointment in advance of nominees to serve before their terms have even expired. In the case of Mr. Crooker, he has been nominated for a term of 6 years in advance starting the 1st of January. I am not quite sure of the period for Mr. Tuggle's term.

Certainly, our objection is not to the individuals, because Mr. Tuggle, who has been nominated for reappointment to the Interstate Commerce Commission, is a Republican, and comes from the same State as does our distinguished colleague from Kentucky [Mr. MORTON], who is one of the objectors. Our objective is purely to register our objection to making these appointments in advance before the vacancy has occurred. It has a partisan tinge, in that I have vivid recollections that in the last year, at least in the last 7 months of the Eisenhower administration, the party then in the majority in the Senate held up scores and scores and scores of reappointments when the vacancy had already occurred, and they were held over until the incoming President had the opportunity to fill the vacancies.

Mr. President, I have no intention of opposing the confirmation of either of these gentlemen this morning. Senators realize that all we could do would be to hold them over until the Senate returned, and obviously, by a majority party vote they would be confirmed. So I am merely taking the liberty of making

this statement in order that we may make the record and so that we can then consistently oppose, if we desire, the filling of these vacancies in advance because, of course, the President will still be the President after January 1.

Therefore, having made my statement concerning the nomination of Mr. Crooker and Mr. Tuggle, I shall not interpose any further objection to their consideration and confirmation.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

INTERSTATE COMMERCE COMMISSION

The assistant legislative clerk proceeded to read the nomination of Kenneth H. Tuggle, of Kentucky, and Wallace R. Burke, of Connecticut, to be Interstate Commerce Commissioners.

Mr. DODD. Mr. President, I wish to call the attention of my colleagues this morning to the excellent qualifications of Wallace Burke of Farmington, Conn., to be a member of the Interstate Commerce Commission.

It has been a great pleasure for me to have known Wallace Burke for many years, and to have had the privilege of being associated with him in the same law offices for a time.

Wallace Burke, a practicing attorney, is currently a member of the Connecticut Public Utilities Commission, a cooperating commissioner of A.T. & T. rate investigation, and is chairman of the telecommunications division, Emergency Planning Board of the State of Connecticut.

Mr. Burke is also a past president of the New England Conference of Public Utility Commissioners, a former municipal court judge, and a former assistant U.S. attorney for the district of Connecticut.

Commissioner Burke is extremely skilled in the field of transportation law, and is eminently qualified to deal with the many complex problems that come before this important Commission.

Mr. President, I commend the appointment of Wallace Burke to the Interstate Commerce Commission by President Johnson, and I urge my colleagues to vote for the confirmation of this distinguished public servant to the ICC.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

HOUSE JOINT RESOLUTION 1371—WHITE HOUSE CONFERENCE ON AGING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that House Joint Resolution 1371, to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes, now at the desk, be taken from the desk and ordered to lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The measure will lie on the table.

SHAMEFUL MISCONDUCT OF AID OFFICIALS IN SOUTH VIETNAM

Mr. YOUNG of Ohio. Mr. President, earlier this week my vote was cast against the foreign aid authorization bill, and I shall continue to vote against foreign aid authorizations and appropriations until I am assured that at least an effort will be made to cleanse the cesspool that best characterizes our Agency for International Development program in South Vietnam. While the Senate approved an amount more than $1 billion less than requested by the President and $48 million less than approved in the House of Representatives, I could not in good conscience vote to authorize the expenditure of more of taxpayers' money for the scandalous AID operation in South Vietnam.

Recently, I spoke out in this Chamber denouncing the outrageous maladministration by AID officials of the foreign aid program in South Vietnam. At that time I denounced the fact that 782 AID officials in Vietnam are now being paid a total of $25,000 a year or more. Included among those officials are the AID director in Vietnam who receives in excess of $44,000 per year; 28 officials who receive in excess of $41,700 per year and 82 who receive $35,500. May I point out that these are conservative estimates of the real income received by these bureaucrats. In addition to their base salaries as Government employees they are given a 25-percent hardship allowance, a $3,000 separate maintenance allowance and numerous fringe benefits including air conditioned housing, medical care, automobiles, PX and commissary privileges, expense accounts and many, many others. These fringe benefits have been estimated to approximate 25 percent of an official's or employee's base salary. The fact is that they probably far exceed that percentage and that the actual real income received by these officials and employees exceeds the figures which I have stated and which were furnished me by AID officials here in Washington.

I also related my personal observations of the abuse of PX and commissary privileges by AID and other civilian officials in Vietnam as well as detailing the facts revealing unbelievable incompetence and maladministration of the AID program in South Vietnam.

Since my speech was reported in Saigon newspapers I have received numerous letters from American civilian officials in Vietnam substantiating my remarks, and, in fact, supplementing them with facts and firsthand observations by other concerned Americans equally outraged over this utter waste of taxpayers' money and undermining of the goals of our foreign policy in Southeast Asia.

Almost all of the correspondence I have received to date has come from thoughtful citizens concerned for the welfare of our Nation. Of course, I have received a few letters from malcontents who have seized this opportunity to further their complaints of one sort or another, but by far the majority clearly confirm facts that I set forth and the situation as I saw it in Saigon and elsewhere in South Vietnam and Laos.

Three letters particularly impressed me and I feel that the views expressed in them deserve the consideration of all thoughtful Americans. The first was from Sidney J. Roche, a retired AID official who spent more than 3 years in South Vietnam, half of that time on active duty with the U.S. Army and the remainder as a $25,000 a year plus fringe benefits AID official. Mr. Roche resigned his AID post in March 1968. He included with his correspondence a memorandum sent to his superiors upon his resignation setting forth his personal views and comments on 12 subjects pertinent to South Vietnam, four of which pertain in particular to the operation of our foreign aid program there. In his letter and enclosures Mr. Roche in forthright and candid language details not only the sorry operation of our AID program in Vietnam but also the deplorable conduct of many AID personnel—conduct which is definitely detrimental not only to the foreign aid program but to the United States in general and ultimately to the cause of peace in Southeast Asia. I ask unanimous consent that his letter and enclosures be printed in the RECORD.

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

COLUMBUS, GA.,
July 21, 1968.

HON. STEPHEN M. YOUNG,
Democrat of Ohio,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YOUNG: I read with interest an AP story this week in which you charge that Agency For International Development personnel are overpaid and also participate in illegal black market activities. I agree one hundred percent with your statement.

I resigned my twenty five thousand dollar a year job with AID in Vietnam this past March in disgust with the handling of the AID program and with the conduct of the overall advisory effort in Vietnam. Based upon more than three years experience in Vietnam, half with the U.S. Army on active duty and half with AID, I had a lot of time to participate in the effort and to also observe the conduct of the mission. While I will be the first to agree that there are many fine men in AID who are trying to do a job and who have the finest and best motives, the Agency is just shot clear through with incompetents who are not qualified to hold the positions that they are hired for.

Many of the men are overseas in the first place because they have marital difficulties at home and are just plain running away from them. I think that at least half of the mission is living with native women in some form or other. Many use the pretext of hiring "sleep in" maids. Herein lies the root

of the problem. U.S. personnel in order to pay for these "services" often go directly to the Post Exchanges and commissaries and buy U.S. merchandise to turn over to their paramours, who in turn sell the items on the black market. The total dollar value thus diverted to the black market is enormous as a casual visit to the black market sales areas will readily prove.

The Vietnamese are essentially a moral people, however, in these strained times, when there are many refugees who have no way to make a living fill the cities, Americans flush with inflated salaries find no difficulty in "hiring" sleep maids or just plain companions. I estimate that at least one half to two thirds of all AID employees are openly engaged in this kind of activity. All, from the top to the bottom do it and no effort is made to control the practice. The highest officials are as guilty as the lowest.

The Viet Cong are making excellent propaganda of the general immorality of the Americans. They point out that the Americans are destroying the essential morality of the Vietnamese young women. This is hard to counter as a visit any night to the International Club, which is sponsored by the American Embassy, will show many elder American AID officials, often in their sixties, dining and dancing with young Vietnamese girls in their teens. The effectiveness of the VC propaganda is hard to assess. It must be effective to some degree as it is the only way to explain the dislike for Americans which is spreading throughout the land.

Never once during my entire tour with AID in Vietnam did any of my senior supervisors warn me about my conduct or even say that cohabitating with Vietnamese women was unlawful or that dealing in the black market was illegal. On the contrary, two of my supervisors were openly living with young Vietnamese women despite the fact that both were married and had families residing in nearby Bangkok.

I think that the only solution to the situation in Vietnam with respect to American AID is to recall the entire AID mission and turn the problem over to the military. I suggested such a solution to General Westmoreland last February in a letter which I enclose. I never received an answer.

During the Korean war all of our AID program was administrated by the United Nations Civil Assistance Command, which was under military command and supervision. I spent eighteen months in that command and it was a far more efficiently administered organization with far less overhead than the AID mission in Vietnam. I think that events have proved that AID cannot or will not police itself and control its people. It is a tremendous organization with much duplication and extremely poor supervision. In Vietnam, it is two or three hundred percent overstaffed with most of its people located in Saigon, when in reality, its strength should be in the provinces.

When I resigned from AID on 19 March of this year, I prepared a list of twelve considerations which in my judgment are preventing a successful conclusion to the war in Vietnam, and sent it to my immediate supervisor. One of the points of that letter covered the failure of AID to come to grips with the problem. I enclose a copy for your possible interest.

I hope that you continue your fight to bring some sense and organization to AID.

Sincerely,

SIDNEY J. ROCHE.

HEADQUARTERS,
U.S. MILITARY ASSISTANCE
COMMAND, VIETNAM,
San Francisco, Calif., March 19, 1968.

Memorandum for: Mr. J. F. W. Watson,
Chief, New Life Development, CORDS.
Subject: Termination of Service Report.

Upon the termination of my service with USAID in Vietnam, I submit this report on my observations in regard to the conduct of the war. Instead of the usual report listing accomplishments by persons ending their tours, I submit these twelve (12) considerations which, in my judgment, are the primary reasons why United States efforts to end the war are being frustrated.

The twelve considerations are in a general order of preference; however, all of the points are of vital importance and none should be sacrificed for another. The Tet Offensive, which began January 29, 1968, was a period of heavy contact both on the military and political front. The issue was in grave doubt for a week or more and that offensive is still resolving itself. The final issue is not yet certain. The success of that offensive was not so much because of the skill of the Vietcong in military operations as was a demonstration of failures on the part of the Government of Vietnam and its principal advisor, the United States, to correctly assess the conditions which made that offensive possible and successful. Continued delay in attacking the basic problems in Vietnam will surely guarantee an early and complete take-over by the communists.

SIDNEY J. ROCHE,
New Life Development Division,
CORDS.

POINT 3: VIETNAMESE ARMY

The Army of the Republic of Vietnam may very well be the worst army in all of Asia. It is organized along the lines employed by modern armies thirty years ago. It is top heavy with needless headquarters and administrative elements. Its weapons, in the main, are outdated and no match for modern Chinese and Russian weapons now in the hands of the Vietcong and North Vietnamese regulars. Its leadership is ineffectual, poorly trained, and head over heels in graft and corruption. Its men are badly trained, poorly motivated and encumbered with dependents who follow them on campaigns. The Army is garrison bound, rarely venturing forth to do battle with the enemy despite numerous known enemy concentrations. The Army is quite content to sit in camps, take their share of the graft and corruption, and let the United States Army do the fighting and take the casualties. During the recent Tet Offensive, instances were reported of refusal by ARVN commanders to venture out of forts to the assistance of towns and villages under seige by Vietcong troops. All of these problems remain after more than seven years military assistance by the United States. Instead of improving, the Army is suffering from a day-to-day decline in effectiveness. The leadership is top heavy with incompetents who have little stomach for fighting but whose main interest seems to be the perpetuation of graft and corrupt practices. These men are costing the United States millions of dollars in diverted funds and misappropriation. If Vietnam is to survive, high on the list of priorities must be the task of reorganizing, retraining, and re-equipping the Army.

POINT 7: REVOLUTIONARY DEVELOPMENT CADRE

Of all the failures and disappointments in Vietnam, none stand greater than the Revolutionary Development Cadre Program. The RD Cadre strength stands at more than *fifty thousand* (50,000) men, all of whom are recruited, trained and paid under the auspices of the Central Intelligence Agency. The cost in American dollars is not known as funding is from CIA sources and not subject to public inspection.

The RD program, which has such worthwhile objectives as improving the living conditions of the Vietnamese peasants by building hamlet schools, roads, dispensaries, and providing security from Vietcong attacks, is poorly supervised. Supervision is practically non-existent at the hamlet level. This is not surprising when one realizes that the CIA, whose charter by Congress is to provide foreign intelligence to United States and to organize overseas intelligence nets, is the principal supervisor. It is small wonder that the principal effort by the CIA may be the organization of intelligence nets rather than the supervision of a very worthwhile program. As an example, this writer has inspected hundreds of teams over the past year and very rarely found half of the team strength on duty, and in many cases, less than twenty five percent were present for duty. Then, too, at the first sign of Vietcong activity, the RD Cadre is habitually withdrawn to the safety of the province capital, thus leaving the hamlet and village people defenseless.

POINT 8—UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Basic USAID programs have failed to reach the real need of Vietnam. The conventional USAID approach with emphasis upon agricultural, economic and industrial development are not applicable in Vietnam at this time. USAID cannot be effectively employed in a situation where security is nebulous and a country is wracked with war. The very nature of USAID dictates that it must have close and continuing contact with the people. Such is not now the case.

USAID programs in Vietnam have been wasteful. Programs have been over-funded with no clearcut idea of the goal to be obtained. Programs are badly managed, with confusion as to who really manages what. Supervision has been nonexistent and many struggle with the idea that somehow we will win by the sheer weight of our expenditures. Large quantities of supplies and equipment have been brought into the country and now jam the warehouses. The original use for which this was intended, in many cases, has long been forgotten. Waste has been the key note with many USAID employees apparently laboring under the misapprehension that all of the supplies and equipment come from some far distant and vague source which has an unlimited bounty to dispose of, all free. The lack of realistic programs with adequate supervision and management has cost American taxpayers millions upon untold millions dollars, and the end is not in sight, for the same lack of direction and supervision remain.

Continued mishandling of American AID funds in Vietnam can only lead to curtailment in AID funds in other deserving parts of the world, if not a complete elimination of the Agency itself as an instrument of American foreign policy. An agency either unable or unwilling to police itself should be policed by others.

POINT 11: REFUGEES

The Vietcong Tet Offensive which began 29 January 1968 produced more than six hundred thousand (600,000) refugees. Added to the total of more than eight hundred thousand (800,000) already in existence, this makes a grand total of over *one million four hundred thousand* (1,400,000), approximately *12%* of the total south Vietnamese population. This tremendous number of refugees are, for the most part, destitute and solely dependent upon government programs for bare survival. The conditions under which the refugees live are primitive and inadequate. Their living conditions breed discontent and distrust for the government. When taken into consideration that many of the refugees were generated from ARVN or United States actions to clear Vietcong or suspected Vietcong from inhabited areas, there is small wonder that, as a group, they are hardening their attitude toward the legal government. The refugee camps are a fertile ground for the communists to practice propaganda unfavorable to the legal government and the United States.

The Refugee Program, long neglected, requires rapid action to bring these people back into a productive life.

Mr. YOUNG of Ohio. Mr. President, I received two other thoughtful letters, one

from a member of the U.S. AID mission to Vietnam and another from a man employed in the U.S. naval support activity in Saigon. Both of these letters with great clarity and insight give first-hand impressions by knowledgeable, experienced and intelligent men, who are on the scene, of our foreign aid program in South Vietnam. Because they are both employed at the present time by the U.S. Government, I shall not disclose their names publicly but any Senator is free to read this correspondence at any time and then to write to these two men if he so desires. I ask unanimous consent that both of these letters be printed in the RECORD.

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

JULY 26, 1968.

Hon. STEPHEN M. YOUNG,
U.S. Senate,
Washington, D.C.

DEAR SIR: An article, in the Pacific Stars and Stripes, attracted my attention, and provoked some serious thought. The article to which I refer is entitled "Aid Execs Called Overpaid", and lists the base salary of some eight hundred and fifty-nine people. You are aware I am sure that each of these people is issued a new motor vehicle with chauffer if desired. They are, also often, able to average more than sixty days a year on vacation of one type or another.

While this knowledge is interesting, to say the least, what can be done? I am quite sure you have encountered this problem many times, wherein you are faced with a wrong that you cannot change. You must therefore find the patience to accept that which you cannot change.

The yearly attack on the Foreign Aid Program by Congress is, in itself, a form of retribution. The only problem being, it is the innocent that suffer. This is really not as serious as it may seem, because the needy people of the world have suffered and starved for many years. This is one of the inequities of the Aid Program. We always say so much and do so little. We do manage, however, to make little "Emperors" of some highly unqualified American people.

Your newspaper comments are forgotten, by now, by all but a very few people. This should indicate that a change in the salary structure cannot be made.

I would suggest that the change be made in the quality of the personnel, regardless of the cost per man. If men could be found to administer the Aid Program correctly, it would be the most effective weapon in the arsenal of democracy. You will find, I am sure, that the people who direct the programs today are unqualified by one reason or another. You will also find that people who are qualified leave the Program as if thrown off by a centrifuge of confusion.

Change these events, and you will have accomplished a never to be forgotten service to all of mankind.

Your name and reputation are not unknown to me. I feel highly privileged to be able to express my sincere appreciation for your efforts. May I also add my encouragement for you to continue your efforts for a better America.

———— ————.

EMBASSY OF THE
UNITED STATES OF AMERICA,
Saigon, July 27, 1968.

Senator S. M. YOUNG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The Saigon Daily News 20 July 1968, printed your reactions to the AID program here in Vietnam.

Hell Senator, you do not know the half of it. I happen to be in an Organization that must support these Americans, whether they be on the upper management level or those of us who must work for our pay. Please do not misconstrue what I am writing. There are those in Vietnam who do work damn hard and take many more risks than what I take but they are rare in this mass of bureaucracy. Even those that do try and get some work done are generally handicapped by mismanagement. Basically we have so much so called top management that the workers are done before they start.

The so called associate directors over here have all been in other missions as directors or deputy directors or some other out-landish title that does not mean more than a pile of beans and beans is a better word than I generally use. Each associate director is running his own department as a separate and divorced entity. The U.S. AID/V is now big enough to generate enough paper work so that no outside agency need interfere, such as U.S. AID/W, State Department, and the Congress.

The American Staff is living high off the hog, let me tell you, with maid service, new furniture from Hong Kong no less, new stoves, refrigerators, air conditioners, dishes, and the other mass of goodies it takes to set up a household. These items are supplied to all American AID people. Senator, you should even visualize what the management types get—Oh to live as well in the United States. Hell, we even provide air conditioned cars to these upper crust groups and there are only a couple of people in the whole mission that are authorized to have this luxury.

It is too bad Senator, that the U.S. AID has lost the whole concept of foreign aid to people who really need help. The people in the provinces, province representatives and their immediate associates are the only people who actually deal with the people.

It is too bad that the younger people who have come over here and some of the older people who are here, are compelled to conform to practices set forth by the old entrenched management types. Generally the U.S. AID can not keep the good people as they will not accept practices that went out twenty years ago.

I could go on and on but to what avail—I for one, as many before me, have had it with this outfit. The experience I have gained through this one tour is irreplaceable. Let no man tell me that the U.S. AID/V knows what in hell they are doing because they will have one fine argument with me.

As they used to say to Harry Truman—"Give 'em hell" Steve.

———— ————.

Mr. YOUNG of Ohio. Mr. President, undoubtedly there are some honest and dedicated men working in the Agency for International Development in South Vietnam, but the evidence is clear and convincing that there are many, many others—perhaps a majority—who are scandalously overpaid and unneeded. Frankly, throughout the entire area of South Vietnam I came in personal contact with many AID officials and found them to be a disgusting, no-good, low-grade set of men. In Laos I encountered some AID officials and employees who were honest and industrious and were not deadbeats. Three categories of men stand out—those who were job hoppers, unemployed single men, divorced or separated from their families, or adventurers seeking big pay to pay off big debts. These are the characteristics attributable to all AID officials and employees in South Vietnam with very few exceptions.

Perhaps never have so many been sent so far at such great cost to our taxpayers to accomplish so little—or to do so much harm to our country. It is high time that a thorough investigation of our AID program in Vietnam be conducted, that a thorough housecleaning of incompetents be made and that many of these officials be removed forthwith from the public trough.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut [Mr. DODD], may be allowed to proceed for not to exceed 15 minutes; and following that, the distinguished Senator from Wisconsin [Mr. PROXMIRE] be allowed to proceed for not to exceed 10 minutes.

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

COASTWISE PRIVILEGES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1482, S. 3945, which has been cleared on both sides.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3945) to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of law to the contrary, the vessel West Wind (official number 514065), owned by George H. Staley, of Seattle, Washington, shall be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

THE MYTH OF THE DÉTENTE

Mr. DODD. Mr. President, we are now entering into the most perilous phase in our national history.

Look where you will on the world horizon, and you will find violence and bloodshed and threats of further violence.

Everywhere freedom is on the defensive.

And while the physical dangers that threaten us are grave enough, I am even more concerned over the threat posed to our survival by the collapse of our political judgment and the weakening of our will to resist.

In Vietnam we have for some seven years now been involved in a costly war which has thus far defied all efforts to bring it to an honorable end.

In Korea and the Middle East other wars threaten to erupt momentarily, while the Soviet Union is openly threatening to invade Czechoslovakia.

In all of these situations Soviet communism is directly or indirectly involved.

But for some strange reason, the greater the violence that afflicts the world and the more flagrant the record of Soviet intervention and subversion, the more talk one hears about the existence of a détente in the relations between the United States and the Soviet Union.

Détente is a French word that means a "thaw," a "calm," or a "relaxation," or a bit of all three at the same time. Because it says more than any single word in the English language, it has now, for all practical purposes, been adopted into our vocabulary. Certainly it is the most commonly used word one comes across in the press today to describe the supposedly improved relations between the United States and the Soviet Union.

Most of the articles speak about the détente not as a possibility or as an objective for which we should strive but as an accomplished fact.

These articles are the reflection of a growing school of thought which holds that, despite the Vietnam war and other isolated instances of friction, the overall relations between the United States and the Soviet Union have for a number of years now been moving in the direction of an accommodation, based on a growing community of interests between the two countries.

According to this school of thought, the communism of today is not the same as the communism of yesterday, the Soviet Union has given us many significant evidences of its desire for peaceful coexistence, and we must seek to encourage the further evolution of the Soviet Union in this direction by our own example.

There is nothing more destructive of judgment and balance than thralldom to a myth. And it is my contention, and I intend to support this contention in detail, that the so-called détente is a myth.

It is a myth which the Soviet propaganda apparatus in the free world assiduously cultivates. The reasons for this are obvious.

It is clearly to the advantage of the Soviet Union if the free world can be persuaded to close its eyes to the harsh realities of the cold war and to seek consolation in pipedreams about a completely nonexistent détente. Nothing could be more calculated to weaken our resolve and our ability to resist Soviet subversion and expansionism.

The talk about a détente is now a number of years old, and this is not the first occasion that I have warned against the danger of this paralyzing illusion. But the myth has become so strong and so widespread that I think the time has come to reexamine its history from the beginning and to bring the record up to date.

I know that it is not a popular thing to paint the world in somber hues or to cry alarm. It is much easier, it is much more popular for a politician to pretend that all is going well even when all is not going well, and to avoid any statement which might disturb the peace of mind of his constituents.

I know, too, that there are very few people who agree with my estimate, that the great majority do believe in the existence of a détente.

But I am convinced that all the evidence, all the logic, and all that history can teach us, is on my side.

And even if mine were the last voice to say so, I would still proclaim as loudly as I could that the détente is a myth which beclouds our judgment and helps the Kremlin; I would still warn that more than one civilization has gone under because its citizens preferred to indulge in pipedreams rather than to face up to unpleasant realities.

The most extreme advocates of the détente philosophy tell us that we have been excessively suspicious and provocative in our dealings with the Soviets and that, if we truly seek the goal of peace and understanding, we must offer the Soviets tangible evidence of our good will in the form of concessions and unilateral actions.

They have for years now been urging that the United States voluntarily surrender its nuclear superiority over the Soviet Union and permit the Kremlin to achieve parity. As they see the matter, this will reduce the sense of insecurity from which the Kremlin now suffers and thereby make peace more secure.

Some of them even hold that we should not be alarmed if the Soviet Union achieves nuclear superiority, because, so they say, we will still have the ability to inflict unacceptable damage if the Soviets attack us.

This has been the position of a large section of our scientific community, including key scientific advisers to the Eisenhower, Kennedy, and Johnson administrations.

The record further suggests that this philosophy has not been confined to ivory tower scientists but that a good deal of it even rubbed off on hardheaded businessmen like former Secretary McNamara.

According to an article by Stewart Alsop in the Saturday Evening Post of December 1, 1962, Mr. McNamara lamented the vulnerability of the Soviet missile system at that time, and expressed the hope that the Soviets would be able to achieve a sure second-strike capability—that is, a capability to survive any initial attack by American missiles and to hit back with devastating force. According to Alsop, McNamara believed that the sooner the Soviet Union achieved such a capability, the better it would be.

I know that there are many people who honestly believe in the existence of the détente, and the theory has, as I have pointed out, received support from official sources as well as from the press and from our intellectual community.

But I find it difficult to understand how anyone who examines the history of the past decade could read this meaning into the course of events.

This record, in my opinion, demonstrates conclusively that there has been no basic change in Soviet policy under Khrushchev or Kosygin, and that the Soviet Government today is just as committed as it was in the days of Lenin and Stalin to the destruction of freedom and to the worldwide triumph of communism.

Let me make it clear at this point, that I am not opposed to a détente. I am in favor of it. Indeed, I believe that the achievement of a true détente, involving a total cessation of cold war activities, should be a prime objective of our foreign policy.

The question at issue, therefore, is not whether a détente is desirable, but whether a détente actually exists.

If a détente really did exist, one should be able to find some evidence of it in Soviet doctrinal pronouncements, in their propaganda, and above all, in the record of their actions.

The evidence is nowhere to be found.

Khrushchev in his time was hailed as a more moderate, more "pragmatic" Communist. But the record will show that at the conference of 81 world Communist Parties which took place in Moscow in January 1961, Khrushchev called on the delegates, in quasi-military language, to "synchronize" their watches for the final assault on capitalism. And in his keynote address he called upon the world Communist movement to give unqualified support to "peoples wars of national liberation."

It is certainly no accident that the period immediately after Khrushchev's speech was marked by a major intensification of the Communist guerrilla efforts in South Vietnam.

Is the present Soviet leadership perhaps more moderate or more "pragmatic" than Stalin was or than Khrushchev was?

The answer to this question was given by Brezhnev himself at the 23d Party Congress in March 1966.

This is what he said:

> It goes without saying that there can be no peaceful coexistence where matters concern the internal processes of the class and national liberation struggle in the capitalist countries or in colonies. Peaceful co-existence is not applicable to the relations between oppressors and oppressed, between colonialists and the victims of colonial oppression.

When the apostles of "détente" in the free world cite the Communist commitment to "peaceful coexistence" as proof of their contention, they are taking the words at face value, instead of interpreting them in terms of Communist semantics.

But there is no excuse for this, because one does not have to look very far to find out what the Communists actually do mean when they talk about "peaceful coexistence." They are, in fact, surprisingly frank on the subject.

Let me quote to you from a recent statement by a leading Soviet spokesman, Mr. Leonid Ilichev. This is what he said:

> Peaceful coexistence of states with different social orders does not mean the end of the class struggle. Peaceful coexistence not only does not exclude the class struggle but is itself a form of the class struggle, between victorious socialism and decrepit capitalism on the world scene, a sharp and irreconcilable struggle, the final outcome of which will be the triumph of communism throughout the entire world.

Has there been any softening of Soviet propaganda, as distinct from Soviet doctrine, in response to the gentlemanly restraint displayed by the "Voice of America" in commenting on Soviet affairs?

All one has to do to obtain the answer to this question is to check the outpouring of anti-American propaganda from Moscow on any day of the week.

In terms of their vehement anti-Americanism, today's broadcasts from Moscow are quite on a par with the most frenetic statements of Stalin's and Mao's propagandists.

Let me give you one brief example from a radio commentary by Radio Moscow on the war in Vietnam:

> The new crimes committed by the American aggressors in Vietnam are evident to the whole world. They shock us by their monstrous inhumanity and barbarous cynicism; the criminal deeds of these present-day cannibals arouse angry protests and indignation.

There are some who suggest that we must not take the extremist revolutionary utterances from Moscow at face value, because Moscow's conflict with Peking compels it to pretend to be more revolutionary than it really is.

We must judge today's Soviet leaders by the record of their actions, they tell us, and not by what they say or appear to say. And the record, they tell us blandly, does prove the existence of a détente.

They remain unperturbed by the fact that their talk of détente has coincided with a period during which the Soviets have been deploying the broadest, the most massive, and the most ruthless offensive in the entire history of the cold war.

It makes no sense to talk about a détente in a decade that has witnessed the suppression of the Hungarian revolution, Khrushchev's Berlin ultimatum, the Communist seizure of Cuba, the Cuban missile crisis, the Soviet violation of the moratorium on nuclear testing, the establishment of puppet Communist dictatorships in the Brazzaville Congo and in Zanzibar and the two Communist attempts to seize power in the Congo.

Nor does it make sense to talk about a Soviet-American détente in a period that has witnessed Soviet involvement in the Laotian uprising of 1961–62, in the war in Vietnam, in the growing Communist insurgencies in Thailand and Laos, in the Tricontinental Conference of revolutionary parties in Havana, in the launching of half a dozen guerrilla movements in the countries of the Americas, in the attempted Communist takeover in the Dominican Republic, and in the recent war in the Middle East.

Nor does it make sense to talk about a détente at the very moment when the Soviet Union is threatening Czechoslovakia with intervention if it does not reintroduce censorship and put an end to the liberalization movement.

Search where you will—in the realm of doctrine, or propaganda, or political action, or strategic policy—the evidence of détente is nowhere to be found. On the contrary, all the evidence points in the other direction.

"But surely," some of the apostles of détente will tell us, "there are serious differences between Red China and the Soviet Union. Surely the Soviets are more moderate, more anxious to avoid war, more willing to seek peaceful solutions, than the Chinese Communists are." Reasoning thus, they have been disposed to believe that the Kremlin has for some time now really desired a peaceful settlement of the Vietnam conflict.

Of course there are differences between the Soviet Union and Red China. I do not underestimate these differences. There are ways, indeed, in which the free world can exploit them. But it would be the most dangerous kind of folly to take any serious comfort from the existence of these differences.

Let me give you an analogy.

Suppose you were a crime fighter in Chicago in the days of the Capone gang, and you heard that Al Capone's men were out to get you.

This would be something that any reasonable man would worry about.

Now, suppose the Capone gang split in two, and you received word that the rival gangs were competing to see who could do you in first.

Would this make you feel more secure or less secure?

This analogy is not very farfetched, because basically this is what the differences between the Soviet Union and Red China add up to. They are competing, in every part of the world, to see who can take over first.

And just as rival criminal gangs will sometimes make common cause against the law, Moscow and Peking both support Hanoi, both support the Communist regimes in the Brazzaville Congo and in Zanzibar, and both support North Korea in her campaign of provocations against the Government of South Korea and the United States.

Who is the more dangerous enemy?

Peking, with its insane commitment to violence everywhere, and under all circumstances?

Or Moscow, with its talk of peaceful coexistence and its entrenched apparatus of confusion and its flexible combination of violent and nonviolent methods?

Unquestionably there are dangers for the free world in the berserk revolutionary extremism of Mao Tse-tung and in the stubbornness of Ho Chi Minh.

But in my opinion the greatest danger we confront comes from the calculated and flexible long-range policy of the Kremlin.

On the specific question of the Kremlin's attitude toward the Vietnam war, the facts once again belie the wishful thinking of our "détente-ists."

It is Soviet aid, far more than Chinese Communist aid, that has enabled Ho Chi Minh to escalate the Vietnam war to its present level of intensity.

Truly massive aid pours from the Soviet Union and East European countries to the harbors of North Vietnam.

Among the weapons systems delivered in increasing quantities by the Soviet bloc to North Vietnam in 1956 were SAM surface-to-air missiles, thousands of radar-controlled antiaircraft guns, and hundreds of Mig-21's, complete with technicians to train the North Vietnamese.

These Soviet weapons, delivered in ever-increasing quantities, have been responsible for the destruction of some 1,000 American aircraft over North Vietnam and they played a major role in the recent Vietcong offensive.

Looking at the Vietnam situation from the viewpoint of the men in the Kremlin, I cannot think of a single reason why they should want to help us extricate ourselves, while I can think of a hundred reasons why they should want to see us bogged down for as long as possible in our Vietnam dilemma.

But the will to self-delusion runs strong, while the Communist apparatus of confusion is infinitely more powerful and more subtle than most people realize.

And so, learned men continue to talk about a mythical détente as though it were a reality, and about peaceful coexistence as though Soviet words meant what they said.

Eight years ago this summer I attended a conference on the cold war in Paris.

One of the main speakers was Mr. Paul-Henri Spaak, onetime Socialist Prime Minister of Belgium, and former Secretary General of NATO.

I recall that Mr. Spaak referred to "peaceful coexistence" as a "cursed expression" that had generated great political confusion and had done vast damage to the Western alliance. And this came from a man who certainly believes in honest peaceful coexistence.

The confusion, if anything, has increased lamentably since Mr. Spaak made this statement, while the damage done to the Western alliance approaches the proportions of galloping consumption.

After all, there appears to be no serious point to NATO or to increased defense budgets, or to constant vigilance, if the Soviets have evolved as far along the road of peaceful coexistence as some of our wishful thinkers pretend.

It is not surprising, therefore, that recent years have witnessed a terrifying erosion of NATO and of other barriers erected against the spread of Soviet influence in the late forties and early fifties.

DOES CONCILIATION WORK?

From the illusory premise that we live in a state of détente, our détentists, with the same cavalier disregard for the facts, arrive at the conclusion that we must be more trustful, less provocative, more generous, more conciliatory, in our attitude toward the Soviets.

Since facts do not concern them, they do not consider it necessary to establish that the Soviets have responded in an affirmative manner to any action of trust or generosity or good will on our side; nor are they troubled by the overwhelming evidence that the Communists have invariably responded to every such action on our part by stepping up their propaganda attacks and their political offensive against the free world.

Our concessions, our demonstrations of good will, our commitment to the quest for peace even to the point of imperiling our own security, have all been interpreted as signs of weakness and have inspired the Communists and other extremists whom we sought to influence to respond with contempt and ingratitude and new aggression.

If our efforts at appeasement and conciliation had scored even a single conditional victory, it might be more difficult to argue against those pundits who have been talking about "détente" and the need for abandoning our rigid and antiquated attitude toward the cold war.

But the fact is that this approach has failed, and failed miserably, in every single instance in which it has been tried.

We pursued the policy of conciliation in China when we forced Chiang Kai-shek to call off his offensive against the Communists and to enter into negotiations for a coalition government with them.

And the result was the loss of China to communism.

We gave the Soviets unstinted lend-lease; and, at the Yalta, Potsdam, and Teheran Conferences, we made important political concessions to them on Central Europe.

Our generosity, our good will and our naivete, in fact, knew absolutely no bounds during the war years and for a period of time thereafter.

The Soviets responded to our conciliatory attitude by installing Communist dictatorships in all of the Central European countries; and they responded to our virtually total disarmament in the postwar period by imposing the Berlin blockade.

China probably could have been saved from communism with one-half the effort we subsequently invested in Korea or that we are today making in Vietnam.

But we made it clear by our inaction that we were not prepared to lift a finger to prevent the Communists from overrunning the Chinese mainland.

The first reward for our inaction in China was the Korean war.

And this was only the first of many heavy payments that we shall have to make for permitting our desire for non-involvement and conciliation to override our political judgment.

When the Chinese Communists sued for peace in Korea because their economy was exhausted and their army in full retreat and on the verge of collapse, we again showed our good will by agreeing to the immediate cessation of hostilities.

And, in proving our desire for peace, we agreed to an armistice so lenient in its terms that the Communist negotiators rushed from the tent at Panmunjom, shouting, "We have won."

The repayment for the conciliatory attitude we displayed in Korea was quick to come in the form of the Communist-led insurrection in Indochina.

Not to be discouraged, we again made an effort to create the conditions for "peaceful coexistence" when President Eisenhower consented to meet with Khrushchev at the ill-fated Geneva conference in 1955.

For a brief period of time, we beguiled ourselves with the belief that the so-called "spirit of Geneva" marked the beginning of the end of the cold war.

We were wakened from this dream by the announcement that the Soviets were shipping massive quantities of arms to Nasser, thus establishing a Soviet political presence in the Mediterranean for the first time and creating a situation which has over the past 10 years gravely disturbed the peace of the entire area.

But our conciliatory spirit knew no bounds.

When, in the summer of 1956, the flames of popular revolution erupted in Moscow's satellite empire, we let it be known that we looked upon Eastern Europe as an area vital to Soviet security and that we had no intention of intervening.

And the result was the bloody suppression of the Hungarian revolution, and the restabilization of the Communist bloc.

We again carried our desire for conciliation to the point of folly when, in October 1958, we announced to the world that we were embarking on a voluntary moratorium on nuclear testing while the possibilities of a test ban treaty were being further explored with the Soviet Union.

The voluntary moratorium was, in effect, a total test ban treaty without any mechanism of inspection or control.

Our military men and our nuclear experts warned us that the moratorium was imperiling our security.

But apparently it was considered more important at the time to prove to the Soviet leaders that we harbored no suspicions about their honesty or intentions.

And so we committed ourselves to this historic act of overtrustfulness and naivete, completely abandoning the principle that every step in the field of disarmament must be accompanied by corresponding safeguards.

Exactly 4 weeks after we embarked on the moratorium, on November 27, 1958, Khrushchev promulgated his famous Berlin ultimatum.

The ultimatum was followed by a whole series of missile-rattling perorations by Mr. Khrushchev; by the bloody riots in the Panama Canal; by the establishment of a Communist regime in Cuba in January of 1959; and by stepped-up activities by the Communist parties throughout the free world.

This was our reward for the trustfulness and good will we displayed in consenting to an honor moratorium on all nuclear testing.

But our final reward for the testing moratorium came in August 1961, when Khrushchev announced that the Soviets would resume the atmospheric testing of nuclear weapons.

In the 2 months that followed, the Kremlin exploded 26 bombs, culminating in their 60-megaton monster.

And when the tests were analyzed by our experts, it turned out that the Soviets had virtually succeeded in liquidating the precious 3- to 4-year lead in nuclear technology which we possessed before we embarked on the moratorium.

Our blind insistence on answering every new affront and every new act of aggression with a new demonstration of conciliation was again apparent in the decision to invite Khrushchev to visit our country in September 1959.

We rolled out the red carpet for Khrushchev, we completely muted our criticism of communism, we did our utmost to prevent or discourage demonstrations against the Red dictator.

And when President Eisenhower and Prime Minister Khrushchev met for several days at Camp David, toward the end of September, the meeting was hailed on every side as a positive move toward improved understanding and the relaxation of tensions.

The "spirit of Camp David" turned out to be as illusory and fleeting as the "spirit of Geneva."

For the hospitality he had received in Washington, Khrushchev repaid us by tearing up the Soviet invitation to Eisenhower at his Paris press conference, while Communist-led rioters in Venezuela spat upon Vice President Nixon and Mrs. Nixon and, across the world in Japan, other Communist-led rioters forced President Eisenhower to cancel a long-planned visit at the invitation of a friendly foreign government.

The larger political consequences of Khrushchev's visit to America is a subject big enough for a separate speech.

Let me, therefore, confine myself to the comment that the Khrushchev visit opened up a Pandora's box of bilateralism within the NATO community, and to state invitations at all levels to the Soviet leaders.

Indeed, I think it is not too much to say that the grave weakness of NATO today is in large measure due to the unfortunate example of bilateralism established at Camp David.

In July of 1963, on American initiative, a treaty was signed banning all nuclear tests in the atmosphere, under water, and in space.

To achieve this treaty, we made numerous important concessions to Soviet obduracy.

Among other things, we agreed to include underground explosions for peaceful purposes within the framework of the ban.

One month later, in August 1963, the news broke that the Soviet Union was facing one of the gravest food shortages in its history and that it was in the market for American wheat.

In the month of October we agreed to sell to the Soviet Union $200 million worth of wheat.

The wheat was sold not at the price which the Government had paid the American farmer, but at the artificially low world price, so that the American Government, in effect, was subsidizing the Soviet Union.

Concessions were also made on freight rates and on credits.

The sale was made without condition of any kind.

The test ban treaty has been hailed on every side as the first serious move toward a reduction of the arms race and a relaxation of tensions.

The terms of the wheat deal, moreover, should have been enough to persuade the hardest Soviet heart of our good intentions, because here we were saving the Soviet Union and asking nothing in return.

How did the Soviets react to these two historic manifestations of good will?

First, on October 22, the very anniversary of the Cuban missile crisis, Soviet Mig fighters, operating out of Cuba, attacked an American-owned freighter on the high seas.

Second, there was a series of harassments in October 1963 of American and British convoys on the Berlin Autobahn.

Third, in the month of October 1963, an official Soviet delegation in Hanoi, the capital of North Vietnam, broadcast a call for the overthrow of the Diem government and for the expulsion of the

"American imperialists" from South Vietnam.

Fourth, the Soviets, again during the month of October 1963, further inflamed the highly dangerous situation in North Africa by sending arms and equipment to the Ben Bella government in large quantities and by openly inciting the Algerians against the Moroccans.

In the month of November 1963, the Congolese Government was compelled to expel the entire Soviet mission when members of the mission were caught redhanded with documents proving their complicity in a leftwing plot to overthrow the Congo Government.

In December 1963, there were the Panama riots, which were organized and led by identified Castro agitators and which were supported to the hilt by the entire Soviet propaganda apparatus.

In January of 1966 there took place in Havana the so-called Tricontinental Conference. The Soviet Union had the largest delegation at this conference—40 delegates—and was, by all accounts, the dominant influence.

It was clear from the proceedings that Moscow had elbowed out the Chinese Communists, to emerge as the undisputed controlling force in this new international apparatus of subversion.

The head of the Soviet delegation, Sharaf Rashidovich Rashidov, told the assembled delegates that:

> The Soviet delegation has arrived at this conference with the aim of giving all-round assistance to the unification of the anti-imperialist forces of the three continents, in order to provide greater impetus to our common struggle against imperialism, colonialism and neocolonialism—led by the U.S. capitalists.

Acting on the advice of some of the ivory-towered scientists who have urged unilateral disarmament in the interests of promoting the détente, we announced to the world a few years ago that we were cutting back on the production of weapons quality uranium and closing down some of our reactors.

All the evidence is that the Soviets have responded to this unilateral action by stepping up their own production of uranium.

Acting on the same advice, we stabilized our number of land-based missiles at 1,054. This number has remained constant for 3 years now.

Meanwhile, the Soviet Union has increased its own force of land-based strategic missiles from an estimated 340 in 1966 to approximately 1,000 at this date.

Indeed, there are many experts who believe that, despite our supplementary forces of Polaris missiles, the Soviet Union already enjoys a substantial strategic superiority over the United States because their missiles are fitted with far more powerful warheads than are ours.

We entered into a treaty barring nuclear weapons from outer space without provisions of any kind for inspection.

And a short while later the Soviet Union rewarded our trustfulness by announcing the development and deployment of fractional orbital missiles which would reduce our warning time from 15 minutes to 5 minutes or less.

For years, at the urging of the same group of scientists, we dillydallied over the development of an anti-missile defense system.

The Soviet Union responded to the unilateral restraint which we had imposed on ourselves in this field by deploying an anti-missile system of their own. Belatedly, in reaction to this development, we have finally decided to take the first step to deploy our own defense system.

On June 27 of this year we signed the nonproliferation treaty which was hailed on many sides as a major step in the development of the détente.

The Soviet Union responded to this step by encouraging its East Germany satellite to fan the flames of a new Berlin crisis by imposing restrictions on travel and transport between West Germany and West Berlin. On the surface, the taxes imposed may not appear to be onerous. But let no one underestimate the gravity of the implications or consequences.

In effect, the Soviet Union and East Germany have repudiated a series of postwar agreements on West Berlin and asserted their right to control its destiny.

And because we have done nothing in response to this provocation, the reports now indicate that the brave peoples of West Berlin, who have stood up to so many pressures in the past, have become fearful that the Communists will soon move to a complete takeover.

Already, some of them are making arrangements to move to West Germany.

And instead of West German industry locating in Berlin, there have been reports that industry, too, is beginning to move out of West Berlin.

On June 27 of this year on the heels of the nonproliferation treaty, the Soviet Union and the United States issued parallel statements saying that they plan to seek further accords to avoid the building of competitive anti-missile defense systems and in the general field of disarmament.

This apparent agreement on objectives was hailed as another evidence of the growing détente between the Soviet Union and the United States.

Only a few weeks later, the Soviet Union embarked on a series of menacing political and military actions directed against the new liberal Communist regime in Czechoslovakia.

Not even Hitler ever played a cruder game of blackmail.

The Soviet press, supplemented by the press of its most obedient satellites, East Germany and Poland, has openly warned the Czechoslovak people that the abolition of censorship and the democratization of their country will not be tolerated.

After a series of harassing delays by Soviet and Warsaw Pact forces engaged in maneuvers in Czechoslovakia, the Soviet Union finally withdrew these forces.

But immediately on doing so, it embarked on its most massive military maneuvers of recent years, with its forces in certain cases only a stone's throw from the Czech frontier.

The Soviets have now brought satellite troops into these maneuvers; and, according to recent reports, they have stepped up their blackmail pressures by starting to call up their reserves.

No one can say for certain at this juncture how the Czechoslovak crisis will be resolved.

But the essence of the concept of the détente is peaceful coexistence and noninterference in the affairs of other states.

Whether or not the Red army invades Czechoslovakia, the Soviet Government has already been guilty of a flagrant and massive intervention in the internal affairs of Czechoslovakia.

This by itself should be enough to give the lie to the belief that the Soviet Government of today is committed to peaceful coexistence and that it has abandoned the interventionist policies of its predecessors.

No one in the Western World was more committed to the advocacy of the détente than French President Charles de Gaulle. It is of more than passing significance that when France tottered on the brink of revolution in the early weeks of June, De Gaulle suddenly changed his tune and talked to the French people about the "danger of totalitarian communism."

In the Mideast, we have sought from the beginning to limit the arms race in the interests of preserving peace. We have invited the Soviet Union to cooperate with us in limiting this race. The Soviets have responded by pumping in many hundreds of millions of dollars of military equipment to the Arab extremist governments.

In 1964 I called the attention of my Senate colleagues to an article in which New York Herald Tribune Foreign Editor Seymour Freiden warned that the Soviet Union had given Nasser and other Arab leaders the green light for the destruction of Israel.

It should, therefore, have been no surprise when, last spring, Nasser and other Arab extremists publicly committed themselves to Israel's military destruction.

In the brief war that followed, the Israeli Army and Air Force utterly demolished the military forces that surrounded Israel, about to invade it.

When the war was over, the hundreds of millions of dollars worth of military equipment which the Soviet Union had lavished on Nasser and his colleagues lay strewn and broken in the Sinai Desert and on the Golom heights.

In the 13 months that have elapsed, the Soviet Union has replaced all the equipment lost by the Arabs with more modern equipment. To be sure that this equipment will be used effectively, it has been accompanied by thousands of Soviet military advisers who, according to some reports, hold virtual powers of command over its use.

This buildup has been reinforced in the Mediterranean by a massive Soviet naval power which already constitutes a serious challenge to our own 6th Fleet.

And intelligence reports indicate that this Soviet fleet will soon be augmented to include marine units, landing craft, and helicopter carriers.

The Soviet fleet in the Mediterranean is not a visiting fleet. It is there on a permanent basis. It already enjoys port facilities in the United Arab Republic, and all the evidence indicates that it will very shortly be granted port facilities at the former French naval base of Mers-el-Khebir in Algeria, within easy

striking distance of the Strait of Gibraltar.

The Soviet military presence in the Mediterranean is all the more alarming because it is solidly based on a tremendous expansion of political influence throughout the area.

The Soviet Union is already the dominant foreign influence in Syria, Iraq, the United Arab Republic, Algeria, Yemen, southern Arabia, and the Sudan, and it has fortified its political influence by serving as the chief source of military hardware and military advisers for all of these countries.

Most Americans are agreed, I believe, on the need to stand up against the danger of Soviet expansion in the Middle East and to support Israel against Arab extremists. Unfortunately, however, our people are divided in their support of our Vietnam commitment. Many of those who understand the importance of holding the line in the Middle East apparently do not understand the importance of holding the line in the Far East

They fail to realize that these two conflicts are part of a larger global conflict between the forces of freedom and the forces of Communist slavery.

The Communists, however, understand this only too well. That is why, in the Mideast crisis, the propaganda radios of North Vietnam and the Vietcong gave unstinting support to the Arab extremists against Israel. Naturally, they likened that crisis to the war in Vietnam.

For example, on May 31, at the point where the Arab armies were preparing to invade Israel, North Vietnam's Premier sent the United Arab Republic's Premier a message of full support for what North Vietnam's premier called "the Arab people's just struggle."

In a parallel message to Nasser, the president of the National Liberation Front, the Vietcong's political arm, said:

> The South Vietnamese people are closely united with the Arab countries in the common struggle against U.S. imperialism and its stooges.

It makes no sense, therefore, to argue that we must support Israel and hold the line against Communist expansion in the Mideast, and to argue on the other hand that we must abandon South Vietnam and forget about holding the line in Southeast Asia.

The hard fact is that we are involved in a global struggle for survival and we must, in elementary self-defense, resist Communist aggression, whether of the direct or indirect variety, wherever it threatens, while we seek to expand the frontiers of freedom wherever there is a possibility of doing so.

WHAT SHOULD WE DO?

Accepting this assessment of the world situation, it is imperative that we gird ourselves domestically for a long and bitter struggle; that we maintain a substantial nuclear superiority over the combined nuclear forces of the Soviet Union and Red China; that we make an all-out effort to keep ahead of the Communist powers in all aspects of weapons technology; that we vastly improve our capabilities in the field of propaganda and political warfare; and that we seek to maintain and strengthen our system of defensive alliances.

I take it for granted that every patriotic American, no matter what position he has taken on Vietnam, would agree on the essential point that, somehow, we must draw the line against further Communist expansion—in Asia, in Africa, in the Mideast, and in Latin America.

The cost of holding the line runs high. It may run even higher in the decade ahead.

But it is not my belief that the cold war will continue indefinitely.

Our success in holding the line can have the effect of further turning Red China and the Soviet Union in upon themselves.

It can encourage the unrest and disorganization that is rampant in Red China.

It can encourage the passionate intellectual ferment which is sweeping like wildfire through the Soviet Union and the satellite countries of Central Europe.

The scale of this ferment holds out the prospect that the Communist dictatorships may crumble before man's irresistible urge for freedom. Ultimately, this ferment must result in the opening up of Communist society and in the creation of governments more responsive to popular will and restraint.

When that day comes, the cold war will end. Moscow and, let us hope, even Peking, will, in their own self-interest, accept the wisdom of cooperating with the United States in maintaining the peace of the world.

At that point the détente will become a reality instead of a myth.

This is more than my fervent hope. It is my earnest expectation. I believe, therefore, that it should be a prime objective of our foreign policy to support and encourage the popular will for freedom among all those peoples who today live under the aggressive tyranny of communism.

But if we are to pursue such a policy successfully, it is essential that we emancipate ourselves from our servitude to the myth of the détente, that we look at the world as it really is and not as we would like it to be.

It is essential that we stop burying our heads in the sand like so many ostriches and face up, like men, to the dangers that confront us.

It is essential that we return to those values which gave our Nation birth and which are, or should be, our most potent weapon in the cold war.

For it is we and not the Communists who are the true revolutionaries.

It is we and not the Communists who have the answers which respond to the yearnings of mankind.

It is we and not the Communists who have the ideas to win the hearts of peoples the world over.

The degree of peace we enjoy over the coming decades will depend to a very large extent on how effectively we make use of these ideas.

A BILL TO PROTECT CONSUMERS AGAINST ARBITRARY OR ERRONEOUS CREDIT RATINGS, AND THE UNWARRANTED PUBLICATION OF CREDIT INFORMATION

Mr. PROXMIRE. Mr. President, when I introduced the truth-in-lending bill last year, I stated that there were many other areas of abuse and mistreatment of consumers, but that we were at that time confining our attention to the full disclosure of the cost of credit. Today, I call attention to one of those other areas of abuse; namely, the area of consumer credit reporting.

Mr. President, I am sure that every Member of Congress has received complaints from constituents regarding unfortunate experiences with credit ratings. I am speaking of cases where a consumer is unjustly denied credit because of false or incomplete information in a credit report, or because he has been confused with another individual.

In order to alleviate this type of problem, I intend to introduce a bill next session which would add a new title to the Truth-in-Lending Act—Public Law 90-321—to provide safeguards in the field of credit reporting. This is an area where, because of rapid advances in technology, public policy has failed to keep up. There is virtually no State or Federal regulation concerning the credit reporting industry.

The purpose of my bill as stated in its title is "to protect consumers against arbitrary or erroneous credit ratings, and the unwarranted publication of credit information." In all fairness it should be noted that the bill's effect would be to make uniform throughout the industry the already high standards now observed by the best credit bureaus. I view this bill as another step in our developing tradition of consumer protection legislation, of which the latest examples are the Truth-in-Lending and Meat Inspection Acts. I am announcing my intention to introduce this bill now because I believe the Senate should begin serious consideration now of the great need for legislation in this area and so that the issues may be clearly drawn when the bill comes before the Congress.

My bill would require three things. It would require, first, that credit bureaus have in effect procedures for guaranteeing the confidentiality of the information they collect and that no such information be released to noncreditors such as governmental investigatory agencies without the express consent of the person involved.

The bill would require, second, that an individual be given an opportunity to correct adverse information in his credit record at his request and that he be notified when a derogatory item of public record is entered in his credit record.

Third, the bill would require that there be procedures for discarding irrelevant and out-dated information in an individual's credit file.

Mr. President, I ask unanimous consent that a draft of the proposed bill be printed in the RECORD at the end of my statement.

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

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, I want to make crystal clear at the outset that the last thing I want to do is to inhibit the flow of consumer credit in the American economy. There can be no question that consumer credit has been

one of the most important ingredients in this country's remarkable record of economic growth. The volume of consumer credit has grown from just over $20 billion in 1950 to its present level of almost $100 billion. It is also quite evident that the credit reporting industry, which is composed of the institutions we normally call credit bureaus, has played a vital role in the growth of consumer credit. The credit reporting industry has come into being and has grown in response to the demand by banks, retailers, and other creditors for sound information about the credit worthiness of consumers. Creditors need this information, and they need it as quickly as possible, in order to make sound decisions about the granting of credit. And consumers need an efficient credit reporting industry in order to obtain credit promptly and with a minimum of redtape.

Now, it must be said right here that it is in everybody's interest to have a reliable and speedy source of credit information. This is as true for the consumer as it is for the creditor. However, the establishment of such an information system carries with it serious problems which penetrate in their implications to our constitutional foundations. I might mention here in passing that Congressman GALLAGHER'S subcommittee has recently held some very worthwhile and informative hearings on these issues: on March 12, 13, and 14 there were hearings on commercial credit bureaus, and on May 16 there were hearings on the activities of the Retail Credit Co. of Atlanta.

It is important to note the size of the information network which has been established. The Associated Credit Bureaus of America, Inc., an organization which has been in existence for 62 years, currently has a membership of approximately 2,200 local bureaus. Because any one of these bureaus can obtain individual credit reports from any of the other members, this organization constitutes an information network containing credit files on 110 million Americans. Some of the local bureaus have computerized operations, but at this time most do not. Clearly, it is possible that someday the whole operation will be computerized, and we will have reached a situation where there is a national file of credit information with any given individual's file available to any subscriber in a matter of seconds. Obviously, a great deal of thought should be put into the standards which will prevail with regard to the availability and accuracy of this information.

At the present time, the largest computerized operation is conducted by the Credit Data Corp., based in California, which has 20 million credit files on computer tape. The president of Credit Data, Dr. Harry C. Jordan, testified at the March hearings of the Gallagher committee that his company was adding individual credit files to the system at the rate of 50,000 per day. Furthermore, Dr. Jordan estimated that his company could have a dossier on every American who has applied for credit within 5 years.

Now, where does all this leave the consumer? Clearly, it is to the advantage of the consumer for the creditor to be able to get accurate and useful information about the consumer's credit history on short order. This ability on the part of the creditor makes it much easier and less troublesome for the consumer to get credit.

But the increasing volume of complaints makes it clear that some regulations are vitally necessary to insure that higher standards are observed with respect to the information in the files of commercial credit bureaus. I cite what I consider to be the three most important criteria for judging the quality of these standards. They are first, confidentiality; second, accuracy; and, third, currency of information.

Let us discuss each of these in turn and state with regard to each the provisions of my bill.

First. Confidentiality: It is only right that, if the consumer desires the privilege of credit, he be willing to furnish and have made known to the creditor certain information about his bill-paying history. Indeed, this is what we all do without objection when we furnish references on a credit application. However, this information is furnished for a specific purpose, namely, in support of the application for credit. Without the consumer's knowledge or acquiescence this information should not be supplied to a noncreditor. It is the current practice for instance, of most credit bureaus, with the notable exception of the Credit Data Corp., to grant free access to their files to various governmental investigatory agencies such as the FBI and the IRS. There have also been many stories telling of the ease with which an unauthorized person can get a look at an individual's file. Therefore, my bill requires that no one can engage in the business of credit reporting unless there are procedures in effect for guaranteeing the confidentiality of the information collected. And, furthermore, the bill requires the express consent of the person involved, before any information can be released to a noncreditor.

Second. Accuracy: Many of the complaints received by Members of Congress relate to the inclusion of inaccurate or biased information in a credit report. There are many varieties of inaccurate information, but I shall mention only two. One is the case of mistaken identity, where two individuals with the same name are confused, and the deserving individual is denied credit because of something done by the other person. A case of this type is documented in an article written by Stanford Sesser published in the Wall Street Journal of February 5, 1968, where a New York State assemblyman was denied credit because he was confused with someone who had a judgment outstanding against him. This assemblyman had a very difficult time in finding out why he had been denied credit and in correcting the misinformation on his record.

Mr. President, I ask unanimous consent that the Wall Street Journal article to which I have just referred be printed in the RECORD at the end of my statement.

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

(See exhibit 2.)

Mr. PROXMIRE. A second type of inaccuracy, or more precisely, incompleteness, has to do with so-called derogatory items from public records. Credit bureaus seem very anxious to record the fact that a person has been sued for nonpayment, but they are in many cases not so diligent in noting the disposition of the case. For example, if a consumer refuses to pay because he cannot get satisfaction from a merchant with respect to a shoddy piece of merchandise, the merchant may sue him for nonpayment, and this fact is recorded by the credit bureau. However, if the suit is subsequently decided in favor of the consumer, this would not be recorded, and the consumer's credit rating would be unjustly jeopardized.

Mr. President, I would like to quote a short passage from the January 1968 issue of Management, a magazine published by the Associated Credit Bureaus of America. The article from which the quoted passage comes was written by Lyle D. Sallee, manager of the Credit Bureau of Fort Smith, Ark. I do this in order to show that the industry itself admits the difficulty sometimes encountered by a person who has been declined credit and who is trying to correct inaccuracies in his record. Mr. Sallee says:

> If the declined applicant is interested enough in his or her record to visit the bureau, and feels strongly enough that an error has been made, we should take the time to investigate.
>
> In checking with other bureau managers, I find most of them are willing to investigate. However, some bureaus discourage this by placing a nuisance charge on the investigation, or merely by placing the date of interview as much as two weeks away.

In order to alleviate the problems due to inaccurate or incomplete information my bill requires that a consumer at his request be given the opportunity to correct adverse information in his credit record. The bill further stipulates that a person be notified when a derogatory item of public record is entered in his record and be given the opportunity to submit an explanation.

One of the objections of the industry to a requirement that the consumer be allowed to see his file is that the credit bureaus' sources of information would dry up, because of the fear of damage suits. Perhaps, a way to deal with this problem would be for the regulating agency, in this case the Federal Reserve Board, to stipulate that the liability of the credit bureau and the creditors extends only to the correcting of the inaccuracy. The consumer could be required to sign a waiver of liability as a condition for his being given an opportunity to correct his record. I understand the credit reporting industry itself is seriously considering this procedure.

Third. Currency of information: The bill further provides that there be in effect procedures of information for evaluating and for keeping the information in an individual's credit file up to date. This requirement is related to the one I have just discussed: the requirement that the information be accurate. However, there is a further element here: that irrelevant and outdated information be discarded from the file. For instance, there might be a regulation stat-

ing that all information relating to nonpayment suits be discarded after a certain number of years.

Advisory committee: Mr. President, in line with my belief that all interests—those of creditors, consumers, and credit-rating services—should be represented in discussions about the regulations under this bill, I have made provision in the bill for the establishment of an advisory committee composed of representatives of all three groups. This committee would advise and consult with the Federal Reserve Board in carrying out the provisions of the bill.

Mr. President, I wish to emphasize again that I am anxious to strengthen the credit reporting industry and to encourage the free flow of credit. I would certainly hope that the Congress and the industry could explore the problems together and come up with some mutually satisfactory answers. It is my understanding that the credit bureau industry, under the sponsorship of the Associated Credit Bureaus of America, has under discussion at the present time proposals for self-regulation in many of the areas I have mentioned. The four principal areas being discussed are:

First. Disclosure of credit histories to consumers.

Second. Various credit bureau services and the customers they serve. This would presumably include a discussion of the propriety of releasing information to noncreditors.

Third. Credit bureau file content. I assume this means discussion of what items it is proper to include in a file to be used strictly for the purpose of credit reporting.

Fourth. Procedures followed in retaining information in credit bureau files.

I might also mention that the American Bankers Association has also been discussing these problems with particular reference to the future development of a checkless society. Mr. Dale Reistad, deputy manager and director of automation for the ABA, in a speech on November 9, 1967, before the Maryland Bankers Association made several remarks which I would like to repeat. He said that bankers should perhaps advocate a "consumer oriented credit bureau industry which would do for consumer credit what Dun & Bradstreet does for the business sector." Further, he said that a credit file in this consumer oriented system would be set up and would be prevented by law from "listing individuals who chose not to participate." Mr. Reistad also proposed that the consumer be allowed at any time to receive for a fee a complete copy of his record, and that no business could receive information on the content of the file without authorization from the consumer.

Clearly, Mr. President, the industry is making an effort to deal with these problems. Congressman GALLAGHER'S March hearings on credit bureaus adjourned with the proviso that the Associated Credit Bureaus of America return within 4 months with the industry's recommendations and proposals for self-regulation. I await these recommendations with great interest and hope that through constructive dialog, satisfactory solutions can be found.

EXHIBIT 1

S. —

A bill to amend the Consumer Credit Protection Act to protect consumers against arbitrary or erroneous credit ratings, and the unwarranted publication of credit information

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consumer Credit Protection Act is amended by inserting after title IV a new title as follows:

"TITLE V—CREDIT RATING AGENCIES

"Sec.
"501. Findings and purpose.
"502. Definitions.
"503. Prohibitions.
"504. Regulations and advisory committee.
"505. Penalty.

"§ 501. Findings and purpose.

"(a) The Congress finds—

"(1) that there has developed in this country an elaborate interstate mechanism for investigating and evaluating the credit worthiness of citizens;

"(2) that in an economy which depends increasingly upon credit for the movement of goods and services there is a need for accurate and readily ascertainable consumer credit data;

"(3) that credit rating agencies have assumed a vital role in assembling and evaluating such data; and

"(4) that there is a need to ensure that such agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the individual right to privacy.

"(b) It is the purpose of this title to require that all credit rating agencies, utilizing the facilities of interstate commerce, adopt reasonable procedures, in accordance with regulations prescribed by the Board of Governors of the Federal Reserve System, for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual.

"§ 502. Definitions

"For the purposes of this title:

"(a) The term 'Board' means the Board of Governors of the Federal Reserve System.

"(b) The term 'credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

"(c) The term 'creditor' means any person who regularly extends, or arranges for the extension of, credit whether in connection with loans, sales of property or services, or otherwise.

"(d) The term 'person' means a natural person or an organization.

"(e) The term 'credit report' means any written or oral report, recommendation, or representation as to the credit worthiness, standing, or capacity of any individual, and includes any information which is sought or given for the purpose of serving as the basis for a judgment as to any of the foregoing factors.

"(f) The term 'credit rating agency' means any individual or organization which engages in the business of making credit reports, and for the purpose of preparing or furnishing such reports uses any means or facility of interstate commerce.

"(g) The term 'interstate commerce' means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

"(h) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"§ 503. Prohibitions

"It shall be unlawful for any credit rating agency—

"(1) to furnish a credit report concerning any individual to any person other than a creditor, unless such individual has given his consent, in accordance with regulations prescribed by the Board, to the furnishing of such report; and

"(2) to furnish a credit report to any person, unless there are in effect in such agency procedures, in conformity with regulations prescribed by the Board, (A) to ensure the confidentiality of information obtained by such agency which bears upon the credit worthiness, standing, or capacity of any individual; (B) to provide any individual, upon request, a reasonable opportunity to correct information obtained by such agency which bears adversely upon the credit worthiness, standing, or capacity of such individual; (C) for evaluating information bearing upon the credit worthiness, standing, or capacity of any individual and for keeping such information current; and (D) for notifying promptly any individual whenever information is obtained by such agency which is a matter of public record and bears adversely upon his credit worthiness, standing, or capacity, and for providing a reasonable opportunity to such individual to submit an explanatory statement with respect thereto

"§ 504. Regulations and advisory committee

"(a) The Board shall prescribe regulations to carry out the provisions of this title.

"(b) The Board shall establish an advisory committee to advise and consult with it in the exercise of its functions under this title. In appointing the members of such committee, the Board shall seek to achieve a fair representation of the interests of creditors, consumers, and credit rating agencies. The advisory committee shall meet from time to time at the call of the Board, and members thereof shall be paid transportation expenses and not to exceed $100 per diem.

"§ 505. Penalty

"Whoever violates any provision of this title, or any regulation of the Board issued pursuant to this title, shall be fined not more than $——— or imprisoned not more than ———, or both."

SEC. 2. Title V of the Consumer Credit Protection Act (as designated prior to the amendment made by section 1 of this Act) is amended—

(1) by striking out "TITLE V" in the heading and inserting in lieu thereof "TITLE VI";

(2) by striking out "501", "502", "503", and "504" in the analysis preceding section 501 and inserting in lieu thereof "601", "602", "603", and "604", respectively;

(3) by redesignating sections 501, 502, and 503, as sections 601, 602, and 603, respectively; and

(4) by striking out section 504 and inserting in lieu thereof the following:

"§ 604. Effective dates

"(a) Except as otherwise specified, the provisions of this Act take effect on May 29, 1968.

"(b) Chapters 2 and 3 of title I take effect on July 1, 1969.

"(c) Title III takes effect on July 1, 1970.

"(d) Title V takes effect on the first day of the ninth calendar month which begins after the date of its enactment; except that section 504 takes effect upon the date of its enactment."

EXHIBIT 2

[From the Wall Street Journal, Feb. 5, 1968]

PRYING FOR PAY: HOW CREDIT BUREAUS COLLECT AND USE DATA ON MILLIONS OF PERSONS—CRITICS HIT SOURCES AND WIDE DISSEMINATION OF MATERIAL—SEX, DRINKING ARE CHECKED—BUT FIRMS NEED INFORMATION

(By Stanford N. Sesser)

ATLANTA.—Some people look upon it as "Big Brother Inc." Others defend it as an essential tool for the conduct of business.

The organization at issue is Retail Credit Co., an Atlanta-based company with 1,800 offices across North America. You may not have heard of Retail Credit, but there is a good chance that it has heard of you; each year it investigates millions of Americans who apply for insurance or employment.

It has records on more than 45 million individuals, with information ranging from the size of their families to the amount of liquor they consume. A file might touch on any number of allegations, including reports of extramarital affairs and homosexuality. A total of 40,000 customers get 35 million reports from the firm each year.

The business of credit, insurance and personnel investigations is burgeoning, and Retail Credit Co., though by far the largest individual firm in the field, is only part of the industry. There is also, for example, Associated Credit Bureaus of America Inc., an affiliation of 2,200 local credit bureaus by which each bureau has access to files on 110 million persons.

ASSAULT ON PRIVACY?

Organizations such as Retail Credit and Associated Credit Bureaus (ACB) are pursuing their business relatively unhampered by state or Federal regulations at the same time a debate rages in Washington about a proposed National Data Bank. It would use a centralized computer system to collect information on individuals scattered through many Government files. Congressional investigators wonder if private industry isn't quietly accomplishing much the same thing—a centralization of personal and potentially harmful information.

The staffs of the House Committee on Government Operations and the Senate antitrust and monopoly subcommittee are taking a searching look at the operations of credit bureaus and insurance investigators, and many industry executives seem resigned to the prospect of eventual hearings. "I expect we'll have our day in court like everyone else," says Frederick E. King, president of Hooper-Holmes Bureau Inc., a Morristown, N.J. credit firm.

The many critics of credit investigators acknowledge the need for such organizations in today's society. The increasing use of credit cards has made the business of credit-checking more essential than ever. The critics' complaints center on the way information—or, occasionally, misinformation—is used.

Consider Credit Bureau of Greater New York Inc., the largest local bureau in the nation. This cooperatively owned organization, which does credit checks for department stores, auto-rental firms, oil companies and other large credit grantors, has records on 8.5 million persons. Its filing cabinets occupy an entire floor of an office building.

IN THE FILES

A typical file contains a person's address, family status, place of employment, approximate salary and credit history—where the person has charge accounts and what his payment record has been. Often there is a more controversial item: Most banks will divulge to credit bureaus the approximate size of a customer's checking account and, in rare instances, the size of his savings account.

Each year about 780,000 so-called "derogatory items" go into this vast compendium of information on New Yorkers. Some items involve nonpayment of bills. Others record court judgments. But the vast majority of them, about 550,000 are information on lawsuits gleaned from court records. One important fact—how the suits were decided—*never gets recorded.*

This practice can produce inequities. A woman in one Eastern city tells this tale: She ordered a rug. A carpet of the wrong color was delivered. The merchant refused to take it back and sued for payment. The suit was thrown out of court, but the woman's credit record showed only that she had been sued for nonpayment. As a result, her credit was cut off elsewhere.

"It's impossible to get the disposition of a suit," says Rudolph M. Severa, executive manager of the New York credit bureau. "It would be extremely expensive." Mr. Severa explains that each case would have to be looked up by researchers, and he says, "Our members know they should draw no conclusion from the fact that a suit has been filed. It's up to them to check into it further."

LOOKING INTO THE RECORD

Can a person get his credit record corrected? "We'll sit down with a person and talk over his file in general terms," Mr. Severa says, "but we won't tell him who said what." Whether the credit organizations do recheck disputed entries is a matter of considerable debate.

Chester J. Straub, a Manhattan lawyer and New York State assemblyman, says he was turned down by a major credit card company because of an erroneous report from a credit bureau. "The entry indicated that a judgment was outstanding against me which in fact wasn't mine," he says. "It belonged to someone with a similar name."

But at the outset, all Mr. Straub knew was that he had been turned down. He went to the credit bureau. "All they would tell me was that my credit report was unfavorable," he recalls. Only after repeated telephone calls—emphasizing that he was an assemblyman—did he find out about the error.

"I'm an assemblyman," Mr. Straub notes. "What happens to the poor guy who walks in off the street with no leverage of any kind?" The incident has led him to introduce a bill that would require credit bureaus in New York to provide a person with a copy of his record.

At the Credit Bureau of Greater New York, any of the 500 employes have easy access to the 8.5 million files; so do any of the 14,000 employes of ACB affiliates across the nation. Last year ACB members exchanged more than seven million reports, largely those of persons who changed their residences.

Eventually any of ACB's 110 million files will be available to local bureaus at the touch of a button. ACB, working with International Business Machines Corp. and the Dallas and Houston credit bureaus, is designing a computerized system that it expects to become nationwide in time. A central switching system will connect computers at all local bureaus.

Credit bureau workers aren't the only ones who can look into the files. Investigators from such Federal agencies as the Federal Bureau of Investigation and the State Department get copies of more than 20,000 records from the New York bureau each year, Mr. Severa says. What are they used for? "Frankly, we don't ask the Government what they're doing," Mr. Severa says. "We don't feel that's our prerogative."

With equal ease, Government agencies can get copies of insurance investigation reports by visiting Retail Credit or Hooper-Holmes, whose combined files contain information on 54 million persons who at some time have applied for insurance. "The FBI can do just about anything they want to do," says Mr. King of Hooper-Holmes. "They're constantly in our files."

THE SENSITIVE FILES

If the information in credit records is potentially troublesome, the allegations in insurance inspection files can be devastating. Credit bureaus concentrate on financial and legal information, but the insurance companies are interested in what they call "moral hazards"—extramarital affairs, homosexuality, heavy drinking or other aberrations that could lead to violence, blackmail, accidents or death. Some insurance companies won't write policies for persons they believe to be homosexuals.

"When someone accuses you of violating their privacy when you investigate them—yes, you are invading their privacy, there's no question about it," Mr. King acknowledges. But, he adds, "That person has initiated a request to the insurance company to gamble thousands of dollars on him."

And how does an inspector go about obtaining this delicate information? Mr. King candidly describes the procedure with a married man suspected of an extramarital affair. "You go to a neighbor and establish rapport," he says. "Then you ask, 'What's your opinion of X's home life; how do you think of him as a family man?' This will usually elicit some hint—through the expression on their faces or the way they answer. Then you start digging. You press them as far as they go, and if they become recalcitrant, you go somewhere else. If you go to enough people, you get it."

Homosexuality, Mr. King concedes, 'is one of the most difficult things to determine." But he points out, "If you have that sixth sense that something is wrong you dig. The tipoff is their mode of living, their circle of friends and the organizations they belong to." Is it fair to simply report the suspicions of neighbors? "We won't say he's a homosexual," Mr. King replies. "We'll report, for example, that certain people feel he has homosexual tendencies."

JUST COLLECTING INFORMATION

In defense of the system, Mr. King says information won't be recorded unless it is reported by more than one source. Even when it is recorded, Hooper-Holmes doesn't "make judgments," he says. "We're just reporting what we have in our files."

Almost any plausible customer can get access to the files of Retail Credit or Hooper-Holmes, Charles M. Watt, vice president and secretary of Retail Credit, says material from the insurance files may be used when a prospective employer calls about a job applicant. And another Retail Credit executive notes that the company will handle as few as 10 investigations for a customer a year; thus small customers as well as large can delve into the files.

There is one notable exception to the generally easy access—the person who wants to see his own record. Retail Credit won't even confirm that it has done a report on a person. This, Mr. Watt says, is to avoid lawsuits. If a person raises a question about his record, he is invited to write a statement about whatever may be bothering him, and, says Mr. Watt, "we tell him if we did a report, we'll send the statement to anyone who asked about him."

In some quarters of the industry, there is concern about inaccurate and freely disclosed information. Credit Data Corp., a rapidly growing, computerized company whose biggest customers are New York and California banks, won't let Government agencies look at its files without a subpoena. "We're very sympathetic to the people who are concerned with the invasion of privacy," says Harry C. Jordan, president. Such invasion, he is convinced, occurs "not because of a computer but because of unauthorized access to the data."

Dale L. Reistad, an official of the American Bankers Association, said recently that bankers should demonstrate concern over "some obvious intrusions into individual privacy today." He proposes a "consumer-oriented" credit bureau whose files would be organized by identification number rather than name.

A person would carry an ID card, for presentation to a merchant seeking a credit report. The report would be a "mathematical credit score" that would add up all relevant factors on a standardized basis. The merchant wouldn't find out the person's salary, bank balance or other personal data. And finally, the person would be guaranteed the right to review his own credit listing.

WHAT THE SENATE HAS TO DO

Mr. MANSFIELD. Mr. President, this Congress, this Senate could have done better. It could have done worse. It did its best.

Mr. President, as we well know, it had been the fervent hope of the leadership to adjourn sine die by August 3. It became impossible to reach our goal. This has been a productive session but I regret to say that we still have some unfinished business in the way of appropriations, Supreme Court nominations and other matters which require our return after the conventions. When the Senate reconvenes on September 4, we will have before us the following appropriations:

Labor-HEW—as the unfinished business of the Senate.

Independent offices-HUD and military construction—in conference.

Defense, foreign aid, and possibly a supplemental—not yet passed by either House.

Other conferences yet to be acted on are: Agricultural Act of 1968, Auto Theft Prevention Act, central Arizona, food stamp authorization, foreign-aid authorization, Health Services Amendment of 1968, Higher Education and Vocational Education Amendments of 1968, military procurement, national trails, National Water Commission, and Redwoods National Park.

Other items such as District of Columbia judgeships, drug controls, foreign military sales, hazardous radiation, IDA, International Coffee Agreement implementation, MDTA extension and the nonproliferation treaty can be taken care of after our return.

There is a possibility that other measures may be reported on which action may be necessary, as well as Senate-passed items which may be returned from the House for further action, but the above will give some indication of what will be facing the Senate on its return.

For the information of the Senate, the following is a thumbnail sketch, by subject, of Senate action on major and general legislation since January 15.

Mr. President, I ask unanimous consent that the recapitulation of Senate legislative activity through August 1 be printed at this point in the RECORD.

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

SENATE LEGISLATIVE ACTIVITY THROUGH AUGUST 1, 1968—SENATE DEMOCRATIC POLICY COMMITTEE, 90TH CONGRESS, SECOND SESSION

Days in session, 129.
Hours in session, 689:24.
Total measures passed, 560.
Treaties ratified, 6.
Confirmations, 33,082.
Public Laws, 199.
Symbols: P/H, Passed House; P/S, Passed Senate.

Following is a brief summary of major Senate activity. Presidential recommendations and bills in accord with the President's program are indicated by (PR).

AGRICULTURE

Agricultural Act of 1968: Extended for four years the farm programs under the Food and Agriculture Act of 1965. HR 17126. In conference (PR).

Commodity Exchange Act: Amended the act to require that commodity futures markets meet specified minimum standards, to increase the penalties for violations such as manipulation and embezzlement, to add livestock and livestock products as regulated commodities, and to authorize the issuance of cease-and-desist orders. PL 90–258. (PR).

Crude pine gun price support: Provided for production goals and compliance payments for a period of 3 years, 1968 through 1970. S. 2511. P/S 2/7/68. H. Cal.

Dairy indemnity payments: Extended to June 30, 1970 the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government. S. 3638. PL 90– .

Emergency farm loan funds: Authorized the Commodity Credit Corporation to make advances to the emergency credit revolving fund up to $30 million. PL 90–328.

Extra-long-staple cotton import quota: Prohibits the importation into the United States of extra long staple cotton produced in any country which has severed diplomatic relations with the United States. The prohibition will last for the period beginning with the import quota year following severance of the relations and continuing through 2 import quota years after relations are resumed. HR 10915. PL 90– .

Fair trade practices: Made it unlawful to discriminate against any agricultural producer because of membership in an association of producers or interference with his right to join. PL 90–288. (PR).

Farm Credit Administration Amendments: Liberalized the capitalization of Federal intermediate credit banks. PL 90–345.

Food for peace: Extended the Food for Peace Act for 2 years; encouraged greater use of local currency funds for population control; and broadened the authority for using foreign currencies for education activities. PL 90–436 (PR).

Food stamp program: Increased from $225 million to $245 million the Food Stamp program authorization for fiscal 1969. S. 3068. In conference (PR).

Foot-and-mouth disease control: Authorized cooperation with Central American countries to eradicate foot-and-mouth disease or rinderpest to protect the U.S. livestock industry. PL 90–388.

Loans on leased land in Hawaii: Extended to June 30, 1970 the Farmers Home Administration's authority to make loans to lessee-operators of farmland in Hawaii. PL 90–426.

Orange juice futures: Amended the Commodity Exchange Act to add frozen concentrated orange juice to the list of commodities subject to regulation under the act. PL 90–418.

School lunch-pilot breakfast: Expanded the National School Lunch Act to provide federal support for lunches to children in public or private nonprofit child-care institutions and authorized $32 million a year for fiscal 1969–1971; extended for 3 years the pilot breakfast program in schools in impoverished areas and authorized $6.5 million for fiscal 1969, $10 million for fiscal 1970 and $12 million for fiscal 1971. PL 90–302 (PR).

Tobacco acreage allotments: Removed the statutory requirement for consent of the lienholder to a 1-year lease of a Fire-cured, Dark Air-cured, or Virginian Sun-cured tobacco allotment. PL 90–387.

U.S. grain standards: Made inspection with respect to interstate grain shipments permissive, rather than mandatory, in all cases except grain in a container bearing a grade designation. H.R. 15794. PL 90– (PR).

Wholesome poultry products act: Authorized Federal assistance, including grants, to State poultry inspection programs up to 50% of the cost of the cooperative program; extended Federal inspection to intrastate transactions in States which fail to develop adequate State systems in 2 years and immediate authority to intrastate plants producing adulterated products which endanger the public where the State does not remove such danger. HR 16363. PL 90– (PR).

ANTICRIME

Omnibus crime control and safe streets: Authorized $100.1 million for the first year and $300 million for the second year for law enforcement block grants to States and cities with a population of 25,000 and over to help cope with crime; granted authority for wiretapping by Federal, State and local police officers acting under Court authority; and prohibited interstate mail-order sales of handguns and over-the-counter sales to non-residents of a state and to minors. PL 90–351. (PR).

APPROPRIATIONS FOR 1968

First supplemental: Appropriated an additional $28 million for unemployment compensation for Federal employees and exservicemen. PL 90–286. (PR).

Second urgent supplemental: Appropriated a total of $400 million from the highway trust fund for the Federal-aid highway program, and $50,980,863 for the payment of claims and judgments. PL 90–352 (PR).

Second supplemental: Appropriated a total of $9,019,666,096 for fiscal 1968 for various departments, of which $6,295,831,498 is new obligational authority and $2,723,834,598 is transfer and release funds. $13 million is for the summer job youth program, $5 million for Headstart, and $10 million for the expansion of the school lunch program. PL 90–392. (PR).

APPROPRIATIONS FOR 1969

Agriculture: Appropriated a total of $5,531,296,650 for fiscal 1969 for the Department of Agriculture and related agencies. HR 16913. PL 90– (PR).

District of Columbia: Appropriated a total of $540,178,988 and a federal payment of $79 million for the District of Columbia for fiscal 1969. HR 18706. PL 90– (PR).

Independent offices: Appropriated a total of $15,505,214,000 for independent offices and Department of Housing and Urban Development. HR 17023. In conference (PR).

Interior: Appropriated a total of $1,284,989,300 for fiscal 1969 for the Department of Interior and related agencies. PL 90–425 (PR).

Legislative: Appropriated a total of $298,151,396 for the Legislative branch for fiscal 1969, and placed certain restrictions on stationery allowances of Senators and required that the unused portion of such allowance at the end of fiscal years shall be covered into the general fund of the Treasury. PL 90–417 (PR).

Military construction: Appropriated a total of $1,744,936,000 for military construction for fiscal 1969. HR 18785. In conference (PR).

Public works–AEC: Appropriated a total of $4,608,421,000 for Public Works and Atomic Energy Commission. HR 17903. PL 90– (PR).

State-Justice-Commerce-Judiciary: Appropriated a total of $1,986,721,500 for the Departments of State, Justice, Commerce, the Judiciary and related agencies. HR 17522. PL 90– (PR).

Transportation: Appropriated a total of $1,634,266,000 for the Department of Transportation for fiscal 1969. HR 18188. PL 90– (PR).

Treasury-Post Office: Appropriated a total of $8,158,477,000 for fiscal 1969 for the Departments of Treasury and Post Office, Executive Office of the President and certain independent agencies. PL 90–350 (PR).

ATOMIC ENERGY

AEC: Authorized $2,174,550,000 for operating expenses and $443,751,000 for plant and

capital equipment making a total of $2,618,301,000 for the Atomic Energy Commission for fiscal 1969. PL 90–289 (PR).

CIVIL RIGHTS

Federal jury selection: Provided improved judicial machinery for the selection, without discrimination, of Federal grand and petit juries in order to assure all litigants that potential jurors will be selected at random from a representative cross section of the community and that all qualified citizens will have the opportunity to be considered for jury service. PL 90–274 (PR).

Federal Voting Assistance Act Amendments: Revised procedures under the Federal Voting Assistance Act to facilitate absentee balloting by members of the Armed Forces and Federal civilian employees on duty away from home. PL 90–344.

Protection against interference with rights; fair housing; incitement to riot; and Indian bill of rights: Punished forcible interference with persons seeking to exercise specifically enumerated rights; provided punishment for persons who travel in or use the facilities of interstate commerce with intent to incite, organize, promote, encourage, participate in or carry on a riot; created a "bill of rights" for Indians; prohibited discrimination on account of race, color, religion or national origin in the sale or rental of housing; and added a new civil obedience title relating to firearms or explosives. PL 90–284 (PR).

Voting procedures: Recommended to the States that absentee registration and voting procedures for federal, state and local elections be extended to all U.S. citizens temporarily residing abroad. PL 90–343.

CONGRESS

Code of ethics: Adopted a Code of Ethics for Senators, officers and Senate employees (making in excess of $15,000) covering restrictions on outside employment, contributions, political fund activity, and disclosure of financial interests. S. Res. 266. Senate agreed to 3/22/68.

Congressional alternates to Service Academies: Increased from five to nine the number of Congressional alternates for each vacancy who may be nominated by members of Congress for possible appointment to the various service academies. PL 90–374.

Franked mail: Provided franked mail privileges for 180 days for surviving spouse of members of Congress who die in office. PL 90–368.

Joint Economic Committee study: Authorized the Joint Economic Committee to study the distribution of population between urban and rural areas of the United States. S. Con. Res. 33. P/S 1/24/68.

Select Committee on Human Needs: Established a Select Committee on Nutrition and Human Needs to study the food, medical, and other related needs among the people of the United States and to make a report by the opening of the 91st Congress. S. Res. 281. Senate adopted 7/30.

Senate Office Building: Authorized $1,250,000 for the purchase of land as an addition to the site for an extension of the New Senate Office Building. S. 2484. P/S 4/30; H. Cal.

DEFENSE

Civil defense authorities: Extended for 4 years the following three civil defense authorities—50 percent contributions to States and local governments toward the cost of personnel and administrative expenses, donations of radiological instruments to the States, and contributions for the travel and per diem expenses of trainees attending civil defense schools. PL 90–336 (PR).

Defense Production Act extension: Extended for 2 additional years, through June 30, 1970, the remaining powers of the President under the Defense Production Act of 1950; increased the amount available for the Joint Committee on Defense Production from $85,000 to $100,000 in any fiscal year; and provided for a study to be made by the Comptroller General, in cooperation with the Secretary of Defense and Director of the Budget Bureau, to determine feasibility of applying uniform cost accounting standards to be used in all negotiated prime contract and subcontract defense procurements of $100,000 or more. PL 90–370 (PR).

Military construction: Authorized $1,782,844,000 in new authority and an increase in prior years' authorization of $17,375,000, making a total of $1,800,219,000 for military construction within and outside the U.S. PL 90–408 (PR).

Military correctional facilities: Made uniform the laws covering the administration of military correctional facilities and treatment of persons convicted under court-martial. PL 90–377.

Military procurement—defense reserves: Authorized for fiscal 1969, a total of $21,341,738,000 for procurment of aircraft, missiles, naval vessels, tracked combat vessels for research, development, test, and evaluation; and authorized the personnel strengths for fiscal year 1969 for the Selected Reserve of each of the Reserve components of the Armed Forces. S. 3293. In conference (PR).

Military reemployment rights: Prevents reservists and National Guardsmen not on active duty who must attend weekly drills or summer training from being discriminated against in employment because of their Reserve membership, and extended the period of active duty certain reservists or enlistees can perform without losing their reemployment rights. HR 1093. PL 90– (PR).

Multiyear procurement: Amended military procurement law by adding authority for the Department of Defense to contract for certain services for periods up to 5 years. PL 90–378.

National Guard Technician act of 1968: Authorized Federal employee status for the National Guard technicians to provide a uniform and adequate retirement and fringe benefit program, to recognize the military requirements and the State characteristics of the National Guard by providing for certain statutory administrative authority at the State level with espect to the technician program, and to clarify their legal status. S. 3865. PL 90– .

Navy-special duty: Authorized an increase in the number of line officers of the Regular Navy who may be designated for duty as full-time specialists in various technical and professional fields. PL90–386.

Retired serviceman's family protection plan: Liberalized various provisions of the retired serviceman's family protection plan to encourage greater participation in the program by retiring service personnel. HR 12323. PL 90– (PR).

Special leave for military: Extended for 2 years the authority to grant an extra 30 days leave and round trip transportation to the United States or another place of the member's choosing to servicemen who voluntarily extend their service in a hostile fire area. PL 90–330 (PR).

Stockpile disposals (PR): Beryl, 988 short tons, HR 14367, P/S amended 4/26, H. disagreed to S. amendment and returned to Senate 6/27; Magnesium, 55,000 short tons, HR 5785, P/S amended 4/26; Platinum, 115,000 troy ounces, HR 5789, P/S amended 4/26.

DISTRICT OF COLUMBIA

Air pollution: Created the District of Columbia Air Pollution Control Board to investigate and control causes of air pollution in the District through standards and regulations. PL 90–440.

Alcoholic Rehabilitation Act: Provided a comprehensive program for the control of drunkenness and the prevention and treatment of alcoholism in the District of Columbia. HR 14330. PL 90– .

Chanceries: Amends the D.C. Chancery Act of October 13, 1964 to exempt from coverage cases where negotiations were begun prior to the effective date of the 1964 act and which culminated in a contract of sale prior to June 1, 1964; also permits the right of transfer to include property which is granted a chancery use under an exception. PL 90–412.

Court of Appeals: Permits the U.S. Court of Appeals for the District of Columbia Circuit to approve an increase in the selling price of the reports containing its opinions from a price of "not more than $6.50 per volume" to a price of "not more than $12 per volume." PL 90–380.

Debt adjusting: Prohibits the business of "debt adjusting" in the District of Columbia. S. 1739. P/S 7/19.

Disorderly acts: Authorized the Corporation Counsel of the District of Columbia to prosecute the offenses of disorderly conduct and lewd, indecent, or obscene acts under section 22–1107 of the District of Columbia Code. PL 90–441.

District-owned buildings: Authorized the District to enter into contracts with private concerns for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods up to 3 years. S. 2017. P/S 4/24.

Elected School Board: Provided for the election of an 11-member school board in the District of Columbia at the time of the Presidential election in November. PL 90–292 (PR).

Foreclosure notice: Required written notice of foreclosure to the owner of encumbered real property, with a copy of the notice to the District of Columbia Commissioner or his designated agent at least 30 days in advance of the date of sale. S. 2592. P/7 7/19.

Hospital-Medical Facilities Construction Act: Authorized supplementary Federal assistance for the District of Columbia government for modernization of public or nonprofit private hospitals, and for the construction of health centers, long-term and extended care facilities, diagnostic or treatment centers, rehabilitation facilities, community mental health centers, and facilities for the mentally retarded. S. 1228. PL 90– .

Land-grant college: Amended the Public Education Act to name the Federal City College as the land-grant college for the District of Columbia. PL 90–354.

Liens: Provided that a judgment or decree of the U.S. District Court for the District of Columbia shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds. PL 90–263.

Life Insurance Act: Liberalized the requirements with respect to financial advertising imposed upon alien life insurance companies doing business in the District of Columbia. H.R. 10213. PL 90– .

Narcotic Addict Rehabilitation Act Amendments: Requires that benefits under the Narcotic Addict Rehabilitation Act be made available to defendants in criminal cases in the D.C. Court of General Sessions. S. 1514. P/S 6/26.

National Visitor Center: Authorized the Secretary of Interior to enter into an agreement with the Washington Terminal Company for the use of the Union Station as a National Visitor Center in D.C. PL 90–264. (PR).

Police-firemen pay bill: Established a minimum base salary for police and firemen of $7800 retroactive to October 1, 1967 and effective July 1, 1968 increased the base to $8000. Proportionate increases were provided for all police and firemen. PL 90–320 (PR).

Presidential inaugural ceremonies: Revised the Presidential Inaugural Ceremonies Act to provide travel expenses and food allowances for "sanitarians" (expert health advisers) and municipal employees. PL 90–251.

Psychology: Defines and regulates the practice of psychology in the District of Columbia. S. 1864. P/S 4/24.

Reciprocal agreements: Authorized the District of Columbia government to enter into reciprocal agreements with govern-

mental units in Maryland and Virginia to provide police mutual aid when emergencies threaten or occur. S. 2496. P/S 4/8/68.

Register of blind persons: Established a register of blind persons in the District of Columbia and provided for the mandatory reporting of information concerning them. S. 1224. PL 90– .

Revenue Act of 1968: Increased the annual Federal payment authorization to $90 million; increased rate from 2% to 6% on individual income tax; increased the tax rate on the taxable income of businesses from 5% to 6%; increased the general sales and use tax from 3% to 4%; authorized the City Council to establish hours and days for the sale of alcoholic beverages; and prohibited the use of D.C. funds for the transportation of school children within and outside of the District of Columbia. HR 16361. PL 90– (PR).

Tax suit reciprocity: Authorized suits in the courts of the District of Columbia for collection of taxes owed to States, territories, or possessions or political subdivisions thereof, when the reciprocal right is accorded to the District. S. 1628. P/S 6/26.

Teachers pay increase: Provided an overall increase of approximately 8.3 percent in the salaries of all professional personnel in the public school system retroactive to October 1, 1967, and a second increase of approximately 10.9 percent effective July 1, 1968. PL 90–319 (PR).

Uniform gifts: Amended the District of Columbia Uniform Gifts to Minors Act to provide that monetary gifts to minors in the District may be deposited in savings and loan associations, credit union, and related institutions, as well as in banks. PL 90–290.

DUTY SUSPENSIONS

Electrodes—aluminum: Continued until July 15, 1969, the suspension of duties on electrodes imported for use in producing aluminum; and added permanent authority to the Social Security Act permitting the Secretary of HEW during the last quarter of a fiscal year to borrow funds from the following year's appropriation for public assistance. HR 17104. P/S amended 6/18.

ECONOMY AND FINANCE

Banks Protection Act: Directed the appropriate bank supervisory agencies to issue regulations establishing minimum standards for the installation and operation of security measures on the part of federally insured banks and savings and loan associations. PL 90–389 (PR).

Deceptive Sales Act of 1968: Authorized the Federal Trade Commission to enjoin, in the U.S. District Court, unfair or deceptive acts or practices when necessary for the protection of consumers. S. 3065. P/S 7/11 (PR).

Export-Import Bank Act Amendments of 1968: Extended the life of the Export-Import Bank of the United States for 5 years, to June 30, 1973; increased from $9 billion to $13.5 billion the limitation on the amount of loans, guarantees, and insurance permitted to be outstanding at any one time; increased from $2 billion to $3.5 billion the bank's authority to issue export credit insurance and guarantees; and banned financing exports to Communist nations but allowed the President to waive this if he finds a transaction to be in the national interest. PL 90–267 (PR).

Export-Import Bank Loans: Authorized the Export-Import Bank of the United States to use $500 million of its present statutory lending authority to facilitate through loans, guarantees, and insurance export transactions which in the judgment of the Board of Directors of the Bank, offer sufficient likelihood of repayment to justify the Bank's support in order to actively foster the foreign trade and long-term commercial interests of the United States. PL 90–390 (PR).

Federal Credit Union Act Amendments: Amended the Federal Credit Union Act to increase the time ceiling on secured loans from 5 to 10 years, increase the unsecured loan limit up to $2500, permit investment in the shares of State central credit unions, permit the purchase of notes of liquidating credit unions, permit delegation of borrowing authority, require semi-annual instead of quarterly audits, and authorize the Bureau of Federal Credit Unions to conduct consumer credit counseling programs for low income persons. PL 90–375 (PR).

Flexible interest rates: Extended for two additional years the maximum rate of interest paid on time and savings deposits by commercial banks and insured thrift institutions to restrain excessive rate competition between financial institutions. S. 3133. P/S 7/24.

Gold cover: Removed the requirement that each Federal Reserve Bank maintain reserves in gold certificates not less than 25 percent against its Federal Reserve notes in circulation, and eliminated the $156 million gold reserve for U.S. notes and Treasury notes of 1890. PL 90–269 (PR).

Investigation of unfair practices within the home improvement industry: Authorized the Federal Trade Commission, over a 1-year period, to conduct a detailed and comprehensive investigation of unfair practices within the home improvement industry, including the relationship between fraudulent contractors and their product suppliers and finance companies, and to expand and intensify, over a 3-year period, its enforcement activities in this area. S.J. Res. 130. P/S 7/11.

Investment Company Amendments Act of 1968: Amends provisions of the Investment Company Act of 1940 which pertain to investment company management fees; mutual fund sales commissions, and periodic payment or contractual plan sales commissions; amends various provisions of the Federal securities laws to permit banks to operate commingled managing agency accounts in competition with mutual funds; and amends both the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to facilitate, update and improve the administration and enforcement of these acts. S. 3724. P/S 7/26 (PR).

Public lands: Directed that 25% of gross revenues from sale of timber on public lands be paid to the appropriate counties for use for public schools and roads. S. 1385. P/S 7/12.

Savings and loan holding companies: Provided a comprehensive statutory framework for the registration, examination, and regulation of holding companies controlling one or more savings and loan associations, the accounts of which are insured by an agency of the Federal Government, the Federal Savings and Loan Insurance Corporation. PL 90–255 (PR).

Securities Exchange Commission—disclosures: Required the full disclosure of corporate equity ownership of securities. PL 90–439 (PR).

SEC margin requirements: Extended margin requirements to over-the-counter securities. PL 90–437.

SEC study: Authorized $875,000 for the Securities and Exchange Commission to make study of institutional investors and the effect of their transactions on our nation's securities market. PL 90–438 (PR).

Treasury obligations: Extended for 2 years the authority of the Federal Reserve Board to purchase public debt obligations directly from the Treasury up to a limit of $5 billion outstanding at any one time. PL 90–300 (PR).

Truth-in-Lending Act of 1968: Required creditors to disclose to consumers the full cost of credit expressed in terms of dollars and cents, and for most forms of credit, as an annual percentage rate. PL 90–321 (PR).

EDUCATION

Educational TV: Extended through fiscal 1969 the authorization of $9 million for the Corporation of Public Broadcasting. PL 90–294 (PR).

Fire Research and Safety Act: Provided for a national fire research and safety program and created a National Commission on Fire Prevention and Control in order that more effective measures may be taken to protect against the hazards of death, injury, and damage to property as a result of fire. PL 90–259 (PR).

Higher Education Amendments of 1968: Authorized a total of $14,058,414,745, extended existing programs through fiscal 1972, and established new programs of assistance to institutions of higher education in the area of cooperative education, networks for knowledge, education for public service, improvements of graduate programs, and law school clinical experience programs. S. 3769. In conference (PR).

Juvenile delinquency: Authorized $150 million through fiscal 1971 to assist courts, correctional systems, and community agencies to prevent, treat, and control juvenile delinquency; and to support research and training efforts in prevention, treatment, and control of juveniline delinquency. PL 90–445 (PR).

National Science Foundation Act: Amended the act by authorizing $525 million for fiscal year 1969 for the Foundation and by making reforms in the organization and operation of both the Foundation and its governing body, the National Science Board. PL 90–407.

NEA: Liberalized the corporate powers of the National Education Association; eliminated the board of trustees and transferred their duties to the executive committee of the association. S. 2628. P/S 6/28.

New Hampshire-Vermont interstate school compact: Authorized a compact to encourage the formation of interstate school districts between New Hampshire and Vermont. S. 3269. P/S 7/29.

Sea grant college authorization: Authorized $6 million for fiscal 1969 and $15 million for fiscal 1970 to continue the national sea grant college program. HR 13781. PL 90 (PR).

Standard reference data: Strengthened and clarified the authority of the Secretary of Commerce to provide for the collection, evaluation, and dissemination of reliable reference data on the physical and chemical properties of materials widely used in science and industry. PL 90–396 (PR).

State Technical Services Act authorization: Extended the State Technical Services Act for an additional 3 years and authorized $6.6 million for fiscal 1969, $10 million for each of fiscal years 1970 and 1971. The basic purpose of the Act is to speed industrial and economic growth of the States and the country through improved technical and scientific knowledge. PL 90–422 (PR).

Student assistance: Continued the higher education student loan programs to October 31, 1968. HR 16729. PL 90 (PR).

Vocational Education Amendments of 1968: Authorized $2,825,000,000 for fiscal years 1970–1972 in Federal grants to States to assist them in maintaining, extending, and improving existing programs, in developing new programs, and to provide part-time employment for youths who need employment to continue their vocational training. HR 18366. In conference (PR).

ELECTIONS

Election Reform Act of 1967: Extended reporting requirement to all general, special, primary, conventions, caucuses, and fund raising events; insured disclosure; and lifted the existing ceilings on spending by political committees and Congressional candidates. S. 1880. P/S 9/12/67; HR 11233, H.Cal. (PR).

FEDERAL EMPLOYEES

ASCS county office employees: Recognized periods of employment service in the county

offices of the Agriculture Stabilization and Conservation Service for the purposes of salary adjustment, annual and sick leave, and reduction in force for former county office employees who are appointed to Federal positions in the Department of Agriculture. PL 90–367.

Foreign Service retirement: Placed annuitants of the Foreign Service retirement system on the same basis as civil service annuitants for purposes of computing future cost-of-living increases; provided retired Foreign Service personnel and their survivors with the same cost-of-living increases accorded civil service annuitants and increased the maximum creditable service from 35 to 40 years. S. 2003. P/S 6/26/67; HR 16903. H. Cal.

Paid leave: Provided up to 3 days' paid leave so that a Federal employee may make arrangements for or attend the funeral of an immediate relative who dies as a result of combat service; and up to 22 days' paid leave for an employee who is called to active duty in the Reserves or the National Guard for the purpose of enforcing the law. HR 13844. P/S amended 7/20.

Payroll savings deductions for Federal employees: Permits Federal employees to purchase shares of Federal- or State-chartered credit unions through voluntary payroll allotment. PL 90–365.

Postage accounting: Permits prosecution of postal service employees for failure to remit postage-due collections. PL 90–384.

Postal assaults and employee ceiling waiver: Provides disciplinary action against postal service employees who assault other such employees in performance of official duties; and exempts post offices and the Bureau of Research and Engineering in the Post Office Department headquarters from provisions of the Revenue and Expenditure Control Act of 1968 requiring reductions in the number of Federal employees. HR 15387. PL 90– .

USIA Foreign Service personnel system: Authorized a career personnel system for the professional Foreign Service officers of the U.S. Information Agency (USIA) by creating the officer category of Foreign Service information officer, paralleling the Foreign Service Officer Corps of the Department of State. S. 633. P/S 11/13/67; H. Cal. (PR).

GENERAL GOVERNMENT

Arts and Humanities: Extended the life of the Foundation on the Arts and Humanities for 2 fiscal years and authorized $34 million, plus funds to match private gifts and necessary administrative expenses. PL 90–348 (PR).

Civil government for Trust Territory of Pacific Islands: Authorized increased appropriations for the Trust Territory of the Pacific Islands for civil works and administrative programs; increased the present authorization of $35 million for fiscal 1969 to $120 million for fiscal years 1970, 1971, and 1972; and authorized up to $10 million for any single disaster, principally typhoons, that strikes the territory. S. 3207. P/S 5/28.

Copyright protection: Continued until December 31, 1969, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as extended by PL 87–668, or PL 89–442, or PL 90–141, where such term would otherwise expire prior to December 31, 1969. PL 90–416.

Economic development of Trust Territory of Pacific Islands: Established a Trust Territory of the Pacific Islands Economic Development Loan Fund to promote the development of private enterprise and private industry in the trust territory; and would bring the total economic development authorization fund to a $5 million level. S. 3073. P/S 5/28.

Guam Governor's election: Provided for the popular election of the Governor and Lieutenant Governor of the Territory of Guam. S. 449. PL 90– (PR).

Intergovernmental Cooperation Act of 1968: Improves the quality of government by making needed reforms in present procedures and opening up new areas for cooperation with the Federal system. S. 698. P/S 7/29 (PR).

Monday holidays: Changed the observance of Washington's birthday from February 22 to the third Monday of February; Memorial Day from May 30 to the last Monday in May; Veterans Day from November 11 to the fourth Monday in October; and established the second Monday in October as Columbus Day. PL 90–363.

Metric system study: Authorized the Secretary of Commerce to make a comprehensive study to determine the impact of increasing worldwide use of the metric system of weights and measures upon the United States, and to make a report of his findings to Congress within 3 years. HR 3136. PL 90– (PR).

National Gallery of Art: Authorized the National Gallery of Art to construct a building or buildings on a previously reserved site with all costs to be paid from private trust funds. PL 90–376 (PR).

Public lands: Provided for the conveyance of certain real property of the United States to the Alabama Space Science Exhibit Commission. PL 90–276.

Secret Service: Authorized Secret Service to furnish protection to major Presidential and Vice-Presidential candidates and authorized an appropriation of $400,000. PL 90–331 (PR).

Supergrades: Authorized 392 new administrative, policy and program positions in grades GS–16, 17, and 18 of the general schedule, known as supergrades. S. 3672. P/S 6/25. H .Cal. (PR).

Surplus property: Made foreign-generated surplus property available to domestic agencies S. 1974. P/S 6/18.

Trust Territory of Pacific: Provided for the development of methods by which the people of the Trust Territory of the Pacific Islands may express their wishes with respect to their future political status. S.J. Res. 106. P/S 5/29 (PR).

U.S. historical documents: Extended for 5 years the authorization to make appropriations for allocations and grants for the collection and publication of documentary sources significant to the history of the United States. S. 2060. P/S/3. P/H amended 7/31.

Virgin Islands: Provided for the popular election of the Governor of the Virgin Islands. S. 450. PL 90– (PR).

HEALTH AND WELFARE

Animal Drug Amendments of 1968: Consolidates into one piece in the law all of the principal provisions of the Federal Food, Drug, and Cosmetic Act which relate to premarketing clearance of new drugs for administration to animals, either directly or in their feed and water. PL 90–399.

Health Manpower Act of 1968: Authorized $1.97 billion in new appropriations and extended through fiscal 1972 programs relating to training of nursing and other health professions and allied health professions personnel, the programs relating to student aid and health research facilities. S. 3095. PL 90– (PR).

Health services amendments: Extended through fiscal 1971 the regional medical programs, the Migrant Health Act, the Hill-Burton hospital construction program; the narcotics and alcoholism rehabilitation program, and the Solid Waste Disposal program through fiscal 1970. HR 15758. In conference (PR).

Physically handicapped: Required that public buildings financed with Federal funds be designed and constructed to be accessible to the physically handicapped. S. 222. PL 90– .

Vocational Rehabilitation Amendments of 1968: Amended the Vocational Rehabilitation Act to extend through 1971 the authorization of grants to States for rehabilitation services, to broaden the scope of goods and services available for the handicapped, and to authorize a total of $1.4 billion for such services. PL 90–391 (PR).

Water Quality Improvement and Vessel Pollution Control Act: Authorized $3 billion over a 3-year period to permit communities to finance the Federal share of the cost of waste treatment with repayment assured by the Federal Government; and authorized the establishment of standards for the control of vessel pollution in navigable waters. S. 3206. P/S 7/10 (PR).

White House Conference on the Aging: Declared as the sense of Congress that the President call a White House conference on Aging in 1970 to make recommendations for further action and research in aging and related fields. S.J. Res. 117. P/S 5/6. H.J. Res. 1371. P/H 7/30.

HOUSING

Housing and Urban Development Act of 1968: Authorized $5 billion for housing, urban development, rent supplements, model cities, mass transportation, open space, water-sewer facilities, and the following new items: the establishment of a new Government bond insurance system to help finance the acquisition and development of new communities; the establishment of a new neighborhood development program as part of the urban renewal; the extension of urban planning to cover rural districts; 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; the establishment of the National Insurance Development Corporation to provide reinsurance to insurance companies for losses paid by them resulting from riots or civil disorders; the establishment of a program of national flood insurance as a joint venture between the Federal Government and the private insurance industry; and the D.C. Insurance Placement Act. PL 90–448 (PR).

VA and FHA interest rates: Removed until October 1, 1969 the statutory 6 percent interest rate ceiling requirement and authorized the Secretary of HUD to set the ceiling for FHA mortgages; continued the VA authority to set interest rate ceilings but limited it to the rate set by HUD; and increased the maximum amount of the guarantee on VA-guaranteed home loans from $7,500 to $12,500. PL 90–301 (PR).

IMMIGRATION

Naturalization of active-duty personnel: Provides for the expeditious naturalization of aliens who have served in an active-duty status in the Armed Forces of the U.S. during the Vietnam hostilities or in any designated future armed conflicts. HR 15147. P/S amended 6/24.

Surviving spouse naturalization: Permits immediate naturalization for an alien, male or female, widowed by the death of a U.S. citizen spouse on active duty in the U.S. Armed Forces, provided the alien has been admitted to the U.S. for permanent residence, is living in marital union with the U.S. citizen at the time of his death, and is otherwise qualified for naturalization. PL 90–369.

INDIANS

Adult vocational education: Increased the annual authorization from $15 million to $25 million for the Indian Adult Education program and on-the-job training. PL 90–252 (PR).

Apache Tribe of the Mescalero Reservation: Authorized consolidation of judgment funds awarded to portions of the Apache Tribe of the Mescalero Reservation and use of the $8.5 million already recovered. PL 90–266.

Cherokee Nation: Authorized the conveyance of 2,668 acres of land in Oklahoma to the Cherokee Nation upon payment by the nation of $3.75 per acre to the Federal Government. PL 90–279.

Cheyenne-Arapaho Tribes: Provided for the donation of approximately 116 acres of Federal land to the Cheyenne and Aarapaho Tribes of Oklahoma. PL 90–310.

Chickasaw Tribe of Oklahoma: Provided for the disposition of an award to the Chickasaw Nation by the Indian Claims Commission. Funds to cover the award in the amount of $190,934.78 were appropriated by the act of March 31, 1961. S. 2715. P/S 7/2.

Colville-Yakima: Conferred jurisdiction of the Court of Claims to determine the respective rights of the Confederated Tribes of the Colville Reservation and the Yakima Tribes of the Yakima Reservation of the State of Washington in and to a joint judgment fund. PL 90–278.

Crow: Granted mineral rights to the Crow Indians on certain lands of the Crow Reservation, Montana. PL 90–308.

Crow Creek and Lower Brule Indian Reservation: Amended existing law, which provided for the legislative taking of certain lands of the Crow Creek and Lower Brule Indian Reservations needed for the Big Bend Dam and Reservoir, by extending to September 1, 1969, the time in which an individual Indian who was not willing to accept the amount offered for his property to obtain a judicial determination of just compensation. PL 90–393.

Flathead Reservation, Mont.: Authorized the disposal of certain isolated tracts of land on the reservation presently owned by the Salish and Kootenai Tribes of the Flathead Reservation and authorized the Tribes to acquire Indian- or non-Indian-owned lands to be held in trust for tribal use or conveyance to tribal members in trust. PL 90–402.

Gifts for the benefit of Indians: Permits the Secretary of Interior to accept and use donations of property in furtherance of any program authorized by other provisions of law for the benefit of Indians. PL 90–333.

Higher education: Removed the prohibition against appropriation of Federal funds for the higher education of Indian children in any sectarian school. PL 90–280.

Hualapai Reservation: Authorized leases of Indian lands on the Hualapai Reservation in Arizona up to 99 years. PL 90–355.

Muckleshoot Tribe: Provided for the disposition of a judgment in the amount of $80,377.00 awarded to the Muckleshoot Tribe of Washington by the Indian Claims Commission. S. 3621. P/S 7/2.

Navajo Indian Reservation: Broadened the provisions of existing law governing the use of revenue from oil and gas leasing on a portion of the Navajo Indian Reservation in Utah. PL 90–306.

Navajo-Ute Mountain Tribes: Authorized the Navajo Tribe of the Ute Mountain Tribe to commence litigation to determine the location of a part of the common boundary between their two reservations. PL 90–256.

Northern Cheyenne Indian Reservation, Mont.: Provided for a reservation in perpetuity for the benefit of the Northern Cheyenne Tribe of the minerals on or underlying the allotted lands on the Northern Cheyenne Indian Reservation. PL 90–424.

Pawnees-Oklahoma: Conveyed certain lands embraced in the Pawnee School and Agency Reserve to the Pawnee Indian Tribe of Oklahoma. HR 5910. In conference.

Quechan Tribe: Provides for disposition of approximately a $500,000 award to the Quechan Tribe of the Fort Yuma Reservation in California. S. 3620. P/S 7/3.

Southern Paiute Nation: Provided for the distribution and use of an award of approximately $7 million to the Southern Paiute Indians. S. 3227. P/S 7/9.

Spokane Indian Reservation: Provided general authority to acquire and hold in trust for the Spokane Indian Tribe land within its reservation, to dispose of tribal land, and to enter into long-term leases of tribal or allotted land, all for the purpose of consolidating landownership patterns within the reservation and making the maximum utilization of the reservation land base. PL 90–335.

Spokane Tribe: Provided legislative authority for the Spokane Tribe of Indians to use the claims judgment of $6,029,831.78 for any purpose that is authorized by the tribal governing body and approved by the Secretary of Interior. PL 90–337.

Tiwa Indians of Texas: Recognized the Tiwa people of the pueblo of Ysleta del Sur in El Paso County, Texas, as a band of American Indians and to transfer to the State of Texas any responsibility the U.S. may have for them. PL 90–287.

Ute Mountain Tribe: Permitted the Ute Mountain Tribe to use its portion ($1,441,002.24) of an Indian Claims Commission judgment in favor of the confederated Bands of Ute Indians. PL 90–332.

Yakima Tribes: Repealed the law which limited inheritance or devise of restricted or trust property of deceased members of the Yakima Tribes to enrolled members of those tribes of one-fourth or more degree of Indian blood. S. 1764. P/S 7/3.

INTERNATIONAL (GENERAL)

Arms control: Authorized $18.5 million for fiscal years 1969 and 1970 for the Arms Control and Disarmament Agency, and limited external research to $7 million for these years. PL 90–314. (PR).

Claims: Amended the International Claims Settlement Act to provide for an orderly liquidation of the Bulgarian and the Rumanian claims programs. PL 90–421.

Foreign aid authorization: Extended the foreign assistance program for 1 year and authorized $1,945,900,000 for fiscal 1969. HR 15263. In conference (PR).

Foreign Service buildings program: Authorized $13.5 million for fiscal 1970 and $14.3 million for fiscal 1971 for operating expenses of the Foreign Service buildings program. PL 90–442.

Inter-American Development Bank: Authorized the U.S. Governor of the Inter-American Development Bank to vote in favor of a $1 billion increase in the Bank's authorized callable capital stock and to agree on behalf of the U.S. to subscribe to our share of the increase, amounting to $411,760,000. PL 90–325 (PR).

International Union for the Publication of Customs Tariffs: Authorized the appropriation of such sums annually as may be necessary for the payment by the U.S. of its share of the expenses of the International Union for the Publication of Customs Tariffs and of its Bureau, but not to exceed 6 percent of such annual expenses. S. 1578. P/S 5/28. H. Cal.

Passport law changes: Provided that a passport shall be valid for 5 years without renewal instead of 3 years with a renewal period of 2 years; provides for a uniform fee of $12; and eliminates the necessity of successive personal appearances by individuals who have already been issued passports. PL 90–428.

Peace Corps authorization: Authorized $112,800,000 for the Peace Corps for fiscal 1969. PL 90–362 (PR).

Special drawing rights in IMF: Amended the International Monetary Fund Agreement to create a new monetary facility, the Special Drawing Rights, and to provide for U.S. participation in the Special Account. PL 90–349 (PR).

Warsaw: Recognized the 25th anniversary of the Warsaw ghetto uprising. H. Con. Res. 655. House adopted 4/23; Senate adopted 4/25/68.

World weather watch: Expressed the sense of Congress that the U.S. should participate in and give full support to the world weather program and that the President shall transmit to Congress before March 1 of each year a statement of the proposed participation, activities to be conducted in connection with it, department or agency to carry out these activities, and appropriations needed. S. Con. Res. 67. Senate adopted 4/1/68; P/H amended 5/20; Senate adopted House amendments 5/29 (PR).

TREATIES (PR)

Brazil Tax Convention: Eliminated double taxation resulting from the taxation of the same or items of income by both countries; established procedures for mutual assistance in the administration of income taxes; permitted a unilateral 7% tax credit for investments made in Brazil only after an exchange of notes between the Contracting States and approved by the Senate. Ex. J(90–1). Resolution of ratification agreed to 6/6.

Convention on International Exhibitions: Established the Bureau of International Expositions to maintain oversight over the location, timing, cost, purposes and quality of international expositions in which its members are invited to take part. Ex. P(90–1). Resolution of ratification agreed to 4/30/68.

Convention on International Hydrographic Organization: Gives treaty status to an existing international organization known as the Inernational Hydrographic Bureau whose purpose is to make navigation easier and safer by improving nautical charts and documents. Ex. O(90–1). Resolution of ratification agreed to 5/13/68..

France Tax Convention: Replaced the existing tax conventions of 1939 and 1946, supplementary protocol of 1948, and supplementary convention of 1956, made necessary by fundamental changes in 1965 in the French income tax structure and the U.S. in 1966. Ex. N(90–1). Resolution of ratification agreed to 6/6/68.

International Coffee Agreement: Extended the 1962 International Coffee Agreement for a period of 5 years with certain modifications. Ex. D(90–2). Resolution of ratification agreed to 6/28/68.

International Grains Arrangement Treaty: Provided new insurance against falling prices in the wheat export trade and brings wheat exporting and wheat importing nations into partnership in the War on Hunger. Ex. A(90–2). Resolution of ratification agreed to 6/13/68.

Organization of American States: Protocol to the Charter of the Organization of American States made substantial revisions in the OAS structure and the powers of certain OAS organs to increase its capacity to function more effectively. Ex. L(9–1). Resolution of ratification agreed to 2/10/68.

Philippines Tax Convention: Designed to achieve the national objectives of improving tax equity through the elimination of double taxation and the prevention of fiscal erosion, and to promote international trade and investment between those countries and the U.S. Ex. D(89–1). Resolution of ratification agreed to 6/6/68.

Safety of Life at Sea Amendments: The six amendments are designed to improve the standards of ship safety. Ex. C(90–2). Resolution of ratification agreed to 5/13/68.

JUDICIAL

Abusive and harrassing telephone calls: Made it a Federal offense to make certain obscene or harassing telephone calls in interstate or foreign commerce or within the District of Columbia. PL 90–299.

Additional circuit judges: Provided for the appointment of nine additional circuit judges as follows: one for the third, two for the fifth, one for the sixth, four for the ninth, and one for the tenth; made permanent the four additional judgeships for the fifth circuit created by the act of March 18, 1966. PL 90–347.

Attorneys' fees: Removed arbitrary limitations on attorneys' fees for services rendered in proceedings before administrative agencies of the United States. S. 1073. P/S 11/22/67; H. Cal.

Bureau of Prisons: Authorized the Federal Bureau of Prisons to provide technical assistance to State and local governments in

improving their correctional systems. PL 90–371. (PR)

Court of Claims: Allows persons having monetary claims within the jurisdiction of the Court of Claims to obtain all necessary relief in one action. S. 1704. P/S 7/29.

Desecration of the flag: Prohibits and punishes by Federal law certain public acts of desecration of the flag. PL 90–381

Judicial survivors annuity system: Allowed entry into the survivorship plan of a judge who is unmarried at the time he takes office and who does not marry until after expiration of the 6-month period in which he must now elect to participate in the judicial survivors annuity system. HR 9391. PL 90–

Local law-enforcement officers: Provided compensation for law enforcement officers not employed by the United States killed or injured while apprehending persons suspected of committing Federal crimes. PL 90–291. (PR)

Multidistrict litigation: Provided formal machinery to transfer, for coordinated or consolidated pretrial procedures, civil actions pending in different judicial districts, that have one or more common questions in fact. PL 90–296.

Traveler's checks: Made it a Federal crime to transport in interstate or foreign commerce, with unlawful intent, traveler's checks bearing forged countersignatures. S. 1440. P/S 10/12/67. H. Cal.

U.S. Court of Military Appeals: Provided that the present Court of Military Appeals be redesignated the U.S. Court of Military Appeals. PL 90–340.

LABOR

Railroad retirement: Amended the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act to provide increases in railroad retirement benefits to approximately 653,000 persons in amounts equal to 110 percent of the amounts they would have received had they been Social Security beneficiaries. PL 90–257. (PR)

MEMORIALS AND PARKS

Cradle of Forestry in America: Established the Cradle of Forestry in America in the Pisgah National Forest in North Carolina to promote knowledge about forestry education and forest land management. PL 90–398.

Fort Point National Historic Site: Establishes the Fort Point National Historic Site as a unit of the national park system in San Francisco, California. S. 2159. P/S 7/8.

Lister Hill Center: Designated the National Center for Biomedical Communicaitons as the Lister Hill National Center for Biomedical Communications, S.J. Res. 193, PL 90–

Robert S. Kerr Center: Established the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, to promote learning about nature and forest land management. PL 90–327.

Saugus Iron Works: Established the Saugus Iron Works National Historic Site in Massachusetts; provided for its administration as a unit of the national park system; and authorized $400,000 for rehabilitation and construction work. PL 90–282.

PROCLAMATIONS

Family Reunion Day: Authorized the President to proclaim August 11, 1968, as Family Reunion Day and to call upon the people of the U.S. to observe with appropriate ceremonies and activities. PL 90–405.

Professional Photography Week: Authorized the President to issue a proclamation designating the week of August 4 through August 10, 1968 as "Professional Photography Week." PL 90–443.

Safety Patrol Week: Designated the second week of May of 1968 as National School Safety Patrol Week, and requested the President to issue a proclamation calling upon all people of the United States to observe such week with appropriate ceremonies. PL 90–277.

Salute to Eisenhower Week: Authorized the President to issue a proclamation designating the week of October 13, 1968 as "Salute to Eisenhower Week" and calling on the people of the United States to observe such week with appropriate ceremonies. PL 90–406.

Save Your Breath Month: Authorized the President to proclaim National Jewish Hospital Save Your Breath Month. PL 90–281.

Treaty of Peace: Authorized the President to issue a proclamation designating the calendar year 1968 as the centennial of the signing of the 1968 treaty of peace between the Navajo Indian Tribe and the U.S. PL 90–309.

Youth Week: Provided that the Congress of the United States proclaim the week beginning May 1 of next year as Youth Week, and urged all departments of government, civic, fraternal, and patriotic groups, and citizens to participate in its observance. S.J. Res. 153. P/S 6/24.

REORGANIZATION

Executive Reorganization and Management Act: Established a Hoover-type 8-member commission to undertake a comprehensive and in-depth analysis of the organization and management of the executive branch of the Federal Government and report its findings no later than 2 years after its appointment. S. 3640. P/S 7/27.

ICC: Permits the Interstate Commerce Commission to refer to individual qualified employees for decision those matters which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The bill specifically provides for a right of appeal from these individual employee decisions to the Commission and the courts. S. 758. P/S 5/14.

Plan No. 1: Transferred the Bureau of Narcotics from the Treasury Department and the Bureau of Drug Abuse Control from HEW and created the Bureau of Narcotics and Dangerous Drugs in the Department of Justice. Effective 4/8/68 (PR).

Plan No. 2: Transferred urban mass transportation programs to the Department of Transportation and established an Urban Mass Transportation Administration within the Department. Effective 6/30/68 (PR).

Plan No. 3: Brought recreation programs under the authority of the D.C. Commissioner and abolished the present Board and the Office of the Superintendent of Recreation. Effective 6/30/68 (PR).

Plan No. 4: Strengthened the D.C. Commissioner's authority to initiate and guide the administration of urban renewal by authorizing him to appoint the five members of the Redevelopment Land Agency Board and to prescribe the rules and regulations of the Redevelopment Land Agency. Effective 5/23/68 (PR).

RESOURCE BUILDUP

Alewife control: Authorized $5 million for the control of the alewife, smelts and other fish and aquatic life in the waters of the Great Lakes which affect adversely the fish resources and ecological balance of the Great Lakes. S. 2123. P/S 4/4.

Cape Hatteras: Authorized the necessary appropriations to satisfy civil judgments for acquisition of lands for the Cape Hatteras National Seashore in North Carolina. PL 90–326.

Central Arizona project: Authorized $768 million for the construction of the Central Arizona project in Arizona and New Mexico; and $360 million for five projects in the upper basin. S. 1004. In conference (PR).

Commercial Fisheries Act extension: Extended for an additional four years the Commercial Fisheries Research and Development Act, and authorized $5 million for each fiscal year beginning July 1, 1969. S. 3866. P/S 7/29.

Conservation program on military reservations: Authorized not to exceed $500,000 a year for a period of 3 fiscal years—1969–1971—to carry out fish and wildlife conservation programs on military reservations and to promote the enhancement and development of related fish and wildlife recreational programs. HR 11026. PL 90– .

Eklutna Project, Alaska: Makes nonreimbursable the cost of the work which was necessary to rehabilitate the Eklutna Federal hydroelectric power project in Alaska because of damage caused by the earthquake of March 27, 1964. S. 224. P/S 5/28. H. Cal.

Estuarine areas: Authorized the Secretary of Interior to conduct a study and inventory of the Nation's estuaries and the waters of the Great Lakes, and to submit a report to the Congress, through the President, not later than January 30, 1970. HR 25. PL 90– .

Feasibility investigations: Authorized the Secretary of Interior to engage in feasibility investigations of certain water resource developments in the States of Oklahoma, North Dakota, Arizona, and Oregon. PL 90–254.

Fish protein concentrate: Increased the authorization to $1.9 million for the Secretary of Interior to develop, through the use of an experiment and demonstration plant, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate. S. 3030. P/S 4/2. H. Cal. (PR).

Flaming Gorge: Established the Flaming Gorge National Recreation Area in Utah and Wyoming. S. 444. P/S 5/29 (PR).

Foss Reservoir: Authoried the Secretary of the Interior to conduct feasibility studies of ways and means of alleviating the problems encountered by the Foss Reservoir Master Conservancy District associated with the poor quality and supply of water stored in Foss Reservoir, Washita River Basin, Oklahoma, and afforded relief to the district from the burden under its repayment contract wherein it is obligated to pay for water that is unusable. PL 90–311.

Great Lakes Basin compact: Granted the consent of Congress to the creation of a Great Lakes Commission composed of representatives of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. PL 90–419.

Great Swamp Wilderness: Designated approximately 3,750 acres of the Great Swamp National Wildlife Refuge, including the M. Hartley Dodge and Harding sections, in Morris County, New Jersey, as part of the national wilderness preservation system. S. 3379. P/S 7/10. H. Cal. (PR).

Land leases—California: Increased to 55 years (from 30) the length of time the Secretary of Interior may lease lands at El Portal, adjacent to Yosemite National Park, California, to concessioners operating in the park. HR 4739. PL 90– .

Land and water conservation fund: Authorized an appropriation from general revenues to make the total annual income into the fund amount to $200 million for each of fiscal years 1969–1973, with receipts from Outer Continential Shelf activities covered into the fund to the extent that appropriations from the general fund fail to achieve the objectives. PL 90–401 (PR).

Migratory birds: Replaced the Secretary of Commerce with the Secretary of Transportation as a member of the Migratory Bird Conservation Commission. PL 90–261.

Missouri River Basin project: Authorized an additional $59 million for fiscal 1969 and 1970 to continue the program of the Bureau of Reclamation for investigation and construction of the comprehensive plan for the Missouri River Basin project. PL 90–315 (PR).

Monomoy Wilderness: Designated as wilderness Monomoy Island located within the Monomoy National Wildlife Refuge in Barnstable County, Massachusetts. S. 3425. P/S 7/10 (PR).

National Water Commission: Established a seven-member National Water Commission to make a comprehensive review of national

water resource problems and programs. Limited the life of the Commission to 5 years and the appropriation to $5 million. S. 20. Conferees agreed 7/13 (PR).

Nationwide System of Trails: Established the nationwide system of trails composed of the following four classes of trails to serve the needs of the American people—national scenic trails; State park, forest, and other recreation trails; metropolitan area trails; and Federal park, forest, and other recreation trails. Authorized up to $10 million over the next five years to carry out the purposes of the Act. S. 827. In conference (PR).

Navajo Reservoir, N. Mex.: Granted authority to the Secretary of Interior to enter into three repayment contracts for water for industrial purposes from the Navajo Reservoir in New Mexico. PL 90–272.

Northwest Atlantic Fisheries Act: Implemented a protocol to the International Convention for the Northwest Atlantic Fisheries by expanding the definition of "fishing" in the Northwest Atlantic Fisheries Act to include the taking of mammals as well as fish. PL 90–420.

Oahe unit: Reauthorized the initial stage of the multipurpose Oahe irrigation unit, Missouri River Basin project, and authorized $191,670,000 for new construction. S. 6. PL 90– .

Ocean exploration: Expressed the sense of Congress that the U.S. should participate in and give full support to an International Decade of Ocean Exploration. S. Con. Res. 72. P/S 7/29.

Omnibus rivers and harbors-flood control: Authorized $1,669,894,000 for the construction of 73 navigation beach erosion control, flood control, and multiple-purpose and related projects, and 13 basin monetary authorizations. PL 90– (PR).

Pelican Island Wilderness: Designated the Pelican Island in Florida as a unit of the national wilderness preservation system. S. 3343. P/S 7/10 (PR).

Pesticide effects on fish and wildlife: Authorized an annual appropriation of $3.5 million for each of fiscal years 1969, 1970, and 1971 for the Fish and Wildlife Service of the Department of Interior to continue its comprehensive studies of the effects of pesticides on fish and wildlife. PL 90–394.

Recaptured-relicensing power: Established more adequate procedures for determining whether, upon the expiration of a non-Federal hydroelectric power project license, a project should be recaptured by the Federal Government or relicensed. S. 2445. PL 90– (PR).

Reclamation feasibility studies: Authorized the Secretary of Interior to undertake feasibility studies of three reclamation projects in Colorado and Oregon. S. 3575. P/S 7/2.

Redwood National Park: Authorized up to $100 million to establish a Redwood National Park in northern California and provided for the land exchange of a 14,567-acre Forest Service tract. S. 2515. In conference (PR).

Saline water conversion: Authorized $24.556 million for fiscal 1969 for the Saline Water Conversion Program. PL 90–297 (PR).

San Gabriel Wilderness: Designated 36,000 acres of the Angeles National Forest in California as the San Gabriel Wilderness. PL 90–318 (PR).

San Rafael Wilderness: Designated as the first addition to the National Wilderness Preservation System since its establishment in 1964, 143,000 acres of land located in the Los Padres National Forest, Santa Barbara County, California, as the San Rafael Wilderness. PL 90–271 (PR).

Water Resources Planning Act Amendments: Increased from $700,000 to $1.5 million the annual authorization for the administrative functions of the Water Resources Council under all title of the Act. S. 3058. P/S 6/18 (PR).

Watershed project contract procedure: Amended the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture, upon request of the local organization, to contract for the construction of works of improvement. PL 90–361.

Wilderness areas in Michigan, Wisconsin and Maine: Designated as units of the National Wilderness Preservation System the Seney, Huron Islands, and Michigan Islands Wildnerness areas in the State of Michigan, the Wisconsin Islands Wilderness in the State of Wisconsin, and the Edmunds Wilderness and Birch Islands Wilderness in the State of Maine. All of the lands included are presently within the National Wildlife Refuge System. S. 3502. P/S 7/10 (PR).

SPACE

NASA authorization: Authorized a total of $4,013,073,000 for the National Aeronautics and Space Administration for fiscal 1969 for research and development, construction of facilities, and administrative operations. PL 90–373 (PR).

TAXATION

Chinese gooseberries: Made fresh gooseberries subject to a tariff rate equivalent to the general tariff level applied to berries rather than the tariff level applied to "other" fruits, which would change the rate from 17.5 percent ad valorem to $.75 cents per pound. HR 2155. P/S amended 4/11.

Political advertising: Modified the present restriction denying a deduction for an amount paid or incurred for advertising in a political convention program to allow a deduction for the cost of this advertising under certain limited circumstances. PL 90–346.

Revenue and Expenditure Control Act of 1968: Extended the 7 percent excise tax on automobiles and the 10 percent on telephone communications through December 31, 1969; accelerated corporate tax payments; provided a 10 percent surtax on individuals effective April 1, 1968 and on corporations effective January 1, 1968; provided for an expenditures reduction of $6 billion and a $10 billion reduction in obligated authority; and terminated as of May 1, 1968 the tax-exempt status of industrial revenue bonds in the case of any issue over $1 million unless there was a prior commitment. PL 90–364 (PR).

Unemployment trust fund use: Extended for an additional 5 years the period during which States may obligate, for administrative purposes, certain funds transferred from excess Federal unemployment tax collections. PL 90–430.

TRANSPORTATION AND COMMUNICATIONS

Agricultural cooperative transportation exemption: Empowered the Interstate Commerce Commission to proceed more effectively against illegal operators masquerading as bona fide agricultural cooperatives. PL 90–433.

Aircraft loans: Extended for an additional 5 years the aircraft guarantee loan program. S. 2499. P/S 6/19.

Aircraft noise abatement: Authorizes and requires the Federal Government to establish and apply noise reduction standards to the issuance of certificates under title VI of the Federal Aviation Act, and to prescribe and amend rules and regulations necessary to provide for the control and abatement of aircraft noise. PL 90–411. (PR).

Automobile insurance investigations: Authorized $2 million for the Secretary of Transportation, in cooperation with other Federal agencies, to conduct a comprehensive 24-month study and investigation of the automobile insurance system. PL 90–313 (PR).

Cargo containers: Prevented the application of discriminatory policies or practices by any Government agency against any carrier by giving preference as between them on the basis of length, height or width of cargo container cells, except when required by military necessity. PL 90–268.

Coast Guard: Authorized $136 million for the capital requirements of the Coast Guard for ships, planes, shore facilities, aids to navigation, and bridge construction for fiscal 1969. PL 90–334 (PR).

Coast Guard officers: Raised the limitation on the maximum number of officers, excluding commissioned warrant officers, on active duty which could be authorized for the U.S. Coast Guard from 4,000 to 5,000. PL 90–385.

Equal time: Suspended for the 1968 campaign the equal time requirements of section 315 of the Communications Act of 1934 for nominees for the Office of President and Vice President. S.J. Res. 175. P/S 5/29.

Federal-Aid Highway Act of 1968: Authorized $12,307,500,000 in new funds for the Federal-Aid Highway programs for fiscal year 1970 and 1971; established a program to assist those displaced and dislocated by Federal aid highway construction in reestablishing their homes, farms, and businesses; and provided funds for the highway beautification program. S. 3418. PL 90– (PR).

Fisheries in territorial waters: Prohibited any vessel except a vessel of the United States or any master or other person in charge of such vessel to engage in activities in support of a foreign fishery fleet within the territorial waters of the United States. PL 90–427.

Fishing vessel exemption: Broadened the fishing vessel exemption in certain inspection and loadline laws to include cannery and fishing tender vessels which provide a wide range of services. This 5-year exemption will permit cannery and fishing tenders serving isolated areas of Alaska and the Pacific Northwest to continue the present practice of carrying fish, cargo, stores and people to and from fishing vessels, canneries and other facilities used in the salmon and crab industries. PL 90–397.

Fishing vessel seizure: Authorized reimbursement to the owners of fishing vessels for losses incurred through their seizure by foreign governments. S. 2269. PL 90– .

Freight charge refunds: Empowered the Federal Maritime Commission to authorize common carriers by water in foreign commerce to make voluntary refunds to shippers and to waive the collection of a portion of freight charges where it appears that there is an error in a tariff of a clerical nature, or where, through inadvertence, there has been a failure to file a tariff reflecting an intended rate. PL 90–298.

High-speed ground transportation extension: Extended to June 30, 1971 the authority of the Secretary of Transportation to undertake research and development and to conduct demonstrations in high-speed ground transportation, and authorized $16.2 million for fiscal 1969 and $21.2 million for fiscal 1970. PL 90–423 (PR).

Interoceanic Canal Study Commission: Extended to December 1, 1970 the time by which the Commission must complete its study and make recommendations concerning a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans, and authorized an additional $6.5 million. PL 90–359 (PR).

Loan insurance: Removed the 6 percent statutory interest ceiling on loans and mortgages insured under title XI of the Merchant Marine Act, and authorized the Secretary of Commerce to approve such interest rates as he determines to be reasonable. PL 90–341.

Mail frauds: Revised the provisions of existing law prohibiting the use of the mails for fraudulent and lottery matter. HR 1411. In conference.

Mailing of master keys: To deter the mailing of master keys designed to operate motor vehicle ignition switches, made nonmailable master keys and advertisements offering master keys for sale. Provides criminal penalties for violation of the statute. HR 14935. In conference (PR).

Maritime programs: Authorized a total of $429,451,000 for Maritime programs for fiscal 1969, which included $200 million for construction and $10,960,000 for research. HR 15189. PL 90– (PR).

Masters' liens for wages: Granted to the master of a vessel documented, registered, enrolled, or licensed under the laws of the U.S. the same lien for his wages against such vessel, and the same priority therefor, as any other seaman serving on such vessel. PL 90–293.

Mobile trade fairs: Extended the mobile trade fair program for 1 year and authorized $166,000 for fiscal 1969. PL 90–434.

National Traffic and Safety Act: Amended the National Traffic and Motor Vehicle Safety Act of 1966 to temporarily exempt limited production motor vehicles (less than 500) from any motor vehicle safety standard if compliance would cause the manufacturer substantial economic hardship and would not result in undue hazard to the public. PL 90–283.

Ocean cruises: Permitted any U.S.-flag passenger ship receiving operating subsidy payments to engage in cruise trade off its assigned trade route for up to 7 months of the year if the Secretary of Commerce finds that such off-route cruising will not prevent adequate service on the vessel's assigned trade route nor substantially adversely affect an existing U.S.-flag operator's services. PL 90–358.

Parcel Distribution Services Advisory Commission: Extended the reporting deadlines of the Commission from January 1, 1968 to June 30, 1969, and from January 1, 1969 to June 30, 1970, and increased the authorization from $100,000 to $300,000. The Commission is to make recommendations concerning the adequacy of existing services, improvement methods, simplification of rate structure, and other matters relating to parcel disribution. S. 3656. P/S 6/19.

Passenger vessels: Postponed for two years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards. PL 90–435.

Pipeline safety: Authorized the Secretary of Transportation to prescribe safety regulations for the transport of natural gas by pipeline. S. 1166. PL 90– (PR).

Radio frequency interference: Empowered the Federal Communications Commission to prescribe regulations for the manufacture, sale, offer for sale, shipment, and import of devices which cause harmful interference to radio communications and reception. PL 90–379.

Supplemental air transportation: Amended the Federal Aviation Act of 1958 to give specific statutory authority to supplemental air carriers to conduct inclusive tour charter trips. S. 3566. P/S 7/9. H. Cal.

Vehicle weights and dimensions: Amended the Federal Aid Highway Act to increase the vehicle weight and width which a State may lawfully permit on the Interstate Highway system. S. 2658. P/S 4/4. H. Cal.

Water carrier financing: Made equipment trust certificate financing available to the water carrier industry by extending the same recordation and limited bankruptcy benefits now available to the railroads and the airlines. S. 913. P/S 4/25.

VETERANS

Disabled veterans compensation increase: Provided a $100 monthly increase in compensation payments to totally disabled veterans whose disability is service connected; an 8 percent cost-of-living increase in compensation payments to other veterans with service-connected disabilities; and authorized medical devices on an outpatient basis to totally disabled veterans. HR 16027. P/S amended 7/31 (PR).

Education and training: Liberalized the eligibility and educational assistance under the G.I. bill of rights and established educational benefits for widows and wives of totally disabled veterans. HR 16025. P/S amended 7/15 (PR).

Federal payments to states: Increased payment by the Federal Government to State homes for domiciliary and hospital care from $2.50 to $3.50 and for nursing home care from $3.50 to $5; and extended for 5 additional years matching grants of $5 million each year for States to construct nursing homes. PL 90–432.

Job opportunities for returning veterans: Expressed the sense of Congress that employment opportunities be made available to veterans who return from military service in Vietnam and elsewhere, and that every possible effort be made by the Government and private enterprise to give priority in their employment programs to such veterans. H. Con. Res. 705 P/H 4/24/68; P/S amended 7/3; H. adopted S. amdts. 7/30. (PR).

Medical care: Provided nursing home care and contract hospitalization for certain veterans in Alaska and Hawaii. HR 3593. P/S amended 7/15.

Nursing home care for veterans: Increased the maximum amount which the Veterans' Administration can pay to community nursing homes for veterans who have exhausted their hospital benefits and need extended care. PL 90–429.

Pensions' Protection Act: Provided that increased Social Security benefits would not affect veterans' pensions until 1970, when pensions would be gradually adjusted to take into account the increased Social Security benefits. PL 90–275 (PR).

Vocational rehabilitation: Expanded the vocational rehabilitation program for veterans to permit training on a part-time as well as full-time basis, with subsistence payments for part-time training proportionately reduced from the full-time level. PL 90–431 (PR).

Mr. MANSFIELD. 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. 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.

IS IT TIME TO TAKE ANOTHER RISK TOWARD PEACE?

Mr. MANSFIELD. Mr. President, in the Christian Science Monitor under date of August 1, 1968, there is an article—a column, in reality—entitled "Of Peace and Politics," by Joseph C. Harsch.

Mr. Harsch, in my opinion, is one of the most outstanding commentators and columnists in the newspaper profession. He is a man who goes deeply into his subject, who tries to think through what he discusses, and always writes in a manner which is captivating, interesting, and illustrative.

The column has to do with the possibilities which confront this country insofar as the situation in Vietnam and Paris is concerned. The column ends on this statement: "Is it time to take another risk toward peace?"

Mr. President, I ask unanimous consent that the column by Mr. Harsch be printed in the RECORD.

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

[From the Christian Science Monitor, Aug. 1, 1968]

OF PEACE AND POLITICS

(By Joseph C. Harsch)

WASHINGTON.—For several weeks now the most bitterly waged argument inside the administration has been over whether, and when, to assume that there has in fact been a "response" from Hanoi to the pullback of the American bombing line in Vietnam.

According to the official line at this moment of writing there has never been any response.

This is supported by the fact that Hanoi has never once labeled anything it has done as being a response to the first United States act of deescalation. On the contrary, it has continued to insist in public that there is nothing to talk about or do unless the United States has first ceased all hostile actions against North Vietnam.

RESPONSE?

However, the following things have happened:

1. No rockets have hit Saigon since June 21.

2. The number of North Vietnamese troops arriving in South Vietnam in June was half as many as those which arrived in May.

3. The number of troops "fed into the pipeline at the top" also has declined, leading to the expectation of a substantial drop in the number of North Vietnam arrivals during August and September.

Do these three facts represent a "response"? Do they add up to an act of deescalation by the other side?

Hanoi refuses to claim them as deescalation.

United States military authorities provide alternate explanations.

It is suggested that the rocketing of Saigon has ended because the enemy has run out of rockets, due, it is claimed, to the success of American countermeasures.

It is suggested that the fall in troop movements from North to South is because the enemy has virtually completed his deployment for a second great offensive and has now stepped his troop movements down from a "reinforcement" to a mere "replacement" level.

BEHAVIOR AMBIGUOUS

It also is asserted that military intelligence continues to indicate that the enemy is getting ready for a major offensive which is now expected in late August. At the White House there is an inclination to think that this timing is intended to embarrass President Johnson at the time of the Democratic convention.

The argument on the other side starts with the proposition that the pattern is standard operating procedure in a case of this kind. Hanoi's behavior is ambiguous. There are acts which might mean deliberate restraint in response to United States restraint. But they refuse to put the label of "response" upon them.

But this, it is pointed out, is precisely what happened in the case of the Cuban missile crisis when every message from Moscow to Washington was open to two interpretations.

President John F. Kennedy methodically selected the interpretation he preferred. By choosing his own interpretation of the Russian positions he led Mr. Khruschev step by step from confrontation to capitulation.

In this case President Johnson so far has refused to apply the Kennedy technique to the Hanoi position.

There are political implications.

To do so would be of enormous help to Vice-President Hubert Humphrey's campaign. Until such a step is taken Mr. Humphrey still has the albatross of the war around his neck. His rival, Eugene McCarthy, has the enormous advantage of being free of the war.

GREAT RISKS

Humphrey supporters have been pleading with the White House to take a chance and make a second deescalation move. Their argument is that there is nothing to lose. If Mr. Johnson assumes that Hanoi has given

him a "response" and acts accordingly, then one of two things will follow:

Either there will be another responsive signal from the other side. Or there will be the grand offensive which the Pentagon predicts. If there is an offensive, say the Humphrey people, then everyone will rally behind the President and support him in returning to bombing North Vietnam. If there is no offensive, the evidence of a "response" will be all the more impressive.

In peacemaking as in war-making there are great risks at every turn. *Is it time to take another risk toward peace?*

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

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

U.S. ECONOMIC SANCTIONS AGAINST RHODESIA

Mr. BYRD of Virginia. Mr. President, in the Federal Register of Wednesday, July 31, appears the text of a new Executive Order No. 11419.

This order is designed to close the economic noose on the peaceful country of Rhodesia by barring all U.S. imports from and exports to that country.

The order also prohibits aircraft or vessels under U.S. registration or under charter to a U.S. citizen from carrying cargo originating in or destined to be delivered to Rhodesia. Additionally, the order prohibits the operation of any U.S. airplane to or from Rhodesia and it bars the transfer of funds to or from Rhodesia.

This action was taken in support of a resolution passed by the United Nations Security Council on May 29 of this year.

That resolution represents the second step in the effort to bring about the collapse of the Rhodesian Government. The first step—a partial economic boycott instituted last year—was a failure. The third step, which will be called for should these added measures also fail, is military action.

The United States is in a vulnerable position—its action is unprincipled and wrong. It is unjust. Besides that, we are in the absurd position of demanding economic sanctions against a nation at peace with us, and yet do nothing about seeking economic sanctions against North Vietnam, at whose hands this country has suffered more than 193,000 casualties.

Just 10 months ago—last October—I introduced an amendment calling on this Government to initiate and support in the United Nations economic sanctions against North Vietnam. The Senate adopted that formal resolution by a vote of 74 to 15. Yet, despite that action, the President has done nothing about North Vietnam. But he has intensified the actions of this country against Rhodesia.

Mr. President, the Senator from Virginia does not pass judgment on whether Rhodesia should be independent or whether it should continue her former relationship with Great Britain.

All that I argue is that this is a matter to be decided between the countries involved—Great Britain and Rhodesia. The American Government has no business interfering in this matter.

The same position has been forcefully stated by former Secretary of State Dean Acheson.

Mr. Acheson has labeled the United Nations' action against Rhodesia as "barefaced aggression, unprovoked and unjustified by a single legal or moral principle."

The British people themselves are divided on this question. Not long ago, the upper house of the British Parliament refused to approve any further tightening of the economic screws on Rhodesia. It did so at great risk to itself, for it is within the power of the Socialist government of Britain to abolish the House of Lords.

Hopefully, we may have pressure for a change of policy in this country. We have recently had a change of our ambassador to the United Nations. Mr. George W. Ball, our former Undersecretary of State, now heads our delegation.

Mr. Ball has many times expressed his view that our policy toward Rhodesia is self-defeating and misguided, and I commend Ambassador Ball for the view he has taken in this matter.

In his recent book, "The Discipline of Power," Mr. Ball argues it is a romatic delusion" to believe that anything short of armed force will bring about the downfall of the Rhodesian Government. And, of course, this is what the Charter of the United Nations calls for if economic sanctions fail.

Mr. Ball points up what I believe to be the very grave risk involved in this action against Rhodesia. This country, if the President pursues his present policy, could very well find itself embroiled in an armed intervention in Rhodesia.

So, in addition to the injustice of our action, there is this practical matter to consider. We must not stumble into another Vietnam—this time in Africa.

There is evidence already that our participation in the boycott of Rhodesia is hurting our vital interests. Rhodesia was one of our important sources of chromium ore which is a primary element in the making of stainless steel. But because the United States has prohibited imports from Rhodesia, our country is dependent on the Soviet Union for more than one-half of its chromite imports—and I might say at increased prices.

So we cannot purchase chrome from Rhodesia, a nation at peace, but must instead purchase it from the Soviet Union, which is supplying the bulk of the war material to keep the Vietnam war going.

Mr. President, I think it should be made a matter of record that while this country is fully supporting Great Britain in its vindictive policies against Rhodesia, the British in turn have failed to support the United States in its defense of South Vietnam.

Ships flying the British flag continue to deliver supplies to the ports of North Vietnam. For the first 6 months of this year, 61 such ships were reported. This represents an increase of nearly 100 percent over the same period last year.

The British also have refused to honor the economic boycott of Cuba which has been imposed by the countries of the Western Hemisphere. With respect to those shipments, British officials have been quoted as saying, "We do not believe in economic boycotts."

Again, while this country fully cooperates in the United Nations sanctions against Rhodesia, the United Nations, for its part, refuses even to consider the question of a boycott of North Vietnam. This is so despite the fact that the U.N. is specifically charged with helping to maintain world peace and specifically prohibited from interfering in the internal affairs of any nation.

Mr. President, I strongly object to the actions taken by this Government against the country of Rhodesia. I firmly believe we are embarked on a dangerous path, one that does no honor to our traditions as a peace-loving people. It is an unprincipled act and a dangerous one.

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 the following bills, in which it requested the concurrence of the Senate:

H.R. 11618. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes;

H.R. 12843. An act to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; and

H.R. 18673. An act to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes.

ENROLLED BILLS SIGNED

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

S. 3865. An act to clarify the status of National Guard technicians, and for other purposes;

H.R. 10864. An act to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Incorporated, and for other purposes;

H.R. 15794. An act to provide for U.S. standards and a national inspection system for grain, and for other purposes;

H.R. 16086. An act to amend the act of August 25, 1959 (73 Stat. 420), pertaining to the affairs of the Choctaw Tribe of Oklahoma;

H.R. 16361. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 16729. An act to extend for 2 years certain programs providing assistance to students at institutions of higher education, to modify such programs, and to provide for planning, evaluation, and adequate leadtime in such programs.

HOUSE BILLS REFERRED

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

H.R. 11618. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes; to the Committee on Commerce.

H.R. 18673. An act to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, under the provisions of Public Law 74–170, appoints the Senator from North Carolina [Mr. JORDAN] to attend the Interparliamentary Union Meeting, to be held at Lima, Peru, on September 5–13, 1968.

The Chair, on behalf of the Vice President, appoints the following Senators to attend the meeting of the 23d session of the United Nations General Assembly, to be held at New York, N.Y., from September 17 to mid-December 1968: the Senator from Missouri [Mr. SYMINGTON] and the Senator from Kentucky [Mr. COOPER].

The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 816, 80th Congress, reappoints the following Senators to the Board of Visitors to the U.S. Naval Academy: the Senator from Rhode Island [Mr. PASTORE], the Senator from Texas [Mr. YARBOROUGH], the Senator from Maryland [Mr. BREWSTER], and the Senator from Tennessee [Mr. BAKER].

The Chair, on behalf of the Vice President, in accordance with Senate Resolution 281, appoints the following Senators to the Select Committee To Study the Unmet Basic Needs Among the People of the United States: the Senator from South Dakota [Mr. MCGOVERN], the Senator from Louisiana [Mr. ELLENDER], the Senator from Georgia [Mr. TALMADGE], the Senator from Texas [Mr. YARBOROUGH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Wisconsin [Mr. NELSON], the Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. MONDALE], the Senator from New York [Mr. JAVITS], the Senator from Vermont [Mr. PROUTY], the Senator from Delaware [Mr. BOGGS], and the Senator from Oregon [Mr. HATFIELD].

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF DEPARTMENT OF THE AIR FORCE

A letter from the Secretary, Department of the Air Force, transmitting, pursuant to law, a report entitled "Semiannual Experimental, Development, Test, and Research Procurement Action Report," for the period January 1, 1968 through June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT OF SECRETARY OF STATE

A letter from the Secretary of State, transmitting, pursuant to law, a report on the extent and disposition of U.S. contributions to international organizations, for the fiscal year 1967 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF NATIONAL PARK FOUNDATION

A letter from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the National Park Foundation, covering the period December 18, 1967 through June 30, 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertain to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

REPORT OF COMMISSIONER OF EDUCATION

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the 17th annual report of the Commissioner of Education on the administration of Public Laws 874 and 815, 81st Congress, as amended, for the fiscal year which ended on June 30, 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED AMENDMENT OF ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value and abolish the distinction between the commercial licenses for facilities and certain research and development licenses for facilities and other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LAUSCHE, from the Committee on Commerce, with amendments:

S. 2687. A bill to amend section 17 of the Interstate Commerce Act to provide for judicial review of orders of the Interstate Commerce Commission, and for other purposes (Rept. No. 1499).

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

S. 3738. A bill to amend the definition of "felony" in title IV (adding chapter 44 of title 18, United States Code) and title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (Rept. No. 1500).

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. BENNETT:

S. 3967. A bill relating to the effective date of the 1966 change in the definition of earned income for purposes of pension plans of self-employed individuals; to the Committee on Finance.

By Mr. KUCHEL:

S. 3968. A bill for the relief of Jose Molina-Nieto, his wife, Maria Jorge (Georgina) Luna de Molina, and their children, Maria Asunction Molina, Jacinto Molina, Marina Molina, Beatrice Molina, Ignacio Molina, Pedro Molina, and Eulalia Molina; to the Committee on the Judiciary.

By Mr. CHURCH:

S. 3969. A bill for the relief of certain individuals; to the Committee on the Judiciary.

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

By Mr. MOSS:

S. 3970. A bill for the relief of Ping Wah Cheng, Chuen Sang Cheung, Shui Feng Chen; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 3971. A bill for the relief of Dr. Ruperto Evangelista Perez, Jr., and Dr. Bella P. Mercado Perez; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (by request):

S. 3972. A bill to authorize a study for a waterway connecting the Kanawha River, W. Va., and the James River, Va., and for other purposes; to the Committee on Public Works.

By Mr. BAYH:

S. 3973. A bill for the relief of the American and Foreign Insurance Co., the Queen Insurance Co. of America, the Newark Fire Insurance Co., and the Star Insurance Co.; to the Committee on the Judiciary.

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

By Mr. CLARK:

S. 3974. A bill for the relief of Frank McGrady; and

S. 3975. A bill for the relief of Joseph M. Whelan; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 3976. A bill for the relief of Tsang Kwai Yau; to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. CANNON, Mr. CHURCH, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. KUCHEL, Mr. MAGNUSON, Mr. MCGEE, and Mr. MURPHY):

S. 3977. A bill for the relief of certain individuals; to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina:

S. 3978. A bill for the relief of King-Fa Yu;

S. 3979. A bill for the relief of Ah Gee Yue (also known as Ah Kin Yu); and

S. 3980. A bill for the relief of Shu Ling Lee; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 3981. A bill for the relief of Andreas Boutis; and

S. 3982. A bill for the relief of Chong Pil Lee; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 3983. A bill to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BAYH:

S. 3984. A bill to amend chapter 23 of title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay to cover the burial and funeral expenses of certain deceased veterans; to the Committee on Finance.

S. 3985. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on Government Operations.

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

By Mr. WILLIAMS of New Jersey:

S.J. Res. 198. Joint resolution authorizing the issuance of a gold medal to George Jessel; and

S.J. Res. 199. Joint resolution authorizing the issuance of a gold medal to Jimmy Durante; to the Committee on Banking and Currency.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above joint resolutions, which appear under separate headings.)

S. 3969—INTRODUCTION OF BILL FOR THE RELIEF OF CERTAIN INDIVIDUALS

Mr. CHURCH. Mr. President, I introduce today, for referral, a private bill for the relief of 55 aliens. These individuals are Basques from Spain, employed as sheepherders in the State of Idaho. You have, on numerous occasions, heard me speak of the Basques of Idaho and the high regard in which we hold them. This also is true of the sheepherders, an occupation the Basques have pursued there for many years, demonstrating unequalled care for their charges, a fact long known and highly valued by Idaho sheep ranchers.

Theirs is an important contribution to this industry, a contribution we cannot afford to lose. For this reason, I urge approval of this bill, granting them permanent residence in the United States.

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

The bill (S. 3969) for the relief of certain individuals, introduced by Mr. CHURCH, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3973—INTRODUCTION OF BILL FOR THE RELIEF OF FOUR INSURANCE COMPANIES

Mr. BAYH. Mr. President, I am today introducing, for appropriate reference, a bill to provide relief for four insurance compaines which were members of the American Hull Insurance Syndicate during the early days of World War II and sustained major losses providing insurance protection for American shipping in that critical period. These companies the American & Foreign Insurance Co., the Queen Insurance Co. of America, the Newark Fire Insurance Co., and the Star Insurance Co., are members of the Royal-Globe Insurance Group. Each of these firms was incorporated in the United States many years ago; each has its main office in New York City, and each employs American workers, but because of restrictions on stockownership they were not qualified to share in later reimbursements.

Nevertheless, they have always been considered to be American domiciled companies, and they have been members of the American Hull Insurance Syndicate since it was established in 1920 at the request of the American Government. Along with the other 79 companies in this group, these four wrote their allotted share of war-risk insurance for American hulls in World War II and suffered proportionate losses.

Before the United States became an active participant in World War II in 1941, the affiliated companies sustained severe losses because of German attacks on Allied shipping. Under the Neutrality Act which was in effect before the official involvement of the United States as a belligerent, the American Hull Insurance Group could not collect for war losses to its insured shipping. Despite this, apparently in the belief that the National Government would sanction the policy, the syndicate continued to assume war-risk insurance in this period of trial and tribulation. Later, partial reimbursement was made for the losses incurred before active U.S. participation. Following Pearl Harbor war-risk insurance was taken over by the Federal Government, but by that time the reserves of these companies had been exhausted.

An act of Congress adopted after the end of World War II provided that the Foreign Claims Settlement Commission could use sequestered alien assets to settle claims for losses sustained in the period of the war when the Neutrality Act had been in effect. However, only companies which were both incorporated and owned by American stockholders were allowed to file claims under this law.

Under British law the companies were considered to be American citizens because of the situs of their incorporation, but because their stock was owned by British interests these four companies were banned from the treatment accorded other members of the syndicate. However, the Foreign Claims Settlement Act did permit American stockholders owning substantial interest in a foreign corporation to file claims for losses to the extent of their ownership.

The purpose of this bill would be to authorize the payment of relief for the inequitable treatment afforded these four companies. It would permit reimbursement to them for provable losses sustained in supporting the U.S. war effort in the early days of World War II which they have been unable to collect because of legal technicalities. It has been estimated that the total provable loss of the four companies would amount to $858,170.81, allocated as follows to each company: American & Foreign Insurance Co., $437,904.29; Queen Insurance Co., $251,186.77; Newark Fire Insurance Co., $71,767.67; Star Insurance Co., $97,312.08.

Let me stress, however, that the bill does not provide for any fixed amount of reimbursement. To the contrary, it would direct the Foreign Claims Settlement Commission to determine the total provable losses of each company and to compute each company's share of the total losses suffered by the syndicate. Provable losses would be determined by deducting paid losses, commissions, and expenses from premiums received by each company. The Commission would then certify to the Treasury the proportion of such losses which would have been paid to each company if it had been eligible for reimbursement as a member of the syndicate under the War Claims Act of 1948.

Mr. President, it is entirely proper and just that these four companies should receive reimbursement for early World War II losses on insured shipping in the same proportion as the other members of the American Hull Insurance Syndicate. Although they are incorporated in the United States and provided war-risk insurance during a critical period of our history, they are ineligible under present law to receive war claims payments. During the period that the Neutrality Act was in existence, these companies joined with other American companies to provide insurance which was essential to keep vital American shipping flowing to our allies. The service which they rendered was encouraged, in order to meet a need which the Government itself was unable to provide. It seems to me that in all fairness Congress should take steps to rectify the obvious inequity which has faced these particular companies.

In order to provide more complete background information on the significant role played by the American Hull Insurance Syndicate in meeting war-risk insurance losses during the early years of World War II, I ask unanimous consent that an excerpt from a report of the War Claims Commission made on January 16, 1953 (House Document No. 67, 83d Congress, first session, pp. 141–142), be printed in the RECORD at the conclusion of my remarks. I also ask consent that the full text of the bill, which is brief, be also printed in the RECORD at this point.

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

The bill (3973) for the relief of the American & Foreign Insurance Co., the Queen Insurance Co. of America, the Newark Fire Insurance Co., and the Star Insurance Co., introduced by Mr. BAYH, 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. 3973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Foreign Claims Settlement Commission is authorized and directed to determine the total provable losses sustained by each of the following insurance companies as members of the American Hull Insurance Syndicate during the period September 1, 1939 to September 2, 1945; the American and Foreign Insurance Company of New York, the Newark Fire Insurance Company of New Jersey, the Queen Insurance Company of America of New York, the Star Insurance Company of New York. The Foreign Claims Settlement Commission shall compute each company's share of the total losses of that syndicate and the provable losses shall be determined by deducting paid losses, commissions and expenses from premiums received by each company concerned. Upon determination of total provable loss sustained by each company the Commission shall determine the proportion of such losses which would have been paid to each company if it had been eligible for reimbursement as a member of such syndicate under the War Claims Act of 1948, as amended, and shall certify such amount to the Secretary of the Treasury.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated to each of the insurance companies named in section 1 of this Act the amount certified to him by the Foreign Claims Settlements Commission as the amount of provable losses suffered by each company named in section 1 of this Act in full settlement of that company's claim against the United States for reimbursement for such losses.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by

any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty or a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The excerpt, presented by Mr. BAYH, is as follows:

[House Document No. 67, pp. 141–142, 83d Congress, First Session]

"A". CLAIMS OF INSURANCE UNDERWRITERS

The American insurance companies which were engaged in the underwriting of various types of war-risk insurance and reinsurance during the war, claim as subrogees for the amounts they paid on maritime losses sustained during World War II. These insurance companies paid out approximately $191,500,000 on losses, distributed as follows:

Cargo	$144,000,000
Hull	44,500,000
Protection and indemnity	3,000,000
Total	191,500,000

The premiums the companies received on the specific contracts of insurance in which losses occurred amounted to approximately $6,550,000.

The losses in question involved approximately 1,300 ships which were either damaged or sunk during a period of the war when Government insurance was not available. Although the United States Maritime Commission had been authorized by the act of June 29, 1940, to write war-risk insurance on American vessels engaged in the Commerce of the United States, there was doubt as to whether the Commission had the power to write insurance on American vessels carrying military or other supplies to Allied ports during the first critical months after the United States entered the war. The doubt was caused by a proviso in the act of June 29, 1940, that in the event the neutrality law then in effect was suspended, no vessel or its officers and crew, carrying contraband and no cargo of contraband could be insured under the act.

The American Hull Syndicate, which includes the claimants for the war losses under consideration, apparently stepped in the breach created by the unavailability of the Government insurance and wrote the war-risk insurance on vessels used chiefly in transporting such basic commodities as wool, rubber, tin, burlap and scarce metals to the United States and in supplying cotton, petroleum products and similar items to the nations friendly to the United States. The insurance was written at stabilized rates of premiums announced from time to time. In March 1942 the above-mentioned proviso was repealed and in April 1942 the War Shipping Administration, the agency to which the insurance functions of the Maritime Commission were transferred, was relieved of the necessity for charging premiums adequate to cover the risks assumed. Following the enactment of the provisions the War Shipping Administration began to carry the war-risk insurance on American vessels; whereupon, the Hull Syndicate withdrew from the field of writing war-risk insurance on hulls.

The right of underwriters to rank as war-damage claimants has been recognized by the Congress and by the courts and commissions which have been concerned with war claims arising out of previous conflicts. In World War I there was no adjudication of the issue by the American-German Mixed Claims Commission because a compromise was reached pursuant to which Germany agreed to pay the underwriters 83 percent of the losses they sustained. However, in a life-insurance case Umpire Parker referred to contracts of marine insurance cases in the following language:

"* * * a contract of marine or war-risk insurance is a contract of indemnity ingrafted on and adhering in the property insured. * * * the insured suffers no loss to the extent of payments made him by the insurer, who is the real loser to the extent of such payments not reimbursed by reinsurance. * * *"

It is the view of the Commission that the underwriters have valid war claims for the losses they sustained under their war-risk contracts of insurance. In their behalf it must be said that but for the contracts of insurance they wrote, many ships engaged in the commerce of the United States would not have taken to sea and the United States and its allies would have been denied vital material whose shipment to their destination the underwriters made possible. The underwriters have, themselves, urged that "there can be no doubt that in carrying so large a part of the burden of war risk * * * the syndicate performed a duty to the highest importance to the American economy when the danger was greatest and the Government was least able to act."

S. 3984—INTRODUCTION OF BILL RELATING TO INCREASED BURIAL EXPENSES FOR VETERANS

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a bill which would authorize the Veterans' Administration to contribute a larger share to the burial costs of wartime and disabled veterans. Present law (38 USC 901 et. seq.) provides for the payment of not to exceed $250 toward the burial, funeral expenses, and costs of transporting a body to the burial site of those veterans who served during periods of armed conflict and certain peacetime veterans whose deaths are service related. Also, provision is made for transporting the remains of veterans who might die while hospitalized or domiciled in a veterans' hospital or elsewhere at the expense of the Veterans' Administration.

In the 10 years since the enactment of the present law, the cost of burial expenses has increased considerably. The National Funeral Directors Association, which conducts an annual nationwide survey among its members, has indicated that the average cost of regular adult funeral services increased from $661 in 1958 to $820 in 1966. In addition interment or cremation charges, which are separate from those paid to the funeral director for his services, have increased likewise. The cost and charges for opening and closing a grave will run from $45 to $150. Cremation costs vary from $35 to $100, and there are additional charges for urns and niches.

Under the circumstances the $250 which is now authorized for burial expenses for veterans is obviously inadequate. It seems to me that some administrative flexibility should be authorized which would permit the Veterans' Administration to share the unavoidable burden which falls on the estate and the family of a wartime veteran. Consequently, my bill would strike out the present maximum limit of $250 and would authorize payment of an amount determined to be reasonable and necessary, but in no case to exceed $500. If this were adopted it would enable the Administrator to vary the amount of contribution according to actual need and also to take into account the rising costs of services, within the maximum authorized amount of $500.

Perhaps it would be relevant to point out that present law (10 U.S.C. 1482 et seq.), in providing for the final disposition of the remains of deceased active duty military service personnel, authorizes the appropriate secretary to pay for necessary burial expenses. In addition to preparing the remains, providing an appropriate casket, and transporting them with an escort to place of burial, a cash interment allowance is paid in accordance with the circumstances of the burial for necessary expenses which are not larger than those normally incurred. This language permits an adjustment of the amounts paid according to actual costs; at present the maximum interment allowance for burial in a private cemetery is $500.

The bill I am introducing proposes to confer similar discretionary authority on the Veterans' Administration to adjust the amount paid for the burial of eligible veterans in accordance with need and actual costs, up to the maximum of $500 in each case. It seems to me that Congress should provide adequate funds to cover the bulk of unavoidable funeral expenses for wartime veterans unless it is demonstrated that there is no financial need for such help. Especially in those cases where the estate is so small that interment charges become a sizable drain on the resources of his family, the present limit of $250 is pitifully small.

I hope that Members of both the House and Senate will turn their attention to this matter in order that more realistic assistance can be authorized for this worthy purpose.

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

The bill (S. 3984) to amend chapter 23 of title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay to cover the burial and funeral expenses of certain deceased veterans, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSOR OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON] I ask unanimous consent that, at its next printing, the name of the Senator from Hawaii [Mr. INOUYE] be added as a cosponsor of the bill (S. 3875) the Community Self-Determination Act of 1968.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Minnesota [Mr. MONDALE] be added as a cosponsor of the bill (S. 8) to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture.

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

Mr. WILLIAMS of New Jersey. Mr. President, I also ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma [Mr. HAR-

RIS] be added as a cosponsor of the bill (S. 3784) to establish an Aging Research Commission.

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

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Nevada [Mr. CANNON] be added as a cosponsor of the bill (S. 3893) to authorize the use of facilities at the U.S. Public Health Service Owyhee Indian Hospital to provide certain medical care to non-Indians.

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

ENROLLED BILLS SIGNED

The PRESIDING OFFICER announced that on today, August 2, 1968, the President pro tempore signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 16361. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 16729. An act to extend for two years certain programs providing assistance to students at institutions of higher education, to modify such programs, and to provide for planning, evaluation, and adequate leadtime in such programs.

BETTER CONTROL OF INTERSTATE TRAFFIC IN FIREARMS—AMENDMENTS

AMENDMENTS NOS. 929 THROUGH 932

Mr. TYDINGS submitted four amendments, intended to be proposed by him, to the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, which were ordered to lie on the table and to be printed.

NOTICE OF PUEBLO DE TAOS LANDS HEARING

Mr. McGOVERN. Mr. President, I wish to announce that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs has set hearings September 19 and 20 on H.R. 3306, a House bill to place certain National Forest lands in New Mexico in trust for the use of the Taos Indians.

The hearings have been set at the request of the Senator from New Mexico [Mr. ANDERSON], who has cooperated in recent subcommittee efforts to find a consensus on the matter. Because of public interest in the matter, and the fact that we are coming back in September, it has been concluded that hearings can and should be held.

I make this announcement so persons interested may file statements with the committee or, if they wish, request permission to appear at the hearings.

INDEMNITY PAYMENT TO CERTAIN DAIRY FARMERS—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3638) to extend for 3 years the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of August 1, 1968, p. 24762, CONGRESSIONAL RECORD.)

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

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, conferees on both sides unanimously signed the report. As passed by the Senate, this bill authorized dairy indemnity payments for 3 years. The House amendment authorized such payments for only 1 year. The conference substitute for the House amendment provides for payments for 2 years.

Mr. President, I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

THE CREDIT UNION MOVEMENT

Mr. MONDALE. Mr. President, I know of no two Senators who have worked harder on behalf of the credit union movement than the distinguished chairman of the Committee on Banking and Currency, the Senator from Alabama [Mr. SPARKMAN], and the able chairman of the Subcomittee on Financial Institutions, the Senator from Wisconsin [Mr. PROXMIRE]. The credit union movement plays a vital role in providing millions of families with low-cost credit when they need it the most.

At the same time, the credit unions have proven to be safe and effective institutions for savings deposits. I was pleased to see the 90th Congress take a number of actions which modernize and update the Federal Credit Union Act and permit credit unions to provide even better service to their members.

Mr. President, I ask unanimous consent that two resolutions passed by CUNA, commending Senator SPARKMAN and Senator PROXMIRE, be printed in the RECORD.

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

COMMENDING SENATOR SPARKMAN AND SENATE BANKING AND CURRENCY COMMITTEE

Whereas, Senator John J. Sparkman, Chairman, and members of the Banking and Currency Committee of the United States Senate have granted public hearings and promulgated extensive credit union legislation introduced in the 90th Congress at the request of CUNA International, Inc., and

Whereas, Senator Sparkman and members of the Banking and Currency Committee of the United States Senate have by their interest in and support of such legislation greatly furthered the best interests of the credit union movement in the United States and its millions of members,

Now therefore be it resolved, that the Board of Directors of CUNA International does hereby place on record its commendation and appreciation to Senator Sparkman, Chairman, and the individual members of the Banking and Currency Committee of the United States Senate for their part in furthering the passage of sound legislation for the modernization and advancement of federal credit unions, and

Be it further resolved, that copies of this resolution be forwarded to Senator Sparkman and to each member of the Banking and Currency Committee of the United States Senate.

COMMENDING SENATOR WILLIAM PROXMIRE

Whereas, Senator William Proxmire of Wisconsin, as Chairman of the Joint Economic Committee of the U.S. Congress, as Chairman of the Subcommittee on Financial Institutions, and as a member of the Senate Banking and Currency Committee, has demonstrated keen, analytical and objective approaches to economic and financial matters and the institutions associated therewith, and

Whereas, Senator Proxmire, as Chairman of the Financial Institutions Subcommittee, has expedited consideration of credit union legislation, and

Whereas, Senator Proxmire has energetically and aggressively assumed the role of principal advocate in the Senate of truth-in-lending legislation, and has managed such legislation to unanimous acceptance by the U.S. Senate, and

Whereas, Senator Proxmire has won the respect and appreciation of consumers and credit unionists for his untiring efforts in their behalf,

Now therefore be it resolved, that the Board of Directors of CUNA International does hereby place on record its wholehearted commendation of Senator Proxmire's public service and its appreciation for his dedicated and aggressive leadership in consumer credit legislation as well as legislation of direct concern to credit unions, and

Be it further resolved, that copies of this resolution be sent to Senator William Proxmire and to the Wisconsin Credit Union League.

A USEFUL CONGRESSIONAL PUBLICATION FOR SMALL BUSINESS

Mr. SMATHERS. Mr. President, on July 10, 1968, the Committee on Small Business released a report entitled "Automatic Data Processing and the Small Businessman." The report, prepared by Mr. Robert L. Chartrand of the Science Policy Research Division, Legislative Reference Service, Library of Congress, will be of great interest to Members of Congress as well as the small business community.

As chairman of the committee I have long recognized the need of the small businessman to utilize effectively new tools and techniques of modern management in order to survive in a competitive market. Focusing on the needs and practices of the small business in using automatic data processing, the report examines three major areas of information:

First. The status of Federal Government activity in providing information and other forms of support in the area of automatic data processing technology to the small businessman;

Second. Detailed information describ-

ing how and where the small business community has been using automatic data processing; and

Third. Useful information regarding the tools, techniques, and applications which should be considered by the small businessman who seeks to improve his business operation.

I ask unanimous consent to have printed in the RECORD, "Chapter 1, Summary and Conclusions of the Report."

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

AUTOMATIC DATA PROCESSING AND THE SMALL BUSINESSMAN

I. SUMMARY AND CONCLUSIONS

A. Summary

Automatic data processing technology represents man's innovative ability to overcome many of the problems inherent in collecting, indexing, storing, manipulating, and retrieving information. The impact of this technology on the public and private elements of our society has been pronounced. In the governmental realm, a recent report stated:

"No single technological advance in recent years has contributed more to effectiveness and efficiency in Government operations than the development of electronic data processing equipment." [1]

The application of the computer and its ancillary tools to business problems also has proceeded at an accelerated pace. Today, while many larger corporations have tested and invested in automatic data processing systems, a significant portion of the small business community remains unconvinced of the desirability or feasibility of using the new approach. Yet there is a growing awareness that the contemporary small entrepreneur must avail himself to those mechanisms and services which will allow him to survive in an age where competition is increasingly sophisticated and unrelenting.

There has been a recognized need on the part of the Federal Government—executive branch agencies and legislative branch components—and various private sector groups for an overall strategy to be conceived which would lead to a marshaling of resources to address the problem of linking the small business community with the potential of the computer. Much of the effort expended heretofore has been unfocused or lacking in continuity, and this situation has resulted in the study undertaken by the Senate Select Committee on Small Business.

An examination of the problem area has permitted the identification of three critical requirements for future action. First, a carefully coordinated investigation of user (that is, small business) needs for automatic data processing support should be initiated. The fragmentary data now in existence requires updating, and should be analyzed in the light of state-of-the-art developments of the last few years. The responsibility for organizing this activity should be negotiated through discussion between cognizant Government and business organizations.

The second vital requirement is related to identifying those hardware and software developments of the immediate past and foreseeable future in terms of their application to the multitudinous problems of the small businessman. The small business community is increasing at a great rate: 200,000 new small firms since 1961; 50,000 now taking their place in the competitive milieu every year. The role of industry in helping to match the new devices and man-machine techniques with the discrete applications cannot be underplayed, but the contributions of governmental groups also must be delineated and evaluated.

The third requirement which is critical to an improvement of the status of the small business is for a much enhanced program of orientation and education of the small merchant in terms of the support which can be gained from utilizing automatic data processing. The level of technical literacy must be raised, and a willingness to seek out and listen to counsel must be engendered. Although industry increasingly has provided information to the public about the pro's and con's of the new machine technology, the degree of understanding remains inadequate to the needs of our times.

The Federal Government has played a growing role in encouraging the use of computer technology by business. Through the support provided by the Office of State Technical Services' grants, pilot projects involving business concerns and other private sector elements have been founded; also, dozens of workshops, conferences, and training curriculums have been established to provide guidance to the busy businessman. The Small Business Administration, in fulfillment of its charter, continues to sponsor educational programs designed to introduce automatic data processing to the small businessman. In addition, this group has prepared and disseminated countless copies of basic reference literature on the subject. The Office of Technology Utilization of the National Aeronautics and Space Administration has established a repository for computer programs at the University of Georgia, which may be drawn upon by businessmen. These Federal units and others to a lesser degree have confronted the dilemma of the small businessman and sought to render useful assistance in the form of counsel, funding, and background material.

Nor has the private sector of society been idle. While their resources necessarily are limited, the trade associations such as the Association of Data Processing Services Organizations and the National Retail Merchants Association, among others, have moved to provide member firms with current information on the possibilities for using punched card equipment and computers. Universities, too, have become involved through the medium of moneys granted by the Office of State Technical Services. Throughout the efforts to raise and apply resources which could be put to use by the small businessman a question of authority and responsibility has emerged. *Should there be a single point of coordination within the Federal Government so that the application of talent and funding would result in topimum benefits?*

The findings of the committee regarding industrial acceptance of governmental support in this area indicate that in general both large and small business concerns favor the allocation of Federal funds in educational and experimental systems efforts. It is recognized by business that many of the applications now fully supported by ADP-oriented equipment and software were brought to that state of performance as the result of work done with Government money. The emergence of State and metropolitan governmental capabilities in the data processing realm also has affected the attitude and willingness o become involved on the part of many small businessmen. The need of small business, then, is for the establishment of a policy at the Federal level which would bring together and make available to the "small" businessman sufficient funding, educational resources, and counseling expertise. In a number of instances, the level of effort by Federal agencies could be raised considerably; this should be the result, it was indicated by many of those in contact with the committee, of a reappraisal of individual agency policy and resource commitment.

The expansion of business participation in its own members education and status improvement also was voiced by contributors to the committee study. There is a distinct need for an increased public relations effort so that the small businessman knows *who* wants to discuss the advantages and limitations of automatic data processing with him and *why* that particular group is so engaged. It should be noted that some of the larger corporations provide the means for employees to gain information or attend classes on computer technology, but few of the smaller firms are in a position to do this.

The transfer of technology from one environment to another has been addressed in an earlier committee report entitled "Policy Planning for Technology Transfer." The advances made, for example, in the aerospace field *may* be useful to the small entrepreneur, but if any significant modification to a device or program is required, the matter may be allowed to drop. What is the proper organism for assessing which tools and techniques could be collected and applied to the range of small business applications? Would this be a suitable project for university or foundation research, or should this fall within the aegis of a trade association project for its members? The feasibility of taking advantage of equipments, software, or applications developed elsewhere in our society needs to be viewed realistically. Such carryover may even be feasible, but at what cost? The committee report on technology transfer has this to say:

"The transfer of technology from Federal military-space programs to commercial application is intrinsically inefficient compared to directed research and development sponsored for specific purposes by industry. Only the massiveness of the recent Government investment makes the promise of private sector gains possible." [2]

The report then goes on to identify certain contributions which such transfer of technology provides to the economy:

Direct transfers of packaged technology, such as airplanes or computers.

Tangible or intangible spinoff applications in other industries.

New processes and techniques, new products, and devices to replace former methods and provide capabilities not previously available.

Cost reductions in goods, processing, and services.

The nature of the American small business community has allowed many areas of marginal responsibility and activity to evolve. Indeed, the very definition of "small business" varies from industry to industry. In order to have a common point of departure for the purpose of the committee report, the Code of Federal Regulations categories and definitions are iterated.

Industry and limitation:

Construction: $5 million annual average receipts.

Durable goods manufacture: 250 employees.

Nondurable goods manufacture: 250 employees.

Transportation and communication: $5 million annual average receipts.

Wholesale-retail trade: $5 million annual average receipts.

Finance and industry: $20 million assets.

Services and miscellaneous: $3 million annual average receipts.

Petroleum: $5 million annual average receipts.

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[1] Executive Office of the President. Bureau of the Budget. Report to the President on the management of automatic data processing in the Federal Government. Washington, February 1965, p. 1.

[2] U.S. Senate, Select Committee on Small Business. Subcommittee on Science and Technology. Policy planing for technology transfer. (90th Cong., first sess., Document No. 15, 1967.) Washington, U.S. Govt. Printing Office, 1967, p. 3.

The advantages to be derived, and the constraints to be acknowledged, from small business utilization of automatic data processing are of prime importance to the Nation at large. As a result of analyzing the experience of the small business community in its relationship with those who supply technological support, the requirement for further study, discussion, and program development has been ascertained.

B. Conclusions

The analysis of the information which forms the basis for this report indicates the existence of these key factors in the national efforts to insure the stability and growth of small business through the utilization of automatic data processing technology.

(1) The state of the art of computer technology continues to progress impressively and should maintain a high level of contribution, as expressed in tools and techniques, for use by small business.

(2) The augmenting of counseling services both in government and industry will be needed if small business is to have access to that expertise which is requisite to its survival and growth.

(3) The evolution of more flexible, broader gaged service bureau centers, with their ability to serve the small businessman, is essential to the welfare of the Nation.

(4) Formal orientation and education curriculums are required, through government, university, and trade association sponsorship, in the era ahead.

(5) An investigation, on a continuing basis, of the changing cost-benefit ratios for various applications and various industries will be essential to convincing the small businessman of the applicability of ADP to his problems.

(6) The establishment of a Federal focal point for support to the small businessman, authorized by the Congress and implemented by the executive branch of the Federal Government, would appear to be a future development.

(7) The creation of the opportunity for expanded public discussion and the correlation of opinion from all sectors is necessary prior to the initiation of a detailed plan for public policy. User reaction to existing programs, both public and private, must be reviewed in the light of projected technological progress and the anticipated needs of the small business community.

POPULAR PLURALITY AND THE PRESIDENCY

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared for delivery by the Senator from Alaska [Mr. BARTLETT], who is necessarily absent today.

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

POPULAR PLURALITY AND THE PRESIDENCY

Mr. BARTLETT. Mr. President, I hereby add my voice to the growing list of Senators who have pledged their support to a plan of insuring that in the event of a deadlock in the Electoral College as a result of the 1968 Presidential Election, the candidate for President having a popular plurality be elected to office by the House of Representatives, and that the Senate exercise the same democratic principle in its selection of the Vice President.

I am not persuaded by the arguments that have been advanced by opponents of the Electoral College system that the system be abolished. I recognize that much study has been given to the problem, but remain unconvinced that the less populous States would not suffer by the abolition of our current and time-tested system. The so-called Gossett Plan, advanced by the American Bar Association, specifically excludes Alaska and Hawaii from its consideration.

However, after carefully considering the climate of our great Nation in this year, I have reached the personal conclusion that the further political unrest and turmoil that could result from a candidate's failure to achieve an Electoral College majority would not benefit our country. The resulting controversies in the House of Representatives and in the Senate might tend to further the cause of chaos, not the ideal of democracy. Accordingly, I endorse the plan whereby the candidates having the national popular plurality would be elected President by the House of Representatives and Vice President by the Senate in the event no candidate achieves a majority of Electoral College votes. While I support the concept of the Electoral College, I do not believe it should become an unwitting device which could lead to the selection of a President through deals rather than through the votes of the people.

GUN CONTROL LEGISLATION

Mr. INOUYE. Mr. President, I wish to share with Senators a letter that I received recently from one of my constituents. For obvious reasons her name has been deleted.

I am publicizing this tragic story to help Senators who are struggling with their consciences over gun control legislation to realize the immediacy of the problem. Delay is a luxury we cannot afford, and any effort we make to avert further deaths through laxity in firearms regulations will mark a milestone in sour search for a society without violence.

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

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

JULY 11, 1968.

Senator DANIEL K. INOUYE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR INOUYE: I wish to take this opportunity to urge you to do all that you can to enact laws for the more rigid control of firearms of all kinds, including rifles.

Each person who feels strongly about this issue perhaps has his or her own personal reason for that view. Mine is that one Saturday afternoon last April my husband, in a deeply depressed state of mind, went into a sporting goods store in downtown Honolulu, purchased a rifle, went to his office and shot himself. If it had been necessary for him to secure a permit for this rifle, it is just possible that this tragedy might not have occurred. In any event, I am deeply concerned when I read the statistics of the number of suicides each year by gunshot. If only a few of these people were saved by more rigid controls, such laws would have served a very useful purpose.

Sincerely yours,

———— ————.

SENATOR RANDOLPH RECEIVES RECORD VOTE FOR CONVENTION DELEGATE

Mr. BYRD of West Virginia. Mr. President, it is noteworthy to report to his Senate colleagues that Senator JENNINGS RANDOLPH has received the highest number of votes for delegate at large from West Virginia to the Democratic National Convention beginning Monday, August 26, 1968, in Chicago.

My esteemed colleague was given approximately 17,000 more votes than any of the 37 citizens who were candidates in the May 14 primary election.

Senator RANDOLPH was an uncommitted and unpledged candidate. The members of our party had confidence in his decision as to the man to support at the convention. This is a genuine tribute to the statesmanship that has characterized Senator RANDOLPH during his 24 years of public service in the Congress.

In 1948, 1952, 1956, and 1964, my colleague was elected to be a statewide delegate to Democratic conventions. He has always been a candidate without a pledge to a certain presidential aspirant.

Senator RANDOLPH attended his first Democratic convention as a boy of 10 years when his father, Ernest Randolph, a stalwart party leader, went to Baltimore in 1912 to give his support to Woodrow Wilson.

INITIAL HEARINGS ON S. 3235, PROPOSED TRADE SIMPLIFICATION ACT OF 1968

Mr. BREWSTER. Mr. President, the first 2 days of hearings on S. 3235, the proposed Trade Simplification Act of 1968, have made it clear to me that large segments of American industry favor strongly this kind of legislation. S. 3235 is designed to remove serious obstacles to international transportation—obstacles which have been recognized for many years, but whose importance has grown recently with the advent of containers and with other new developments in transportation technology.

During hearings conducted by the Committee on Commerce on June 17 and 19, we heard from several witnesses who favor the enactment of S. 3235. I was impressed by the variety of witnesses who asked to testify in support of the bill. I was impressed that both large and small industries, both shippers and transportation companies, believe that legislation of this sort will serve not only their own interests, but important national interests as well.

The purpose of S. 3235 is to establish the legal framework which would allow carriers representing different modes of transportation to quote single, joint rates for the carriage of goods from points in the United States to points in other nations. The quotation of a single rate from inland point to inland point would take much of the guesswork, much of the uncertainty and much of the delay out of international transportation. In addition, the bill would enable groups of carriers involved in joint-rate arrangements to issue a single bill of lading for an entire intermodal and international journey. This decrease in the paperwork associated with transportation would have obvious beneficial effects on our commerce.

I think that at this point in the legislative process it might be worthwhile to review briefly what has been said during the first two days of hearings. My own hope, on the basis of what I have heard so far, is that the committee can soon continue work on this bill—and that we can look forward to legislation accomplishing the bill's objectives as soon as possible.

Five witnesses representing Government agencies testified in support of S.

3235. The eight remaining witnesses heard during the 2 days of hearings represented a wide range of interests.

The Secretary of Transportation, Alan S. Boyd, was the first witness. He said that the Department of Transportation has begun a broad effort to remove artificial impediments to trade. The proposed Trade Simplification Act is an important part of the campaign, according to Secretary Boyd.

As the Secretary said:

In its simplest terms, the problem is that the institutional framework within which goods move in foreign commerce has not caught up with the technology. We have in this country several modes of transportation which, to be effective, must function as an inter-connected system. Our technology recognizes this, but very often our legal requirements and procedures do not.

Documentation requirements are among the most expensive results of this fragmented situation. Each time a shipment of goods is shifted from one kind of transportation to another—for example, from rail car to ship—a whole new group of documentation requirements present themselves. It was stated during the hearings that the paperwork and administrative costs associated with U.S. international trade cost an estimated $5 billion a year. Often, according to one witness, the cost of the documentation associated with a shipment exceeds the value of the shipment itself.

Rear Adm. John Harllee, chairman of the Federal Maritime Commission; and John H. Crooker, Jr., chairman of the Civil Aeronautics Board, followed Secretary Boyd as witnesses in support of S. 3235. Both these gentlemen were enthusiatic in their support for the bill. Admiral Harllee said joint-rates legislation would be beneficial to the U.S. maritime industry as well as to shippers and others involved in the transportation business.

Chairman Crooker said, on behalf of the CAB, that the legislation would affect surface carriers more profoundly than air cargo carriers. He pointed out, however, that freight which moves by air must also move part of the journey by land or water. He indicated that he believes S. 3235 would offer air carriers important opportunities for participation in joint-rate agreements.

Lawrence C. McQuade, an Assistant Secretary of Commerce, presented to the committee a persuasive argument that S. 3235, by benefiting the American exporter, "would work to the advantage of the national economy as a whole." It is a simple but an important fact that if you can reduce the cost of moving American goods to a foreign country, you can reduce their cost in the marketplace and make them more competitive.

The final Government witness during the 2 days of hearings was Robert C. Moot, the Small Business Administrator. Mr. Moot called to our attention a situation which has concerned many Senators. As he said:

While a large shipper may still be able to cope with our present transportation system and survive, the small shipper just cannot afford the necessary personnel to cope with such things as the differing rates for different types of carriers from origin to destination.

Mr. Moot said he believes that if S. 3235 were enacted, the joint-rate, single-bill-of-lading arrangements which would result would encourage many small American manufacturers to enter the export market. He said that as things now stand, we make great efforts to interest small businessmen in the export market. And then, after having his interest aroused, the small shipper is confronted immediately by a system whose complexity is most discouraging.

One of the most impressive things about the 2 days of hearings was the fact that the enthusiasm in support of S. 3235 by people who concern themselves with the needs of the small shipper was matched, if not surpassed, by large shippers.

We heard testimony from representatives of Caterpillar Tractor Co. of Peoria, Ill.; Burlington Industries, Inc., of Burlington, N.C.; and American Machine & Foundry Co., of New York. In each case, we were told that the facilitation of international transportation through enactment of legislation such as S. 3235 would benefit American exporters and make it easier for them to sell their goods abroad.

The views of Caterpillar, Burlington, and American Machine & Foundry were supported by representatives of the Commerce and Industry Association of New York, whose membership includes about 2,000 firms engaged in international trade, and by a relatively new organization called the National Committee on International Trade Documentation—NCITD.

George F. Begnal of International General Electric in New York, appearing on behalf of NCITD, outlined in detail some of the complexities of the paperwork problems associated with international trade. He said paperwork costs must be cut if our exports are to continue to expand satisfactorily. I think it is significant that a group of private companies have gotten together and organized—and financed—an organization such as NCITD.

During the hearings we heard also from Thomas M. Goodfellow, president of the Association of American Railroads; John M. Haydon, president of the Port of Seattle; and Joseph C. Scheleen, the editor of Traffic World.

Mr. Goodfellow praised the Department of Transportation for proposing the Trade Simplification Act to the Congress. He said solutions to the problems the bill seeks to attack "must be found so that there may be a freer flow of goods in our foreign commerce and so that those who export or import goods will have the kind of service they deserve, with fewer complications and less redtape."

He said the bill would allow all carriers, including the railroads, to cooperate to provide better service to their customers.

Mr. Scheleen, whose magazine is read throughout the transportation industry, agreed with Mr. Goodfellow's assessment. Mr. Scheleen said enactment of S. 3235 "would make it possible for American business enterprises to effect savings that could amount to billions of dollars a year."

The Port of Seattle is a major transportation hub of the Pacific Northwest—and is vitally concerned with international, intermodal transportation. Mr. Haydon said on behalf of the port that S. 3235 represents "a very basic and vital first step" toward the intermodal service which the Nation's transportation future demands. He said that although he could speak officially only for the Port of Seattle, he believes that "most, if not all, of the major ports of the United States" would support this bill.

In summary, let me say again that the variety of testimony in support of S. 3235 has been impressive. It is clear to me that this bill represents an effort to modernize the transportation environment in such a way as to let American industry function more efficiently and more effectively. In a sense, it is an effort to get government out of the way of transportation.

This is an age when regulation and paperwork requirements seem to be proliferating. This bill is the result of a praiseworthy effort, in the field of transportation, to reverse that trend.

UNJUSTIFIED CRITICISM OF RESEARCH PROJECTS

Mr. MONDALE. Mr. President, one of the great problems of Congress is its occasional tendency to take things out of context. It is easy to ridicule a program, a research project, or a person if the full significance is not realized.

Such actions on the part of Senators and Representatives are indeed unfortunate. They bring credit neither to individuals nor to Congress as a whole.

I have received a letter from the director of the project, which originated at the University of Minnesota, together with information on the work of the project.

I ask unanimous consent to have printed in the RECORD the letter and the statement from Mr. Ancel Keys, director of the Laboratory of Physiological Hygiene, University of Minnesota.

Research plays a vital part in the improvement of health of Americans. I am proud that the University of Minnesota is participating in this way.

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

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., July 23, 1968.

HON. WALTER MONDALE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SIR: On July 7, 1968, leading American newspapers ran the enclosed story. The House Government Operations Committee, or some member of the Committee, objects to a $17,400 grant to study death rates among Italian railroad employees. The conclusion was that the research was not needed or useful to the United States and was a wasteful expenditure abroad of U.S. money.

That study on railroad men in Italy originated in Minnesota; it was conceived in the Laboratory of Physiological Hygiene and my associates, Doctors Henry L. Taylor and Henry Blackburn, as well as myself, are keenly interested in it. The criticism of the Committee is based on gross ignorance which I shall try to dispel in the attached statement. The study on the Italian railroad men is a part of the effort to learn how to combat coronary heart disease. The expense, spread over a number of years, is trivial compared

with the prospective value of the information to be gained.

The attached statement may convince you that the criticism from the House Committee is unjustified. It is unwarranted to imply that we at the University of Minnesota who sponsored this project, and the review agencies of the United States Public Health Service who approved it, have been irresponsible. On the contrary, the issuance of the statement from the Committee is not a responsible action.

It is a pleasure to be able to comment here that we in the state of Minnesota are fortunate in being represented in the Congress by responsible men.

With good personal wishes, I am,

Sincerely,

ANCEL KEYS,
Director.

[From the Chicago Sun-Times, July 7, 1968]

CONGRESSMAN SEEKING CUTS IN "WAY OUT" U.S. RESEARCH

(By Rudy Abramson)

WASHINGTON.—To the consternation of some congressmen, the U.S. government, in the midst of its agony over the balance of payments, is paying foreign scientists to investigate:

Death rates among Italian railroad employees.

The social integration of Iranian industrial workers.

Changing patterns of family life in Lebanon, Syria and Jordan.

The teeth, dental arches, jaws, face and skull of Australian aborigines.

The distribution of power in communities where Bedouin nomads and settled oasis dwellers meet.

REQUEST MADE IN 1966

Those are just a few of the foreign research projects which the House Government Operations Committee suggests should be curtailed to help stem the outflow of dollars.

Its subcommittee on research and technical programs has been concerned about the problem at least since 1966 when it asked the budget bureau to set specific guidelines limiting dollar-financed research in foreign countries.

Though dollar obligations for foreign research have dropped to $20,000,000 per year from $26,600,000 in 1966. The subcommittee is still concerned that too many grants like the $17,400 outlay to study death rates among Italian Railroad employes are being made.

BASIS OF OBJECTION

It points out that most of these funds are going into developed countries (Western Europe, Canada, Japan, Australia, New Zealand and South Africa) which "could well afford to support their own research."

Some members of the subcommittee feel strongly that U.S. government agencies are using specific research projects as a cover for general support to institutions and individuals of renown.

Though the subcommittee does not identify individual foreign scientists receiving such support, they are known to include such widely known figures as anthropologist Louis Leakey.

SUGGESTED LIMITATION

When the subcommittee on research and technical programs held its 1966 hearings, it asked the Budget Bureau to limit foreign research project to those urgently needed by the United States.

It said further they should be limited to projects which cannot be conducted in the United States or cannot be funded through other sources.

Now the committee charges the Budget Bureau has not followed through on the recommendations, and it says the deterioration in the balances of payments situation has made it even more urgent to eliminate nonurgent foreign research projects.

DEATH RATES OF ITALIAN RAILROAD WORKERS

(A statement from the laboratory of Physiological Hygiene, University of Minnesota, July 23, 1968)

As an offshoot of extensive research aimed at eventual prevention of premature coronary heart disease in the United States a small study was organized in Italy to compare heart disease mortality of men in the same occupation in the United States and in Italy. That study was proposed by the Laboratory of Physiological Hygiene of the University after careful consideration of the need for data on the incidence of heart attacks among men in the same occupation in populations differing in the habitual diet.

On July 7, 1968, leading American newspapers stated that the House Government Operations Committee criticized the grant of $17,400 by the U.S. Public Health Service to aid the collection of data in Italy. The following summary will show that the House Committee criticism must have been made without adequate information.

CORONARY HEART DISEASE

Coronary heart disease is by far the leading cause of death in the United States, accounting for nearly a third of all deaths of men and approaching a quarter of all deaths of women in our country. Coronary heart disease particularly attacks old people but *excluding* deaths at 70 years and older, in 1965 this one disease killed 169,144 men and 60,419 women in the United States. Coronary heart disease is the main reason why U.S. men aged 40 and over have a greater risk of early death than men in a number of other countries.

In spite of all advances in treatment of coronary heart disease and much excitement about heart transplants, all medical scientists agree that control of our number one killer requires prevention. We must prevent the *premature* coronary heart disease that is now killing almost a quarter of a million Americans before they reach seventy.

The idea that prevention is possible is based on reports that in many populations this disease is much less frequent than it is in the United States and some other countries with similar high attack rates—Finland, Scotland, Australia, for example. Why do men in such places as Italy, Greece, Japan and parts of Yugoslavia suffer so little premature coronary heart disease? If early coronary heart disease is relatively rare in some populations, knowledge as to what those peoples are like and how they live will provide important guidance for prevention programs in the United States. This approach, that of epidemiology, is relatively new.

Over twenty years ago we began work in Minnesota on the prediction of coronary heart disease—what characteristics and mode of life promote or hinder the development of it, what "risk factors" are involved. In the winter of 1947–48 the first "prospective study was started in the United States on 300 Minnesota business and professional men to be examined, measured, tested, and queried yearly so that some day we could say what were the pre-disease peculiarities of those men who eventually had heart attacks (Judge then Governor, Luther Youngdahl was, and is, one of our subjects). The Minnesota example was followed by similar prospective studies now operated at substantial cost by other research teams in ten or a dozen U.S. areas.

These studies are all producing the same answers, they all agree in showing the importance of blood pressure, serum cholesterol and cigarette smoking and the much smaller importance of overweight. They give no clear answer about occupation and the effect of inactivity partly, perhaps, because there is so little variation of physical activity—or inactivity—among the men in the U.S. population samples. Also these studies in the U.S. can say little about the effect of the diet because there is so little individual variation in the diets in those groups.

WHY RAILROAD EMPLOYEES?

One of the biggest problems in such follow-up studies is to find and keep track of men who differ in their jobs and who do not change their habitual activities over many years. Railroad employees are exceptional; their jobs are well classified, they tend to stay in the same kind of work, and the Railroad Retirement Board keeps good records of their employment, retirements and deaths. So in 1958 Dr. H. L. Taylor started a major study of men in several job categories in U.S. railroads. That study has already produced valuable information about the characteristics of U.S. men and their tendency to have heart attacks.

In the meantime research which we coordinate in a number of countries has been showing that men in some areas, Finland and the Netherlands for example, are just about as prone to heart attacks as are men in the United States while men in some other areas, Italy, Japan, Greece and parts of Yugoslavia, for example, have so little coronary heart disease that their total all-causes death rate is considerably lower than that of men of the same age in the U.S. Why? Dietary differences are suspected but other factors, including occupation and activity could be involved.

Now it so happens that many jobs and activities in the railroad industry are essentially the same in different countries. Railroad clerks and switchmen do much the same work in the same way in Italy and in the United States, but their diets are different. Obviously, then, it would be revealing to get data on Italian railroad employees for comparison. Fortunately, it was possible to arrange for the collection of the necessary data in Italy at a small fraction of the cost of getting equivalent data in the United States. The first work on the Italian railroad men was aided by a grant from the American Heart Association. Later, to aid the follow-up, U.S.P.H.S. made the small grant criticized by the House Committee on Government Operations.

The answers from these studies will not be on hand for several years but already it seems that men in the same railroad jobs do have much less coronary disease in Italy than in the United States. The disease difference does not seem to be explained by occupation or by some other factors including smoking and obesity. Research at Harvard has shown that men of pure Italian ancestry in the Boston area are much like other Americans in being prone to coronary heart disease so ancestry is not the answer. Further data should help to indicate the roles of the diet and, within the Italian railroad industry, of differences in physical activity.

ONE PART OF A BIG STORY

The study of mortality among Italian railroad men will never come close to providing *the* answers about what promotes and what may hinder coronary heart disease. However, it is providing significant information; it is adding to the total picture emerging from parallel studies on groups of men in many areas. The control of coronary heart disease will not come from some spectacular "breakthrough." The necessary facts on which to build an effective program of prevention will come from much patient, hard work—studies over time of many contrasting samples of men, experiments on animals, trials of modifying the habits and diets of people.

The study of death rates of Italian railroad men is only one part, a tiny part, of a big story and the cost is an even smaller bit of the whole research effort. The suggestion that this represents a waste of money can only be based on ignorance or a very peculiar sense of priorities.—ANCEL KEYS, Director.

TRIBUTE TO THE LATE SENATOR ROBERT F. KENNEDY

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Alaska [Mr. GRUENING], I ask unanimous consent to have printed in the RECORD a tribute to our late beloved colleague, the Senator from New York, Mr. Kennedy, prepared for delivery by the Senator from Alaska [Mr. GRUENING].

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

Mr. GRUENING. Mr. President, Robert Kennedy had faith in the American people. He sought to bring out the capabilities of his fellow men so that together we might work toward a world in which full stomachs replace malnutrition, education replaces illiteracy, friendship and understanding replace discrimination and hatred. For such a world he devoted his energies. For such a world he gave his life.

Wherever he went, and he traveled far, he vividly illustrated what Aeschylus wrote more than 2500 years ago:

"It is not the oath that makes us believe the man, but the man the oath."

Robert Kennedy made us believe that oath.

He reached the unreachables.

He touched the untouchables.

He strove with endless determination and courage to attack our ghetto problem, and he helped give us hope for a world without flames, violence, and fear.

He showed compassion for mankind. All were his brothers. His unending drive to understand the problems of the discriminated caused increasing numbers to believe the plight of the depressed could be alleviated.

Bob Kennedy did not create a new world for us. He had time only to lead us one step further along the path to its gateway and shine a strong light through that entrance, brief though the ray shone. For that glimmer we all are a little wiser.

We can best honor him by correcting the senseless and ancient inequities which plague all nations. In America we can work more devotedly to feed and house the hungry and unsheltered, to educate those who would learn, and help those who would not to understand why they cannot prosper without the ability to read. We can fund the programs to construct houses and schools, and to rebuild our ghettos.

Overseas, we can bring economic and technical assistance to those who cannot yet help themselves.

Around the world we can perhaps rebuild our image. And we can start by ending a senseless war in a tiny land in Southeast Asia; a war which threatens to destroy us.

Robert Kennedy believed peace was not too distant. Let us prove him correct.

Dorothy and I extend our deepest sympathy to the entire Kennedy family. Their loss is ours.

DROPOUT PREVENTION AND BILINGUAL EDUCATION PROGRAMS

Mr. FANNIN. Mr. President, on July 1, the Senator from California [Mr. MURPHY] testified before the Senate Committee on Appropriations in support of his dropout prevention program and the bilinqual education program. Senator MURPHY sought to reverse the action of the House in failing to fund these two promising programs.

The Senate Committee on Appropriations added $10 million for both programs, and because of their importance, I ask unanimous consent that Senator MURPHY's persuasive testimony be printed in the RECORD.

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

REMARKS OF SENATOR MURPHY, REPUBLICAN OF CALIFORNIA, BEFORE THE SENATE APPROPRIATIONS COMMITTEE JULY 1, 1968

Mr. Chairman, I appreciate the opportunity to appear before the committee today. I know the many important items that you must consider in making your funding recommendations to the full Senate. These are difficult decisions in any year, but both the fiscal troubles and the many needs of the country combine this year to make your task almost an impossible one.

I personally testify today because of my strong feelings on two problems and two promising programs that have been enacted to deal with them. Unless this committee reverses the actions of the House Committee last week, two programs, the dropout prevention projects and the bilinqual school program will remain mere promises. I am hopeful that my testimony will convince this committee that these programs are urgent, and that the failure to fund them is shortsighted.

First, I wish to discuss the dropout program which was authored by me and is incorporated in Section 707 of the Elementary and Secondary Education Act of 1965. The program attempts to deal with the critical problem of the school dropout in a practical way. The program has been endorsed at the authorized $30 million level by the President, both in his education and in his budget messages. Further, the Kerner Commission recommended that "this program be fully funded." Outside of government circles the program has generated a great deal of enthusiasm. I have heard from countless educators from all sections of the country, all of whom were very excited about the program's potential.

Now the dropout problem is not new. This nation has been concerned with the problem in the past. In fact, the efforts of our educational systems and others have resulted in more and more youngsters staying longer and longer in school. Some statistics might help to illustrate this.

At the turn of the century, approximately 80 percent of youngsters aged five through seventeen were in school. Last year's estimate for the same group was 97 percent, an improvement of 17 percent.

Further, of the 2.7 million ninth graders in 1956, 1.9 or 65 percent subsequently graduated from high school. Of the 3.8 million youngsters enrolled in the ninth grade in 1967, it was estimated that 2.9 million or 77 percent will ultimately graduate. Thus, in a little over a decade, the dropout rate has been reduced 12 percent.

This is a welcomed improvement. Yet if the projections for last year's ninth graders prove accurate, we will still face a dropout rate of 23 percent in 1970. Truly, as I said last year, the dropout problem is the Achilles' Heel of our educational system.

To translate these statistics to more understandable terms and to better picture the magnitude of the problem, I want to emphasize to the committee that there are approximately one million youngsters dropping out of school each year. In two short years the decade of the sixties will draw to a close. It is estimated, for this decade, that we will produce some seven and one-half million dropouts. I urge the committee to reflect on these statistics and to ponder these projections with all their implications. Dr. Conant in his 1961 book, "Slums and the Suburbs" warned that social dynamite was accumulating in our large cities. Much of this "social dynamite" results from those who have dropped out of school and are out of work. I asked the Library of Congress to provide me with the dropout rates in our Nation's fifteen largest cities. These percentages varied from a high of 46.6 percent to a low of 21.4 percent.

Dropout rates—Percent of September 1960 grade 10 class not graduating in June 1963

(Source: Library of Congress)

City:	
New York City	37.05
Chicago	33.95
Los Angeles	22.83
Philadelphia	46.60
Detroit	37.84
Baltimore, Md.	34.98
Houston	21.39
Cleveland	31.37
Washington, D.C.	29.61
St. Louis	24.70
Milwaukee	26.19
San Francisco	33.15
Boston	35.90
Dallas	27.74
New Orleans	27.10

We must keep in mind that these statistics reflect the dropout rate for the entire school system and if we were to focus on schools in the disadvantaged areas of the cities, the rate would be staggering. For example, the McCone Commission found that in three schools in a predominately Negro area of Los Angeles, two-thirds of the students drop out before completing high school. Probably similar projections would hold true in the other cities also. We are told that in the poverty neighborhood schools of our 15 largest cities, 70% drop out before completing high school.

These statistics show the extent to which we are allowing "social dynamite" to accumulate in our large cities, and demonstrate the need for the funding of my dropout amendment.

In addition to the personal tragedy that results in the failure of an individual to develop to his full potential, the dropout is also costly to society. For the dropout reappears in our spiraling crime statistics and our juvenile delinquency rolls, in our penal and corrective institutions, and on our welfare rolls.

Even then, one might ask, "Why all the alarm?" The dropout rate is serious, but we are making progress. "What is the urgency that justifies the commitment of funds in this difficult fiscal year?" To adequately answer these questions it is necessary to understand and to emphasize it is not the dropout rate so much as it is the rapid changes that are taking place in our society. We truly are in the midst of an "education explosion" and a "technological revolution." Too, the speed of these changes are revealed in figures indicating the accumulation of knowledge by mankind. We are told that mankind's knowledge doubled for the first time between the dawn of history and the year 1700. This knowledge doubled again by 1900. The third doubling occurred fifty years later, around 1950 and the fourth in ten short years, in 1960. So, we are living in a time when the world's supply of knowledge will double each decade and at the same time the jobs available for the unskilled, the dropout, shrink.

H. G. Wells' famous quotation, "that human history becomes more and more a race between education and catastrophe" while conveying a general truth also has special significance for today's dropout and for our society. For both, society and the individual, the effect of youngsters leaving school today is "catastrophic." Society's stake, in short, is too high to allow a million youngsters to drop out of school annually, ill prepared to find employment and a useful place in our competitive society.

We have been aware for some time of the relationship between education and income. Dr. Harold Kastner, Jr. a consultant for the Florida State Department of Education, in the American School Board Journal a few years ago calculated the economic con-

sequences to the individual and the country when a youngster drops out of school.

He determined that a young man's completion of eight grades of school would result in a mean lifetime income of $52,343 above the income of persons who did not complete the eighth grade. The completion of one to three years of high school would result in an additional $30,871 for those who had completed only the eighth grade. A male high school graduate would receive an additional $45,887 above that of one with one to three years of school. Thus, an individual with a high school education over his lifetime would earn over $120,000 more than an individual who left school without an eighth grade education.

As might be expected, cumulative economic loss to society is truly staggering. Dr. Kastner also calculated such losses. He divided individuals, based on the 1960 census, by levels of educational achievement as follows: Less than eight years, eight years, one to three years of high-school and four years of college. He then projected the aggregate income gain over a 40-year period to the nation if the individual had been able to complete the next educational level.

If all who had not completed the eighth grade, for example, had been able to do so, over a 40-year period national income would have increased by $954 billion.

If those who had completed the eighth grade had attained the next educational level, namely, the one to three years of high school, the national income over a 40-year period would have expanded by $380 billion.

The total loss over the 40-year period for these two groups would have totaled over one trillion dollars, a figure which Dr. Kastner says represents two and one-half times the national income of the United States in 1962.

For a single year if the two groups just mentioned had completed the next educational level, national income would have increased by six and one-half percent. A six and one-half percent increase in our gross national product for 1967 would have added $50 billion to our nation's wealth. Further, Dr. Kastner contends that if "the dropouts at the various levels had continued their education to the level commensurate with their abilities, the national income of the United States would be at least twice as large as its current level . . . the aforementioned increased incomes would increase the tax base. This could lead to an increase in government services and a redistribution of the current tax burden in such a manner as to reduce the current amount paid per taxpayer."

Because of the urgency of the dropout problem and the cost to the individual and to the nation, I persuaded the Senate Education Subcommittee, the full Senate Labor and Public Welfare Committee, and the Senate to accept my dropout prevention amendment designed to make a major concentrated attack on the dropout problem.

In shaping the amendment my staff and I discussed the problem and possible approaches with various experts. I am particularly grateful for the assistance Dr. James Conant of New York, Dr. Max Rafferty, Superintendent of Public Instruction of the State of California, Superintendent Jack Crowther of Los Angeles City School System, Dr. Ralph Dallard of the San Diego School System, Dr. Wilson Riles of the Compensatory Education System in California, and Dr. Jenkins of San Francisco have given.

At first, I considered spelling out in the statutes specific approaches such as reducing classroom size, providing remedial reading teachers for reading classes in the elementary grades and the use of teaching machines. School districts wanting to try a particular approach would have made application for federal funding. But Dr. Conant and others convinced me this was unwise. So, in its final form, the amendment gives maximum flexibility and freedom at the local and state level for experimentation. It is based on the premise that answers have not as yet been found which will make dramatic changes in poverty area schools. Under the program, local and state educational agencies will submit innovative proposals which zero in on a particular school or a particular classroom in an effort to have a major impact on the dropout problem. The amendment requires that eligible schools be located in an urban or rural area, have a high percentage of children from families of low income, and have a high percentage of children who drop out of school.

Before approving projects conceived at a local level, the school district is required to identify the school dropout problem, analyze the reason for and tailor programs to meet it, provide effective procedures, including objective measurements of educational achievement for evaluating the program, and secure the approval and active participation of the state educational agency.

Members of the committee, as you well know, our society spends dollar after dollar on program after program to rescue the dropout. These rescues or educational repair jobs are extremely costly and equally difficult, often not successful—witness the Job Corps.

My amendment seeks to find and reach the root causes of the dropout problem. It provides additional resources. It throws a challenge to the educational community. Prevent dropouts. If our educational system can reduce and prevent the dropout problem, it will not only be a saving to society of the cost of the cure, but it also, if Dr. Kastner's calculations are correct, add billions of dollars to our economic growth. I hope that my testimony today demonstrates the unsoundness of permitting the dropout problem, the Achilles' Heel of the educational community, to continue. In terms of society, it is costly, dangerous and a tremendous waste of manpower. In terms of the individual, it is tragic.

In closing, I would once again like to quote Dr. Kastner who said: "the failure of society to allocate a few million dollars to solve adequately the dropout problem represents a cost of billions in economic growth."

Mr. Chairman, I do hope that despite the economic difficulties facing the nation that the Dropout Prevention Amendment which I offered last year, which has been endorsed by the President in both his budget and educational messages, and by the Kerner Commission Report and applauded by educators throughout the land will be fully funded. The amendment is in the best interest of the nation, and individuals, and makes sound economic sense.

BILINGUAL PROGRAM

The second program I wish to discuss and urge full funding is the Bilingual Education Act of 1967 which was also incorporated in the 1967 amendments to the Elementary and Secondary Education Act. I was pleased to co-author the bill. As the members of the committee probably know, this program was conceived and initiated in the Congress and was enacted over the opposition of the Administration. The program has now been embraced by the Administration, but the level at which funds have been requested indicates that the Administration's endorsement lacks the enthusiasm which the program needs. For, like the dropout prevention program, the program is of little value unless it is given life by adequate appropriations. The House Appropriations Committee also refused to appropriate any funds for this much-needed program.

The magnitude of the problem is evident by the following appalling statistics:

(1) Of 1.6 million Mexican-American children entering the first grade in the five Southwestern States, one million will drop out before they reach the eighth grade. In my own State of California, I understand that 50 per cent of the Mexican-American children drop out by the eighth grade.

(2) Mexican-Americans in the United States have an average grade level of 7.1, compared to a grade level of 9.0 for Negroes and 12.1 for Anglo-Americans. Mr. Chairman, evidence and experience suggest that this need not be. Other countries have confronted the problems of educating bilingual children and some nations such as the United States and certain parts of Africa have insisted that instruction be in the national language only. Many countries have successfully solved the problem by instructing first in the youngsters' mother tongue and as soon as possible, instructing the youngsters in the national language. Last year, Governor Reagan of California signed into law legislation that would permit instruction in Spanish in California's public schools.

It would appear that even Russia has a more enlightened policy than the United States in its approach to the problem. I understand that approximately 50 per cent of the Russian population have a mother tongue other than Russian. In 1938, the Russian Government reversed its insistence that instruction be in Russian and permitted instruction in the mother tongue. As a result I am told there has been a great increase in literacy as well as the use of the Russian language. Similar experiences have occurred in Mexico, the Philippines and in Puerto Rico. In the latter case, the United States at one time insisted that the educational system in Puerto Rico instruct in English, notwithstanding the fact that the mother tongue of the children was Spanish. Mr. Bruce A. Gaarder of the Office of Education in testifying before the Senate Special Subcommittee on Bilingual Education, outlined the experience which was documented in a study by Columbia University that occurred in Puerto Rico as follows:

"The Columbia University researchers, explaining the astonishing fact that those elementary school children in Puerto Rico—poverty-stricken, backward, 'benighted', beautiful Puerto Rico—achieved more through Spanish than continental United States children did through English, came to the following conclusion, one with extraordinary implications for us here . . .

"The conclusion is, in sum, that if the Spanish-speaking children of our Southwest were given all of their schooling through both Spanish and English, there is a strong likelihood that not only would their so-called handicap of bilingualism disappear, but they would have a decided advantage over their English-speaking schoolmates, at least in elementary school, because of the excellence of the Spanish writing system. There are no reading problems, as we know them, among school children in Spanish-speaking countries."

A Florida effort points not only to substantiation of the Puerto Rico experience, but also to its expansion. In 1963, public schools in Dade County, Florida, embarked on a model bilingual education program. Although final statistical data is not available, preliminary reports are most encouraging. Perhaps even more significant are the results regarding the English-speaking children in the bilingual program. Amazingly, these English-speaking children are doing better in English than their counterparts who were instructed in English. Not only does the bilingual program have the potential and promise of successfully attacking education problems of youngsters whose mother tongue is other than English, but, apparently, if the Florida Study is correct, the "implications for education are extraordinary."

Mr. Chairman, I recognize the fiscal limitation under which we are laboring, but I urge you to see that these two important programs which will lay the groundwork for exciting breakthroughs in education be permitted to move ahead. Society can afford to do no less.

PEABODY CONSERVATORY'S PROGRAM AT CATHOLIC UNIVERSITY OF PUERTO RICO

Mr. BREWSTER. Mr. President, with great pleasure I report on the promising inception of the Peabody Conservatory's program at the Catholic University of Puerto Rico, undertaken with funds granted through title III—Aid to Developing Institutions—of the Higher Education Act of 1965.

Under this program the Peabody is lending both personnel and the experience gained during a century in the practice of musical education to a relatively new and rapidly growing institution of higher learning. The object of the grant is to strengthen the musical program of the university and with it both the quality of campus life and the students' appreciation of their cultural heritage as Puerto Ricans.

In pursuance of this aim, the Peabody Conservatory has assigned to the Catholic University a full-time faculty member for this semester. Mr. William Partridge, well known to Washington as a church musician and organist, and as conductor of the Converse College Choir, will be in overall charge of the program and the formation of three choral groups: a university chorus, a tour chorus to present concerts throughout the island, and a chapel choir. Mr. Partridge's initial request for an expression of student interest in these activities was answered by more than 400 inquiries, and if this momentum is maintained, he plans to present a performance of the Fauré "Requiem" in the beautiful university chapel later in the spring.

Mr. Partridge also will arrange six indigenous Puerto Rican folk songs for chorus, so that they can be presented in various parts of the island, and will help to train a conductor from the university, so that the choirs may become a permanent element of campus life.

He and other members of the visiting faculty will present recitals and otherwise enrich the musical life of the campus and community. Mr. Julio Esteban of our piano faculty, former director of the Conservatory of San Tomas in the Philippines, will conduct one of his well-known piano master classes. Dr. Dean Boal, dean of the Conservatory, will act as a piano clinician and present a piano recital; Mr. Carl Gerbrandt, our director of admissions, will work as a choral director and present a vocal recital, and Mr. Sidney Forrest, a leading woodwind clinician of the Baltimore-Washington area and a member of the Interlochen and Peabody faculties for more than a decade, will strengthen the university band program and also present a clarinet recital.

Mr. President, I submit this report to the Senate because I believe that the Peabody Institute has made imaginative use of title III funds and deserves the praise of music lovers everywhere for doing so.

FARM INCOME

Mr. CHURCH. Mr. President, it is encouraging to see metropolitan newspapers attempt to put the problems of farm income in their proper perspective. Far too few of our urban citizens are aware that farmers are not sharing fairly in America's prosperity.

Two days ago, the Washington Post published an informative editorial on the subject of farm income. In a quotation from a new book on agricultural policy, the point was made that our farmers are "rewarded less than their talents and capital deserve."

Mr. President, America's most astonishing achievement, in the eyes of most of the underdeveloped world, is her agriculture. Yet American farmers remain victims of their own fantastic successes. Prices for farm products have sunk to 20-year lows. Inflation has driven up the prices farmers have to pay for the things they buy. Speculators have utilized tax loopholes to stimulate nonfarmer ownership of farm land. An ever-tightening vise is squeezing our agricultural producers.

Commentary such as the July 31 editorial can help our urban colleagues understand the farmer's plight and help to contribute to workable solutions. I ask unanimous consent that the editorial be printed in the RECORD.

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

FARM INCOMES

During the Poor People's Campaign there were many justified criticisms of the failure of the agricultural programs of the Government to do enough about rural poverty. But there was also some unjustified suggestions that the Department of Agriculture has been engaged mainly in a process of enriching very affluent farmers who do not deserve or need any help.

In a new book entitled "Policy Directions for U.S. Agriculture," Marion Clawson also disagrees with current farm policies in many ways. But his summary of income among the Nation's farmers eloquently discloses the injustice of the charge that the Government has been mainly engaged in subsidizing a rural Cadillac set.

He points out that in 1960 there were slightly more than 100,000 really large farms, each with more than $300,000 of assets, an average gross income of $100,000 and a net income of more than $17,000. These farmers had a bad ratio of expenses to gross income and some operated at a loss. There were 228,000 farms which had an investment of $69,000 each and gained an income of $400 a month. Clawson shows that about half of all commercial farms had net incomes below the $3000 poverty line. Relatively few farmers made as much as $10,000 a year and a much larger number between $6000 and $10,000. Clawson concludes his farm income summary with this sentence:

"All available data point to the existence of large numbers of very low-income farmers, along with a more moderate number of fair-income ones, and a few relatively good incomes—but even these latter may be rewarded less than their talents and capital deserve."

American farmers, generously and effectively assisted by the Government, have performed such miracles of production that Americans now have more food for a smaller percentage of income than ever before. But a great urban country should not become so complacent about what seems to be an inexhaustible food supply that it becomes indifferent to the fact that farmers are "rewarded less than their talents and capital deserve." And the failure of agricultural programs of the Federal Government to solve all the problems of rural poverty, exemplified in the plight of the poor people's march, should not be made the basis of a negative attack on our agricultural industry.

LEWIS G. ODOM, JR., LEAVES COMMITTEE ON BANKING AND CURRENCY

Mr. BENNETT. Mr. President, an announcement has been made by Lewis G. Odom, Jr., that he is going to set up a private law practice in Montgomery, Ala., and will therefore be leaving his position as the staff director and general counsel of the Committee on Banking and Currency.

Mr. Odom came to the Banking and Currency Committee as chief counsel at the beginning of this session, and when Matthew Hale left, he was appointed as staff director. In following Mr. Hale, Lewis Odom had some large shoes to fill. The committee jurisdiction spans many subjects, including housing and urban development, securities, financial institutions and their supervision, small business, and some aspects of international finance. A staff director must have or acquire knowledge in all of these fields to properly perform his responsibilities.

I am especially grateful that Mr. Odom has worked well with the minority staff. Differences of opinion have not resulted in difficult or strained relationships, and he has directed the affairs in the committee under our chairman ably and responsibly.

I am sure that Lew will be missed by many who have worked with him during his years of service in the Senate. He has gained many friends who hate to see him leave. Most of all, I am sure that he will be missed by the chairman, the distinguished Senator from Alabama [Mr. SPARKMAN], under whom he has served for many years as his administrative assistant, as the staff director and general counsel of the Select Committee on Small Business, and now as the staff director and general counsel of the Banking Committee.

I join with the many others who wish him well as he returns to his home State to practice law. I hope that he will find happiness and satisfaction in this decision.

BIAFRA

Mr. MORSE. Mr. President, the war in Biafra is not only a great human tragedy but it calls for humane and moral action on the part of not only the United States but all free nations.

The present situation in Nigeria is a direct consequence of two serious mistakes made by Great Britain.

The first mistake dates back to the colonization era when Great Britain had colonized a vast region of the western African continent called Nigeria where three major tribes lived: the Muslim Ahoussas in the north and the animist Ibos and Yoroubos in the south—the Ibos living in the east and the Yoroubos in the west.

In the north, Great Britain was satisfied with the setting up of an indirect administration and left alone the feudal organization stemming from Islam. This

organization was made out of Sultanates and Emirates, and a great majority of the people which nobody cared to educate was left prey to the exploitation of this feudal system. On the other hand, in the south, the Ibo and Yoroubo tribes assimilated very easily the western civilization and adapted themselves very easily to the new trends of economic and social evolution thus attaining the highest standard of living and culture in Black Africa. However, the demographic pattern performed by Great Britain, a little before the independence of that country, gave the north the opportunity to take over the Federal administration and this action was the source of the present unfortunate state of things. The numerous coups d'etats performed by the more advanced southern elements in order to take over the country were the only means at the disposal of these elements for all democratic processes to reach this end were inaccessible.

This situation then led to the several tragic consequences, the assassination of Sir Aboubakar Tafew and Ahmadou Bello, two prominent chiefs of the northern region. The coups d'etats brought forth also murderers' reprisals against the innocent population and particularly against the Ibos who suffered 30,000 dead throughout Nigeria and mostly those Ibos settled in the north of Nigeria. These Ibos were forced to take refuge in the eastern region from where they originated. Furthering this massive exodus toward the east, the Ibos refused to take part in the many conferences with the leaders of the other regions which were held at Lagos or elsewhere in Nigeria out of fear of being massacred or of receiving insufficient protection. This fear caused the conference of the Nigerian leaders to be held outside of their country in the Ghanean town of Abouri where an agreement was reached and accepted by all. Unfortunately, the Government of Great Britain, which enjoys a great influence in Nigeria, was unable to force the Federal Government of Nigeria to accept and respect them.

The second mistake was the direct cause of the bloody hostilities which have taken place in Nigeria for the past 14 months.

This barbarious and inhuman war in which there is no possibility to respect the most elementary laws of war caused the death of hundreds of thousands of people per day. These dead are not only the victims of direct hostility but they can also be attributed to hunger and disease which afflicts indistinctively men, women, and children.

The civilian population is submitted daily to bombings thanks to sophisticated armament openly supplied in great quantity by two great powers, Great Britain and the Soviet Union, and by planes flown by Algerian and Egyptian pilots which take advantage of this opportunity to infiltrate and secure their fanatic Islamic Pan-Arabism.

These napalm bombs dropped on villages summarily built have the catastrophic effect which we would compare with the dropping of an atomic bomb in a city like New York because the planes that carry these death machines leave behind them no animal, vegetal, or human life. These villages obviously have no shelters.

In 14 months of war, the number of casualties has substantially surpassed the number of casualties in the Vietnam war. Furthermore, it is indeed very strange to witness that for once, in a civil war against a small population, the West, represented by Great Britain, and the Communists, represented by Russia, are both on the same side and stubbornly eradicate a small nation. It is very doubtful that the Russians and their allies, Egypt and Algeria, whose cooperation with the Communist states is well known, work in Algeria for the protection of the Western or the British interests.

We know the desires of Egypt and Algeria to introduce everywhere the Pan-Arabism and we equally know their allegiance and by consequence this war is an occasion for the Communists and fanatics to infiltrate Africa and accomplish their subversion that they could not conduct before this time, grace of the organization and vigilance of the African people.

To permit the continuation of this war and offer Egypt and Algeria this occasion, constitutes a grave error for the Occidentals because when they begin to realize their error, it will be too late. We are certain they will utilize every means to oust them. Africa will once again be transformed into a battlefield. Conventional arms will be inefficient, and as the proverb says, "forwarned is forearmed"; there is nothing that cannot be settled by honest negotiation and pacification.

The Occidentals on that which concerns South Africa for apartheid continue to employ the force in South Rhodesia where 200,000 whites rebelled and illegally proclaimed their independence. They have successfully mobilized the international organization, the United Nations, that it will interpose in Cyprus to avoid two communities that accuse each other, do not massacre each other. All this is noble, but that which can occur in Europe can equally occur in Africa.

Sometimes, we only see the racial problems and sordid interests of different countries but we must not forget the sufferings of all men as human suffering deserves to be abridged.

The warring factions should join together to cease the hostilities and return to the conference table. Once again the Security Council of the United Nations should measure up to its obligations to intervene whenever and wherever there is a threat to the peace. Unless the United Nations' members are willing to substitute the rule of law for the jungle law of military force, I fear that mankind is on the road to disaster through war. This war can and should be stopped by joint actions of nations pledged by their signatures to the United Nations Charter to enforce the peace whenever and wherever peace is threatened.

THE OIL SHALE CONTROVERSY, CONTINUED

Mr. PROXMIRE. Mr. President, the Nation's most important untapped fuel resource still remains locked underground in the vast oil shale reserves of Colorado, Utah, and Wyoming. The immense potential of shale oil for meeting the energy needs of the last decades of this century and the next will never be realized until Congress is willing to enact legislation for essential research and development of the Government's mammoth oil shale reserves.

I have introduced such proposed legislation. But Congress has failed to act. Appropriations for oil shale research and development were cut by almost 50 percent for fiscal 1969. It appears that this undreamed-of wealth in fuel and minerals, such as sodium and aluminum, will continue to languish underground until Congress wakes up to its enormous potential.

The August 1968 issue of Harper's magazine contains an excellent and enlightening article, written by Chris Welles, which delves into the promising potentialities and disappointing realities of the present state of oil shale development. I ask unanimous consent that the article be printed in the RECORD.

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

OIL SHALE: HIDDEN SCANDAL OR INFLATED MYTH?

(By Chris Welles)

Several thousand square miles of arid, desolate, scrub-covered land in the northwestern United States contain, in the words of one geologist, "the greatest package of potential energy on the face of the globe." This treasure lies buried in the world's largest deposit of a dense, black organic mineral called "oil shale." The major known deposits are in Colorado, though there are others in Wyoming and Utah. When heated to about 900 degrees Fahrenheit, this rocky material releases a substance almost indistinguishable from crude oil. The shale in these three states potentially could yield as much as four trillion barrels of oil—ten times the world crude deposits, worth $10 trillion, or $50,000 for every person in the United States. At present 80 per cent of this shale is government-owned.

A number of experts believe that shale could be made to yield oil at cost well below that of domestic crude. If they are right, gasoline and fuel-oil prices would drop. We could cease worrying about our dwindling domestic crude reserves and be less dependent on supplies from politically unstable Middle Eastern countries. Even a partial cutback in oil imports could go a long way toward solving our balance-of-payments troubles (though large exporters like Venezuela would be hurt).

The location of this shale has been known for many decades. Yet it is still virtually untouched and unexploited. An extremely complicated and heated debate over this curious neglect has only recently begun to receive national attention. Senators William Proxmire, Philip Hart, and the late Robert Kennedy are among those who asked hard questions on the subject. The shale oil controversy has been enlivened by allegations of Teapot Dome-like scandals, gigantic giveaways, and even attempted murder. But unquestionably the major barrier to shale development has been the oil industry's historic opposition.

In their defense, oil men argue that the economic feasibility of commercial shale oil production has never been proved. They point to immense technological difficulties ahead involving mining, crushing, and heating quite alien to the drilling and pumping processes in which the oil industry has invested billions of dollars. Not the least of the problems is how to dispose of millions of tons of "spent

shale" which could desecrate a now unsullied wilderness. They do not, however, openly discuss their very real fear that shale oil could someday become a dangerous competitor of crude. A flood of cheap shale oil could drastically weaken the carefully supported price of crude and might, as a respected energy expert put it, make "Texas and Oklahoma start looking like another Appalachia."

Given the financial and political muscle of the oil industry—which has managed through import quotas and depletion allowances to keep prices and profits high despite a world crude surplus—this prospect seems remote. But since it is a possibility, the oil industry has hedged its position by doing everything it can to keep the shale safely below ground. It has more or less dictated the federal government's do-nothing shale policy. It has either bought or acquired control of most of the privately owned shale land, and at the same time has refused to invest anything more than token amounts in shale research. And it has either squelched or gained a strong voice in the few serious shale-research efforts that have been mounted.

Thus, for example, in the early 1950s Union Oil of California, which had to buy most of the crude for its refineries from other producers, invested about $15 million in shale research. The company opened a small prototype plant to loud fanfare in 1957. "It looks like we're on the right track. It has tremendous possibilities," Union's president told a reporter. Another official said the plant was proving successful "beyond the highest anticipation" of the company's engineers.

Meanwhile, Gulf Oil had bought $120 million worth of Union's debentures—potentially a one-fourth interest in Union. (This was a first step toward a merger abandoned in 1961 after Justice Department protests.) Gulf also agreed to furnish Union with large quantities of Gulf's foreign crude supply. A little over a year after its opening, Union's shale plant was suddenly closed down. At the time, the Union engineer who had induced his company to begin the venture, charged in a letter published by the Senate Subcommittee on Antitrust and Monopoly that "the actual and circumstantial evidence is strong that Gulf . . . did succeed in delaying the inception of an oil shale industry by making it appear more profitable for Union to accept Gulf's terms rather than continue development of oil shale." A few months ago, however, a Union spokesman told me that though the process was "commercial" it was still "not competitive with crude."

Tax-supported research efforts have been equally abortive. In 1945, responding to wartime fears of an oil shortage, the government opened a small research plant at Anvil Points in Colorado. By 1954, $17 million in public funds had been invested in the project, and reports of progress were encouraging. However, that year Interior Secretary Douglas McKay, never known as a foe of oil interests, asked the National Petroleum Council. An advisory group of oil and gas executives, to analyze the project's status. After an appraisal that could hardly be called agonizing, the NPC recommended that Anvil Points be closed down on the grounds that the government was duplicating research by private industry.

At hearings before the Senate Appropriations Committee, Colorado Senator Eugene Millikin protested: "It was a very nervy performance for people who were in the liquid-petroleum business to come in and suggest that this potential competitor of that industry be put out of business." The late Estes Kefauver put it even more bluntly in an angry speech on the Senate floor: "It is difficult to conceive of a more clear-cut case of oil-company domination of the policy of the United States government," he said.

Nonetheless, Congress cut off further appropriations and in 1956 Anvil Points was closed. The oil companies proceeded to hire most of the government shale engineers. The government later allowed Anvil Points to be reopened by a consortium of six large oil companies for, as one oilman told me candidly, "some cheap research just in case."

More recently, the Atomic Energy Commission and a nuclear-technology firm called CER Geonuclear Corp.—as part of a broad investigation of the peaceful uses of atomic energy—proposed using an underground explosion to crush shale rock. After being released by the injection of hot steam or gas, oil could then be pumped to the surface.

The AEC and CER in 1965 invited industry participation in the project. Fourteen large oil companies quickly signed up and became dominant in the resulting consortium. Progress since then has been slow: though an atomic shot to stimulate natural-gas recovery went off in 1967, the first shale shot, once scheduled for 1968, has been postponed at least until 1969. AEC officials say that it will then take four or five years to evaluate the test results. Back in 1966 M. A. Lekas of he AEC's special-products division said publicly that nuclear methods might produce shale oil for as little as one-tenth the cost of domestic crude. He is flatly contradicted by a CER spokesman who recently told me this estimate is "ridiculous" and that "shale will be one of those things that will work very slowly into the market."

The only other important research project now under way is an experimental plant in a steep, narrow canyon in northwest Colorado. There a small company, The Oil Shale Corporation (Tosco), has been producing 800 barrels of high-quality shale oil a day. By 1970 the firm expects to produce shale oil commercially at a cost which, according to one Tosco insider, might be less than $1 a barrel—approximately one-third the cost of regular crude. The company expects eventually to license its process at low royalties.

Most of Tosco's present financial backers have little connection with the oil industry—major stockholders include Lehman Brothers, the Rosenwald family, members of the du Pont family, and Huntington Hartford. Originally a 40 per cent interest in the research project was held by Standard Oil of Ohio (Sohio), which must buy most of its crude from other oil companies. However, after dragging its feet for months, Sohio abruptly withdrew from the project in 1966 and dumped its big block of Tosco stock. "They really tried to scuttle us, those ———," I was told by Herbert Linden, son of Tosco's founder and a big stockholder of the company. "They thought they could then take it over themselves." Tosco did indeed teeter toward bankruptcy but was saved by a $3.5-million loan from a French oil company. Sohio later reevaluated its position and is expected to purchase, with Atlantic Richfield, a majority interest in the Tosco research program.

TEMPEST IN INTERIOR

While the oil industry's attempts to dominate shale research are well documented, it is impossible to verify the recurrent allegations about a Teapot Dome-sized scandal—a gigantic giveaway mounting into the billions of dollars. Tidbits of information have circulated among journalists for months but proof of hanky-panky is scarce. What does emerge clearly is the fact that the government under dubious circumstances allowed oil companies and land speculators to gain ownership of many thousands of acres of rich shale land, and readily acquiesced to the oil industry's concept of a prudent federal shale policy.

The Interior Department administers the federal shale land, which was almost all government-owned until 1915. Then a sudden spurt of interest in shale prompted prospectors to stake claims on millions of acres of shale land. (In accordance with mining laws governing the exploitation of minerals, an individual prospector stakes a claim by physically discovering a valuable mineral on the land and pounding in boundary stakes. This gives him the right to dig up the minerals under the land—which he does not own. He can, however, apply for a "patent" and, for $2.50 an acre, acquire ownership of the land as well as the minerals under it.)

By 1920 so much land had been staked that Interior began to worry about complete loss of a valuable resource and halted further claiming. (However, claims already staked remained valid and patentable.) In 1930, President Hoover went a step further, decreeing that henceforth shale land could not even be leased.

Over the years the oil industry quietly bought up thousands of the existing claims. Between 1950 and 1960, especially, the industry obtained patents of land containing billions of barrels of oil. A substantial number of these claims had been declared null and void by the government during the early 1930s (most claimants to the canceled land were so notified and thus had few inhibitions about selling out to the oil companies). There was also strong evidence that many claims had been fraudulently staked in the first place. For example, one group of prospectors claimed 17,600 acres of remote land by alleging they had physically discovered shale—located hundreds of feet below ground—during a winter month when the land was covered with many feet of snow. A one-time oil man, when we discussed the routine case with which patents were granted on claims of dubious validity told me frankly, "When we had land up for patent, we'd visit with our friends on the Hill and then stop in to see the Secretary. He'd just tell his people to get a move on."

As speculation boomed, land that had been patented for $2.50 an acre was often resold for more than $2,000 an acre. In the mid-1950s a number of Interior Department employees quit the government to go into business for themselves. One was Tell Ertl, a top Bureau of Mines shale engineer, who went to work for Union and then struck out on his own. Not long ago, he leased a 21,000-acre plot to Shell Oil, which pays him $50,000 a year for it though nothing is being produced there. Shell also has an option to buy the land for $42 million.

Not all the government men watched this bonanza with equanimity. One who was much agitated was an obscure lawyer in Interior's Denver office named Fred March. He is a humorless, doggedly zealous man whose single-mindedness seems, to less determined individuals, obsessive. In 1960, alarmed by Interior's free and easy patenting policies, March with the help of a few like-minded colleagues managed to set up some impregnable legal roadblocks. The patenting process was halted and some test cases were brought to challenge the validity of many claims.

Outraged patent seekers countered by complaining to Congressmen, particularly Wayne Aspinall of Colorado. Aspinall, who heads he House Interior Committee through which most Interior legislation must pass, bombarded the Department with letters and phone calls, as did Colorado's Senator Gordon Allott. Interior officials responded by discretely urging March to ease up. He, in turn, loudly accused them of selling out and sent letters detailing the "giveaways" to Congressmen and the Justice Department. "Fred was one of those people," a friend of his told me, "who uses a little more dynamite to make a hole than he should."

Eventually, Interior tried to retire March involuntarily for psychiatric reasons. After long, complex proceedings during which March's friends allege Interior used blackmail and wiretaps to get evidence of his irrationality—he was judged "a normal superior person," and fit for duty. But he was banished to Portland, Oregon, and assigned to matters

unrelated to oil shale. "I like dissenters," Interior Secretary Stewart Udall said when I questioned him about the episode. "But March's main problems were emotional." My own impression of March after several interviews was of a man who though given to wildly intemperate outbursts is exceedingly meticulous about the documentation for his beliefs.

In the past few years, March has been adopted as a kind of folk hero by a group of oil shale crusaders. Their chief spokesman is a thirty-four-year-old newspaperman, J. R. Freeman, who until recently owned the weekly *Farmer and Miner* in Frederick, Colorado (pop. 600), and is still its associate editor. Assisted by March's findings, Freeman, in the course of a two-year-long independent investigation, has published almost fifty articles on "The Multi-Billion Dollar Grab of Oil Shale Lands."

The articles eloquently report on the acquisition of shale land by the oil companies. But Freeman's attempts to create a national issue have been blunted by lack of hard evidence of an actual bribe or payoff and by the fact that in 1960 March's efforts terminated any fraud that might have been involved in prior patent-granting.

Freeman's car was shot at in May 1967 and he hinted darkly that oil interests were out to murder him. A more likely explanation is that some local residents, who have never loved the Texas-born newsman, were out to give him a little scare.

One man who does take him seriously is former U.S. Senator Paul Douglas. At Senate hearings last September, Douglas, his bearlike arm enveloping Freeman's narrow shoulders, introduced him to several astonished Senators as an "authentic American hero." Douglas, in what may be a slight flight of hyperbole, has described oil shale as "the most submerged issue in American domestic politics involving the greatest scandal in the history of our Republic."

UDALL IN THE MIDDLE

Along with Freeman, other zealous supporters of March are still hunting for evidence of scandal and are ready to brand as a "giveaway" almost any action the government takes to promote private shale development. Exploitation of shale is also bitterly opposed by increasingly powerful conservationist groups who sound the alarm whenever private industry gains access to public resources. They argue also that shale development, probably by strip-mining techniques, will irrevocably deface the landscape, gouging out mountains and filling valleys with slag. In a unique alliance, the oil industry, worried about its own profits, sides with the Sierra Club.

On the other side of the controversy, Congressmen, state officials, and land speculators from Colorado, Utah, and Wyoming are generally eager for quick shale development. So too are stockbrokers and investors in several small companies which own pieces of shale land. And speedy shale development is also supported by vocal groups of economists and government officials. One of them is former Interior Assistant Secretary John Carver, Jr., now a Federal Power Commissioner. "The real scandal," he told me recently, "is that the government has yet to receive the first dollar of revenues." These revenues in the perhaps grandiose estimate of Senator Douglas, could pay off the national debt.

Interior Secretary Stewart Udall, a man with an acute political instinct, has responded to these pressures and counterpressures by appearing to encourage shale development while actually accomplishing as little as possible. An especially useful tactic has been an earnest legal compaign—based largely on March's findings—to challenge the still unpatented claims, which Udall told me would be "time-consuming" but a "necessary prerequisite to shale development."*

Faced with increasing Congressional criticism of these stalling tactics, Udall in 1967 announced the first of a series of proposed programs to spur private shale research and development. The proposals have been positive enough to comfort the advocates of development, while tight federal control of technology has reassured opponents. Oil industry executives indeed have said that the "unthinkable" restrictions make private participation most unattractive.

Clearly Udall's proposals are a far cry from the broad-scale government-sponsored research effort needed to determine once and for all the economic feasibility of shale oil production, including the seriousness of problems like waste disposal. Recent discoveries indicate that the shale may also contain huge amounts of aluminum—perhaps worth even more than the oil in the shale.

Senator Philip Hart of Michigan sees shale oil development as a means of reducing the monopolistic power of the oil industry (which has lately been expanding into many other energy industries, including coal and nuclear power). Senators Robert Kennedy and William Proxmire—among others—sponsored legislation designed in part to accomplish this. Professor Morris Garnsey, who teaches economics at the University of Colorado, has proposed that a Comsat-type quasi-public corporation should be set up to develop oil shale. Such a corporation, Garnsey has pointed out, could coordinate the great technological effort needed, and avoid private monopoly while permitting "adequate return on private investment and maximum protection for and returns to the public."

There would, of course, be powerful political opposition to Professor Garnsey's plan. Indeed the current noise in Washington over getting action on shale has spurred Humble and several other oil companies into stepping up their shale research. They now propose open, competitive bidding for the government-owned shale land (few besides oil interests would have the resources or facilities to compete in such a contest). However, it seems certain that if development becomes inevitable, the oil industry will make a strong effort to dominate the field.

Their adversaries, on the other hand, are hopeful that the tiny Oil Shale Corporation—Tosco—may be the David to slay the oil Goliath. This might happen if Tosco's process turns out to be spectacularly inexpensive—so much so that the government would be forced into wide-open leasing of federal land and well-heeled corporations in other fields would risk a fight with oil interests. So far, Tosco's public statements about the oil industry—which will most likely be Tosco's future customers and partners—have been models of discretion. Marketing floods of cutrate oil? The furthest thing from their minds, say Tosco executives. Theirs, they say, will be a small-potatoes operation for many years.

Still, they do show occasional glimmers of higher ambition. "What we'd like to do," one company officer said to me recently with a smile, "is make Humble Oil seem small and insignificant."

He seemed to be talking only half in jest.

*Udall last year came under fire for permitting prospectors, notably an Oklahoman named Merle Zweifel (who was grubstaked by some small-time Oklahoma politicians), to plaster millions of acres of government shale land with claims presumably for an aluminum-bearing mineral called dawsonite. (Udall admitted to me later he had made a mistake.) Though some speculated the claiming was an oil-industry maneuver to grab land, it was actually an attempt on Zweifel's part to require anyone desiring to develop the land to settle with him or risk a court fight; the government would have trouble leasing the land if Zweifel's claims were still in force. Last May, Interior ruled dawsonite is not a claimable mineral; however Zweifel told me he can support many of his claims with discoveries of other minerals. "They just can't snap their fingers and wipe my claims out," he said. "We'll fight them for thirty years if we have to."

DEVELOPMENTS IN SOUTH VIETNAM

Mr. BREWSTER. Mr. President, I have been disturbed by two developments in recent days in South Vietnam.

First was the action taken by the South Vietnamese Government against its domestic political critics.

Then came the action taken by our own military authorities in South Vietnam against Mr. John S. Carroll, the highly respected correspondent for the Baltimore Sun in Saigon.

Both of these actions, it seems to me, were directly contrary to the principles of freedom that have engaged us in the tragic conflict in South Vietnam.

The South Vietnamese Government has given 5-year prison sentences to Truong Dinh Dzu, the lawyer who ran second in the presidential elections last fall, and to Nguyen Truong Con, the 23-year-old editor of the Saigon University student newspaper.

The "crime," if it can be called that, for which these men were convicted and sentenced, consisted of doing no more than expressing their own thoughts within their own country. Unfortunately for them, what they said was contrary to some of the views of some of their Government leaders.

In the United States, we welcome expression of differences of opinion. And nothing has brought about more differences of opinion in recent years than the war in South Vietnam.

The point to remember, however, is that nothing is healthier for freedom generally than the freedom to express differences of opinion within the framework of the law. Freedom of speech and of the press are among the basic foundations of a free people.

Since the United States is engaged in a major effort to preserve freedom in South Vietnam, it seems to me that it would be highly proper—indeed, incumbent upon our Government—to remind the Government of South Vietnam in no uncertain terms that freedom has these meanings.

The 60-day suspension of military accreditation imposed on Mr. Carroll also reflects a misunderstanding of the meaning of freedom—this time, by our own Government.

Mr. Carroll was punished ostensibly for violating a military rule of censorship when he wrote about the abandonment of the Marine base at Khesanh.

It seems more apparent, however, that Mr. Carroll was punished for writing quite accurately about a situation that possibly stood to embarrass the U.S. military authorities.

The accuracy of Mr. Carroll's story was never questioned. In fact, it was confirmed shortly after he wrote it.

Nor was the abandonment of Khesanh a secret. Mr. Carroll pointed out in his dispatch that even the enemy in nearby hills could watch the base being dismantled. The military never questioned that statement, either.

Instead, our authorities chose to punish Mr. Carroll for an exclusive product of fine journalistic enterprise that sought only to keep the American people fully informed about what was happening in the war.

Mr. President, I have asked the Secretary of Defense to undertake a full review of Mr. Carroll's case. I hope that the remainder of his suspension will be lifted quickly, and clearer guidelines will be established for both the press and the military in South Vietnam.

Freedom is precious. It is what we are fighting for. We must never forget what freedom means. And we must never hesitate to remind either the government of South Vietnam, or our own Government authorities in that country, that freedom is not subject to arbitrary and capricious restraints.

Mr. President, the Baltimore Sun, on July 28, contained an editorial about the incident involving Mr. Carroll. I ask unanimous consent that it be printed in the RECORD.

The Baltimore News American published an editorial on the Dzu trial on July 31. I ask unanimous consent that it be printed in the RECORD as well.

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

[From the Baltimore (Md.) Sun, July 28, 1968]

PUNITIVE

The American military command in South Vietnam, which on June 26 suspended for an indefinite period the accreditation of John S. Carroll, *Sun* correspondent, has now fixed the term of suspension at six months. It was the first time in the war that the credentials of a correspondent for a major publication had been lifted for more than 30 days. *The Sun* feels compelled to say that it considers this action altogether unwarranted.

The facts as we believe them to be are these:

On June 24 Mr. Carroll, in the field at the Khe Sanh combat base, filed a story reporting that the Marines were abandoning the position. The story, printed in our columns on June 25, reported further that the activity of bandonment, and of movement toward new positions, was no secret from the enemy on the overlooking hills. The next day Mr. Carroll's accreditation was suspended. Two days later an Army announcement confirmed the evacuation of Khe Sanh. Mr. Carroll meanwhile had informed his office that, being in the field, he had been unaware of a specific embargo in Saigon on the news of the evacuation, and he emphasized again his knowledge of the enemy's awareness of the move. The accuracy of his news report was never challenged.

At the time Mr. Carroll's accreditation was suspended *The Sun* did not complain, even though we inclined strongly to the conviction that the action was motivated not primarily, or perhaps actually at all, by considerations of military security: there is no need to recount here the story of the controversy over the stand at Khe Sanh, in terms of military wisdom and in terms of public pronouncements in defense of the stand.

However, we do feel now that the setting of a six-month term of suspension from military accreditation is excessively punitive, wholly unjustified by the facts or by any possible projection of the facts. It acts against full and responsible reporting of the military aspects of Vietnam.

[From the Baltimore (Md.) News American, July 31, 1968]

DRUMHEAD DISGRACE

The Government of South Vietnam has done itself a grave disservice by its military court trial of Truong Dinh Dzu, 51, a prominent attorney who was the runner-up in the country's presidential election last fall.

Dzu, who received 17 percent of the votes, was found guilty and sentenced to five years at hard labor for publicly advocating—during the campaign—peace talks between Saigon and the Vietcong's National Liberation Front.

During the trial, which lasted just one hour and 25 minutes, Dzu was repeatedly cut short when trying to explain he had advocated talks only with non-Communist elements in the NLF. There is no appeal from his sentence.

Dzu's drumhead trial, and his Draconian sentence, is a severe black eye for the image of democracy intended to be created by the 1967 election. The military proceeding served notice that dictated official policies are not open to debate.

President Nguyen Van Thieu and the other generals still running South Vietnam should re-read their government's new constitution, which guarantees freedom of speech.

They also should have more confidence in the voice of their own people and less in their own infallibility. After all, the voters last fall rejected Dzu's unquestionably sincere peace proposals by a large majority.

Dzu's trial and sentence will provide fresh ammunition for Vietnam war critics the world over. Much harm has been done. President Thieu can and should repair some of the damage by at least suspending the sentence.

GOOD UNIONS DO NOT NEED COMPULSORY MEMBERSHIP—BAD UNIONS DO NOT DESERVE IT

Mr. BENNETT. Mr. President, on May 13, along with 18 other Senators, I introduced a bill entitled "The Federal Employees Freedom of Choice Act of 1968." The purpose of S. 3483 is to incorporate into Federal law the precise language of a 1962 Executive order issued by President Kennedy containing the following paragraph:

Employees of the Federal Government shall have, and shall be protected in the exercise of the right, freely and without fear of penalty or reprisal to form, join and assist any employee organization or to refrain from such activity.

There have been those who have questioned the need for S. 3483. The purpose of my statement, therefore, is to place in the RECORD evidence clearly indicating that organized labor is seeking a removal of voluntary unionism from the civil service. In its place a form of compulsory unionism has been recommended and has been considered by the Johnson administration. I feel the American people and Federal employees throughout the country have the right to know what is being considered in Washington regarding Federal employee unions. I am deeply convinced that S. 3483 had to be introduced for the following reasons:

ENDORSE RIGHT TO JOIN

The right to join a union, be it in the private sector of our economy or in the Federal service, is one which I fully endorse. On the other hand, I believe just as strongly that if an American citizen decides for any reason whatever that he does not wish to affiliate himself with a union, this freedom and this right to decide must be guaranteed and protected by law. It is presently guaranteed to the provisions of this Executive order 10988 issued by President Kennedy in 1962. The Executive order, however, unfortunately does not carry the force of law. The right to join and the right to refrain are consequently dependent upon the President of the United States and his successors. Consequently, I believe that Congress should act to incorporate the provisions of this Executive order into law.

The Federal Government is one of the largest employers in the State of Utah. Several hundred Government employees from my State have written me regarding the proposed change in Executive Order 10988. They have been almost unanimous in opposing compulsory unionism among Utah's 38,000 Federal employees. Like a large majority of Utah's population, they believe in preserving the right of each individual to choose for himself if and when he will join a Government labor union.

LIST OF EVIDENCE

Let me turn now to the evidence which clearly proves that organized labor and the Johnson administration are working for and have considered the matter of compulsory unionism.

September 8, 1967: President Johnson appoints Secretary Wirtz to head Review Committee. Wirtz had previously testified before a House subcommittee that—

I hold strongly the views I represent. The argument that union shop agreements violate the freedom of individual employees has no substantial basis.

October 23, 1967: AFL–CIO President George Meany testifying before the Presidential Review Committee:

Unions and management in Federal service should have the right to negotiate union security agreements.

April 2, 1968: B. A. Gritta, president of the AFL-CIO Metal Trades Department, reporting on expected Presidential Executive order, at convention of Operating Engineers Union:

I am confident that within the very near future we will be able to negotiate union security provisions in our contracts with the government . . . and then everybody would have to pay your organization.

April 28, 1968: The Washington Post:

The panel's recommendations have been sent to the President and they will be made public shortly . . . the issue (of compulsory unionism) was considered by the panel and it isn't dead by any means.

May 6, 1968: The Washington Post:

The Advisory Panel, headed by Labor Secretary Willard Wirtz, sent its report to the President about two weeks ago, and it was supposed to have been released a week ago. Mr. Johnson is said to have taken a second look at it.

May 13, 1968: The Washington Evening Star:

But the political implications in this election year of the Right to Work Committee's

campaign has caused top Administration officials, including the President and his advisers, to take another look at the proposed order.

May 15, 1968: W. V. Gill, staff spokesman for the Review Committee:

The Review Committee again is studying this question (compulsory unionism).

May 20, 1968: The New York Daily News:

Union Chiefs have been quietly but persistently pressuring the Administration to grant them this bountiful bonanza for some time. It may be that LBJ is tempted to go along as a show of gratitude for solid labor backing during the past few stormy months.

May 29, 1968: The Washington Evening Star:

Top Administration officials ackowledge that the new order is being held up because of the fear of a political back-lash as a result of a very intensive and effective campaign waged by the National Right to Work Committee.

June 6, 1968: B. A. Gritta, president of AFL–CIO Metal Trades Department:

The unions are becoming "deeply concerned" over the delay in releasing and implementing the Review Committee's report.

June 20, 1968: Congressman BEN B. BLACKBURN releases letter from Secretary Wirtz promising that—

The Committee will recommend that the freedom of choice provision of Executive Order 10988 be retained.

John Macy, Jr., Chairman of the Civil Service Commission and Cochairman of the Review Committee:

The report will not be made public until it has been reviewed at the White House for changes to be incorporated in a new Executive Order.

Mr. President, I am convinced that the introduction of this legislation and the outcry which has been raised throughout the country by responsible editorial comment has convinced the Labor-Management Review Committee and Secretary of Labor W. Willard Wirtz that the voluntary unionism provisions of President Kennedy's Executive order be retained.

LETTER FROM SECRETARY

I also submit a letter sent to me by Secretary Wirtz in reply to an earlier letter which I sent him, informing me that the Labor-Management Review Committee has recommended to the President that voluntary unionism in the Federal service be retained. The letter reads:

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: This is in response to your letter of June 21, 1968, concerning the right of Federal employees to refrain from joining an employee organization.

There have been many speculative reports in the public press and rumors concerning the possible recommendations of the President's Review Committee on Federal Employee-Management Relations. These unfounded reports included speculation on proposed requirements for a union or agency shop for Federal employees.

The Review Committee in its deliberations did consider various proposals for union security arrangements in the Federal Service. But the Committee has not recommended and does not intend to recommend a union or agency shop for Federal employees. Furthermore, the Committee will recommend that the freedom of choice provision of Executive Order 10988 be retained.

Sincerely,

WILLARD WIRTZ,
Secretary of Labor.

I commend the Secretary for this position. This does not, however, change my belief that this precious freedom should be preserved by law. I urge Congress to act upon the Bennett-Blackburn bills this year; and if this does not occur in the remaining days and weeks of this session, rest assured I shall introduce a new version of S. 3483 in the first session of the 91st Congress.

AMERICA

Mr. MANSFIELD. Mr. President, the senior Senator from Alaska [Mr. BARTLETT] is necessarily absent from the Senate. On his behalf, I ask unanimous consent to have printed in the RECORD a statement he has prepared relating to two articles by news commentator, Eric Sevareid, which were published in the July 9 issue of Look magazine. I ask unanimous consent also that the complete text of the two articles be printed in the RECORD at the conclusion of Senator BARTLETT's statement.

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

ERIC SEVAREID: ELOQUENT PATRIOT, TEMPERATE AND REASONABLE CRITIC

(Statement by Senator BARTLETT)

Mr. BARTLETT. Mr. President, I have long been impressed by the sound reason, the accurate and comprehensive documentation, the articulateness, the eloquence, the persuasiveness which characterize every public utterance of Eric Sevareid. Two articles written by Mr. Sevareid, and published in the July 9 issue of Look, again confirm my opinion of the man.

These articles are particularly welcome ones. In a country disturbed by civil strife and made acutely aware of its shortcomings, they bespeak hope and echo a faith in this country which seems to have grown dim. In a country which probably has always been its own worst critic, these articles sound a word of caution, urging that we recount the virtues as we catalog the faults.

Eric Sevareid has been among those who have been most critical of things which have occurred in our country. He has been particularly critical of the war in Vietnam. He has been among those most vocal in the call for racial justice in America. He has not hesitated to criticize America whenever he believed she deserved criticism, but his faith in the American dream has never diminished, has never wavered. These articles are eloquent testimony to that.

THE AMERICAN DREAM

(By Eric Sevareid)

"It is Europeans, for the most part, who have constructed these great ships, but without America they have no meaning. These ships are alive with the supreme ecstasy of the modern world, which is the voyage to America. There is no other experience that is remotely comparable to it, in its sense of joy, its exultancy, its drunken and magnificent hope which, against reason and knowledge, soars into a heaven of fabulous conviction, which believes in the miracle and sees it invariably achieved." So wrote Thomas Wolfe, himself drunk with the grandeurs and grotesqueries of America, in the 1930's.

What was the impulse that pushed and pulled those who came? It was, simply—change, and it is not given to human creatures in the mass to believe that change is going to be for the worse. There had been no change in the Old World; no essential, drastic change in the relations of man to man for centuries. "America," says Eric Hoffer, "is the only new thing in history."

What was the dream? It was rebirth, the eternal, haunting craving of men to be born again, the yearning for the second chance. The New World was the second chance. The most illiterate knew it in their bones, as we would all know the meaning, if, today, a new, rich, habitable planet were discovered within our common means of access. Our past would fade in significance, this life would become our prehistory, nothing more.

This is what happened when the great migration flowed to the West. In the end, it was discovered that the Europeans had not brought Europe with them; Europe's history became our prehistory. A rebirth had, indeed, occurred; and no place in the world, not Europe itself, has ever been the same.

There were a thousand varieties of finite dreams within the one encompassing dream. Many of the poor came dreaming to be rich; many of the rich, dreaming to be richer. The energetic came, eager to put their hands to work; the lazy, hoping to live with no work at all. The God-conscious came, expecting to find Him speaking to them directly, the message ungarbled by official interference. The weak were sure they would become strong, the fearful were certain of confidence. Thieves dreamt of easier thieving; roughnecks wanted more room to swagger; the sick sought health, and from the new air and light and waters and herbs and drugs, the ugly would surely be transformed with beauty. And the apostles of brotherhood came, ignoring the teachings of the sages about the dual, good and evil, nature of man, seized with the lofty and ludicrous notion of Jean Jacques Rousseau that civilization had corrupted man, instead of the other way around. And that, restored to a "state of nature," man would be automatically tolerant, loving and peaceable.

These are among the drives in men that produce revolutions. The migration was revolution. It was not recognized as such except gradually, as time wore on; its fuses were delayed. The first big fuse caught fire with Washington's war against British rule, which was political revolt and a new intellectual synthesis, but which charged the atmophere with the moral electricity that was to set off a long train of fuses as the migrants increased, pushed over the mountains, scattered far from authority and orthodoxy, made frontier life the typical American life and put in motion the true social revolution that has never stopped revolving and shows no signs of stopping.

Its coats of arms bore and bears only one word—Freedom. Not the freedom of a region or sect or point of view. Just freedom, the condition in which a man feels like a human being, like himself. It is the purpose, the definition and consequence of rebirth. It is The Dream.

THE WORLD STILL MOVES OUR WAY

(By Eric Sevareid)

There are those who say the dream is dead or dying, poisoned by self-interest, rotted by surfeit and indifference, maimed by violence. The great aspiration is ended, they tell us, and America is now only another crowded nation, not even able to maintain order; a Power, but not a society, not a culture. We have gone, almost directly, they would have us believe, from primitiveness to decadence, a far poorer record than that of Rome.

The fireworks of this July 4—which may well illuminate the scene, again, of whole urban blocks consumed by flames, from the Molotov cocktail, not the holiday sparkler—will give further force to this cry of the Cassandra.

But the cry is as old as the nation. It was sounded in Jefferson's time, when the states seemed ready to drift apart; in Lincoln's time, when they split apart; in Roosevelt's time, when, by the millions, husbands shuffled in soup lines; in Truman's time, when the Russians and Chinese were supposedly reordering the earth and Communist traitors were supposedly infesting the Government.

But this is not It—this is not our Armageddon, not the great day of judgment on America. For America is change, and the changes have come, often enough, in convulsive spasms. This country is the vast experimental laboratory in human relations for the twentieth century; it is, in a sense, defining and creating the twentieth century for much of the world.

Unless it is seen in this light, America cannot be understood at all. If many of our contemporary intellectuals, especially those communing with one another in New York City, almost a separate nation in spirit, do not understand it, this is partly because they do not understand themselves. As they attest in innumerable books, they do not know who they are. It may be news to them that the overwhelming majority of Americans *do* know who they are, do *not* feel alienated from their country or their generation.

This is not a "sick society." It is a deeply unsettled and bewildered society, and the reason is not merely the extraordinary changes in this last generation but the speed of these changes. It is the *rate* of change that is new. The life of Americans today resembles that of say, Grant's time, less than life in Grant's time resembled life in ancient China. The nation is not overpopulated, but the population has shifted out of balance. In the last 20 years alone, 18 million people, including, of course, the Negroes, have moved into the urban centers. This second industrial-scientific revolution has jammed us together, polluted much of our air and waters, smeared ugliness over much of our countryside, obliged us to work within greater economic units and increased the tensions of daily living.

Two other revolutions have been taking place in concert with the new industrial-scientific revolution. One is the communications revolution, which brings every social evil, every human tragedy and conflict immediately and intimately within everyone's ken. The other is the educational revolution, which adds millions every year to the ranks of those moved to add their investigation, articulation or actions to the processes of problem-solving and problem-creating.

We are not becoming less democratic but more democratic. It is not our individual freedom that is in jeopardy, in the first instance, but our public order. It could be argued that we are moving away from representative government in the direction, at least, of direct democracy, by no means an unmixed blessing. For the immediate future, the problem is not only the indifference or "apathy" of the much-abused middle class or any other group. It is also the problem of too many untrained cooks in the kitchen.

Many current phenomena to the contrary notwithstanding, Americans are the most natural workers-together in the world. We say we live by the system of individual enterprise, while we are the supreme cooperative society. Totalitarian countries say they are cooperative societies, while their regimes must coerce their people to work. It is absurd to believe that the races of men who turned an empty, forbidding continent into the most efficient engine of production and distribution ever seen, who created the first *mass* democracy with essential order and essential freedom will not solve the problems of crowding, poverty, pollution and ugliness. The solutions will create new problems, after which there will be new solutions, then new problems, and so our life will go on. Time is life. Were human problems ever totally solved, change would come to a stop, and we would begin to die.

American cynics and Cassandras see neither their own history nor the rest of the world with clarity. Violence? We have *always* had a high tolerance level for violence. Abraham Lincoln worried about what he called "the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of the sober judgment of courts; and the worse than savage mobs, for the executive ministers of justice."

It is even to be doubted that crime is more prevalent than it was in the nineteenth century. Historian Arthur Schlesinger, Jr., reminds us that a century ago, every tenth person in New York City had a police record.

Alienated and irreverent youth? To a degree, youth is always alienated and to a degree ought to be. More than 2,000 years ago, Plato wrote that in a democracy, the father "accustoms himself to become like his child and to fear his sons. . . . The schoolmaster fears and flatters his pupils . . . the young act like their seniors, and compete with them in speech and action, while the old men condescend to the young. . . ." This happens because democratic life carries the in-built impulse to wish to please and accommodate to others.

The alarm over drug-taking is also exaggerated. There is far less use of dangerous drugs today than a half century ago, before narcotics control, when about one American in every four hundred was an addict of some harmful drug, ten times the present rate.

Americans, of course, are not spiritually geared to the past but to the future. It is a reflection of what John Steinbeck, speaking of the onpushing, haggard "Okies" in the dust-bowl years, called the "terrible faith," that we are constantly seized with concern for our children more than for ourselves. Yet it is not possible to see our society in perspective without these backward glances to what we once were, with the consequent realization that we are using different scales of measuring well-being today.

At the turn of the century, a newborn could expect to live about to the age of 50; today, the expectancy is about 70. Once, a mother had sound reason to fear giving birth; today, death in childbirth is regarded as intolerable. Once, a full high school education was the best achievement of a minority; today it is the barest minimum for decent employment and self-respect. Once, the timber and mining barons stripped away the forests and topsoil wholesale; today, these companies are confronted by their communities at every other move.

One could cite hundreds of similar examples of how our standards of expectancy have risen, as they should, along with our standard of life. The truth is that we Americans are perfectionists, which simply means that we were not, are not and never will be satisfied either with the quantities or the qualities in our life.

By the year 2000, we will look back upon these present years not only as one of America's periodic convulsions but as a rather backward period. By then, the typical American family will have an income of around $20,000 a year or more; the typical American adult will have had at least two years of college, with far broader intellectual and aesthetic horizons. By then, the old urban centers will have been rebuilt, and many millions will live in satellite "new cities," part-urban, part-rural. The incurable diseases like cancer and arthritis will be under far better control.

The present explosion in books, theater, music and art will have transformed tastes and comprehension to an enormous degree. And already, according to the Englishman C. P. Snow, something like 80 percent of the advanced study of science in the Western world is going on in the United States of America. This is the heart reason for the "brain drain" from abroad to the U.S., not merely the higher pay. The facilities, the action, the creative excitement are increasingly here. None of this guarantees a single new Shakespeare, Rembrandt, Beethoven or Einstein, because genius is not developed (though even this may occur one day through selective breeding and cell transplant).

What it does guarantee is a great lifting of the massive center, of the "ordinary" people. This is the premise and the point about America—ours is the first organized dedication to *massive* improvement, to the development of a *mass* culture, the first attempt to educate *everyone* to the limit of his capacities. We have known for a long time that this can be done only through the chemistry of individual freedom. Soviet Russia is just now beginning to discover this for itself. I am unable to understand the thrust of the sufferings and strivings of Western man over the last thousand years save in terms of this kind of achievement.

The popular passion of Americans is not politics, baseball, money or material things. It is education. Education is now our biggest industry, involving more people even than national defense. The percentage of children in kindergarten has doubled in a rather short period; the percentage of youth in college climbs steeply upward. Today, even a Negro boy in the South has a better statistical chance of getting into college than an English youth. And there are about 44 million full- and part-time *adult* students pursuing some kind of formalized learning on their own!

Intelligent foreigners nearly everywhere understand the mountainous meaning of all this for the world as well as for America. They know that much of the world will be transformed in the American image, culturally if not politically. They know that struggle is really all over—it is the Western way of living and doing, our way and the way of Europe combined, that the world wants. It is North America and West Europe that make up the "in" world; Russia and China are still the outsiders trying to enter.

Communism already appears irrelevant, essentially passé. The more the Communist regimes educate their people, the more complex their life will become. They will struggle with the complexities the Western world confronts already, and they will discover that authoritarian direction from the top cannot cope with them. Only the essentially liberal society can manage twentieth-century life, even in practical terms. They will learn, as we have always known, that the effective, the lasting revolution lies in the West, particularly in America.

Why, then, are we in such a state of uproar in this year of Our Lord, and why is much of the world upset about the America of today? Because, as a philosopher once said, "nothing that is vast enters into the life of mortals without a curse," and America is struggling to rid itself of one old curse and one new one. The old curse is the Negro slavery Europeans fastened upon this land long ago, which continues in a hundred psychological, social and economic, if not legal, forms. The Negro Passion of today is a revolution within the continuing American revolution, and the one absolute certainty about it is that it is going to succeed, however long and distracting the agony for everyone. It will succeed not only because it has justice with it (justice has been suppressed before) but because there is a deep evangelical streak in the American people, a true collective conscience, and it has been aroused.

Racism exists in almost all societies on this globe, virulently so, incidentally, in Black Africa. It may be that race prejudice—the psychologists' "stranger hatred"—is an instinct tracing from our animal origins, and therefore ineradicable. Yet man is the only animal *aware* of his instincts; the only animal, therefore, capable of controlling, if not eliminating, his instincts. New law, enforced, compels new behavior. Behavior repeated daily comes to seem normal, and attitudes change. Illusions tend to vanish. The idea

that a difference in skin color is an essential difference is an illusion.

I am struck by an observation of McGeorge Bundy of the Ford Foundation. He said discrimination will end, partly because this college generation regards racial equality as natural, whereas the older generation regards it only as logical.

The twentieth-century war over racial injustice is now in its virulent stage. The nineteenth-century war in its virulent stage lasted four years. This one will last much longer because it is fought on a thousand narrow fronts, like guerrilla war, and because no grand climacteric is possible. But it is not going to "tear this country apart" or "burn America down" or anything of the sort. A tiny percentage of extremists among only 12 percent of the American population can do much, but they cannot do that.

The new curse has come with America's new military power. A form of Parkinson's Law operates here. The greater the power, the more the men who associate with it, extoll it and find needs, real or sophistical, for its use. The use of available, flexible force becomes easier than hard thought; and the worst aspect of the curse is the gradual, almost unconscious identification of power with virtue. John Adams said, "Power always thinks it has a great soul and vast views beyond the comprehension of the weak. . . ."

We have fallen into this trap with the Vietnam intervention. For the first time, we have misused our power on a massive scale. But it does not mean that we are a "Fascist" or aggressive people, any more than the racial mess means that we are a hating or oppressive people. Vietnam is not typical; it is a mistake, now recognized as such by most serious thinkers in this country. If millions of people in Europe (every province of which is soaked in blood) stand aghast at what we have done and reproach us bitterly, one unarticulated reason is that they *expect* the United States to act with humaneness and common sense. They do not shout advice to Russia and China, whatever their misdeeds, for the same reason that the crowd in the bullring does not shout advice to the bull but to the bullfighter.

The reassuring thing is not merely that we will get out of this trap and undo the damage as best we can but that we will do so because our own people demand it, not because the enemy is too strong, not because of foreign criticism. We could, if we would, lay North Vietnam totally waste. The American conscience will not permit it. We may not win a military victory in Vietnam, but we will win a victory in our own soul.

No—the humaneness of the American people is still here. The new problems have piled up too rapidly for our brains and our institutions to cope with at anything like the same rate, but the will for justice is as strong as ever—stronger, in my own belief, because thought and expression are freer today than ever before. This is why the Negro revolution has come now—not because conditions of life became worse, save for some, but because of a climate of free expression. In just such periods of great intellectual freedom have nearly all revolutions been generated.

It is a remarkable fact that great numbers of very ordinary people in distant lands understand all this about America better than some of our own intellectuals. If, by some magic, all barriers to emigration and immigration around the world were lifted tomorrow, by far the single biggest human caravan would start moving in one direction—our way.

One day recently, I asked a Cuban refugee why most Cubans like himself wanted to come to the United States rather than go to Latin American countries with the same language and the same general culture. Was it just the thought of greater economic opportunity?

"No," he said, "many of us would have an easier time, economically, in a Latin country. It's just that we feel better here. We can feel like a human being. There seems to be something universal about this country."

This is living testimony, not abstract argument, from men who know the meaning of America in their bones and marrow. Of course, it is the truth. Of course, the dream lives on.

Let those who wish compare America with Rome. Rome lasted around a thousand years.

HOW THE SUPREME COURT IS PERFORMING ITS ROLE AS THE INTERPRETER OF THE CONSTITUTION

Mr. ERVIN. Mr. President, the constitution of my native State of North Carolina has always contained a warning which all Americans would do well to heed. It is this:

> A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Let us pause for a few moments, and recur to some fundamental principles.

The men who composed the Constitutional Convention of 1787 were wise men. They had read the history of the long and bitter struggle of man for freedom, and had found this shocking but everlasting truth inscribed upon each page of that history: No man or set of men can be safely trusted with governmental power of an unlimited nature. As a consequence, they were determined, above all things to establish a government of laws and not of men.

To prevent the exercise of arbitrary power by the Federal Government, they embodied in the Constitution the doctrine of the separation of governmental powers. In so doing, they utilized this doctrine in a twofold way. They delegated to the Federal Government the powers necessary to enable it to discharge its functions as a central government, and they left to each State the power to regulate its own internal affairs. It was this use of the doctrine of the separation of powers which prompted Chief Justice Salmon P. Chase to make this trenchant observation in *Texas* v. *White* (7 Wall. (U.S.) 700):

> The Constitution, in all its provisions, looks to an indestructible union, composed of indestructible States.

In their other utilization of the doctrine of the separation of governmental powers, the members of the Convention of 1787 vested the power to make laws in the Congress, the power to execute laws in the President, and the power to interpret laws in the Supreme Court and such inferior courts as the Congress might establish. Moreover, they declared, in essence, that the legislative, the executive, and the judicial powers of the Federal Government should forever remain separate and distinct from each other.

This brings me to my subject: "How the Supreme Court Is Discharging Its Role as the Interpreter of the Constitution."

In discussing this subject, I must tell you the truth about the Supreme Court.

I know it is not popular in some quarters to tell the truth about this tribunal. Admonitions of this character come to us daily from such quarters: When the Supreme Court speaks, its decisions must be accepted as sacrosanct by the bench, the bar, and the people of America, even though they constitute encroachments on the constitutional domain of the President or the Congress, or tend to reduce the States to meaningless zeros on the Nation's map. Indeed, the bench, the bar, and the people must do more than this. They must speak of the Supreme Court at all times with a reverence akin to that which inspired Job to speak thus of Jehovah:

> Though He slay me, yet will I trust Him.

To be sure, all Americans should obey the decrees in cases to which they are parties, even though they may honestly and reasonably deem such decrees unwarranted. But it is sheer intellectual rubbish to contend that Americans are required to believe in the infallibility of judges, or to make mental obeisance to judicial aberrations. They have an inalienable right to think and speak their honest thoughts concerning all things under the sun, including the decisions of Supreme Court majorities. It is well this is so because the late Chief Justice Harlan F. Stone spoke an indisputable truth when he said:

> Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action, and fearless comment upon it.

As one whose major efforts have centered in the administration of justice, I have the abiding conviction that "tyranny on the bench is as objectionable as tyranny on the throne" and that my loyalty to constitutional government compels me to oppose it. In entertaining this conviction, I find myself in the company of such great Americans as Thomas Jefferson, Andrew Jackson, and Abraham Lincoln, who refused to accept in abject silence what they conceived to be judicial usurpations.

It is not easy for me to express my disapproval of Supreme Court action. I was taught in my youth by my father, a practitioner at the North Carolina bar for 65 years, to revere the Supreme Court as the guardian of the Constitution. When I was a small boy, he took me to the old Supreme Court chamber, pointed out the busts of great jurists of the past, and said with reverential awe:

> The Supreme Court will abide by the Constitution, though the heavens fall.

I regret to say, however, that the course of the Supreme Court in recent years has been such as to cause me to ponder the question whether fidelity to fact ought not to induce its members to remove from the portal of the building which houses it the majestic words, "Equal justice under law," and to substitute for the superscription, "Not justice under law, but justice according to the personal notions of the temporary occupants of this building."

The truth is that on many occasions during recent years the Supreme Court has usurped and exercised the power of the Congress and the States to amend the Constitution while professing to interpret it. In so doing, the Supreme Court has encroached upon the constitutional powers of Congress as the Nation's legislative body, and struck down State action and

State legislation in areas clearly committed to the States by our system of constitutional government. This action has been accompanied by overruling, repudiating, or ignoring many contrary precedents of earlier years.

A study of recent decisions shows that some Supreme Court Justices employ the freedom of speech, the due process, the self-incrimination, and the right of counsel clauses of the Bill of Rights, and the 14th amendment with ever-increasing frequency as mere vehicles for imposing their personal wills upon Congress, the States, and the people. In so doing, they repudiate or ignore the words and history of these provisions and the precedents interpreting them according to the intent of their framers.

In criticizing the Court on this score, I am not a lone voice crying in a legal wilderness. The concurring opinion of the late Justice Robert H. Jackson in *Brown* v. *Allen* (344 U.S. 443, 535), points out correctly that a substantial portion of the judges and lawyers of America believe the Supreme Court is not confining itself to its allotted constitutional sphere.

I quote these words from Justice Jackson's concurring opinion:

> Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law but is guided in these matters by personal impressions which from time to time may be shared by a majority of the Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles.

Justice Jackson closed his observations on this score with this sage comment:

> I know of no way we can have equal justice under law except we have some law.

Let us consider and weigh the reasoning of those who seek to justify the proposition that it is permissible for the Supreme Court to amend the Constitution under the guise of interpreting it.

They make these assertions: The Constitution must change to meet changing conditions. As its authorized interpreter, the Supreme Court has the rightful power at all times to make the Constitution conform to the views of the majority of its members. Since the doctrine of stare decisis—that is, the rule that judges stand by and follow the decisions of their own court, might handicap the Supreme Court in making the Constitution conform to the views of a majority of its members on some occasions, the Supreme Court is not bound by its own decisions on constitutional questions.

These arguments rest upon a wholly fallacious premise; namely, that the power to interpret and the power to amend are identical. The distinction between these powers is as wide as the gulf which yawns between Lazarus in Abraham's bosom and Dives in hell. The power to interpret the Constitution is the power to ascertain its meaning, and the power to amend the Constitution is the power to change its meaning.

It seems at first blush that those who advance these arguments overlook the significant fact that article V of the Constitution vests the power to amend the Constitution in the Congress and the States, and not in the Chief Justice and Associate Justices of the Supreme Court. But not so. They simply nullify article V with these neat assertions:

The method of amendment authorized by article V is too cumbersome and slow. Consequently, the Supreme Court must do the amending. The alternative is to let the Constitution freeze in the pattern which one generation gave it.

To a country lawyer, this is merely a "high falutin" way of saying that the oath of a Supreme Court Justice to support the Constitution does not obligate him to pay any attention to article V or any other provision displeasing to him.

When all is said, the thesis that the Supreme Court has the rightful power to amend the Constitution under the guise of interpreting it is repugnant to the end the Founding Fathers had in mind when they gave this country a written Constitution.

The Founding Fathers were not mere visionaries toying with speculations or theories, but practical men, dealing with the facts of political life as they understood them. History reveals that they understood the facts of political life exceedingly well. Above all, they understood the lesson of history epitomized so well by Woodrow Wilson in these words:

> Liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power, is what always precedes the destruction of human liberties.

In consequence of this understanding, the Founding Fathers foresaw that the fundamentals of the government they desired to establish and the liberties of the citizens they wished to secure would be put in peril in troublous times unless they protected such fundamentals of government and such liberties by "irrepealable law" binding equally upon the government and the governed at all times and under all circumstances. They knew that the surest way to protect the fundamentals of the government they desired to establish and the liberties of the citizen they wished to secure was to enshrine them in a written Constitution, and thus put them beyond the control of impatient public officials, temporary majorities, and the varying moods of public opinion. To this end, they framed and adopted a written Constitution, putting into form the government they were creating and prescribing the powers that government was to take.

The Founding Fathers knew, however, that useful alterations of some provisions of the Constitution would be suggested by experience. Consequently, they made provision for amendment as set out in article V. James Madison, whom historians rightly call the father of the Constitution, informs us that the Constitutional Convention preferred this mode for amending the Constitution because "it guards equally against that extreme facility, which would render the Constitution too mutable, and that extreme difficulty, which might perpetuate its discovered faults." The Federalist, No. 43.

Since the Constitution is a written instrument, its meaning does not alter, unless its wording is changed by amendment in the manner prescribed by article V.

> That which it meant when adopted it means now. . . . Those things which are within its grants of power, as those grants were understood when made, are still within them, and those things not within them remain still excluded (*South Carolina* v. *United States*, 199 U.S. 437).

This being true, it is as clear as the noonday sun that the role of the Supreme Court as the interpreter of the Constitution is simply to ascertain and give effect to the intent of its framers and the people who adopted it. Moreover, since the Supreme Court has no proper function except to decide cases and controversies committed to its jurisdiction, the Court acts as the interpreter of the Constitution only in a litigated case whose decision of necessity turns on some provision of that instrument. As a consequence, the function of the Supreme Court in the case is simply to ascertain and give effect to the intent of those who framed and ratified the provision in issue. If the provision is plain, the Court must gather the intent solely from its language; but if the provision is ambiguous, the Court must place itself as nearly as possible in the condition of those who framed and ratified it, and in that way determine the intent the language was used to express.

Since the meaning of a written Constitution is fixed when it is adopted and is not different at any subsequent time when a court has occasion to pass upon it, Judge Cooley was justified in declaring in his "Constitutional Limitations" that—

> A court . . . which should allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty.

In addition to being repugnant to the intention of the framers, the notion that the Supreme Court may change the meaning of the Constitution while professing to interpret it is incompatible with the primary object of all law. Laws are designed to furnish rules of conduct for government and people. As a consequence, a law is destitute of value unless it has sufficient stability to afford reliable rules to govern the conduct of government and people, and unless it can be found with reasonable certainty in established legal precedents. Justice Louis B. Brandeis had this in mind when he said:

> It is usually more important that a rule of law be settled, than that it be settled right.

If the Supreme Court is conceded the power to change the meaning of the Constitution under the guise of interpreting it every time a sitting Justice wavers in mind or a newly appointed Justice ascends the bench, the Constitution would become to all practical intents and purposes an uncertain and unstable document of no beneficial value to the country. More than this, it would become a

constant menace to sound government at all levels, and to the freedom of the millions of Americans who are not at liberty to join Supreme Court Justices in saying that Supreme Court decisions on constitutional questions are not binding on them.

What I have said on this point is aptly summed up in the ringing words of Edward Douglas White, one of the ablest lawyers and wisest judges ever to grace the Supreme Court bench. He said:

> In the discharge of its function of interpreting the Constitution, this Court exercises an august power . . . It seems to me that the accomplishment of its lofty mission can only be secured by the stability of its teachings and the sanctity which surrounds them . . . The fundamental conception of a judicial body is that of one hedged about by precedents which are binding on the court without regard to the personality of its members. Break down this belief in judicial continuity, and let it be felt that on great constitutional questions this court is to depart from the settled conclusions of its predecessors, and to determine them all according to the mere opinion of those who temporarily fill its bench, and our Constitution will, in my judgment, be bereft of value and become a most dangerous instrument to the rights and liberties of the people.

What has been said does not deny to the Supreme Court the power to overrule a prior decision in any instance where proper judicial restraint justifies such action. A sound criterion for determining when proper judicial restraint justifies a judge in overruling a precedent is to be found in the standard which Judge Learned Hand says his friend and colleague, Judge Thomas Swan, set for his own guidance:

> He will not overrule a precedent unless he can be satisfied beyond preadventure that it was untenable when made; and not even then, if it has gathered around it the support of a substantial body of decisions based on it. (*The Spirit of Liberty*, 212).

In ending this phase of my remarks, I wish to emphasize that precedents set by the Supreme Court on constitutional questions must be considered to have been tenable when made, and thus not to be overruled, if they conformed to the intention of those who framed and adopted the constitutional provisions involved, no matter how inconsistent they may be with the views of Justices subsequently ascending the bench.

This brings me back to the argument that Supreme Court Justices must nullify article V and usurp the power to amend the Constitution while pretending to interpret it to keep the Constitution from freezing in the pattern which one generation gave it.

I assert with all the emphasis at my command that there is really no substantial validity in this argument. I take this position for three reasons:

First. Although the Constitution does not change its meaning in the absence of amendment under article V, the provisions of the Constitution are pliable in the sense that they reach into the future and embrace all new conditions falling within the scope of the powers which they in terms confer. Existing grants of constitutional powers are broad and flexible enough to enable the Federal Government to take action in virtually all new fields in which action on its part will be appropriate.

Second. As the possessor of all the legislative power of the Federal Government, Congress has complete authority at all times to make, amend, or repeal laws relating to all matters committed by the Constitution to the Federal Government.

Third. For these reasons, occasions which really call for amendments to the Constitution are comparatively rare and can be accommodated under article V. While it is frequently asserted that the method for amending the Constitution prescribed by article V is too cumbersome and slow for practical purposes, those who make the assertion furnish no satisfactory proof of its truth. To be sure, they cite as evidence the failure of Congress and the States to make constitutional changes they deem desirable. They overlook the fact, however, that the evidence they cite has just as logical a tendency to prove that the wisdom of Congress and the States exceeds theirs. Where Congress and the States have been united in the belief that a constitutional amendment was necesasry and advisable, there has been little trouble in utilizing the procedure of article V.

In the final analysis, those who contend that Supreme Court Justices are justified in changing the meaning of constitutional provisions while pretending to interpret them confuse right and power.

What Justice Cardozo said of the judge as a legislator in "The Nature of the Judicial Process" is relevant here.

He said:

> I think the difficulty has its origin in the failure to distinguish between right and power, between the command embodied in a judgment and the jural principle to which the obedience of the judge is due. Judges have, of course, the power, though not the right, to ignore the mandate of a statute, and render judgment in despite of it. They have the power, though not the right, to travel beyond the walls of the interstices, the bounds set to judicial innovation by precedent and custom. None the less, by that abuse of power, they violate the law. (*The Nature of the Judicial Process*, 1921 edition, 129)

What has been said makes it clear that the Supreme Court does not have the right to change the meaning of the Constitution. Unfortunately, however, there is nothing in the Constitution to deter them from exercising the power to do so. Although the Founding Fathers incorporated in the Constitution a system of checks and balances to deter the Congress and the executive branch from improvident and unconstitutional behavior, they did not devise a single positive provision other than the requirement of an oath or affirmation to safeguard the country against the danger that the Supreme Court might abuse its power to interpret the Constitution, and amend that instrument while professing to interpret it.

The omission of the Constitution to provide any real check upon unconstitutional behavior on the part of the Supreme Court was not overlooked during the contest over ratification.

Elbridge Gerry, George Mason, and others opposed ratification on this ground. Let me quote what they had to say on the subject.

Elbridge Gerry asserted:

> There are no well defined limits of the Judiciary Powers, they seem to be left as a boundless ocean, that has broken over the chart of the Supreme Lawgiver, *thus far shalt thou go and no further*, and as they cannot be comprehended by the clearest capacity, or the most sagacious mind, it would be an Herculean labour to attempt to describe the dangers with which they are replete.

George Mason made this more specific objection:

> The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several states.

Others declared, in substance, that under the Constitution the decisions of the Supreme Court of the United States would "not be in any manner subject to revision or correction," that "the power of construing the laws" would enable the Supreme Court of the United States "to mould them into whatever shape it" should "think proper"; that the Supreme Court of the United States could "substitute" its "own pleasure" for the law of the land; and that the "errors and usurpations of the Supreme Court of the United States" would "be uncontrollable and remediless."

Alexander Hamilton overcame these arguments, however, to the satisfaction of the ratifying States. In the Federalist, Nos. 78 and 81, he gave this emphatic assurance:

> The supposed danger of Judiciary encroachments . . . is, in reality, a Phantom.

He declared, in essence, that this was true because the men selected to serve as Supreme Court Justices would "be chosen with a view to those qualifications which fit men for the stations of judges" and that they would give "that inflexible and uniform adherence" to legal precedents and rules, which is "indispensable in the courts of justice." He added that these qualifications could be acquired only by "long and laborious study."

By these statements, Alexander Hamilton correctly declared that no man is qualified to be a judge unless he is able and willing to subject himself to the self-restraint, which is an essential ingredient of the judicial process in a government of laws.

Two questions arise. What is the self-restraint which constitutes an essential ingredient of the judicial process in a government of laws? How is it acquired?

Alexander Hamilton's statement furnishes answers for these questions.

Self-restraint is the capacity and the willingness of the qualified occupant of a judicial office to lay aside his personal notions of what a constitutional provision ought to say and to base his interpretation of its meaning solely upon its language and history. In performing his task, he does not recklessly cast into the judicial garbage can the sound precedents of his wise predecessors.

This self-restraint is usually the product of long and laborious legal work as a practicing attorney or long and laborious judicial work as a judge of an appellate court or a trial court of general

jurisdiction. It is sometimes the product of long and laborious work as a teacher of law.

One does not come into possession of self-restraint, however, by occupying executive or legislative offices, or by rendering aid to a political party, or by maintaining a friendly relationship with a President, or by adhering to a particular religion, or by belonging to a particular race. And, unhappily, some men of brilliant intellect and good intentions seem incapable of acquiring it or unwilling to exercise it. Daniel Webster undoubtedly had these men in mind when he said:

> Good intentions will always be pleaded for every assumption of power . . . It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

For several generations, the people of America had no reason to doubt Alexander Hamilton's assurance concerning the kind of men who would be selected to sit upon the Supreme Court. With rare exceptions, Presidents appointed to the Court men who had long and laboriously participated in the administration of justice either as practicing lawyers or as judges of State courts or as judges of Federal courts inferior to the Supreme Court, and who possessed and exercised the self-restraint which constitutes an essential ingredient of the judicial process in a government of laws. As a consequence, they performed their judicial labors in obedience to the principle that it is the duty of Supreme Court Justices to interpret the Constitution, not to amend it.

Candor compels me to say, however, that these things are no longer true, and that a substantial number of recent appointees to the Supreme Court are judicial activists who seek to rewrite the Constitution in their own images by adding to that instrument things which are not in it and by subtracting from that instrument things which are in it.

Time does not permit me to analyze or even enumerate all of the decisions which sustain what I have said.

I wish to cite at this point a few decisions which reveal that the Supreme Court has encroached upon the constitutional powers of the Congress as the Nation's legislative body.

Congress was told by the Court in the *Girouard* (328 U.S. 61) and *Yates* (354 U.S. 298) cases that it really did not mean what it said in plain English when it enacted statutes to regulate the naturalization of aliens and to punish criminal conspiracies to overthrow the Government by force. Congress was told by the Court in the *Watkins* case (354 U.S. 178) that its committees must conduct their investigations according to rules imposed by the Court which make it virtually certain that no information will ever be obtained from an unwilling witness.

Congress was told by the Court in the *Allis Chalmers* case (388 U.S. 175) that it practiced deceit on Americans who labor in industry when it gave them this assurance in section 7 of the Taft Hartley Act: "Employees shall have the right to refrain from any and all" concerted union activities. Moreover, Congress was told by the Court in the *Robel* case (389 U.S. 389) that the first amendment right of Communists to associate with each other for the purpose of proclaiming that the United States ought to be destroyed by force or other unconstitutional means disables the Congress of the United States to deny them employment in defense industries vital to the survival of the United States.

In the recent cases of *U.S.* v. *Guest* (383 U.S. 745) and *Katzenbach* v. *Morgan* (384 U.S. 641), however, the Supreme Court demonstrated a willingness to stretch the legislative powers of Congress far beyond their constitutional limits by attributing a newly invented meaning to section 5 of the 14th amendment. Section 5 confers upon Congress the power to enforce by appropriate legislation the provision of the first section of the 14th amendment, which forbids any State to deny to any person within its jurisdiction the equal protection of the laws.

A majority of the Supreme Court Justices gave Congress the gratuitous assurance by way of dicta in the Guest case that they would vote to uphold future congressional legislation making the acts of private individuals Federal crimes under this provision of the 14th amendment, notwithstanding the language of the equal protection of the laws clause applies only to State action, and notwithstanding the Court has held without variation in a multitude of cases that Congress has no power to legislate under that clause in respect to the acts of private individuals.

It is passing strange for judges to announce in advance how they will decide a case which may never arise under a law which may never be enacted.

The Court squarely held, however, in the Morgan case that the fifth section of the 14th amendment empowers Congress to supplant a nondiscriminatory State voter qualification with a newly created Federal voting qualification, notwithstanding the State voting qualification is in complete harmony with the equal protection of the laws clause, and notwithstanding articles I and II and the 10th and 17th amendments confer the power to prescribe voting qualifications upon the States and deny such power to the Congress.

Another recent case indicating the willingness of the Supreme Court, as now constituted, to stretch the powers of Congress far beyond their constitutional limits by devising new meanings for constitutional provisions is *South Carolina* v. *Katzenbach* (383 U.S. 301). In this case the Court held that in the exercise of its power to enforce the 15th amendment by appropriate legislation, Congress can condemn the election officials of six Southern States of violating the 15th amendment without affording them a judicial trial, and on that basis suspend the undoubted constitutional power of those States under article I, section 2, and the 10th and 17th amendments to use a nondiscriminatory voting qualification, notwithstanding the guaranty of due process of the fifth amendment, the prohibition upon congressional enactment of bills of attainder of article I, and the sound decision of ex parte Milligan that—

> The Constitution of the United States is a law for rulers and people * * * at all times and under all circumstances and no doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

The novel method of interpretation by which the Court reaches its decisions in the Guest, Morgan, and South Carolina cases is without parallel in our judicial annals.

It belies the essential principle that all provisions of the Constitution are of equal dignity and none must be so interpreted as to nullify or impair the others. Instead of interpreting the Constitution as a harmonious instrument in these cases, however, the Court views it as a self-destructive document consisting of mutually repugnant provisions of unequal dignity. By so doing, the Court reaches the astounding conclusion that section 5 of the 14th amendment and section 2 of the 15th amendment authorize Congress to do these things: First, to nullify constitutional powers clearly allotted or reserved to the States by article I, and article II, the 10th amendment and the 17th amendment; and, second, to pass congressional acts which the provisions allotting or reserving those constitutional powers to the States and the substantive provisions of the 14th amendment forbid it to enact.

This method of interpretation, which sanctions the use of one provision of the Constitution to nullify some other provisions, may be pleasing to judicial activists. It bodes ill, however, for the future of constitutional government.

What the judicial activists on the Supreme Court have done to the powers allotted or reserved by the Constitution to the States beggars description.

A study of the decisions invalidating State action and State legislation compels the conclusion that these Supreme Court Justices now deem themselves to be the final and infallible supervisors of the desirability or wisdom of all State action and all State legislation.

This is tragic, indeed, because there is nothing truer than the belief attributed to the late Justice Louis D. Brandeis by Judge Learned Hand that—

> The States are the only breakwater against the ever pounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can survive.

Time does not permit me to analyze or even enumerate the cases past numbering in which the Supreme Court, as now constituted, has struck down State action and State legislation in fields clearly committed to the States by the Constitution. Consequently, I shall mention only a few of them.

California was told by the Court in the *Lambert* case (355 U.S. 225), that it cannot punish its residents for criminal offenses committed within its borders if such residents are ignorant of the statutes creating such criminal offenses. California was told by the Court in the first *Konigsberg* case (353 U.S. 252), that

it cannot resort to cross-examination to determine the fitness or qualifications of those who apply to it for licenses to practice law in its courts. New Hampshire and Pennsylvania were told by the Court in the *Sweezey* (354 U.S. 234), and *Nelson* (350 U.S. 497) cases that they cannot investigate or punish seditious teachings or activities within their borders. New York was told by the Court in the *Slowehower* case (350 U.S. 551), and the *Keyishian* case (385 U.S. 589), that the first and fifth amendments forbid the States to deny employment as teachers of their youth to Communists who advocate the overthrow of our Republic by violence or any other unconstitutional means. North Carolina was told by the Court in the first *Williams* case (317 U.S. 287), that it cannot determine the marital status of its own citizens within its own borders.

Twenty-four States were told by the Court in the *Mapp* case (37 U.S. 643) that the fourth amendment had somehow lost its original meaning 170 years after its ratification, and that in consequence they no longer had the power which they possessed in times past to regulate the admissibility in their own courts of evidence obtained by searches and seizures. Virginia was told by the Court in the *Button* case (371 U.S. 415) that the NAACP and its attorneys were immune to prosecution or punishment for violating its laws against barratry, champerty, and maintenance.

Virginia was told by the Court in the *Harper* case (383 U.S. 633) that its law requiring the payment of a poll tax as a qualification for voting violated the Constitution because it is more difficult for a poor man than it is for an affluent man to pay an annual tax equal to the amount which one can earn by working 72 minutes out of the entire year at the minimum wages established by the Fair Labor Standards Act. And California was told by the Court in the *Reitman* case (387 U.S. 369) that its new law repealing its open occupancy law and giving all Californians of all races freedom of choice in the sale or rental of their residential property constituted an unconstitutional discrimination against nonwhites.

For some reason too deep to fathom, the Supreme Court, as now constituted, has a solicitude for persons charged with crime which blinds it to the truth that society and the victims of crime are as much entitled to justice as the accused.

It has manifested this solicitude by repeatedly overruling State courts in criminal cases simply because it disliked their appraisal of facts on conflicting evidence. In so doing, it has ignored the obvious truth that the best judges of the trustworthiness of human testimony are the trial judges who see the witnesses, and that the evidence of a George Washington and that of an Ananias look exactly alike when reduced to cold print.

Other decisions of the Court sanction a practice by which the lowest court in the Federal judicial system; that is, the U.S. district court, by exercising its jurisdiction to issue writs of habeas corpus, can set at naught the decisions of the highest court of a State, even in cases where the Supreme Court itself has refused to grant certiorari to review the State court decisions. Under this practice the doctrine of res adjudicata is virtually abolished, and the States are unable to obtain judgments having finality insofar as the accused are concerned. To minimize the chaos which this practice entails, the States have been compelled to enact statutes providing for postconviction hearings which in plain English permit the accused to try State courts after State courts have tried them.

In addition to these things the Supreme Court has recently erected some new artificial rules of evidence which apply to criminal trials in both Federal and State courts, and which greatly handicap the efforts of the prosecution to procure convictions.

The self-incrimination clause of the fifth amendment, which declares that "no person shall be compelled in any criminal case to be a witness against himself," became a part of the Constitution on June 15, 1790. From that date until June 13, 1966, the U.S. Supreme Court interpreted these words to mean what they said; that is, to have no possible application to voluntary confessions made outside court.

On June 13, 1966, the Supreme Court handed down *Miranda* v. *Arizona* (384 U.S. 346), which held that the self-incrimination clause had suddenly acquired a new meaning, and by virtue thereof it was unconstitutional under such clause for either Federal or State trial courts to admit in evidence any confession made by a suspect to a police officer having him in custody, no matter how voluntary it might be, unless such police officer first gave the suspect certain warnings which did not even exist until the decision was made.

On June 12, 1967, the Supreme Court handed down *Gilbert* v. *California* (388 U.S. 268), *Stovall* v. *Denno* (388 U.S. 293), and *United States* v. *Wade* (388 U.S. 218). In these cases the Supreme Court held for the first time that a provision, which has been in the sixth amendment since June 15, 1790, made it unconstitutional for the victim or eyewitness of a crime to look at a suspect in custody for identification purposes at any time between the commission of the crime and the trial of the case unless an attorney representing the suspect is present, and that positive testimony given by the victim or eyewitness of the crime upon oath in open court at the trial on the merits to the effect that the witness saw the crime committed and based his identification of the accused as its perpetrator solely upon what he observed at that time, would have to be excluded from consideration by the jury or court trying the facts, unless the presiding judge conducted a preliminary inquiry, and ascertained by clear and convincing evidence that the psychological certainty of the witness that the accused was the person he saw commit the crime was not influenced in any way by the unconstitutional view he had of the prisoner.

For all practical purposes, the Supreme Court Justices who joined in the Miranda, the Gilbert, the Stovall, and the Wade cases made voluntary confessions that they were amending rather than interpreting the Constitution by holding that these decisions had no retroactive effect.

In the closing days of its last term, the Supreme Court made drastic new rulings. On May 20, 1968, it handed down Duncan against Louisiana and Bloom against Illinois. In these cases, the Supreme Court overruled scores of former well-considered decisions to the contrary and adjudged for the first time that the 178-year-old jury trial provisions of the sixth amendment apply to State prosecutions for crimes and criminal contempts.

On the same day the Supreme Court undertook to convert an illegal trespass of great antiquity into a newly created first amendment right. It did this in Amalgamated Food Employees against Logan Valley Plaza by holding that the freedom of speech clause vests in individuals acting in concert a constitutional right to invade the private premises of a businessman against his will for the purpose of urging his customers not to patronize him and by decreeing that no court in the land can now protect the businessman in any way against the unwelcomed invasion.

On May 27, 1968, the Supreme Court ruled in Green against the School Board of New Kent County that school authorities must rob schoolchildren of both races of the freedom to choose the schools they attend unless their exercise of this freedom produces a degree of integration satisfactory to Supreme Court Justices.

A few days later, the Supreme Court handed down Jones against Mayer Co., which is enough to make constitutional, historical, and linguistic angels weep. In this case, the Court solemnly adjudged that when it enacted the Civil Rights Act of 1866 Congress really adopted an open occupancy law, even though Congress did not know anything about open occupancy in 1866 and even though the Court's novel conclusion is utterly incompatible with the interpretation placed upon the act throughout the intervening 102 years.

There is, in truth, no relationship between the open occupancy concept and the Civil Rights Act of 1866, which is now codified as 42 United States Code 1982.

This act provides:

All citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.

I digress to note that the act is not restricted to housing. It deals with all property be it real or personal, tangible or intangible.

In its decision in the Jones case, the Supreme Court assigns to the words of the act a meaning they do not have and a purpose they are not intended to achieve. Since a white citizen's right to purchase or lease property has always been subject to the condition that its owner must be willing to sell or lease it to him, the Court distorted the words of the act in holding that they confer upon a nonwhite citizen the power to compel an unwilling owner to convey or lease property to him.

The Civil Rights Act of 1866 is designed to secure to all Americans of all races the equal protection of the laws at the hands of States and territories in respect to rights in property. In other words, its sole purpose is to make all Americans equal before the law in respect to rights of property, and not to subject the rights of property of one individual to the demands of any other individual of any race.

To sustain the constitutionality of its distorted construction of the Civil Rights Act of 1866, the Court invoked the 13th amendment, and in so doing attributed to it a meaning unrelated to the language in which it is couched.

According to its wording, the 13th amendment does two things, and only two things. First, it outlaws slavery; and, second, it outlaws involuntary servitude, except as a punishment for crime. Not a syllable in it imports a purpose to subordinate the personal or property rights of one free individual to the demands of another.

Despite these things, Jones against Mayer Co. implies, in substance that the power of Congress to enforce the limited objectives of the 13th amendment vests in Congress the unlimited power to regulate the personal activities and property rights of all Americans in order to prevent them from practicing private discrimination against nonwhites, regardless of whether there be any State involvement and regardless of what other constitutional provisions may declare.

What a Pandora's box the Court opened in Jones against Mayer Co. This case represents judicial Constitution-amending in its most virulent form.

I forego discussing the recent decisions of the Supreme Court holding States and municipalities constitutionally impotent to enact effective legislation prohibiting the peddling of pornography for filthy lucre.

In closing this phase of my remarks, I will take note of one other legal controversy which will certainly be familiar to the Philadelphians among us. I refer to the litigation involving Girard College in which the Supreme Court and the inferior Federal courts confiscated a private charitable trust for public use without any compensation by rewriting the will of Stephen Girard, who had slumbered in the "tongueless silence of the dreamless dust" since 1831, and who entertained the sound belief while he walked earth's surface that disposing of private property by will is rightly a matter for its owner rather than for judges.

In making the foregoing remarks, I have been conscious of the inadequacy of language. I have necessarily used the term Supreme Court or the term Supreme Court Justices to signify members of the Court who were responsible for the decisions I have mentioned. I have not overlooked the fact, however, that most of these decisions were handed down by a sharply divided Court, and that in many of them there were strong dissents by some of the Justices who asserted in no uncertain terms that the majority decisions were incompatible with the Constitution.

What has been said makes these things as clear as the noonday sun in a cloudless sky:

First. Apart from faithful observance of the Constitution by Congress, the President, and the Supreme Court, neither our country nor any human being within its borders has any security against anarchy or tyranny.

Second. The Supreme Court can compel Congress and the President to observe the Constitution. But no authority external to themselves can compel Supreme Court Justices to observe their constitutional obligation to base their interpretation of the Constitution upon its language and history.

Third. It is idle to suggest the Congress and the States can redress the consequences of judicial usurpations by exercising their power to amend the Constitution. In the first place, the Constitution cannot be amended fast enough to redress the consequences of wholesale judicial usurpations; and in the second place, it is absurd to expect that Supreme Court Justices who do not observe the language and history of existing constitutional provisions will abide by the language and history of newly adopted amendments.

Fourth. This being true, the only restraint on unconstitutional behavior on the part of Supreme Court Justices is their own sense of self-restraint.

Fifth. No matter how great his qualifications in other respects may be, no man is fit to be a Supreme Court Justice if he lacks a sense of self-restraint or is unwilling to exercise it. The presence of such Justices on the Supreme Court imperils our most precious right—the right to be governed by the Constitution. They are invariably judicial activists, who seek to rewrite the Constitution according to their personal notions while professing to interpret and love it. Unlike the foreign conqueror, they do not rob us of our rights in one fell swoop. No. They nibble them away one by one and case by case. But the end result is the same: The destruction of constitutional government.

In his Farewell Address to the American people, George Washington warned us not to travel the road which the judicial activists would have us take. He said:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates . . . But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

I believe it is also clear from what has been said that the Court, as now constituted, has already taken us a long way down the road which George Washington told us not to travel. As a consequence, words of the Constitution no longer mean what they have always meant, history and precedents are disregarded, and decisions on crucial constitutional questions are based on personal notions which a majority of the Justices happen to share from time to time.

I shall not make any dogmatic assertion as to why this is so. But I will have the temerity to suggest that too many political appointments have been made of late to the Supreme Court. For this reason, I have introduced a joint resolution proposing an amendment to the Constitution establishing a new procedure for the appointment of Justices of the Supreme Court.

The procedure would be as follows:

First. Whenever a vacancy occurs in the office of Chief Justice of the United States or Associate Justice of the Supreme Court, the President shall convene a conference which shall be attended by the presiding judge of the highest appellate court of each State and the chief judge of each judicial circuit of the United States. The senior chief judge of a judicial circuit of the United States shall preside at the conference. By majority vote the conference shall designate, and the presiding officer of the conference shall transmit to the President in writing, the names of five or more persons deemed by the conference to be qualified to fill the vacancy.

Second. The President shall nominate one of the persons so designated to fill the vacancy.

Third. If the Senate advises and consents to the appointment of such person, such person shall be appointed to fill the vacancy. If the Senate does not advise and consent to the appointment of any person so nominated, the President shall nominate another person so designated to fill the vacancy.

I believe that my proposed amendment will make it as certain as possible that members of the Supreme Court will not be chosen on the basis of personal friendship with the President, political service rendered to the political party in power, or past association with politically potent groups. I also believe the amendment would insure, as far as humanly possible, the appointment to the Supreme Court of qualified persons who would be likely to possess the invaluable quality of self-restraint about which I have spoken at such length.

I believe also that those of us who love and revere the Constitution must continue to discharge our duty to carefully scrutinize the decisions of the Court and to comment fearlessly upon those decisions that we believe to endanger the continued existence of constitutional government in America. For I am convinced that a great Senator, Daniel Webster, who also loved the Constitution, spoke tragic truth when he said these things:

> Other misfortunes may be borne, or their effects overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhaust our treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again, and ripen to future harvests.
>
> It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All of these may be rebuilt.
>
> But who shall reconstruct the fabric of demolished government?

Who shall rear again the well-proportioned columns of constitutional liberty?

Who shall frame together the skillful architecture which unites national sovereignty with State Rights, individual security, and Public prosperity?

No, if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful and melancholy immortality. Bitterer tears, however, will flow over them than ever were shed over the monuments of Roman or Grecian art; for they will be the monuments of a more glorious edifice than Greece or Rome ever saw—the edifice of constitutional American liberty.

STEEL COMPANIES IGNORE OWN SELF-INTEREST

Mr. McGEE. Mr. President, some of the Nation's great steel companies have just offered the Nation a midsummer's night nightmare. They have announced what amounts to a 5-percent across-the-board increase in the cost of steel. As the President has already pointed out, this increase—if allowed to stand—can only add to the danger of inflation. It can start a chain reaction which would warp our whole economy. It will almost certainly lead to further increases in imported foreign steel which the industry has been petitioning Congress to protect it from for many, many months.

The companies have chosen to do this, furthermore, at a time when Americans are risking and sacrificing their lives in Vietnam and when American industry is registering unheard of prosperity.

I call upon other leaders of the steel industry for an act of industrial statesmanship in refusing to imitate these unnecessary and unjustified price increases.

It is time to consider the larger national interest; to weigh the impact of unnecessary price action against the sacrifices of our men in Vietnam, against the Nation's export and balance-of-payments problems—and against the industry's own well-being, if it forces more and more of its customers to turn to foreign suppliers for low-cost steel.

POLITICAL REFUGEES FROM ASIA AND THE PACIFIC

Mr. FONG. Mr. President, beginning last summer, I had a series of discussions and correspondence with the Department of State in which I strongly protested the Department's implementation of section 203(a)(7) of the Immigration Reform Act of 1965—dealing with the conditional entry of 10,200 political refugees from Communist or Communist-dominated countries.

The establishment of refugee offices in six European countries—one in the Middle East, and one in Asia, and none in the Pacific—I pointed out in a letter on July 12, 1967, effectively barred the entry of such refugees from Asia and the Pacific under this provision of the law.

On July 25, 1967, I received an answer from the Department regarding my urgent request that refugee offices be established in at least two areas in Asia and the Pacific. I had suggested Hong Kong, Thailand, or Singapore. None of these was acceptable; indeed, the Department strongly opposed any action in this direction.

Then, on August 8, 1967, I wrote another letter to the Secretary of State, pointing out that I was "absolutely not satisfied" with the points raised by the Department's letter attempting to justify their position on this matter. I believe I effectively rebutted each argument, and I went on to charge that by refusing to designate refugee offices in Asia and the Pacific, the Department was guilty of gross discrimination—not by law, but by administrative fiat.

TRANSCENDENT PUBLIC POLICY

Moreover, I pointed out that existing departmental policy on conditional entry of political refugees patently flouted the transcendent public policy underlying every single aspect of the 1965 law—that race discrimination had absolutely no place in this country's immigration policies, whether carried out by statute or administrative decree.

Mr. President, I ask that the texts of my letter to Secretary Rusk of July 12, 1967, the Department's answer dated July 25, 1967, and my responding letter of August 8, 1967, be printed at this point in the RECORD.

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

JULY 12, 1967.

Hon. DEAN RUSK,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: It is my understanding that political refugees from Communist China escaping into Hong Kong may not enter the United States conditionally, as provided under Section 203(a)(7) of the Immigration and Nationality Act, because as that provision is administered, political refugees from Communist nations must enter on a conditional basis from one of only seven countries—Austria, Belgium, France, West Germany, Greece, Italy and Lebanon. None of these nations, it should be noted, is in the Asia and Pacific areas, and all but Lebanon are in Europe.

This to me is a clear violation of the spirit of the Immigration Reform Act which the Congress passed in 1965, and which the Administration so strongly supported because it would eliminate racial discrimination from our basic immigration law. What we have eliminated by law is being restored by administrative decree. This is most unfortunate and smacks of racism.

I therefore urgently request that Hong Kong and another country in Southeast Asia—perhaps Thailand or Singapore—be added to the list of areas through which political refugees from Communist countries may be granted entry into the United States.

With aloha,

Sincerely yours,

HIRAM L. FONG.

DEPARTMENT OF STATE,
Washington, July 25, 1967.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Secretary Rusk has asked me to thank you for your letter of July 12 in which you request that Hong Kong and another country in Southeast Asia be added to the list of areas through which political refugees from Communist countries may be granted conditional entry into the United States under Section 203(a)(7) of the Immigration and Nationality Act. The Department is glad to give you its views on this matter.

I should like to state at the outset that the Department of State shares your view that there should not be discrimination against refugees from Communist China. Indeed, the Department has consistently supported legislation and programs for help to Chinese refugees, including the Far East Refugee Program, which the Department administers, and the several immigration laws under which Chinese refugees have been and are being admitted to the United States. Under present circumstances, this is one of the few ways by which we can demonstrate that the historic friendship and humanitarian concern of the American people toward the Chinese people continues.

Several thousand Chinese refugees received visas under the Refugee Relief Act of 1953 and over 2,000 more obtained special refugee visas under Section 15 of Public Law 85–316, the Act of September 11, 1957. Following the massive influx of refugees from Communist China in 1962, the President authorized the use of the Attorney General's parole power under Section 212(d)(5) of the Immigration and Nationality Act for the admission of Chinese from Hong Kong. As a result, during the period 1962–65 over 15,000 Chinese, most of them refugees from Communist China, were paroled into the United States. Many of these Chinese benefited from that provision of Section 203(a)(7), which permits the use of up to 5100 numbers annually for the adjustment of the status of refugees already in the United States.

More recently the removal of quota and other restrictions by the Act of October 3, 1965, which amended the Immigration and Nationality Act, has provided substantial relief for Chinese refugees in Hong Kong. In the quota year ending June 30, 1965, before the new Act had modified the national origins system and the discrimination of Asians associated with it, only 2,122 immigrant visas were issued by the Consulate General in Hong Kong. In the year ending June 30, 1966, the number of visas issued had risen to 6,911, and in the year ending June 30, 1967, the number is expected to reach about ten thousand, almost five times the number issued before the new law was enacted. In the last few years the number of Chinese immigrants has increased to the extent that voluntary relief agencies and others have reported that many of the Chinese are having difficulty in finding jobs and housing in the United States except under conditions which are substandard and not on a par with their skills and previous level of living.

With regard to the language of Section 203(a)(7) of the Immigration and Nationality Act, the Department is in full agreement with you that the language of the statute would permit the conditional entry of refugees from Communist China. However, among the considerations involved in the implementation of Section 203(a)(7) was the position of the Congress as noted in the reports of Committees of the Judiciary of both the Senate and the House. These reports stated that the conditional entry of refugees as proposed in this bill was not unlike the parole procedure utilized during the existence of the so-called Fair Share Act and that it was intended that the procedure should remain the same. Public Law 86–648, the Fair Share Act of July 14, 1960, was enacted for the specific purpose of resettling the oveflow of refugees in Europe and the Middle East. In accordance with Congressional intent for the implementation of that law, the seven countries mentioned in your letter—Austria, Belgium, France, West Germany, Greece, Italy and Lebanon—were designated as centers for the parole of refugees. With the passage of the new Immigration Act, and in line with the language of the Congressional reports, these same countries have continued to be the only ones from which refugees are being processed for conditional entry.

As you know, Section 203(a)(7) provides that conditional entries shall be made available by the Attorney General to aliens who

are examined by Immigration and Naturalization officers. Although this section of the law is administered by the Immigration and Naturalization Service (INS), the Attorney General and the Secretary of State have agreed that the Department of State will designate the countries in which it is considered feasible and in the foreign policy interests of the United States for the Immigration and Naturalization Service to undertake the examination of applicants for conditional entry. Also involved are agreements with the countries of asylum to the arrangements necessary for INS to conduct these operations. These include the right of INS officers to interrogate applicants, the right of access to local government records on the refugees and the right to return refugees to the asylum country within a period of two years if they are found ineligible to remain in the United States.

The Department in consultation with the Immigration and Naturalization Service has given consideration to the possible extension of the benefit of Section 203(a)(7) to other areas. For example, in addition to the two million or so Chinese in Hong Kong who might qualify as refugees, the million and a half Palestine refugees in the Middle East pose a similar problem. However, under the law a maximum of only 10,200 refugees may be granted conditional entry annually and half of this total, or 5,100 numbers, may be made available for the adjustment of status of refugees already in the United States. Therefore, the numbers of Chinese who might enter the United States under these limitations would have relatively little impact on the total refugee situation in Hong Kong. Should Hong Kong (or the Middle East) be opened up for the implementation of conditional entry, the problem of administering the presumed huge number of applications, of making determinations as to the applicant's refugee status, and of trying to assign priorities among potential applicants far in excess of the numbers available would be most difficult. There would be a special problem in Hong Kong where the authorities consider persons entering the Crown Colony without legal documents as "illegal immigrants" rather than "refugees." Whereas in European countries, refugees apply for and receive asylum under definite standards related to the provisions of the United Nations Convention on Refugees, no such determinations are made in Hong Kong.

These are the considerations upon which the Department thus far has withheld designation of Hong Kong as an area for the examination of applicants for conditional entry. You may be assured, however, that the Department will continue to keep the question of enlarging the scope of the refugee program under serious consideration.

I appreciate the opportunity which your letter provides to explain the Department's position in this matter.

If there is any additional information which you believe we can furnish, please let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

AUGUST 8, 1967.

Hon. DEAN RUSK,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: This will acknowledge receipt of the response of the Department of State, dated July 25, to my letter concerning political refugees from Communist countries in Asia and the Pacific. I appreciate very much the extensive exposition of the Department's views on the matter.

I am well aware of the past efforts on the part of this country to assist refugees escaping communism from Communist China and other areas of Asia and the Pacific. The Department's support of these efforts is indeed commendable. But this should not excuse the full implementation of the spirit and intent of the law.

I am also fully aware of the language contained in the Reports of the Committees on the Judiciary of both Senate and House regarding the implementation of Section 203 (a) (7) of the Immigration and Nationality Act of 1965 which was noted in the Department's letter. It is quite true that the Senate Report, for example, contains the following language: "The conditional entry of refugees as proposed in this bill is not unlike the parole procedure utilized during the existence of the so-called Fair Share Act . . . and is intended that the procedure remain the same."

This language of the Senate Report clearly indicates that procedurally it follows the Fair Share Act. But nothing in the Report says that the refugees should be only those covered by the Fair Share Act.

As you point out yourself on page 2 of your letter: "With regard to the language of Section 203(a)(7) of the Immigration and Nationality Act, the Department is in full agreement with you that the language of the statute would permit the conditional entry of refugees from Communist China."

There is no question that the overriding public policy underlying every single aspect of the 1965 Law is the complete elimination of race discrimination from our basic immigration statute. This transcendent public policy is made abundantly clear in statements of President Johnson, when he submitted the bill to Congress and when he signed the measure into law, and in all the legislative history of the Law.

When that public policy is applied to statutory provisions dealing with political refugees, and fortified by what we all agree to be the meaning of Sections 203(a)(7), it is plain to me that such refugees in the Asia and Pacific areas should be placed on exactly the same footing as political refugees in Europe and in the Middle East.

I can understand the problems outlined in the Department's letter with respect to political refugees in Asia, particularly those in Hong Kong. But I am convinced these problems are exactly what you have had and are experiencing in most of the seven nations where you have established refugee offices.

To be sure, there is the "problem of administering the huge number of (Hong Kong) applications"—particularly in comparison with the small number of refugees to be admitted annually under the 1965 Law.

This again appears, however, to be a problem common to political refugees the world over—whether they may come from Europe, the Middle East, or Asia. The reason for this is the limited number the Congress has seen fit to allow into the United States each year.

The primary relevant criterion for considering their admission to the United States in this context is that all such refugees, although limited in number, be given an equal footing, regardless of race, color, or national origins.

As for foreign policy considerations, the establishment by the Department of refugee offices in Asia and the Pacific undoubtedly would greatly enhance America's image in that critical area of the world. By doing this, we would be demonstrating to the hundreds of millions of people in Asia and the Pacific that America does not discriminate against them—in favor of the peoples of Europe and the Middle East.

I am certain that the United States would encounter no difficulty in reaching agreements with the countries of asylum I have proposed to enable INS screening of applicants for conditional entry. The United Kingdom, and the sovereign states of Thailand and Singapore undoubtedly would be more than willing to extend their fullest cooperation to this country in this regard.

There appear to be no insurmountable obstacles to establishing refugee offices in the Asia and Pacific areas. It is therefore evident to me that the problems which are outlined in the Department's letter have been raised to avoid the full implementation of a law duly passed by the Congress.

All that is requested is that at least two refugee offices be established in the Asia-Pacific area. Only when this is done will the Immigration Reform Act of 1965 be fully implemented as to its basic underlying policy of complete eradications of race discrimination. Only then will America not be accused of reverting to the ill-advised policies of the past.

In view of the language of the Law and its overriding intent, the Asia-Pacific area has been grossly discriminated against—not by law, but by administrative fiat. It has not been placed on the same footing as Europe and the Middle East.

It is imperative that the language and spirit of the Law be fully implemented. This could be done by designating Hong Kong and another nation—Thailand or Singapore—as points through which refugees might be processed at the earliest possible date.

I look forward to your favorable reply.

Sincerely yours,

HIRAM L. FONG.

DEPARTMENT MORE RECEPTIVE

Mr. FONG. Mr. President, on August 25, 1967, the Department answered my letter of August 8, 1967, and appeared to be more receptive to my urgent request. I was assured that—

The Department is continuing to keep the question of enlarging the scope of the refugee problem under serious consideration.

At that time I was told that the Department had requested from its missions in Asia "additional facts" and the "appraisals of the extension of the program" to Asia and the Pacific. The Department assured me that—

The cogent points which are contained in your letter (dated August 8, 1967) along with the field evaluation of the matter will certainly receive our most serious study in our active review of this problem.

I ask that the text of the Department's letter of August 25, 1967, be printed in the RECORD at this point.

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

DEPARTMENT OF STATE,
Washington, August 25, 1967.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: The Secretary has asked me to reply to your letter of August 8 concerning political refugees from Communist countries in Asia and the Pacific. As indicated in my reply of July 25 to your original inquiry of July 12, the Department is continuing to keep the question of enlarging the scope of the refugee program under serious consideration.

We have asked our missions in Asia for additional facts and for their appraisals of the extension of the program to Asian countries. The cogent points which are contained in your letter along with the field evaluation of the matter will certainly receive most serious study in our active review of this problem.

In the meantime, I wish to reiterate the Department's offer to discuss with you certain foreign policy implications which are inherent in this problem. I should be most happy to arrange for appropriate officers of

the Department to meet with you at your convenience.

May I thank you for giving Secretary Rusk your views on this matter.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

Mr. FONG. Mr. President, in the meantime, the Department requested an opportunity to discuss with me "certain foreign policy implications which are inherent in this problem," and on August 29, 1967, I met with three of its representatives for nearly an hour.

These spokesmen for the Department were quite encouraging about the prospects for establishing refugee offices in the Asia and Pacific areas.

For nearly 10 months since the date of that meeting, I did not hear from the Department on this subject.

Then, on June 20, 1968, I finally received a report on the situation from the Department.

The Department wrote:

It was our preliminary judgment that it would be desirable in our foreign policy interests and in keeping with public policy behind the amended Immigration and Nationality Act to provide for he processing of Chinese refugees in Hong Kong for conditional entry under seventh preference.

However, because of three factors, the Department refused to budge and indicated that at least for the foreseeable future, no refugee offices will be opened in any nation of Asia or the Pacific.

The Department contends that first, because the Immigration and Nationality Act imposes an annual limitation of 20,000 of visas and conditional entries for any single foreign state and 200 for a subquota area such as Hong Kong; second, because of the expectation that the number of visas to be issued to natives of China will reach the maximum limit of 20,000 in fiscal 1969, so that no visa numbers are expected to be available for seventh preference applicants born in China; and, third, because the small likelihood that seventh preference numbers would be available for qualified applicants in Hong Kong would have an "adverse public impact in the colony"—no refugee offices would be opened in this critical area of the world.

In other words, the Department is saying that it will continue to administer the Immigration and Nationality Act, as amended by the 1965 Reform Act, in a blatantly discriminatory way—favoring entry of political refugees from Europe and the Middle East, to the total exclusion of such entrants from Asia and the Pacific.

Mr. President, I have today written a very strong letter to the Secretary of State, responding to every objection raised in the Department's latest letter.

IRRELEVANT ARGUMENTS

As I have repeatedly pointed out in my discussions last year, the availability or unavailability of seventh preference numbers is clearly irrelevant to the overriding issue of the public policy enunciated by the Immigration Reform Act of 1965—the complete elimination of racial barriers from our immigration policies and law.

It is and has always been abundantly clear to me that the 1965 law requires that political refugees in Asia and the Pacific be placed on exactly the same footing as those in Europe and the Middle East—for which seven offices have been established. Yet, the Department to date has adamantly refused to open a refugee office in any area of Asia and the Pacific.

It might be true that for possibly a few years after any refugee office is opened in Asia and the Pacific there would not be a single entrant from any nation of those vast areas of the world. Even if this should be true of political refugees from Communist China, the Department clearly overlooks the fact that there might be political refugees from other nations in the Asia-Pacific area, for example, from Laos, or North Vietnam.

The Department also ignores the possibility that such political refugees may escape a Communist country, reach another country in Asia or the Pacific in which a refugee office has been established, and seek entry from that nation rather than from China or Hong Kong.

We are not speaking of the entry of a large number of political refugees. There is a statutory limitation of 10,200 annually, and this is worldwide.

Nor are we speaking of a burdensome expense in proposing the opening of refugee offices for Asia and the Pacific, where we already have established embassies and consulates. The opening of an office may be accomplished by simply designating a consular employee who is already employed in an American consulate.

I pointed these facts out in my reply to the Department. I also said that, assuming no visa numbers whatsoever are available under the seventh preference category in the next few years for any nation of Asia or the Pacific—if this situation should result from a fair, just, and completely equitable administration of American immigration policies mandated by the 1965 act, then there can be absolutely no basis for a charge that racist immigration policies were being perpetuated by the Department by administrative fiat.

RACE DISCRIMINATION BY DECREE

However, as our immigration laws and policies are now being carried out, I feel that the charge that racist immigration policies are being perpetuated by administrative decree is quite justified.

Section 203(a)(7) of the Immigration and Nationality Act provides that visa numbers for the conditional entry of political refugees "shall be made available to aliens who satisfy an Immigration and Naturalization Service officer at an examination." This section has been interpreted to mean that applicants for the 10,200 numbers set aside annually for such refugees are selected in the order in which they become qualified. In other words, the rule is—first qualified, first served.

Those qualified political refugees having earlier qualifying dates would therefore be considered first, and those having later qualifying dates would be considered later.

In the context of the situation in Asia and the Pacific, by not designating even one refugee office in those areas, the Department of State is denying all refugees from any Communist or Communist-dominated country or area any opportunity whatever of filing for future possible entry.

That is to say, how can anyone qualify when there is no office to receive his application? By refusing to open an office, we are refusing to qualify him for possible entry. Hence, by refusing to open an office we are in fact denying him consideration for entry. This is clear discrimination. Having opened offices in Europe and the Middle East, and refusing to do the same for Asia and the Pacific, we are favoring political refugees from Europe and the Middle East and discriminating against those from Asia and the Pacific.

Qualified Asia and Pacific political refugees are therefore effectively foreclosed from entry into the United States. Such race discrimination is so transparent. The law never intended this result.

I firmly disagree with the Department's assessment that the lack of conditional admissions of refugees from the British Crown Colony of Hong Kong for a few years would "have an adverse public impact in the Colony." On the contrary, the establishment of refugee offices in at least two nations of Asia and the Pacific would, without any doubt, enhance America's image in those crucially important areas of the world immeasurably.

DEPARTMENT IS SHORTSIGHTED

By opening refugee offices in those areas of the world, Asia and Pacific political refugees would at least be able to submit applications and to have a qualifying date recorded as a basis on which priority for future possible entry might be made.

Moreover, by merely opening refugee offices in such areas as Hong Kong, Singapore, and Thailand, we would be demonstrating to the hundreds of millions of people in Asia and the Pacific that the United States does not discriminate against them in favor of the peoples of Europe and the Middle East.

It would appear to me that the Department of State is extremely shortsighted in refusing, for more than 1 year—ever since I first raised the issue last July 12—and for continuing to refuse, to open any refugee office in Asia and the Pacific.

I call upon the Secretary of State to give this urgent matter his highest priority and his immediate personal attention in rectifying a patently unfair, unwise, and racialist policy—and to open, without any further delay, refugee offices in Asia and the Pacific.

Mr. President, I ask that the texts of the Department of State's letter of June 20, 1968, and my responding letter of August 2, 1968, be printed at this point in the RECORD.

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

DEPARTMENT OF STATE,
Washington, D.C., June 20, 1968.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: You will recall the correspondence and discussions which you

had last summer with the Department of State on the question of whether Hong Kong should be declared a refugee area at which applications from Asian refugees from communism would be accepted for conditional entry under Section 203(a)(7) of the Immigration and Nationality Act.

Since that time the Department has made a careful review of this matter which included appraisals and information from our missions in Asia. Despite the numerous policy considerations and practical operational problems involved, it was our preliminary judgment that it would be desirable in our foreign policy interests and in keeping with public policy behind the amended Immigration and Nationality Act to provide for the processing of Chinese refugees in Hong Kong for conditional entry under seventh preference. Before the Department would take a decision to advise the Attorney General that such a change should be made, it would wish to discuss it with the appropriate committees of the Congress, and agreement to the inauguration of the program would have to be reached with the Hong Kong authorities.

However, one of the various factors considered has now assumed overriding importance. This factor is the limitation imposed in Section 202(a) of the Immigration and Nationality Act that the numbers of visas and conditional entries available to natives of any single foreign state shall not exceed 20,000 in any fiscal year. There have been large increases in the number of visas issued to persons born in China since the passage of the Act on October 3, 1965 and it is now expected that in the fiscal year ending June 30, 1969, the number of visas issued to natives of China will reach the maximum limit of 20,000. Moreover, the demand for the higher preferences is so heavy that it is quite possible that this maximum will be reached before the entire demand for sixth preference will have been satisfied. Consequently no visa numbers are expected to be available for seventh preference applicants born in China.

The Department considers it mandatory under the law that the demand for higher preferences within the limitation of 20,000 for each foreign state be satisfied before visa numbers may be assigned to the lower ones such as seventh preference and has concluded that refugee numbers cannot be made available to nationals of countries where the 20,000 ceiling has been reached by higher preference demand. This principle would exclude the assignment of seventh preference numbers, not only for persons born in China, but also for persons born in Hong Kong which is an area with a sub-quota ceiling of only 200.

Under the circumstances, while the Department favors designating Hong Kong as a refugee area where applications for conditional entry may be accepted, we feel that the initiation of such a program, where there is little likelihood that seventh preference numbers will be available for qualified applicants, would have an adverse public impact in the colony. Should future demand for higher preference visa numbers for persons born in China not be as great as now anticipated, this question would no longer be a problem and the Department would then reconsider its position.

I sincerely regret that we are unable to give a favorable reply at this time. We shall keep you informed should the situation change in the future. We appreciate the helpful contributions which you have made to the Department's consideration of this important matter.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary for Congressional Relations.

CXIV——1571—Part 19

AUGUST 2, 1968.

Hon. DEAN RUSK,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am writing in response to a letter from the Department dated June 20, relating to correspondence and discussions I have had with the Department concerning the question of opening refugee offices in the Asia and Pacific areas to allow the conditional entry into the United States of refugees from communism under Section 203(a)(7) of the Immigration and Nationality Act.

I recognize the fact referred to in the letter respecting the 20,000 ceiling of entrants from any single nation, and the expectation that the Chinese quota and the Hong Kong subquota will be exhausted by entrants from the first to sixth preferences categories, leaving no visa numbers available for the seventh preference category.

However, as I repeatedly pointed out in our discussions last year, the availability or unavailability of seventh preference numbers is clearly irrelevant to the overriding issue of the public policy enunciated by the Immigration Reform Act of 1965—the complete elimination of racial barriers from our immigration policies.

It is abundantly clear to me that the 1965 law requires political refugees in Asia and the Pacific to be placed on exactly the same footing as those in Europe and the Middle East areas, for which seven offices have been established.

It might be true that for possibly a few years after one or two refugee offices are opened in the Asia and Pacific areas (I had suggested Hong Kong, Singapore, and Thailand) there would be not a single entrant from any nation of Asia and the Pacific. Even if this should be true of political refugees from Communist China, the Department clearly overlooks the fact that there might be political refugees from other nations in those areas of the world; for example, North Vietnam and Laos. The Department's view also ignores the possibility that such political refugees might escape a communist country, reach another country in Asia or the Pacific in which a refugee office might be established, and seek entry from *that* nation rather than from China or Hong Kong.

We are not speaking of the entry of a large number of political refugees. The statutory limitation of 10,200 per year is worldwide.

Nor are we seeking of a burdensome expense in proposing the opening of such offices in Asia and the Pacific, where we already have established embassies and consulates. The opening of an office might be accomplished simply by designating a consular employee who is already employed in an American consulate.

Assuming that no visa numbers whatsoever are available under the seventh preference category in the next few years for any nation of Asia or the Pacific, should this situation result from a fair, just, and completely equitable administration of American immigration policies mandated by the 1965 Act, then there can be absolutely no basis for a charge that racist immigration policies were being perpetuated by administrative fiat—contrary to a clearly enunciated public policy of this country.

However, as our immigration laws and policies are now being carried out, I feel that this charge is quite justified.

Section 203(a)(7) of the Immigration and Nationality Act, providing for the conditional entry of political refugees, specifies that conditional entry numbers "shall . . . be made available . . . to aliens who satisfy an Immigration and Naturalization Service officer at an examination" that the applicant qualifies as a conditional entrant. This section has been interpreted to mean that applicants for the 10,200 numbers set aside annually for such refugees are selected in the order in which they become qualified. In other words, the rule is—first qualified, first served.

Those qualified political refugees having earlier qualifying dates would therefore be considered first, and those having later qualifying dates would be considered later.

In the context of the situation in Asia and the Pacific, by not designating even one refugee office in those areas, the Department of State is denying all refugees from any Communist or Communist-dominated country or area any opportunity whatever of filing for possible future entry.

This is clearly race discrimination: applications of qualified political refugees from Europe and the Middle East, all having qualifying dates, are given an enormous advantage over political refugees from Asia and the Pacific. Having no refugee office at which applications for conditional entry are accepted, political refugees from Asia and the Pacific are unable even to submit an application and thus would have no opportunity to become qualified.

Qualified Asia and Pacific political refugees, therefore, are effectively foreclosed from entry into the United States.

I firmly disagree with the Department's assessment that the lack of conditional admissions of refugees from the British Crown Colony of Hong Kong for a few years would "have an adverse public impact in the Colony." On the contrary, the establishment of refugee offices in two nations of Asia and the Pacific without a doubt would enhance America's image in those critical areas of the world immeasurably.

At the time the Department decides to open such refugee offices there, should visa numbers for seventh preference applicants born in China be unavailable, I suggest that the Department make the announcement publicly and to all applicants; the announcement might also state that such applicants would have to await the availability of visa numbers.

By opening refugee offices in those areas of the world, Asia and Pacific political refugees would be able at least to submit applications and to have a qualifying date recorded as a basis on which priority for possible future entry might be made.

Moreover, by merely opening refugee offices in Hong Kong, Singapore, and Thailand, we would be demonstrating to the hundreds of millions of people of Asia and the Pacific that the United States does not discriminate against them in favor of the peoples of Europe and the Middle East.

It would appear to me that the Department is extremely short-sighted in refusing—for more than a year, ever since I first raised the issue last July 12, and for continuing to refuse—to open any refugee office in any nation of Asia or the Pacific.

I call upon the Secretary of State to give this urgent matter his highest priority and immediate personal attention, to rectify a patently unfair, unwise, and apparently racialist policy.

Respectfully,

HIRAM L. FONG.

ARE CERTAIN HUMAN RIGHTS REALLY INALIENABLE

Mr. PROXMIRE. Mr. President, the question is often raised in discussions concerning the rights of men whether, in fact, there is such a thing as an inalienable right.

Those taking the affirmative say there are certain basic things due a man by the very fact that he is a man. He claims as his natural right: life, liberty, the pursuit

of happiness, and the specific individual rights implicit in these general categories.

Those taking the negative say that there is no such thing as an inalienable right. They cite capital punishment as legal deprivation of the life of a convicted man. They cite incarceration as a legal deprivation of personal liberty. And, in a somewhat lighter vein they state unequivocally that the payment of income taxes deprives them of being able to pursue happiness in quite the style they would prefer.

Mr. President, it would seem that the controversy boils down to the ethical and even metaphysical determination of whether there is such a thing as a right that is absolute. On this point, doctores inter se disputant.

The doctors of philosophy may disagree on whether an absolute right exists. I believe, however, that all thinking men will agree that what we are striving for in our society and, indeed, in our civilization, is the fullest enjoyment, by every man, of every right, to the degree consistent with the enjoyment of those same rights by every other man.

Simply stated, it means that if we expect to enjoy our rights we must take great care to protect those rights not only for our own benefit but, in strictest self-interest, for the benefit of all others.

Clearly, the individual who insists on licentious exercise of all his rights, to the extreme, will quickly find himself an extremely unpopular minority of one, possessed of many rights but enjoying none.

Thus it is, Mr. President, that in our society we need mutual cooperation in safeguarding our rights. We need moderation in the exercise of these same rights. We also need to understand more fully that an enlightened self-interest demands extension of these rights to all men, simply because they are men.

Mr. President, a second look at this loosely formulated syllogism will make clear that what I am saying here is that the U.S. Senate, in enlightened self-interest, must engage the American people in cooperative efforts with other peoples in preventing abuse of rights, or license, by despots, and in extending these rights to all men.

This means the Senate must ratify the pending human rights conventions, beginning with the most basic one, the one that protects against genocide.

Ratification of these conventions will make the discussion on whether rights are absolute even more academic than it is now. We have had enough discussion; death by genocide is not remediable through debate, polite or otherwise.

We must ratify now.

THE FARM POLICIES

Mr. LAUSCHE. Mr. President, an item entitled "Color It Red," with reference to the Department of Agriculture's supply-management program, was published in the Review and Outlook column of the August 2 issue of the Wall Street Journal.

This article clearly sets forth the chaotic marketing conditions which result from the Government's farm policies, adding to the distress of our farmers who find it increasingly difficult to earn a living at all commensurate with their efforts or sufficient to support their families.

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

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

COLOR IT RED

That new international wheat agreement, effective July 1, may be working out fine for somebody. However, it doesn't seem to be working out very well for the American farmer.

For perspective on the wheat growers' present problems you have to go back to 1967, when the Agriculture Department called for increased wheat production to meet world demand. The anticipated demand failed to develop, so the department asked for a 13% decrease in 1968 wheat acreage allotments in order to avoid a big bulge in production.

The farmers obliged with about a 9% decrease in wheat acreage, but production is estimated to be 4% above that of 1967. The Government's supply-management program now promises another record crop, while wheat prices are at a 26-year low.

Against that background the new international wheat agreement was sold to the Senate—and, to be truthful, to a good many farmers also—as a device to spur American wheat sales abroad and to raise the level of wheat prices world-wide. Today those farmers who long ago learned to be wary of the workings of fancy international commodity agreements and who opposed the wheat pact are having the dubious pleasure of saying, "I told you so."

The reason is that the new agreement, while raising prices abroad, placed U.S. wheat prices below the world minimum, requiring an "inverse subsidy" to bring American prices into balance. In other words, foreign nations now are paying the U.S. Government a subsidy in order to buy American wheat.

The result is about what could be expected by any realistic economist. In the first week after the new pact became fully operative, export sales of U.S. wheat dropped to less than one-third of the tonnage sold in the previous week. The outlook is equally gloomy; with the U.S. the only nation producing wheat under acreage controls, why should other nations buy our wheat when they can grow as much as they want?

Complicating the export market still further is the Agriculture Department's plan to encourage export sales of feed wheat for livestock, and not human, consumption. This wheat can be dumped (and that is the proper if unpleasant word for it) at prices below bread grains and still meet all provisions of the new international pact.

To make sure that this dumped grain will be used for livestock feed and will not turn up in some foreign country as bread, the Agriculture Department intends to tint it with a harmless vegetable dye. What color has not been disclosed. Perhaps the department ought to color it red, to match the ink in the farmers' ledgers.

STEEL

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "A Time for Toughness," published in today's issue of the Wall Street Journal.

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

[From the Wall Street Journal, Aug. 2, 1968]

A TIME FOR TOUGHNESS

"The Bethlehem steel price increase is unreasonable and just should not be permitted to stand. The public interest must be recognized by the entire steel industry in its price decisions at this critical time."

Thus did President Johnson, in tough, schoolmasterish tones, take the steel companies to task. Though the lecture was scarcely unexpected, it still calls for a few comments.

To begin with, maybe it's mildly heartening that the Administration at least realizes that inflation has gone so far that it demands the toughest sort of counter-action. On the day that the President was censuring the steel men—without censuring the Steelworkers Union for its huge wage increase—the Bureau of Labor Statistics released the dreary news that consumer prices climbed in June at an annual rate of 6%, the fattest figure for any month since early 1966.

The Administration's approach, however, indicates once again that it fails dismally to grasp the economics of inflation. That is disheartening in the extreme, since effective control of inflation, if it's ever to come, demands intelligent action by Washington.

No one, and certainly no Administration official, knows whether an across-the-board steel price rise is "reasonable." (Reasonableness aside, it was probably bad tactics; a series of "selective" boost apparently could have achieved the same result without a White House explosion.)

The proper testing-place for price increases, in a free economy, is the market. It's quite possible that stiff import competition and declining demand, as users work off inventories piled up in anticipation of the strike that did not come, would in time prove a steel price rise to be unrealistic.

In any event, it's certainly unrealistic, in an economy as large and diverse as this one, to try to even slow inflation by rolling back prices of a single firm or industry. That's no more sensible than fighting a flood by plugging a single hole in a badly perforated dike.

The Government's toughness would be vastly more useful if it were directed toward lessening the pressure of the waters on the dike. After all, it's largely responsible for building up that pressure over the years. So far, there's scanty evidence that either the Administration or Congress sees their duty clearly, or even dimly.

Oh, they got tough with the taxpayers, all right; nearly everyone is taking home less cash these days to pay those spiraling prices. Put another way, the President just jacked up the cost of Government, so look who's complaining about steel prices. There has also been a lot of determined talk about trimming Federal spending, but the words up to now far outrun the action.

In the first place, Congress refused to face up to the task of setting priorities among the vast number of Federal programs it had sanctioned. Instead, it elected the blunderbuss approach, a $6 billion slash in spending somewhere, partly by forcing an across-the-board curtailment in Federal jobs.

Even then, it has shown a total lack of courage in its conviction. One by one, agencies have been exempted from the employment curb. Time after time the lawmakers have padded the Administration's spending requests.

The job of getting the runaway budget under control is by no means easy. Demands for continued or increased spending in many areas are strong, and especially persuasive in this election year. In certain cases, perhaps, spending boosts could be justified in any normal time.

But this is hardly a normal time. The Government, in trying to do too much too fast for too many, has sorely weakened its ability to do anything really useful for anyone. Some people are bound to be hurt if the Government finally takes effective action to stabilize the nation's currency, to clean up its badly muddled financial affairs.

It isn't going to help at all to chastise the steel companies. But it sure is a time for toughness.

THE INTERESTS OF AMERICA MUST PREVAIL OVER THE INTERESTS OF THE STEEL INDUSTRY

Mr. DODD. Mr. President, one of the most sacred tenets of the American way of life is that we believe in the free enterprise economic system. But freedom carries with it responsibilities. True, the steel companies are legally free to set the prices of their products. No commissar sits at the board tables telling the steel executives what they must do.

But there is another party sitting at the table in the board room. That party is public interest. And it is the responsibility of the steel industry leaders to include consideration of the public interest in their deliberations.

The actions of certain steel companies in the past 2 days, however, indicate that when the decisions were made to put blanket increases into effect, the public interest was either asked to leave the room, or else was unceremoniously thrown out the window.

The reason for my comment is that the price increases are clearly contrary to the public interest. They will present a perhaps fatal shock to price stability in our own country, and they will have damaging repercussions for America throughout the entire free world economy.

Frankly, I am outraged at the attitude of the companies. All Americans are tightening their belts these days, what with a tax increase and reductions in important Federal programs. I do not recall any exemption from belt tightening granted to the steel industry. In my view, the appropriate congressional committees have a clear duty to examine the circumstances surrounding these blatant and irresponsible assaults on the stability of the American economy.

THE MUTUAL FUND LEGISLATION SHOULD BE ENACTED THIS YEAR

Mr. McINTYRE. Mr. President, the action of the Senate last week in giving its resounding approval to S. 3724, the mutual fund bill, was a welcome move to those of us who have been following developments in the mutual fund industry with some attention.

Since Senate passage, a number of newspaper writers have commented upon the importance of passing this legislation for the sake of trying to provide safeguards for the millions of Americans who have invested in mutual funds.

I hope that, when Congress returns in September, the House of Representatives will find it possible to take affirmative action on S. 3724, so that this issue will be favorably disposed of and we will not have to start the entire legislative process rolling again next January. With the hope that the newspaper articles to which I have referred may help Senators understand of the need for action, I ask unanimous consent that an editorial entitled "Mutual Fund Reform," published in the Washington Post of July 31, and an article entitled "GOP the Bad Guys in Senate Vote on Fund Reforms," published in the New York Daily News of July 29, be printed in the RECORD.

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

[From the Washington Post, July 31, 1968]

MUTUAL FUND REFORM

Some four million American investors, by recent count, have put their money into shares of mutual funds and thereby expanded this segment of the security industry explosively; total assets have swelled from $450 million in 1940 to $43 billion today. But the economies that have accompanied this great increase in volume, according to the Securities and Exchange Commission, have not been passed on to the customers, many of whom are small investors with little way of knowing what is a reasonable sales commission or a fair management fee. To curb what the SEC has held to be "excessive" charges of both kinds, a bill has been passed by the Senate and is now stuck fast in a House Commerce subcommittee headed by Rep. Moss.

Unless it is dislodged before the preconvention recess, either by the efforts of Mr. Moss or by a timely nudge from the chairman of the full committee, Rep. Staggers, chances of passage by this Congress are not good. If the bill can at least be moved along to the full committee before the recess, however, there is hope it could be reported out for floor action when the Congress reconvenes.

Busy as the gentlemen of the House may be in the closing rush, this is not too much to ask for the sake of trying to safeguard the interests of a great number of investors who, a lot of people seem to agree, are paying more than they ought to for what they're getting. The bill is scarcely punitive; it would set limits of a sort on management fees and sales commissions, and would also seek to control the initial commission cost to the buyer under a type of fund known as the "front end load." But the measure would only establish standards which would then be subject to enforcement, and appeal, in the courts. The bill is not as stringent a measure as had been originally proposed; its effect might well be relatively modest. But even modest government influence over the operations of the mutual funds, it seems clear, is far preferable to none at all.

[From the New York Daily News, July 29, 1968]

GOP THE "BAD BOYS" IN SENATE VOTE ON FUND REFORMS

(By William A. Doyle)

One thing must be said for the American political system. Economic philosophies and ignorances do cross party lines. That's the lesson being sounded—loud and clear—as the mutual fund reform bill wends it way (torturously) through the halls of Congress.

Suddenly the Democrats are the heroes of the capitalistic system. There may not be a Hopalong Cassidy in the group, but the "white hats" are riding donkeys.

And, over on the other side of the political canyon, the bad guys are lumbering along on their Republican elephants—at a pace certain to have them far behind in the race for the hearts (and votes) of the American investing public.

When the Senate finally voted approval of the fund reform bill last week, it was by almost straight party line vote—with the Democratic majority pushing it through.

DIRKSEN HEARD FROM

The opposition was led by Sen. Wallace Bennett (R-Utah) who tried to send the proposed legislation back to committee—where it had languished for a year and a half.

Even Senate Majority Leader Everett M. Dirksen got into the act. In his frog-throated tones the Illinois Republican opined that some regulatory provisions of the bill would be "comparable to converting the mutual fund industry to a public utility."

All indications are that debate and eventual vote on the bill in the House of Representatives will be along the same lines. The Republicans seem downright horrified by the specter of further government regulations.

Every company in the public utility industry, of course, is regulated—because it supplies electric, gas, telephone or water service under a franchise monopoly. The profits of utility companies are kept within limits, determined by federal and/or state regulatory authorities.

LAWMAKERS OFF BASE

In effect, government does wield a heavy hand determining what dividends are paid to utility company stockholders and, also, on the market value of utility company shares. Investors who put their money into utility company stocks are aware of this—even if they don't like it. The stockholders, as owners of their companies, are the industry.

And that is exactly where GOP lawgivers have gone off base, in their comparison of the utility and mutual fund industries. The mutual fund reform bill would not hurt the "mutual fund industry"—the close to five million investors who own mutual fund shares.

The legislation would save them money—big money. It has been estimated that, by reducing commission and management fees, the reform bill would cut charges to fund investors by up to $250 million a year.

On an individual basis, this means that the average mutual fund shareholder would have $50 more working for him every year. Compound that figure by the length of time most investors hold fund shares and it really adds up.

NO SHAREHOLDER LOBBY

To observers familiar with the mutual fund scene, these things are basic. But in Endsville-on-the-Potomac, many lawmakers are blissfully ignorant about the workings of the fund business.

Fund shareholders (the owners of "the industry") have no lobby. So, congressmen hear only from sales and management people—the hired hands of the fund business, whose chief interest is to keep charges high and their pay checks fat.

Based on past Republican preachments, on the subject of defending and spreading capitalism the GOP should be expected to support the mutual fund reform bill. But somewhere along the line, logic and economic reasoning got lost. Instead of supporting the legislation that aims to make ownership of American industry more attractive and less expensive, most Republicans have lined up against it.

THE HARD FACTS CONCERNING GUNS AND DEATHS

Mr. TYDINGS. Mr. President, an article published in last Sunday's New York Times concerning gun control legislation, accompanied by three charts, tells a story which I should like to describe to Senators.

The first chart compares the murder rate per 100,000 population for States with strong gun laws against the rate for States with weak gun laws. The strong gun law States are listed as New York, New Jersey, Pennsylvania, Massachusetts, and Rhode Island. The murder rates in these States are, respectively, 4.8; 3.5; 3.2; 2.4; and 1.4.

The weak gun law States are listed as Nevada, Louisiana, Mississippi, Texas, and Arizona. The murder rates for these States, respectively, are 10.6; 9.9; 9.7; 9.1; and 6.1. There is quite a difference.

The second chart compares the rate of deaths by firearms in countries with

strict gun controls as against the death rate by firearms for the United States. The chart breaks the deaths down into two categories—murder and suicide. In the case of murder, the rate for the United States is more than 3 murders per 100,000 population. For countries with strict gun controls, the rate in every country is much less than 1. These other countries are: Canada, Australia, Sweden, France, Denmark, Belgium, West Germany, Italy, and England. Again, quite a difference.

The final chart shows the increase in sales of firearms in the United States during recent years. From 1963 to 1967, sales of handguns, shotguns, and rifles more than doubled. They are now counted in the millions.

The lesson we can learn from these charts is all to obvious. Where there are many guns and weak gun laws, there will be more deaths. It is true for America. It is true for other countries.

There is one unanswered question. When are we going to do what the American people want us to do? When are we going to pass effective gun control legislation including registration of all firearms and licensing of gun owners?

THE CONSEQUENCES OF A STEEL PRICE INCREASE

Mr. MOSS. Mr. President, the sinews of our civilization are built of steel. Machinery, automobiles, refrigerators, washing machines, airplanes, trains, and buildings are just a few of the products that we depend on and that depend on steel.

Now, in one sudden action, a handful of companies threaten those sinews, and our Nation's economic security, by an arbitrary 5-percent, across-the-board hike.

Five percent more for the steel industry would harm our Nation in five ways:

First, American consumers would have to pay half a billion dollars more for the steel products they now buy.

Second, the national effort to stop inflation and achieve price stability would be derailed.

Third, a chain reaction of price increases would take place in all products made of steel—an addition $1.1 billion overall.

Fourth, our balance of payments would worsen as U.S. products became more expensive in foreign markets.

Fifth, the American steel industry itself would become more vulnerable to competition of foreign producers and to the substitution of other less costly metals.

Surely in view of these economic facts of life, the steel industry should restrain this obvious profit grab.

AIR TRAFFIC CONGESTION

Mr. McINTYRE. Mr. President, the recent congestion of traffic in the air space over our major cities has brought into sharp focus how far behind the times our air transport system has become. Over the course of the past 10 years, both Government and private sectors of aviation have failed to plan adequately for the rapid expansion of the industry. Obviously, as growth in aviation continues ever more explosively, immediate, intelligent measures must be taken in order that the supply of facilities and personnel can overtake and go beyond the increasing demand.

In the dismal present picture, however, are a few bright spots. One of these is the airport in Huntsville, Ala. It is a thoroughly modern, more-than-adequate airport facility. The entire project is an example of what careful planning and intelligent action can accomplish.

I ask unanimous consent that the article entitled "The Complete Jetport," published in the August issue of Signature magazine, be printed in the RECORD.

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

THE COMPLETE JETPORT

Air travel is exhilarating. Airports too often are nightmares. Kennedy International was "obsolete" when it was still Idlewild, O'Hare is "hopelessly overcrowded." Not so the Huntsville Skycenter, Alabama's shining example of forward planning in a naughty jet-age world of too little and too late. The total concept is years ahead of its time and totally in keeping with Huntsville's self-awarded label of "The Rocket City" (population: 148,200).

Not only does the Skycenter sport 8,500-foot runways and a striking, up-to-the-minute control tower to handle any jet that is likely to be flying in the near future, it offers luxury facilities for private flyers.

Whether the traveler arrives by Piper Cub or 707 he need go no further for shelter, food, drink and recreation of a very high order indeed.

Opening this month, the Skycenter will offer "on campus" an 18-hole golf course and poolside cabana living. It already boasts an excellent hotel, carpeted corridors and gourmet dining.

In the planning stages Huntsville's airport commissioners assembled their collective courage, sold a 28-year lease for everything but the actual flying operations to Manhattans' efficient Hertz Corporation, turned the lease into a bond issue and went out to build themselves something that is a minor wonder in this day of grim, crowded, inhospitable ground facilities at jet terminals.

Since it normally takes people forever to get anywhere pleasant from the airport, the Huntsville Commission very wisely decided to bring everything pleasant to people already at the airport.

For dining the Skycenter offers a variety unique for a terminal serving a city the size of Huntsville. The Verandah Room offers first class cuisine and service with a Southern atmosphere. The Rib Cellar is small, secluded, served by white-gloved waiters in full livery.

For pub-style dining a visit to the Cap and Goggles is in order. A different kind of lounge, it features early aviation movies in a World War I decor and a first-rate oyster bar. Skycenter offices, for rent by the day, week or month offer a wide variety of business services.

The Skycenter Hotel, in the size and decor of its rooms, is several cuts above the typical motel adjoining an airport, and one need never leave the carpeted corridors of the terminal to reach it.

Another long-awaited first in airport living is a service that enables visitors to have the convenience of waiting in their rooms while hotel and airline personnel take care of the paper and leg work involved in checking out and boarding. Every effort has been made by Gen. Mgr. Bob Thurston and staff to avoid "motel modern", to build a measure of comfort and serenity into the Skycenter quite apart from the normal jet port. At long last a jet terminal has caught up with the jet.

JUSTICE DENIED

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Alaska [Mr. BARTLETT], who is necessarily absent today, I ask unanimous consent to have printed in the RECORD a statement he had prepared for delivery.

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

JUSTICE DENIED

Mr. BARTLETT. Mr. President, it has now been 14 years since our initial commitment was made to South Vietnam by President Eisenhower in 1954.

On Friday, July 26, 1968, Truong Dinh Dzo, a 50-year-old Saigon attorney, was sentenced to five years at hard labor by a military tribunal. His "crime" consisted of "acting against the anti-Communist spirit of the people and the armed forces." His "crime" was to state that the government of the Republic of Vietnam should seek negotiations with the National Liberation Front, and to suggest further that a coalition with the NLF would be a viable solution to achieve a settlement of the Vietnam war problem. His "crime" was to advocate that which has been advocated for the last four years by a growing minority of my colleagues. His "crime" has been to state a proposal recognized and suggested by our late colleague Senator Robert Kennedy, by Senator Eugene McCarthy, and by Vice President Hubert Humphrey. These three national leaders have all recognized that South Vietnam might have to form a coalition government with the NLF with the safeguard that such a coalition be decided democratically, not by force.

I will not address myself today to our commitment in Southeast Asia. I recognize this commitment and support the men who daily serve that commitment.

This commitment, this pledge, is not to maintain the status quo. As I stated on April 8, 1965:

"What we have pledged is considerably less and considerably easier of attainment: We are pledged to maintain the right of self-determination for the people of South Vietnam. We are pledged to insure to these people the right to choose their own form of government unimpeded by interference from their neighbors. We are not obligated to preserve a particular government in power or to support one clique over another. It is not for us to say who will make up the government of South Vietnam. That is for the South Vietnamese to say. It is certainly not for us to rule out the possibility of a coalition government, of a government wider in representation than the present regime."

On July 24, 1967, I stated:

"Our prime goal, hopefully, is still a stabilized South Vietnam, secure from the conflicts and the designs of world powers. The first step is still a cease-fire and negotiations. It is important that measured military activity be accompanied by renewed diplomatic initiatives, by an openness to and an encouragement of international efforts at mediation, by the consideration and the proposal, publicly and privately, of various alternatives for adjustment, compromise, stabilization and settlement, which we and other parties concerned might find acceptable or at least worth discussing. It is important that we give to the enemy positive as well as negative incentives for ending the conflict; the military logic at its best can deal with only half of that task. It is important that we not harden his position, but that we attempt to create a situation where matters of common interest can be recognized and pursued."

When we speak of the enemy, we speak not only of North Vietnamese, but of the rebels in South Vietnam as well. We speak of guerrilla-war, a guerrilla war that is, in the words

of Secretary Rusk, "mean, difficult and frustrating."

I normally would not address myself to the issue of the internal affairs of a sovereign nation. However, the claim that the trial and sentencing of Dzo is an internal matter is totally unacceptable. We have committed our country to the proposition that South Vietnam should have the right to determine its own destiny. Can we now sit passively and without comment while the exchange of ideas as to what that destiny should be is preemptorily foreclosed by a military tribunal, and while an individual who advocates only peace is prevented from voicing his opinion? Will the open marketplace of ideas be closed down by a ruling elite? If this be the case, then I suggest that we are failing in South Vietnam.

I do not view the Dzo case on the basis of the procedural niceties of Anglo-Saxon jurisprudence. Nor am I advocating that the history and tradition of dissent and protest that are explicit in our nation's philosophical background and experience be superimposed upon the South Vietnamese governmental structure.

I do condemn the willful action of a political elite that is abhorrent to our commitment in South Vietnam. I am dismayed at the perversion of justice that labels free speech as subversion and free thought as unpatriotic. It is only the anarchistic or the foolish who do not wish peace. It is only the non-thinking that do not doubt the price of war, who cannot or will not experiment with ideas to achieve a favorable settlement of a tragic and costly war.

I am informed that Truong Dinh Dzo is neither anarchistic or foolish. He is an advocate for the cause of peace. For this advocacy he has been stilled and sentenced to five years imprisonment at hard labor.

I regard this to be a tragedy and hope that this is not representative of the wages of war in South Vietnam.

STEEL HIKE TAKES MONEY FROM CONSUMERS

Mr. INOUYE. Mr. President, this is the time to speak up forcefully in the interest of the American consumer—the average citizen, who in the months ahead will buy a car or a refrigerator or any one of the many products which contain steel.

The price increase of more than 5 percent announced by certain major steel producers is going to cut deeply into the consumer's pay check.

The steel industry sells $16 billion worth of products every year. A 5-percent price rise means more than half a billion dollars in additional costs to the men and women of this country who depend on steel for the necessities and amenities of life.

This is an intolerable situation, unjustified by the economic circumstances, and harmful to our entire economy.

If the steel industry has any social conscience at all, the unwarranted increase will be rolled back immediately.

THE LATE DR. MARTIN LUTHER KING

Mr. HARRIS. Mr. President, one of the finest tributes to the late Dr. Martin Luther King, Jr., that I have seen was written by Kalvert Dewain Nelson, a 16-year-old junior at Douglas High School, in Oklahoma City. I was so struck by the pertinence and eloquence of his eulogy for that great man of peace and reconciliation that I feel sure other Senators will want to read what this young man has written.

Mr. Nelson says of Dr. King:

He had a dream that every little black boy and black girl could look to the future with promise and say, "I am proud to be an American."

The real tragedy of Dr. King's death, Mr. Nelson says, in effect, is that "the dream that he had is left unfulfilled. His work is left unfinished." Nevertheless, Mr. Nelson says:

Because of Dr. King's life, the future of my life has been changed—because of his life, your future should be changed.

Mr. President, I ask unanimous consent that this extraordinary eulogy of one of the greatest Americans of my generation be printed in the RECORD.

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

A TRIBUTE TO DR. MARTIN LUTHER KING, JR.

(By Kalvert Dewain Nelson, age 16, 11th grade, Douglas High School, Oklahoma City, Okla.)

Today we mourn the death of a life—the death of a dreamer. A man who had a dream of an America—a dream of an America of justice for all men. An America of peace and an America, above all, of freedom.

On that day in Washington, he had a dream. He had a dream that every black boy and black girl and every white boy and girl, will join hands together in Alabama as brothers and sisters. He had a dream that every little black boy and black girl could look to the future with promise and say, "I am proud to be an American."

Martin Luther King fought for love, he died because of hatred. He fought for peace, he died in war. He fought for freedom, he died in the social bondage of inequality. He fought for justice, he died because of injustice. He went to Memphis to fight for the rights of others. He knew of the danger, but he no longer cared. He said, "I've been to the mountain top." He said, "I, like you, want to live a long life. But I am not worried now; all I want to do is God's will. God has given me the privilege to go to the mountain top, and I saw the promised land. Mine eyes have seen the glory of the coming of the Lord."

The dream that he had is left unfulfilled. His work is left unfinished. Because of Dr. King's life, the future of my life has been changed—because of his life, your future should be changed.

"In spite of all the darkness," he said, "I can still hear that song, We Shall Overcome." We must overcome hatred with love. We must overcome war with peace, and finally, we must overcome ignorance with a good education.

Martin Luther King overcame—for he went to the mountain top and he saw all of God's children together, and now he is one of them. For he is now in the coming of the glory of the Lord.

Each of us should search our hearts today. We should search our hearts for love—love for our black brothers and sisters—love for our white brothers and sisters, and with this love in our hearts, there will be no riots, no discrimination, and no hatred. For love governs all. God is loved, and he fought for and died for God's will. His unfaltering voice shall remain hallowed in our hearts. So unbelievable today is his death. But let us here resolve that he did not die in vain. He died marching up the mountain of brotherhood and love.

Martin Luther King valued education highly—for an education means a lot to a Negro. I say to you young men and young ladies who walk the halls, who ditch classes, who don't come to school, who are thinking about quitting school—Stop it, don't do it. You will need an education, you will need it in life—for it is a rough world out there. Martin Luther King had a good education. For he knew that he would need it as a Negro and an American. So, let his life be an example for ours.

So, I engage each and every one of you as a Negro to go to the Freedom Center and become a member of the NAACP and become active and work for the cause that he gave his last full measure of devotion for.

I urge all of you to refrain from violence—for he did not like violence. He always wanted a peaceful demonstration. Many people laughed at him, many people scorned him, but he went on. He went on up the mountain of life. He went on up to success. He went on up to greatness, and this is what he would have wanted us to do. We must get an education, we must succeed. We must go on up the mountain of life despite the trails and tribulations that meet us. Today, we should mourn him and tomorrow we shall remember him. For he truly was a child of God.

COMMISSION ON DISEASE PREVENTION AND HEALTH PROTECTION

Mr. WILLIAMS of New Jersey. Mr. President, I join the distinguished senior Senator from Washington [Mr. MAGNUSON] in offering an amendment to the appropriations bill for the Departments of Labor and Health, Education, and Welfare. The amendment instructs the Secretary of the Department of Health, Education, and Welfare to fund a Commission on Disease Prevention and Health Protection. Senator MAGNUSON is, characteristically, among the leaders in these vital areas of health maintenance and disease prevention, and I am delighted to join with him in this legislation.

Man is the "time-binder." Only man has the capacity to remember yesterday's mistakes, include the memory in today's discussions, and act on tomorrow's needs. No other animal is capable of the sustained planning and preparing we human beings carry out almost as routine. Indeed, man's genius may well be his ability to look ahead.

We have used this ability very well, in some cases. We are preparing boldly for long-range urban developments, housing needs, facilities for education, and other complex facets of modern life.

In other matters, though, we have not done well. I am particularly concerned today about good health—or a lack of it—for our mushrooming population. Have we used our ability to forecast and prepare and predict, to bring better health to all Americans? The answer is, no, we have not. For far too long we have placed too heavy a reliance on the techniques of repair—and in the process, we have overlooked the arts and sciences of medical prevention.

Beyond the question of disease prevention and control, too many Americans are suffering because of accidental death, environmental pollution, or other clearly avoidable conditions. In fact, we rank only about ninth among low-mortality nations in aged-adjusted death rates. This means that we are not doing as good a job as many countries are now doing at maintaining health, productive, efficient, safe life for our people.

As chairman of the Senate Special Committee on Aging, I have heard dozens of witnesses tell of the unusually heavy burden this health drain places on the older American. It is clear, from our hearings on health needs and services for the elderly, that America's 19 million senior citizens are suffering the most severe health problems.

Beyond age, though, the blight of chronic disease affects us all. Chronic illness costs the Nation about $57 billion annually, in lost productivity, medical expenses, and mortality. All Americans, young and old, ought to be outraged at the persistent losses we face due to disease and poor health.

The costs go deeper than dollars; we are suffering a tragic human waste because of our inadequate attention to preventative and protective medicine. More than 40 percent of the Nation's population suffers from at least one chronic condition; the figure jumps to 70 percent for those over age 45. More than 70 percent of deaths are now due to three chronic illnesses—heart disease, cancer, and stroke.

Dean Walter Beattie, of the School of Social Work at Syracuse University, told a Health Subcommittee of our Committee on Aging about the "tragic social consequences" wrought by chronic diseases. He said that long-term illiness and lack of productivity erodes a man's independence, and that "when man thus becomes isolated from his fellow man, he loses that which makes him a human being."

To combat this tremendous drain on our national strength, we have mounted a massive campaign, but in the wrong direction. We have "imbalanced" our attack in favor of surgical correction. We are investing less than 8 percent of our total national health expenditure for prevention and early detection. We are, in short, trying mightily to stem the tide of disease after we have watched it grow, but we are obviously not working hard enough to head it off before it takes hold.

In recognition of this fact, I have been suggesting for some time that we consider a system of regional multiphasic health screening centers, which would supplement and expand the diagnostic capacity of the Nation's doctors. My "preventicare" proposal would provide grants to medical schools, hospitals, health departments, and other agencies, to establish and operate health protection centers. The Committee on Aging has held hearings on this matter, and has heard literaly dozens of witnesses conclude that preventive medicine, on a massive scale, is the only reasonable alternative to our present procedures.

A massive investigation into health protection is a project that I have supported for many years. I am encouraged, therefore, that this proposal for a Commission on Disease Prevention and Health Protection extends the philosophy behind my "preventicare" bill, into a wide-reaching investigation of our national health maintenance structure.

I am in favor of a comprehensive attack on the problem, and an attack that begins today. It seems apparent that unless we evolve some kind of large-scale master plan for health protection and disease prevention, we are bargaining for years and years of stop-gap therapeutic medicine. No matter how excellent the quality of treatment, no matter how competent the technicians of medical repair—we are still going to be acting after the fact.

Clearly, something more is needed. We must step back from the problem and approach it with new insights, new techniques, a new commitment to total understanding and implementation. The proposed Commission on Disease Prevention and Health Protection would provide us with the much-needed overview we must have if we are to come to grips with the threats to the Nation's health.

Mr. President, several statements on preventive medicine have been issued in recent years; many of these focus attention on the problem we are considering with this amendment—the challenge of health needs and available health resources. Two excerpts, in particular, ought to be included in a consideration of the Commission: a statement on "National Attention to Disease Prevention," from the report of the Senate Special Committee on Aging, "Developments in Aging 1967"; and a statement on "Health Needs" from the 1966 report of the National Commission on Technology, Automation, and Economic Progress. I ask unanimous consent that these documents be printed in the RECORD.

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

NATIONAL ATTENTION TO DISEASE PREVENTION

Concerned primarily about the need for health screening for early disease detection, the Subcommittee on Health of the Elderly conducted hearings[1] in 1966 that led to several more general conclusions, including:

1. Chronic disease costs this Nation approximately $57½ billion a year, and the elderly are its chief victims.

2. Despite this high cost, medical care in this Nation is geared primarily for action in the least productive field of medicine—*treatment* of illness. In terms of social good and reduction of suffering, *preventive* medicine offers much more potential long-range reward.

Since the time of that hearing, the committee and its Subcommittee on Health of the Elderly have received much additional commentary on the need for national action to promote greater awareness of the need for preventive measures. Health screening on a wide scale appears to be an appropriate means to begin such efforts.

A report from the Adult Health Protection and Aging Branch of the U.S. Public Health Service appears on page 213 of this report and gives details on four pilot programs now testing health screening under widely varying circumstances. Details on health maintenance programs are also given.

Such programs, while welcome, are not sufficient to correct what has been described as an "imbalance of attention"[2] which focuses Federal funds and widespread attention on the obviously ill person, while withholding the funds and concern needed for actions that will prevent such illness. The committee recognizes that illness must be treated, and it calls for high-quality treatment for all in need, but it also makes this finding:

"Greater emphasis and financial support must be provided for programs intended to promote preventive medicine. The committee reaffirms the 1966 finding, submitted by its Subcommittee on Health of the Elderly, that 'there is a great need for additional efforts to prevent chronic disease on a national scale. Federal legislation should be enacted to establish a multiphasic health screening program on a large scale with eventual expansion nationwide.'"

HEALTH NEEDS[1a]

During the past few years, the Nation has taken important steps toward improvement of the health of the population. Especially important is the legislation enacted in 1965, including the Medicare program; the Heart Disease, Cancer, and Stroke Amendments; the Clean Air Act Amendments; the Solid Waste Disposal Act; the Water Quality Act; the extension of Hill-Burton programs for improving hospital facilities, equipment, and administration; the continuance of Federal support for expansion of medical research projects; provisions for training health manpower; support for local community health protection programs; and the development of health research and information services such as provided by the National Library of Medicine.

However, the medical system of the United States faces critical problems. As a nation, we have been devoting a rising percentage of our GNP to medical care, but the population per physician has remained essentially constant (790 to 780 per physician between 1950 and 1961). Medicare and other legislation will increase the demand for hospital services. There are still vast needs of other groups to be met. Many studies have shown that the socially deprived have poorer health than the rest of society; infant and maternal mortality are greater, life expectancy is less than the norm. The poor, the crowded, and ethnic and racial minorities tend to have the most illness. It is difficult to sort out the many reasons: lack of education, lack of opportunity, lack of access to medical care, inadequate housing and food—all these contribute to an environment conducive to disease, as well as to low income. One of our great lags is in maintaining the health of the people of working age as compared with other countries. The mortality rates for males in the working years in the United States is higher than those in Western Europe.

The tasks that lie ahead include not only the implementation of the programs recently passed, but a broader effort to achieve the following goals: (1) Fuller access to diagnostic and patient care facilities by all groups in the population; (2) broader and bolder use of the computer and other new health technologies; (3) increased spread and use of health statistics, information, and indexes; and (4) new program for training health manpower.

ACCESSIBILITY OF DIAGNOSTIC AND HEALTH CARE FACILITIES

If we want to make progress in providing the fundamentals of adequate care in the treatment of disease and disability, these

[1] "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques," hearings before the Subcommittee on Health of the Elderly (Senator Maurice B. Neuberger, chairman), U.S. Senate Special Committee on Aging, held in Washington, D.C., September 20, 21, and 22, 1966. Report, "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques," Subcommittee on Health of the Elderly, December 30, 1966.

[2] Testimony by Herbert M. Domke, M.D., p. 130, hearings cited p. 39, footnote 2.

[1a] In relation to this section, see James Dickson, M.D., *The Life Sciences, Technology, and Unmet Human and Community Needs* (†). We are also indebted to George Reader, M.D., New York Hospital-Cornell Medical Center, and Michael E. DeBakey, M.D., Baylor University College of Medicine.

questions cannot be avoided: (1) Are there sufficient physicians, nurses, and other health workers? (2) Is adequate care available to all segments of the population? (3) Is there adequate emphasis on prevention of disease and maintenance of health at all ages? (4) Is there a properly staffed health department? (5) In each community, rural as well as urban, are there adequate numbers of hospital and nursing home beds? (6) Is modern equipment available for diagnosis and treatment? (7) Is there a coordinated effort to move patients through the health care process back to active life smoothly, economically, and efficiently? Regretfully, in most communities these questions must still be answered in the negative.

One major barrier to achieving more adequate health care is that there are not enough physicians and other health care personnel. It is possible, however, to develop technologically sophisticated ways of efficiently screening large numbers of people to detect certain abnormalities. An example is the automated multiphasic screen through which hundreds of patients can pass each hour, at a minimal expenditure of professional time. Patients found to have an abnormality can be referred to a planned program of study and followup where nonprofessional personnel under appropriate supervision can further analyze causes of disability. A voluntary medical diagnostic screening system, when further developed through research, has the potential of improving diagnosis of many illnesses and ensuring better use of medical manpower.

Although computer-aided diagnosis is primarily confined to research efforts at this time, the results give promise of providing a useful operational tool for the physician in the next decade. The computer will not replace the judgment of the physician. In fact, if we rely on medical technology alone medical care would be depersonalized. Rather the computer will be a valuable aid to the physician in arriving at a diagnosis, much like a consultant who suggests one or more tentative diagnoses. More important, in a program of preventive medicine and increasing medical care, the computer in the 1970's should be able to digest facts about the present medical status of individual patients (the majority of whom are healthy) and separate out those cases warranting the further attention of a doctor.

THE SPREAD OF HEALTH TECHNOLOGY

Substantial advances have been made during recent years in the development of new and advanced equipment for health technology. These include new laboratory and X-ray equipment for use in diagnosis, new operating room equipment to facilitate life-saving surgery, new instruments for improved postoperative care, and electronic computers for use in the day-to-day operation of hospitals.

The use of computer systems promises considerable help both in reducing clerical loads and in aiding diagnoses. Today many hospital nurses spend as much as 40 percent of their time doing clerical work. Location of terminals at each nursing station and at other locations throughout the hospital connected to a central computer would allow for the rapid processing of admittance, pharmacy orders, laboratory tests, and medical records; this would not only reduce the clerical load of administrative personnel, but also of doctors and nurses. So far, these new technologies are available and in use mainly in large medical centers. The rate at which their adoption spreads will probably remain slow unless programs for promoting their widespread use are put into effect.

More could be done with larger information systems. Regional health computer centers could provide medical record storage for perhaps 12 to 20 million people and give hospitals and doctors in an area access to the computer's diagnostic and other capabilities via telephone line connections. Such regional health computer systems could provide regional data processing for automated clinical laboratories, automation of certain aspects of medical diagnosis, storing and rapid recall of individual health records, and collection and evaluation of important medical statistics. They could help provide better care to everyone regardless of geographic location, reduce unit costs, thereby relieving the economic load on the Nation, and provide for a more efficient use of manpower to alleviate the manpower problem that will be intensified by regional medical programs and Medicare.

Therefore, it would be desirable to undertake research and development to test the feasibility and cost of regional health computer systems. Centers could be integrated with individual hospital information systems and with the National Library of Medicine's system of national medical information retrieval and dispersal (MEDLARS).

INDEXES OF PROGRESS

It is important that we improve our health statistics and provide comprehensive indexes of progress. The most accurate measures we know have of progress in community health are infant and maternal mortality rates. Mortality rates for other age groups and causes of death also provide valuable information. Disease surveys may provide baselines, too, from which progress may be measured from year to year. Systematic and regular applications of these various indexes and accumulation of this information within a national institute would probably allow us to evaluate the progress toward health goals and help establish the relationship between improved medical diagnosis and care and better community health.

NEW PROGRAM FOR MANPOWER

The gap between the technological potential and our ability to apply it effectively is partly due to the lack of a significant improvement in the proportion of physicians to population. We have also not developed the proper manpower training programs for the new technologies. We have continued to hold on to our traditional and basic training programs in the various health and medical fields without analyzing the new technologies available and the real possibility of training new categories of manpower who can perform many of the functions now carried out by highly skilled and scarce professional personnel.

One solution lies in restructuring our training programs in accordance with current scientific and technological developments. The only solution, in the long run, is an increase in the number of trained medical personnel, physicians, nurses, and medical technicians in all categories. For this we need an extensive planned program of government support for the creation of more schools, expansion of enrollments, new methods of instruction, redefinition of how modern knowledge and technology can be most effectively applied, and, as seems likely, training of new categories of health personnel to supplement and complement those already in existence.

AMENDMENT TO H.R. 18037

Insert at end of title II:

"SEC. —. Appropriations in this title available for any of the health functions of the Department of Health, Education, and Welfare shall be available for the expenses of a fifteen-member President's Commission on Preventive Medicine the findings and recommendations of which are to be reported to the President by August 1, 1969, and the members of which are to be compensated while on business of the Commission, including travel time, at rates not in excess of the rate specified at the time the service is performed for grade GS–18 in 5 U.S.C. § 5332."

RETIREES NEED HIGHER INCOME

Mr. WILLIAMS of New Jersey. Mr. President, the Senate Special Committee on Aging—in its annual report issued earlier this year—described inadequate income as the number one problem facing most older Americans. The report gave several recommendations for immediate and long-range action on income and other matters.

Within recent days, Associated Press Columnist Martin Segal has written a valuable summary of several of the major points made in that report. As Chairman of the Committee on Aging, I welcome his appraisal of the problems described in that report.

His words will be of interest to everyone concerned about the elderly of our Nation. I ask unanimous consent that his column, which was published in newspapers throughout the Nation on July 29, be printed in the RECORD.

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

SECURITY FOR YOU—RETIREES NEED HIGHER INCOME

(By Martin E. Segal, retirement consultant)

Most older Americans already have the problem of inadequate income. And the situation may get worse unless a comprehensive plan of federal action is undertaken.

That warning comes from the 20-member U.S. Senate Committee on Aging. The committee is calling for the setting up of an institute on retirement income. This would be the first step in finding out exactly where older Americans stand financially and what can be done about their economic problems.

The committee cited a study showing that, by 1980, half the elderly couples in the United States, and more than four-fifths of individual retirees will be receiving less than $3,000 a year in pension and Social Security income.

So, with one-fifth the population of the United States nearing or past the traditional retirement age of 65, the committee concluded:

"The time has come for a systematic reexamination of many public policies and programs that relate in one way or another to the well-being of older Americans, present and future."

Not only are present levels of retirement income low, but retirees are living longer now, which gives steadily increasing costs of living more time to erode benefits.

Even with a conservative 2 per cent increase in living costs per year, the value of fixed retirement incomes dropped by more than 20 per cent in 10 years.

And even if retirement income should keep level with rising living costs, it would not keep up with improvements in the standard of living, which has been rising steadily as wages and salaries increase.

The Senate Aging Committee lists nine federal units with jurisdiction over programs related to retirement income. But, says the committee, the federal government has no effective mechanism for really dealing with the whole problem.

To make up for this lack, the committee has recommended the establishment of an Institute on Retirement Income. This agency would be patterned on the one set up by President Johnson in 1967 to deal with urban problems.

The committee's recommendation was based largely on evidence that the governments, concern about future retirement income problems extends far beyond those dependent on public funds. These problems will strongly affect people we now think of as

fairly well off. Expert witnesses before the committee saw major difficulties in balancing most retirement incomes against future living costs.

MONEY ISSUE BYPASSED

The idea of a think tank devoted to the economic problems of aging isn't as way out as it sounds. There are already many think tanks working on problems of war and defense. The Rand Corporation and the Institute for Defense Analysis are the best known, but are not the only ones. Why not, says the committee, put the same high priority on the economics of retirement? Why not funnel some of our money, and more of our great talents, into resolving these problems?

During the Sixties, the nation made many breakthroughs. Medicare was passed and implemented. It is now a taken-for-granted part of life for the over-65 population. Then there were new advances in housing, financing of nursing homes, senior centers, other facilities. These and other historic firsts took attention from the money issues that we now find are basic.

Moreover, elderly Americans, generally thought of as a problem group, are rich in talent, energy and wisdom. It is time they were freed and developed for public good and private satisfaction. A think tank could work on that, too.

The population 65-years-old and over will go over the 20 million mark in 1970, over 25 million in 1985. They are not going to be satisfied with a hand-to-mouth existence. They will want to share in the great economic advances that are taking place and will take place—and they are entitled to share in it.

The problem is how to apportion the nation's economic product so that the older members of the population get a fair share.

POULTRY INSPECTION

Mr. MONDALE. Mr. President, I wish to congratulate the House and Senate conferees on the poultry inspection bill approved by the committee yesterday.

This measure represents a significant breakthrough in the consumer protection for all this Nation's citizens. The compromise worked out seems to me adequate and fair. I would have preferred stronger exemption provisions. However, much that is in the bill, including exemptions, is experimental. It will be important to have careful evaluation of all of the provisions before we render further legislative judgments.

I urge my colleagues in both Houses to confirm this measure quickly in order that it may be sent to the President for signature.

Added to the meat act, this bill takes us halfway to the goal of complete consumer protection in protein products. Even as we pass the poultry measure, let us resolve to work next session toward strong fish and egg inspection programs as well.

SAIGON REGIME JAILS PEACE ADVOCATE

Mr. McGOVERN. Mr. President, I was deeply shocked, as were many other Americans, by the jailing of a prominent candidate for President in the recent South Vietnamese elections. Truong Dinh Dzu has been sentenced to 5 years at hard labor for the commonsense recommendation that a coalition government be established in Saigon as a step toward peace.

It seems incredible to me that American young men are dying to preserve a dictatorial military clique in Saigon that imprisons a respected public leader for recommending the same steps that many thoughtful Americans, including some of our presidential candidates, have recommended.

This and other points were well made in a letter by Mr. William J. Vanden Heuvel, which was published in the New York Times of yesterday. I do not see how the brilliant logic of Mr. vanden Heuvel's letter can be answered.

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

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

JAILING SHOWS MORAL BANKRUPTCY

NEW YORK, N.Y.,
July 29, 1968.

To the EDITOR:

Occasionally an event occurs which illuminates the moral bankruptcy of our position in Vietnam so that even those who want to believe the good intentions of the Administration must speak out in anguish. Such an event is the arrest by the Saigon government and conviction by a military court of Truong Dinh Dzu, now sentenced to five years at hard labor for the crime of advocating a coalition government as a step toward peace. [Editorial, July 27]

The Johnson Administration insisted that the elections last year in South Vietnam were a landmark in the evolution of democracy. Mr. Dzu was a candidate in that election. Much to the surprise of the military junta, he ran a strong second. He campaigned for peace, arguing that the Vietnamese must negotiate directly among themselves, North and South, to end the horrible war that was mutilating his people.

Since the day of that election, Dzu has been subjected to continual harassment—house arrest, frequent interrogation, threats to his family. Now sentenced to hard labor, he languishes in Vietnam's "Devil's Island" for the crime of proposing a program for peace while General Thieu goes to Honolulu to exact from an American President further commitments of support.

THE NATION'S CONSCIENCE

The conscience of our country and the credibility of the Johnson Administration are heavily burdened by the imprisonment of Mr. Dzu. Americans are capable of great sacrifice, incredible heroism, incomparable courage—but there is now a growing certainty that we are killing our young heroes and destroying another people's land in a war that has lost its purpose and its possibilities.

Our Embassy is quoted as saying "this is purely an internal matter—if the British arrest somebody, we don't comment on that, do we?" Those words are a petition of bankruptcy. The American Embassy in Hungary when Cardinal Mindszenty was threatened gave asylum to that brave man. Now our diplomats fawn upon tawdry tyrants who are corrupt beyond salvation.

The horror of what we have done is symbolized by the conviction of Mr. Dzu, who believed in America's principles apparently more, than those who pretend to speak for them. The outrage of this event is unacceptable. If the United States can accept the imprisonment of Mr. Dzu for advocating what our own major Presidential aspirants favor, how can we negotiate a settlement with honor in Paris?

WILLIAM J. VANDEN HEUVEL.

CESSATION IN BOMBING OF NORTH VIETNAM

Mr. HATFIELD. Mr. President, for several days I have despaired at the administration's new hard line regarding the cessation of the bombing of North Vietnam and breaking the deadlocked negotiations in Paris. Today's New York Times lead editorial took the administration sharply to task for having "stiffened its conditions."

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

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

ONCE UPON A TIME

"Once upon a time," Secretary of State Rusk told a press conference the other day, "the President said that if North Vietnam would do almost anything—."

The Secretary abruptly broke off his review of conditions the Johnson Administration has laid down in the past for halting the bombing of North Vietnam and moving to substantive talks on a political settlement of the Vietnam conflict. It is a review worth completing today in view of the continuing refusal of the Administration to stop the bombing and especially in light of the new, tougher conditions indicated by President Johnson and Secretary Rusk in the past few days.

Once upon a time in San Antonio—last September 29, to be exact—President Johnson said: "The United States is willing to stop aerial bombardment of North Vietnam when this will lead promptly to productive discussions. We would assume that while discussions proceed, North Vietnam would not take advantage of this cessation or limitation."

On January 26, Secretary of Defense Clark M. Clifford amplified the President's San Antonio formula, saying: "I do not expect them to stop their military activities. . . . Their military activity will continue in South Vietnam, I assume, until there is a cease-fire agreed upon."

In his March 31 speech announcing a partial cessation of the bombing, President Johnson said: "Even this very limited bombing of the North could come to an early end—if our restraint is matched by restraint in Hanoi."

During the past six weeks there has been a dramatic drop in enemy activity in South Vietnam. As many as half of the North Vietnamese main-force units in the South are reported to have pulled back across the borders. Infiltration, which rose substantially in April and May, is reported to have dropped in June. Administration officials now say infiltration has risen again in July, but some sources contradict this assertion. At any rate, Pentagon figures showed no increase in total enemy strength in the South, even during the period of heaviest infiltration.

To support his contention that, so far from reducing strength, the enemy is building up to a massive new offensive, the President said Wednesday that infiltration last month hit a new high of 30,000. But on Tuesday, official American sources in Saigon had put the figure at 20,000. Some intelligence sources last week were quoted as estimating that infiltration had dropped to as low a rate as 2,000 a month. The figures have always been notoriously speculative and subject to wide interpretation.

Again, the Saigon command reported yesterday that North Vietnam had boosted its forces in the South from 51,000 last January 1 to 90,000 now. Saigon neglected to point out that 90,000 is the same figure for North Vietnamese strength in the South that the Pentagon was using last March 31 when the President announced his restriction on bombing. Since that time, the total of American forces in Vietnam has jumped from 516,000 to 540,000 and South Vietnam has launched an expansion program designed to increase its armed forces by 135,000 men by the end of this year.

Surely there are grounds for concluding that Hanoi has met the requirements of the San Antonio formula and Mr. Johnson's condition of last March 31. But the United States seems to have stiffened its conditions this week in mid-negotiations.

An American negotiator in Paris told Hanoi's representatives last June that Washington would be satisfied to see some battlefield response "in the direction of de-escalation." He added: "This could be done de facto, it could be done by some indication, either directly of indirectly . . ." But Secretary of State Rusk, who in the past often has called for deeds rather than words, now insists on a "responsible, authoritative" statement from Hanoi concerning Hanoi's response, not just for today, but for "tomorrow, next week, next month."

What Mr. Rusk is asking for, in effect, is a unilateral commitment by Hanoi to deescalate the war on its side without a comparable commitment from the United States and in the face of a continuing allied buildup and continuing aggressive action by allied troops throughout the South. This is an impossible demand that can only lead to the new enemy activity the President has predicted.

It is no doubt true that to stop the bombing entails risks. But the United States is strong enough to take such risks in the interest of peace. They are certainly preferable to the larger risks of another escalation of the war.

Mr. HATFIELD. Mr. President, the editorial documents well its indictment of the President's new stance on a halt to the bombing. I want to add just a few brief comments.

Lyndon Johnson said in San Antonio on September 29, 1967, that he would "assume" that Hanoi would not take advantage of a bombing cessation. Clark Clifford on January 25, 1968, also said we would "assume" that they would not take advantage of a bombing cessation. But on July 30, 1968, Dean Rusk asked for a virtual guarantee, in advance, of some reciprocal deescalation.

The Times editorial pointed out that the figures concerning infiltration rates are "notoriously speculative." I attempted to reduce the confusion of contradictory figures and on July 30 I had an assistant call the Pentagon. We asked what the infiltration rate was during June and July and what was anticipated for August. They told us the infiltration rate for June, July, and August was 20,000. But on July 31—the next day—President Johnson said the infiltration rate during July had been 30,000. We called the Pentagon back and asked which figures were correct. They said, in effect, that if the President said 30,000, he must be right. President Johnson evidently believes he can establish fact by proclamation. In another statement on July 31, Mr. Johnson said that the bombing of North Vietnam had been limited so as to affect only 10 percent of the population of the north. The President had used the same statistic in his March 31 address. According to the State Department and world census figures, however, nearly 20 percent, not 10 percent, of the North Vietnamese population lives in the area we have been bombing. I personally pointed out this fact to one of the President's White House aides—emphasizing that it is an error involving well over 1 million people—but Mr. Johnson continues to use this inaccurate figure with no explanation whatever.

Numerous reporters have pointed out that the 20,000-a-month infiltration rate for June, July, and August would merely represent replacements for those North Vietnamese regulars killed and would not necessarily indicate an escalation. Also, for the last month, Saigon has been spared enemy rocket attacks. There is, according to a New York Times article, a general lull in combat throughout Vietnam and Hanoi has made vague "but tempting" hints in Paris that there is a significance to this lull.

It appears to me that if the administration were sincerely pursuing all opportunities for peace, they would explore these possible signs instead of hardening their terms and harshly discounting what might be a genuine gesture by Hanoi.

After 4 years of watching the Johnson administration bungle attempts to establish negotiations, many people have developed a deep cynicism concerning the sincerity of its peace efforts. The administration's current hardening of its terms will only feed that doubt. Or could it be that Chalmers Roberts, the very respected reporter for the Washington Post, is right in his July 22 article:

The time element involved—

Says Mr. Roberts—

could be crucial . . . Perhaps by early October, which would be a month before the presidential election, Mr. Johnson will find conditions ripe for ordering a total end to the bombing.

Could President Johnson be playing politics with the issue of peace and the lives of American men?

THE ARAB-ISRAEL CONFLICT

Mr. PELL. Mr. President, the Arab-Israel conflict is a source of continuing concern to all of us who are interested in a secure and just peace in the Middle East. I believe, as I have stated before, that the continuing tensions in the Middle East must be resolved by good faith, face-to-face negotiations between the principals.

In this regard, I invite the attention of Senators to a most interesting and constructive Statement of Conscience issued recently by Msgr. John M. Oesterreicher and Rev. Edward H. Flannery, of the Institute of Judaeo-Christian Studies at Seton Hall University. I ask unanimous consent that excerpts from the statement be printed in the RECORD.

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

A STATEMENT OF CONSCIENCE BY MSGR. JOHN M. OESTERREICHER AND REV. EDWARD H. FLANNERY

Once again, the Arab-Israeli conflict is being discussed by the Security Council. Once again, there are charges and countercharges, invectives and threats. Once again, the Council seems to be unable to end the crisis. It is this unrelieved tension in the Middle East that compels us to take a public stand and plead with our fellow-Christians to make their voices heard, too. With this in mind, we make the following affirmations:

(1) No matter how often the Arab delegates have, with massive assistance from the Russian ambassador—whose country is largely responsible for the conflagration of last June—accused Israel, she is not the aggressor. Her strike at the Egyptian airforce in the early morning hours of June 5 was clearly an act of defense. For years, terrorists had entered her territory, hostile guns had shelled her settlements in the North. Before Israel made her move, Arab leaders had threatened to wipe her off the map; state controlled radios and street gatherings in Arab lands had clamored for a holy war; President Nasser had demanded that the United Nations Emergency Force, stationed in the Gaza Strip, be withdrawn from the Egyptian-Israeli border; hostile troops had been amassed at her borders; the nearby waterways had been closed to her merchant ships, all traffic vital to her economic life and thus to her very existence had been cut off. Her assault on Egypt's aircraft was, therefore, the action of a country that refused to be strangled to death.

(2) Israel came into being with the active support of the world community. We can think of no better title to her sovereignty than the sponsorship of a majority of nations at the time of her birth. Yet, her claim does not rest with international law alone; it is also based on the work of her hands. A former generation drained malaria-infested marshes, the former and the present ones have turned barren land into gardens. Not only has Israel made the desert bloom, she has created the economic, social, and cultural conditions for a just, a truly human society.

Israelis now have lived in the land of their forefathers—from which, incidentally, Jews were never fully absent—for almost twenty years. They have taken root there, children were born, men and women died, couples married, and soldiers fought. It seems to us that as a living person has a right to go on living—a right that no neighbor or society can deny him—so a commonwealth as alive as Israel has a right to peaceful existence. We thus affirm Israel's right to stay securely on the soil which her farmers, workers, thinkers, and teachers have reclaimed by the sweat of their brows. As Christians, we must go even further: The people of Israel not only have a right to live—they have a vocation to live for the Lord.

(3) There is still another matter: [Israel's] resolve not to relinquish the occupation ahead of face-to-face negotiations. The occupied territories are the only palpable argument by which she can hope to persuade the Arab States that they should come to the peace table. They are an assurance against the resumption of hostilities in the near future. They are a constant reminder that the former state of belligerency—which the Arab leaders considered, for 18 long years, the normal relationship between their states and Israel—must give way to one of peace, of friendly coexistence and fruitful cooperation. Now is the time for the U.N. to do its utmost that "swords shall be beaten into plowshares" (Is 2, 4; Mich 4, 3). The world community must try everything possible to induce the Arab governments and Israel, the foes of yesterday, to sit down as partners to a peace conversation so that they may be friends tomorrow.

(4) Linked to the problem of occupied territories is that of the city of Jerusalem, at least in the mind of outsiders. To the Israelis there is no problem: They are determined never to go back to a Jerusalem cut in two. The united city, a demand of history as much as of Jewish consciousness, is simply not a negotiable item for them. Moreover, when the Jordanians held the Old City, they closed the border so that no Israeli Jew or Arab could visit any of his holy places; they destroyed 35 out of 36 synagogues; they used tombstones from the ancient Jewish cemetery on the Mount of Olives to pave the footpaths and—latrines of the Arab legion camp in Bethany. To cede the Old City to Jordan would be for Israelis to participate in those acts of impiety.

We are certain that Israel would be a faithful guardian of all holy places. But Is-

rael in no way insists on such a guardianship. In fact, she is willing, even eager, to turn the various sanctuaries over to accredited representatives of the respective religious communities and grant them extraterritorial rights. To our minds, her offer is clear evidence of her good will and desire to live in harmony with Muslims and all Christian Churches. Soon after the reunification of Jerusalem the Israeli Parliament passed a bill that promised protection of all sanctuaries from desecration and guaranteed unhindered access to them.

(5) Another critical question, perhaps the most critical one, is that of the Palestinian refugees. In discussing it, one ought to keep these points in mind: First, it is a gross misrepresentation to say that, at the time of the first armed Israeli-Arab confrontation in 1948, Jews drove their Arab neighbors out. Second, the shutting up of these refugees in camps is not a page of glory in Arab history—Germans, for instance, integrated their bretheren whom Poland and Czechoslovakia had expelled from their native soil into the economic, social, and cultural life of West Germany. Finally, Israel absorbed, in a kind of exchange, hundreds of thousands of Jewish refugees from Arab countries. Still, for the sake of justice and peace Israel should again offer financial compensation to those who lost their houses and fields, also assistance in uniting families that had been forced apart. In addition, an international resettlement fund could be set up. Yet, the tragic lot of these refugees will in all probability not be ended prior to a peace treaty; their suffering will cease only as a result of, or concommitant to, a covenant between the present adversaries.

Though the final settlement of this intensly human problem will have to await the settlement of many others, its terms and methods could and should be prepared now. Statesmen with the help of scientists could draw up and disclose blueprints for the desalting of seawater and the irrigation of Arab and Israeli lands, as a promise of how all would prosper together. The possibilities of economic cooperation could be discussed publicly in order to show that the entire Middle East would benefit from an agreement among the armed camps that for the moment have stopped firing but are still confronting one another. The present ceasefire must be a gate to lasting concord.

TRADE PICTURES AFFECTED BY STEEL PRICE HIKE

Mr. NELSON. Mr. President, I am greatly concerned about how the recently announced price increases on steel will affect our country's international trade. Our economy is rippling with health. It is vital that we maintain this condition at home as well as staying competitive in the world markets.

For this reason, I am particularly perplexed by the announcements of some major steel companies regarding increased prices. This comes at a time in our history when—in the span of a decade—we have moved from a major exporter of steel to a sizable importer.

I find this confusing. If our price position in the international market was not strong enough to keep us on the seller—instead of buyer—side of the scale, why raise prices?

I have heard some of the excuses.

But are they really valid when we consider that some Americans are restricting their travels and making other sacrifices to improve our country's balance of payments.

For the sake of their own advantage in the world markets, I believe these producers should carefully reconsider their price increases. In addition, every product that America now exports which contains steel now will come under pressure of price increases.

I am deeply concerned about this turn of events in our trade picture.

PARTNERS OF THE ALLIANCE

Mr. BENNETT. Mr. President, last May 24 and 25 representatives of the Inter-American Coordinating Committee of the Partners of the Alliance met in Salt Lake City to outline plans for the Fourth Inter-American Conference of the Partners, to be held at the Hotel Utah in Salt Lake City May 10–14, 1969.

The coordinating committee is made up of representatives from partner States throughout the hemisphere. Utah was selected as the site of the Fourth Partners Conference at meetings held in Lima, Peru, last April which brought more than 300 delegates from 15 countries together at the Third Inter-American Partners Conference.

Last month, President Rene Barrientos Ortuno of Bolivia visited Logan, Utah, where he was hosted by Utah State University and the Utah Partners of the Alliance. Bolivia is Utah's partner in this citizen-level program under the Alliance for Progress. At a luncheon meeting on July 7 at the university, Mr. Edward S. Marcus, chairman of the board of Neiman-Marcus, of Dallas, and president of the National Association of the Partners of the Alliance, made an address that reflects Utah's participation in the partners program. I ask unanimous consent that Mr. Marcus' remarks be printed in the RECORD.

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

REMARKS AT LUNCHEON FOR PRESIDENT BARRIENTOS BY EDWARD S. MARCUS, PRESIDENT, NATIONAL ASSOCIATION OF THE PARTNERS OF THE ALLIANCE, LOGAN, UTAH, JULY 7, 1968

The Partners of the Alliance was conceived to accomplish through the private sector projects which governments cannot do either because of size, legality or propriety. It is intended to involve many, many people of all ages and interests who can create thousands of threads of affiliation which ultimately will be woven into a strong fabric which can withstand the inevitable disagreements which must arise between governments. Today some 36 states of the United States are participating in programs in 15 Latin American countries.

We work in many fields: education, culture, medicine and public health, agriculture, private investment and special projects. As well as as outstanding leaders who are involved, there are many organizations such as the Jaycees, Rotary clubs, Women's organizations, student organizations at high school levels and many others.

The unique feature of this program is the putting together of States in the United States with areas of Latin America. We have found that this association of limited areas produces a greater degree of responsibility and action.

The partnership between Utah and Bolivia was one of the earliest to be organized in our program to link the private sectors of the United States and the nations of Latin America for mutual self help. Since 1964 the State of Utah has contributed projects with value of some $100,000. Bolivia has been the host to Utah teachers, technical experts and partners teams. A Bolivian art exhibit has been on tour here. 15 Bolivian students are currently in Utah schools.

But more important than the usual evaluations placed on mutual aid programs is the value in terms of mutual understanding between people that the partnership between Utah and Bolivia has produced.

Last spring at the Partners InterAmerican Conference in Lima I saw the enthusiasm with which the Utah delegation members presented their bid for the 1969 conference and the equal enthusiasm with which Utah and Salt Lake City were accepted as the conference site. About 300 delegates and observers will be in Salt Lake City next May.

And today, along with you, I see the President of Bolivia traveling several thousand miles to demonstrate his own affection and faith in the partnership program. I believe we may accept this act as a reflection of the attitude of the Bolivian people.

There are three States which are linked to Bolivia. While Utah is paired with La Paz and the Alto Plano of Bolivia, North Carolina and Arkansas have programs in other areas of the country. As President Barrientos will not have the opportunity on this trip to visit Arkansas and North Carolina, we would like to assure him that they share with Utah and with all the partners the convicition that in the effort of the private citizens of our Nation lie the hopes of all of the Americas to achieve more abundant lives including every aspect of human dignity.

The partners of the Alliance is a bipartisan, non-political, private sector approach to the problems of development in Latin America. Senators and Representatives from both sides of the aisle have supported the bill which supplies the travel funds so necessary to the progress of this organization. In these days of necessary budget cuts, it is my belief that an organization such as the partners will be defended even more as aid budgets are whittled. We can and will respond.

I would like to urge you Utah partners to broaden the scope of your activities by bringing more and more people into the program. Particularly, I refer to the traditional and the new leaders of the private sector— leaders of farm organizations, cooperatives, the natural leaders of small communities, the heads of service clubs, the leaders of local labor groups and more especially, the leaders of student associations.

I ask President Barrientos to carry this message back to Bolivia with him where the climate is equally fruitful.

FEDERAL AID HIGHWAY BILL: VICTORY FOR THE UGLIFIERS

Mr. CLARK. Mr. President, the Federal-aid highway bill as approved by the Senate earlier this week was a sorry compromise. It goes a long way toward wiping out many of the gains this country has made over the years in the attempt to institute programs designed to beautify our Federal highways and preserve our parks and recreation areas from encroachment by the highway engineers. I was an original sponsor of the bill which became the Highway Beautification Act of 1965 and I am deeply distressed at the way in which the Congress has now voted to cripple it.

The House of Representatives cut the heart out of the billboard control portion of the highway bill, but the House-Senate conference committee, in response to public demand, attempted to repair some of the mischief by restoring the authority of the Secretary of Transportation to set standards for the enforcement of billboard control. I was dismayed that many self-acclaimed

friends of beautification in the House of Representatives voted to recommit the conference report. Had the move been successful it would have meant that the managers of the House bill would have had to "insist on deleting all program funds for highway beautification." It is perfectly clear to me that those House Members who voted to delete the highway beautification and billboard control provisions do not know the depth of the commitment of literally millions of Americans to keeping the countryside safe from desecration.

I have fought for years to prevent the highway builders and commercial outdoor advertising companies from pursuing the cheap and ugly road program which would lead to the creation of a coast-to-coast asphalt America surrounded by ugly bill boards. The original Senate bill, which I supported, provided safeguards for our rapidly dwindling areas of natural beauty. The final outcome, much to my regret, was a significant victory for the uglifiers.

Secretary of the Interior Udall said on Tuesday:

Most Congressmen don't give a damn about conservation values.

Mr. President, the Philadelphia Inquirer of August 31, 1968, has an excellent editorial on the highway bill and I ask unanimous consent that it be printed in the RECORD at this point.

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

STRANGE AND COSTLY HIGHWAY BILL

Congress has passed some peculiar legislation in its day but the omnibus highway bill just approved must have a place near the head of the list.

It makes the bulldozer king at a time when there is already precious little space preserved from its ravages. Legal protection for parks and wildlife refuges against the encroachment of the omnipresent throughway is dangerously enfeebled by the bill. The Secretary of Transportation could veto the building of a highway only when there might be encroachment on "significant" public parks. The veto does no longer apply to private lands, such as Audubon Society wildlife refuges, and, in any event, who is to decide what public park or historic shrine is "significant" enough to warrant its preservation?

Beautification and billboard control programs, such as those in which Mrs. Lyndon Johnson has displayed energetic interest, are virtually extinguished by the bill. But it manages to authorize, for no perceptible reason expect to please porkbarrel local politicians, 1500 additional miles of highway to the interstate system.

The bill confers remarkable authority on Congress by mandating the building of a bridge across the Potomac River which has been strongly criticized by persons trying to stave off ugliness along that historic stream. The cost of the whole program so blandly approved by Congress has been placed in the billions. Did somebody mention inflation, or deficits?

MILITARY PAY

Mr. HATFIELD. Mr. President, Prof. Walter Y. Oi of the University of Rochester, has prepared a preliminary draft of a critique of the Department of Defense study entitled "Modernizing Military Pay." Professor Oi has well-established credentials to undertake an analysis of the Pentagon's report. From June 1964 to July 1965 he conducted a military manpower study for the Defense Department while serving as a consultant for the Office of the Assistant Secretary of Defense. Professor Oi later published a very detailed and authoritative analysis of the amount of salary increases necessary to sustain an all-volunteer military.

He is strongly opposed to the "Modernizing Military Pay" study group's recommendations dealing with noncareer compensation. He believes that "they perpetuate the financial inequity of coerced military service." I recommend Professor Oi's analysis to Senators who share my concern with improving the quality of our military forces and with preserving the maximum amount of individual liberty and equality of treatment in our military manpower procurement system. If we are ever to return our Nation to a volunteer-military system it is imperative that we provide adequate salaries at the lower military grades in order to induce the necessary number of men to enlist initially.

I ask unanimous consent that a preliminary draft of Professor Oi's analysis be printed in the RECORD.

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

"MODERNIZING MILITARY PAY": A CRITIQUE

(By Walter Y. Oi *)

The military compensation system that is recommended in this report contains two very important features.

1. It discriminates against the non-career enlisted man and recommends that he continue to be paid under the existing complex system of basic pay plus allowances; see recommendations 1 and 2.

2. It proposes the adoption of full parity military salaries (replacing five separate pay components) for the remainder of the active duty forces—the so-called career force; see recommendation 8.

The recommendations were designed to achieve two objectives, (1) a fair and equitable system of compensation and (2) a compensation system that can attract, retain, and motivate the career force. The non-career enlisted man is singled out as being somehow different, and the study indeed adopts a different standard by which to judge the equity and fairness of his pay. Interestingly enough, the non-career officer is *not* subjected to that different standard but is considered to be part of the career force. Although the policy guidelines explicitly state that the study is intended to deal with principles and concepts of compensation and *not* to justify a pay increase, the recommended schedule of full parity military salaries results in percentage pay increases for the enlisted career force ranging from a low of 5.2 per cent for an E6 with fourteen years of service to a high of 49.8 per cent for an E4 with two years of service. I basically endorse the adoption of a salary system but for slightly different reasons than those mentioned in this report. I strongly oppose the first feature which perpetuates the inequitable treatment of first-term enlisted men. In Part I of this review, I examine the justifications for singling out the non-career enlisted component from the rest of the active duty forces. Part II scrutinizes the dubious concept of *residual income* as the standard for pay comparisons of the non-career force. Finally, attention is directed in Part III to some particulars of the proposed salary system.

TWO PARTS OF THE FORCE: AN ARBITRARY DICHOTOMY

At the outset, the report argues that four relevant changes in military requirements must be considered in designing a pay package.

1. The smaller professional cadres of earlier years are out-moded, and larger and different kinds of forces are now required.

2. A desirable force structure requires three kinds of people, (1) short service consisting of those who serve for only one tour, (2) medium service of four to fourteen years, and (3) full career soldiers who remain to retirement. It is further asserted that military pay must be fair and equitable to all three groups and *attractive* to at least the last two.

3. The modern force demands a different mix containing more men with technical skills.

4. These changes have produced a military establishment that is now more similar to the the civilian labor force. Hence, it is alleged that pay comparisons are more frequently made today than they had been in earlier years.

In the light of these changes, the study concludes in their first finding (p. 9) that compensation principles and concepts must be separately evaluated for the two parts of the force, non-career and career. Recommendation 1 then sets forth a definition of "non-career" which was later modified because of the accelerated promotions due to the Vietnam War. Except for a few minor exceptions, the *non-career* component of the force consists of all first-term enlisted men. All others including first-term officers belong to the other part, the *career force*. The report justifies the adoption of different (and, as I shall argue later, discriminatory) standards for first-term enlisted men by appealing to the following arguments.

a. Military service is an obligation for all American youths. Many first-term enlisted men are involuntarily drafted, while many others are coerced to volunteer by the threat of being drafted.

(b) The vast majority of first-term enlisted men serve for only one term and separate from the Armed Forces. The average first-term reenlistment rate of regular enlisted men is slightly over 20 per cent.

(c) The military missions performed by first-term enlisted men are (it is alleged) similar to the functions served by the older and smaller professional cadres. Hence, it is desirable that they be housed in barracks, fed in mess halls, etc. Under these conditions, the existing compensation system is said to be preferable to a salary system.

(d) Fully 84 per cent of first-term enlisted men are single, and most are quite young; the median age of enlisted accessions is 19. The implication here is that because they are young and single, their "needs" for income are somewhat less than their older counterparts in the career force.

Although it is not explicitly stated in this report, the study appeals to the same argument which has prevented pay increases for men with less than two years of service; namely, why raise the pay of this group when the draft and the threat of being drafted can assure adequate supplies of recruits to meet any specified force strength objective. This principle has been espoused in most

* In this paper, I present my evaluation of the Report of the First Quadrennial Review of Military Compensation, Volume I, Active Duty Compensation (1, November 1967) prepared by the pay study group under the direction of Admiral L. E. Hubbell. The opinions expressed in this paper are solely mine, and I am responsible for any errors of fact or interpretation.

previous hearings on pay increases, and its consequences are clearly evident in the summary presented in Table 4.3 (p. 62) of this report. Finally, it might be argued that the pay system should be designed to encourage high turnover in the first term, but this argument is contradicted by comparing the actual and desired continuation rates for the force structure, Table 3.2 (p. 31). Suppose for the moment that these four reasons for differential and discriminatory standards of pay evaluation are accepted. Why is the special evaluation restricted to non-career *enlisted* men and not extended to *officers*?

The first reason argues that the draft is directly or indirectly responsible for most accessions to enlisted ranks. The 1964 DOD draft study attempted to estimate the extent to which the threat of a draft influenced voluntary accessions to various components of active duty and reserve forces. An excerpt from the 1964 DOD survey is shown below.

PERCENTAGE OF DRAFT-MOTIVATED RELUCTANT VOLUNTEERS

Component and service	Percentage that definitely or probably would not have volunteered if there were no draft
1st-term regular enlisted men:	
Army	43.2
Navy	32.6
Marine Corps	30.4
Air Force	42.9
Total DOD	38.0
1st-term officers:	
Army	48.4
Navy	40.3
Marine Corps	27.0
Air Force	38.9
Total DOD	41.3
Enlistments to Reserves and National Guard Units	70.7

Source: "Review of the Administration and Operation of the Selective Service System", House of Representatives, June 1966, pp. 10038–10039.

The proportion of men who were coerced to volunteer because of their draft obligation is seen to be slightly lower for enlisted men, 38.0 per cent than for officer accessions, 41.3 per cent. Hence if pay should be separately evaluated because the first-term of service is a citizen's duty and obligation, first-term officers' pay should be judged by the same standards as those applied to first-term enlisted men. Notice that enlistments to reserve units requiring active duty only for basic training contain the largest fraction of draft motivated, reluctant volunteers.

The poor retention experience of enlisted men is cited as a justification for differential treatment presumably on the ground that these men regard military service as a transistory occupation, forced upon them by the draft. The average adjusted first-term reenlistment rate of regular enlisted men for the period 1957–64 was 20.3 per cent, while the retention rate of first-term officers over the period 1960–64 was 41.9 per cent.[1] The higher retention rate of officers can be attributed to two factors: (1) the exploitation effect which I shall discuss in Part III of this critique, and (2) officers' pay has been higher relative to alternative civilian salaries over this period. The officer retention rate of 41.9 per cent is still far below the desired rate for an optimal force structure as argued in Chapter 3 of this report. Many first-term officers clearly view military service as an obligation and elect to leave after completing their obligated tour of duty.

It is surely the case that first-term enlisted men are more heavily concentrated in the professional cadrys types of military missions, ground combat, airborne, and sea duty. Yet, a substantial number (I believe a majority) are assigned to logistical support missions, especially in the Air Force. The tasks performed by many enlisted men, do not require the mobility and readiness of the combat divisions. Moreover, the first-term officers are also liberally represented in these combat-oriented tasks. The difference between the non-career and career forces in this respect is one of degree, not kind. I do not believe that it constitutes an admissable reason for a separate standard.

The last argument that single and younger men "need" less income is diametrically opposed to subsequent arguments in Chapters 3 and 4 of this report. The report cites some notable examples in which career pay is unrelated to the work performed; e.g. single men with no dependents receive considerably less military income than their married counterparts because of the quarters and subsistence allowances. The report recommends that this income differential due solely to marital status should be eliminated to obtain equal pay for equal work. Yet, the same report recommends in Chapter 2 that a different pay standard be adopted for non-career enlisted men because *most* of them happen to be single and young. There is a fundamental contradiction in the reasoning followed by the pay study group.

To sum up, the first three arguments for establishment of a separate pay standard for non-career enlisted men apply equally well to first-term officers. Moreover, the pay philosophy for the career force that is articulated in Chapters 3 and 4 is inconsistent with the fourth reason. Comparability with full-time civilian salaries is adopted as the appropriate standard by which to judge the *fairness and equity* of career compensation, but the dubious concept of *residual income* is proposed as the standard for evaluating non-career compensation. Logical consistency demands that if a separate *equity* standard is justifiable for non-career enlisted men, that same standard should be applied to first-term officers.

The only explanation for the discriminatory treatment of non-career enlisted men is that of political expediency. There is no necessity to pay competitive wages to these men because the draft can assure adequate supplies of new recruits. Since the draft has the same coercive effect on officer accessions, one might ask why the pay study group recommended substantial pay increases for first-term officers? My answer to this query (and it is my personal evaluation) rests on the fact that the newly commissioned officer is typically a college graduate from a well-to-do family, while the enlisted man is usually a high school graduate whose family belongs to the lower—middle classes of the socio-economic ladder. There is likely to be far less organized political opposition to the draft and the system of military compensation from the latter group. The more articulate and politically powerful families from which the officers are drawn, have the ability to organize a politically meaningful opposition if the draft and military pay system become oppressive to their sons. So long as the draft is selective (and it is likely to become even more selective in the light of expanding population), is behooves the government either to place the burden of the draft on those with the least political power or to lessen the burden of the draft through better pay. I *do not recommend* that this discriminatory standard (based on the concept of residual income) be extended to first-term officers. I propose instead that the recommended salary system for the career force, together with its recommended pay line, be extended to the non-career enlisted men.

II. THE CONCEPT AND MEASUREMENT OF RESIDUAL INCOME

The concept of *residual income* (the money income remaining after allowances for taxes and certain basics—food, shelter, clothing, and medical care) is set forth in Finding 3 (p. 11) as the appropriate standard for evaluating non-career compensation. To insure that military service involves *no net economic penalty*, recommendation 2 proposes that minimum residual income be compared to two standards, (1) the minimum wage floor and (2) full-time civilian incomes of persons of comparable age and educational attainment. A fairly accurate measure of residual income for servicemen is provided by the existing concept of basic pay less taxes. The measurement of residual income for civilians is complicated by the task of estimating the cost of the "basics"—food, shelter, clothing, and medical care.

I have already stated my opposition to the residual income standard as the basis for evaluating non-career compensation. In this section, I propose only to examine the concept and the particular manner in which the pay study group estimated the residual incomes for the civilian sector. More precisely, I shall argue that:

1. the social security tax is improperly handled and leads to an underestimation of civilian residual incomes.

2. The "basic" consumption items of food, shelter, clothing, and medical care should be comparable for servicemen and civilians in arriving at the concept of residual income. It is surely unfair to include expensive restaurant meals and tailor-made clothes as necessary civilian outlays for food and clothing.

3. The use of BLS consumer expenditures data for urban single individuals under 25 years of age leads to a gross over-statement of outlays for the "basic" items since many youths in the 17–21 age bracket reside with their families or with other single individuals

These adjustments result in substantial increases in the estimates of civilian residual incomes which imply upward revisions in the basic pay of first-term enlisted men even when one accepts the residual income standard.

The measurement of civilian residual income for the minimum wage floor is described in Table 2.1 (p. 15) and is reproduced below.

(1) Income before taxes	$3,328.00
(2) Less income taxes	385.00
(3) Income after taxes	2,943.00
(4) "Basic" expenditures	1,813.00
(5) Income after taxes and basic expenses	1,130.00
(6) Less social security taxes	146.43
(7) Residual income	983.57

The expenditures for "basic" items is obtained by taking 61.6 per cent of "income after taxes", line (3). The 61.6 per cent figure was obtained from the 1960–61 BLS survey of consumer expenditures which is discussed below. Reference to the BLS survey reveals that the BLS concept of "income after taxes" differs from line (3). All personal taxes including social security contributions are deducted; i.e. the BLS concept corresponds to line (1) less lines (2) and (6). Hence, in this example, BLS "income after taxes" equals $2,796.57. If the 61.6 per cent figure is applied to this figure, the expenditures for "basic" items is only 1723, and residual income becomes $1,073.88. The subtraction of social security taxes at the very end thus results in a $90.31 under-statement of civilian residual income. The social security contributions should properly be deducted from income before taxes before estimating the cost of the "basic" items. If this adjustment is made to the civilian residual income estimates appearing in Table 2.3 (p. 17), we get the following comparison.

[1] Details of these estimates of retention rates can be found in my article appearing in *The Draft, A Handbook of Facts and Alternatives*, edited by Sol Tax, (Chicago, Ill.: University of Chicago Press, 1967) see pp. 233–4.

ADJUSTMENT OF RESIDUAL INCOME ESTIMATES FOR SOCIAL SECURITY TAXES

	Original [1]	Adjusted [2]	Difference [3]	
			Amount	Percent
Minimum wage standard	983.57	1,073.88	90.31	9.2
Civilian income of high school graduates of age:				
18	1,100	1,202	102	9.3
19	1,198	1,309	111	9.3
20	1,296	1,417	121	9.3
21	1,393	1,524	131	9.4
22	1,471	1,611	140	9.5

[1] Obtained from tables 2.1 and 2.3 of the report.
[2] Social security taxes are deducted before applying the 61.6 percent figure to estimate the cost of basic items, food, shelter, clothing, and medical care.
[3] Figures represent difference of adjusted less original estimates.

The soldier who is provided with mess hall meals, quarters, uniforms, and medical care surely receives some income in kind. The pay study group recommends that because he is supplied with these "basic" consumption items, his basic pay less taxes constitutes a residual income that is available for discretionary expenditures on other consumption items like tobacco, transportation, and recreation. Hence in evaluating the adequacy of non-career compensation, military residual incomes should be compared to civilian residual incomes. The task of estimating civilian residual incomes is complicated by two empirical problems. One is that the investigator must specify a civilian bundle of these "basic" items [food, shelter, clothing, medical care] that is most comparable to the "basic" bundle supplied to the non-career enlisted man. Having specified a comparable civilian bundle, the other (and simpler) problem is to estimate the cost of purchasing it in the civilian economy.

It is an admittedly difficult job to specify the most comparable civilian bundle. Are military food and quarters comparable to room and board at a boarding house? Can a dress uniform be equated to a Nehru jacket and slacks? Faced with these kinds of difficulties, the pay study group arbitrarily assumed that *all* consumer expenditures for the four basic items by persons of comparable ages were equivalent to the value of the "basic" consumption items that are typically supplied to a non-career enlisted man. The estimated civilian costs for the four basic items were obtained from the 1960–61 BLS survey of consumer expenditures for urban single individuals under 25 years of age. The data which were used by the pay study group are reproduced in line 1 of Table 1.

To show how these expenditures vary across income classes and by marital status, I have presented corresponding figures for 10 income classes of "urban families and single individuals with household head under 25" in lines 3–12, and for all urban families in which the oldest child is over 18 years of age, line 14. The pay study group included *all* housing expenditures in their measure of "basic" expenditures which appears in Tables 1 and 2 as "Basic-A". The "housing" category in the BLS survey includes outlays for (a) rental or imputed rental value of shelter, (b) fuel, light, and water, (c) household operations including laundry services and domestic servants, and (d) household furnishings. "Basic B" provides an alternative measure in which the housing component contains outlays only for shelter and fuel, light, and water. The two measures of basic expenditures are expressed as percentages of "income after taxes" in Table 2.

A perusal of lines 3 to 12 of Table 1 reveal that consumer expenditures for all items tend to rise as incomes climb. The responsiveness of outlays to income is more readily seen by comparing expenditures for two widely separated income classes, "2.0–3.0" vs. "7.5–10.0"; lines 5 and 10 of Table 1; Incomes of families in the latter group exceeded those of families in the former by 226.7 per cent, and this income differential was associated with the following increments in consumer expenditures.

INCREMENTS OF CONSUMER EXPENDITURES FOR 2 SELECTED INCOME CLASSES [1]

Item	Dollar increment	Percentage
Food	850	134.5
Housing—A	1,333	172.2
Housing—B	720	135.8
Clothing	360	107.5
Medical care	336	247.1
Basic—A	2,879	153.3
Basic—B	2,266	138.8

[1] Obtained from lines 5 and 10 of table 1 for urban families and single individuals with head of household under 25 years of age.

These variations in expenditures across income classes suggest that *not all* expenditures for these four basic items are "necessary" to sustain, shelter, clothe, and care for the human body. In fact, one can safely conclude that there is a substantial discretionary element in these expenditure patterns.[2] Surely part of these expenditures should be considered as discretionary expenditures [meals at fancy restaurants, dress clothing, expenses for maid-service, rental of single-unit apartments instead of rooms at boarding houses] and not as equivalent civilian expenses to purchase a comparable bundle of these four basic items that is supplied to the typical recruit. Yet, the procedure followed in this report includes all outlays as equivalent to the civilian cost of these four questionable necessities. This fundamental conceptual error was even further compounded in this study when the civilian cost of these "basic" items was estimated by applying the 61.6 per cent figure to the 1966 civilian incomes after taxes. Since prices typically increase at a slower rate than money incomes, the money cost of any fixed bundle of consumer goods and services typically rises by a smaller proportion than the rise in money incomes.

In addition to these two errors, the pay study group imparted an upward bias in the civilian costs by examining data for only urban single unrelated individuals. A majority of youths in the military age group of 17 to 21 years of age reside at home or with room-mates. Indeed, reference to Table 1 (lines 1 and 2) reveals that single individuals accounted for only 17.1 per cent of all urban families and single individuals with head under 25 years of age. The expenditure pattern of urban families in which the oldest child is over 18 years of age provided us with an estimate of the cost for these four items; these data appear in line 14 of Table 1. The BLS survey showed that the typical family in this category contained 4.2 individuals. Hence, the per capita costs shown in line 15 were obtained by dividing line 14 by 4.2. The per capita costs for food and housing are sharply reduced when two or more persons share these expenses. In my opinion, a reasonable civilian cost for these four basic items should be an average of the per capita expenditures for single individuals (line 1) and for persons residing with their families, (line 15) adjusted for the rise in the consumer prices of these goods. These estimates of the average per capita costs for the four basic items in 1967 prices are presented in Table 3.[3] Given the high responsiveness of housing expenditures for operations (including domestic servants) and furnishings, I contend that only the expenses for rent and fuel, light, and water should be included in the civilian cost; i.e. Basic-B is the appropriate civilian cost corresponding to the basic items supplied to the recruit. For those who disagree with my judgment, I have provided the civilian residual income estimates corresponding to Basic-A in column (3) of Table 4.

A summary of four alternative estimates of civilian residual incomes is presented in Table 4. The four estimates correspond to different ways of measuring the civilian cost of the basic items [food, shelter, clothing, and medical care] that are provided to enlisted men.

(1) The original estimate developed by the pay study group was taken from pp. 15–17 of the report.

(2) An adjusted residual income measure subtracts social security taxes before applying the 61.6 per cent figure to calculate the civilian cost of basic items. This correction leads to a 9 per cent increase in civilian residual incomes.

(3) Residual income-A defined as total income less Federal income and social security taxes minus the civilian cost of the bundle implicit in Basic-A of Table 3. All housing expenditures including those for operations and furnishings are considered to be necessary expenses for shelter.

(4) Residual income-B is defined as total income less Federal income and social security taxes minus the civilian cost of the bundle implicit in Basic-B of Table 3. Only outlays for rent and fuel, light, and water are included in the civilian cost for shelter.

Finally, military residual income defined as basic pay less Federal income and social security taxes was estimated by the pay study group (Table 2.4 p. 18) and is reproduced in the last column of Table 4. The average annual differentials between military and civilian residual incomes corresponding to the four estimates of civilian residual incomes are shown below.[4]

(1) Original residual income	+439
(2) Adjustable residual income	+313
(3) Residual income A	−211
(4) Residual income B	−456

[2] In his economics text, Professor Stigler specifies a physiologically adequate diet consisting of 370 pounds of wheat flour, 57 cans of evaporated milk, 111 pounds of cabbage, 25 pounds of spinach, and 285 pounds of dried navy beans. This subsistence diet could have been purchased in 1950 for about 8 dollars a month or 96 dollars a year. If the cost is adjusted to 1967 prices, a single individual could have obtained this subsistence diet for only $129 a year in 1967. Most persons spend more than this in order to obtain a more palatable diet. See G. J. Stigler, *The Theory of Price,* (New York, The MacMillan Co.: 1952) revised edition, p. 2.

[3] The third column of Table 3 is an average of expenditures by single individuals and persons residing with their families. It is still an over-estimate of the civilian cost of the items supplied to enlisted men since it contains all expenditures. Hence, the residual income estimates shown in Table 4 can be considered to be lower bound estimates of civilian residual incomes.

[4] These averages assume that an enlisted man enters active military service at the age of 19 and serves for four years. If, however, an individual is drafted at age 20 and serves for only two years, the average annual differential is larger. From Table 2.4, we find that the average military residual income for Army enlisted men serving for only two years is $1,462. Hence, the differentials between military and civilian residual incomes for the draftee are:

(1) Original residual income	+118
(2) Adjusted residual income	−9
(3) Residual income-A	−540
(4) Residual income-B	−785

By using their measure of civilian residual income (1), the pay study group concluded that existing basic pay rates for the non-career force were *fair and equitable* since it produced a surplus of $439 per year. Even if we accept the dubious residual income concept as the appropriate standard for evaluating non-career pay, an altogether different conclusion is reached by estimating civilian residual incomes in a different (and I contend a more correct) manner. By subtracting the civilian cost of a fixed bundle of basic consumption items (instead of simply applying a fixed percentage), I obtained the residual income estimates shown in columns (3) and (4) of Table 4. Moreover, I have argued that Basic-B describes a consumption bundle comes closest to the bundle of basic items provided to enlisted men. This latter standard for comparison implies that the basic pay of first-term enlisted men must be increased by $456 per year in order to achieve parity with civilian salaries.

III. FULL PARITY MILITARY SALARIES

At the outset, it is observed that there is a mid-range deficit between the actual and desired force structures. The actual force structure has "too many" men in the first term (1 to 4 years of service), and "not enough" men in the range from 4 to 14 years of service. Moreover, finding 11 concludes that compensation is a major cause of inadequate retention. The report then identifies three deficiencies of the existing system of military compensation.

(a) Military pay is unduly complex.

(b) Military pay is inequitably distributed among the members of the force. It is alleged that only 58 per cent of pay is related to the work performed, and irrelevant considerations like dependency status produce wide differentials in military pay. Another "inequity" which is prominently mentioned throughout the report is that all career servicemen contribute to a non-vested retirement plan and only 37 per cent will receive benefits. Finally, allowances for quarters and subsistence have not kept pace with costs.

(c) Because of the complexity of military pay, there is no clear-cut basis for comparisons with civilian salaries with the result that military pay has lagged behind civilian salaries.

The report contends that the existing military pay system lacks *credibility*, and because of this, servicemen and others (notably banks and lending agencies) under-estimate the true value of military pay.

The key proposal of this study is contained in recommendation 8 in which it is recommended that a full parity military salary be adopted to replace five pay components for members of the career force. The five components are: (1) basic pay, (2) quarters allowance, (3) subsistence allowance, (4) tax advantage,[5] and (5) imputed value of retirement benefits. The recommended structure of full parity military salaries is summarized in Table 5.10 (p. 95). Many of the remaining recommendations of the report deal with bookkeeping details created by the switch to a salary system of compensation. I shall restrict my comments on the salary proposal to four items:

1. The fairness and equity of career compensation.

2. Longevity as the basis for in-grade pay increases.

3. Normal and variable re-enlistment bonuses.

4. Military estate program.

1. *Fairness and Equity of Career Compensation:* Although the study objectives were to design a pay system which was both (1) fair and equitable to all servicemen and (2) attractive to at least the career force, the proposed system of military salaries is primarily addressed to the first objective. I shall briefly comment on the study's shortcomings with respect to the latter objective in subsection 3 below on re-enlistment bonuses. The full parity military salaries which are recommended in this report are intended to remedy some alleged and real shortcomings of the existing system of military compensation by,

(a) adopting the "work level" standard as the criterion by which to compare military and civilian salaries,

(b) eliminating the inequitable differential due to dependency status,

(c) lending credibility to military compensation.

The report enumerates other reasons for adopting the salary system, but these three are, in my opinion, the principal arguments.

It is alleged that the absence of a *standard* for comparing military to civilian salaries has led to inefficiency in the dispensation of pay increases, to a lag of military behind civilian incomes, and to ambiguities about whether existing pay levels are "fair and equitable". In previous pay studies, the concept of "tax equivalent military income" [consisting of basic pay plus quarters and subsistence allowances, plus the tax advantage] provided a military income measure that could be compared to civilian salaries. This concept, called "regular military income" in this report, differs in principle from the proposed military salary only through the omission of the retirement contribution of 6.5 per cent. There is one notable difference between "tax equivalent income" and "full parity salary"; namely, the former incorporates differential quarters and subsistence allowances according to one's dependency status. The differential due to dependency status could, however, have been removed without turning to the full parity salary. I wish only to point out here that we had an earlier standard albeit a discriminatory one favoring married career men with families. The "work level" standard which is recommended in this report (recommendation 12) attempts to link military pay grades and civil service positions. Hence, a second lieutenant, O–1 is equated to a GS–7, while O–8 is judged to be equivalent to GS–18. The links are established through a job evaluation of the tasks and responsibilities of the positions. The pay study group also examined the "cohort" standard wherein military incomes are compared to the civilian incomes of persons of similar age and educational attainment. The "cohort" standard more nearly approximates what the serviceman could earn if he were placed in the civilian labor force, and hence provides a better yardstick by which to compare incomes. Adoption of the "cohort" standard would, however, require more frequent studies to determine alternative civilian salaries. It is my opinion that the "work level" standard (which is inferior in concept to the "cohort" standard) was adopted as the criterion for establishing parity because of its administrative simplicity. I would recommend that in the quadrennial reviews, an attempt be made to estimate the "cohort" standard to insure that the two do not diverge in the future. Year-to-year pay revisions could be tied to the simpler "work level" standard.

Under the existing military pay system, as pointed out in this report, only 58 per cent of military pay is related to the work performed. The higher quarters and subsistence allowances which are awarded to married men with dependents seem to be especially aggravating to the pay study group. They argue that if a single enlisted man or officer performs the same work as his married counterpart, he *deserves* the same pay. I agree with this judgment and endorse this reason for the adoption of the salary system.

The report points with alarm to the fact that all servicemen implicitly contribute to a retirement program, but only 37 per cent ever realize benefits. However, this is *not* the only inequity of this type. In a sense, all servicemen implicitly contribute to life insurance; yet only those who die collect the benefits. The relevant issue is not that only 37 per cent receive benefits (while under the proposed vested retirement plan, every serviceman receives something), but rather, "What is an optimal military estate program from the viewpoint of attracting and retaining an efficient military force?" Many companies provide profit-sharing and retirement programs which are tied to length of service. If an executive leaves the firm before a specified period of time, he loses his retirement benefits. Such schemes are typically designed to reduce labor turnover. It is not obvious that a fully vested retirement plan is optimal from the viewpoint of retention. I do not share the pay study group's concern about the so-called inequity in retirement benefits when one finds that the early leaver is awarded a separation allowance equal to one month's pay for each year of service. Before making a recommendation about this so-called inequity, further research on the military estate program is needed; see sub-section 4 below.

Finally, an alleged merit of the salary system is that it will lend *credibility* to military compensation. It is argued that servicemen *underestimate* the true value of quarters and subsistence allowances and that they do not understand the tax advantage which accrues because these allowances are non-taxable. If these allegations are correct, it logically follows that if quarters and subsistence allowances were lumped with basic pay and the sum subjected to Federal and state income taxes, servicemen would consider themselves as well off as before. My casual conversations with career personnel contradict this *credibility* allegation. In discussing pay increases, servicemen argue that they prefer a 50-dollar increase in the quarters allowance to a 50-dollar increase in basic pay. Banks and consumer credit agencies may suffer from this illusion because of the complexities of military pay. Even if one ignores the credibility argument, the modest simplification which is achieved by a switch to salaries, is worthwhile.

2. *Longevity as the basis for in-grade increases:* In establishing a recommended pay line for the proposed salary system, the pay study group considered two bases for in-grade pay increases: (1) time in grade and (2) longevity meaning years of service for pay purposes from the time of initial entry into the Armed Forces. It is my opinion that the most persuasive argument for the salary system is that it creates a pay system more closely tied to the productivity or work performed by the individual. If experience is the justification for in-grade pay increases (and this is in accordance with pay related to productivity), then time in grade is a better measure of experience. However, the pay

[5] From the viewpoint of the Internal Revenue Service, quarters and subsistence allowances are non-taxable thereby imparting a tax advantage to servicemen. The tax advantage is the increment to basic pay that would have been required to yield the same "after tax" allowances for quarters and subsistence.

study group rejected this logical basis (time in grade) and recommended that longevity (total time in service irrespective of pay grade) be adopted as the basis for in-grade pay increases. The justification for the choice of longevity was that promotions are not always the results of merit but often reflect the availability of budgeted slots in the pay grade distribution for each Service. Put in another way, it is admitted that the existing promotion policies are highly imperfect thereby implying that time in grade is a poor measure of experience and productivity.[6] This is followed by an appeal to the doctrine that "two wrongs can sometimes make a right."

My recommendation would go to the heart of the problem; namely, review and rationalize the promotion policies. In passing, the Canadian Armed Services (an all-volunteer force) has adopted a pay system in which in-grade pay increases are tied to time in grade.

3. *Normal and Variable Re-enlistment Bonuses:* In Chapter 6, the report turns to a number of existing pay components which are categorized as non-salary compensation. It is stated that such compensation is only justified to (1) meet hard retention or manning requirements, (2) secure volunteers for special duties, or (3) compensate for arduous or dangerous duty. In line with the first two objectives, recommendations 21 and 23 respectively propose that the normal re-enlistment bonus be eliminated and that the variable re-enlistment bonus be continued. Without further specification, this pair of recommendations is consistent with the status quo since each re-enlistee could be awarded a variable re-enlistment bonus equal to what he could have received under the old system. I am in slight disagreement with the report since some re-enlistment bonus is, in my opinion, an efficient means of attracting men into the Armed Forces.

I believe that it is essential to recognize an important legal distinction between military and civilian employments. An enlisted man in his first two or three terms of service is *legally* committed to an obligated tour of duty. He must serve for a specified time period, and this contractual obligation is truly binding on the employee—the enlisted serviceman. In the civilian economy, labor contracts are rarely binding on the employee except in rare instances.[7] If a civilian worker is unhappy with his job, he can voluntarily quit even though he may have signed a five year contract; professors and schoolteachers often do this. The contract is binding on the employer, but not on the employee. In the light of this distinction, a soldier should, in my opinion, be awarded a bonus for his legal obligation to the Armed Services.

The report points to the fact that the proposed salary schedule involves a substantial pay increase for first-term enlisted men who elect to become members of the career force; confer Table 5 of this paper. Indeed, the entire career force will enjoy a 16 per cent increase in military compensation if the recommended pay schedule, Table 5.10, is adopted. Hence, the report argues that there is no need for a normal re-enlistment bonus. I wish, however, to raise the question, "Is the elimination of a normal re-enlistment bonus consistent with an efficient, economical pay system that can attract and retain a career force at least cost?". I cite an earlier finding of the report that enlisted men attach a high premium to current vs. future income. If one grants this fact, (namely, a recruit would prefer to receive $100 today rather than the promise of $120 a year from today), then a normal re-enlistment bonus coupled with lower military salaries could achieve the desired force structure at lower cost to the government.

Finally, one might question the desirability of the second and subsequent re-enlistments. It is somewhat demening to require that the enlisted man periodically renew his commitment to the Armed Forces. Why not adopt a system in which a soldier upon his first re-enlistment is regarded as a member of the career force until separation. The Services could still retain control over early separation, and the enlisted man is not compelled at four or six year intervals to reiterate his commitment to the Armed Services. I also agree with the variable re-enlistment bonus to retain men in the highly technical skills.

4. *The military estate program:* The imprecise language of Chapter 7 reflects the absence of any significant research in formulating recommendations for the military estate program. Given the higher proposed full parity salaries and the improvement in retention which it is anticipated to elicit, more men in the career force will receive retirement benefits. Yet, there is no calculation in the report to indicate whether the 6.5 per cent mandatory contribution to a vested retirement program will fully finance the actuarially expected stream of retirement benefits.

The report in Chapter 4 pointed to the fact that the present force structure had "too many" men with 15 or more years of service. The implication here is that for some servicemen, retirement at an earlier age (say after twelve years of service) is desirable. Under the existing military compensation system, an enlisted man who is separated after 12 years of service would receive a separation pay of roughly $5,300 on the basis of 1968 pay rates; this figure would be around $8,300 under the salary system. He would receive *no* retirement benefits because he has not completed twenty years of service. I presume that under the new salary system, this enlisted man would recapture his contributions to the vested retirement plan either in a lump sum or as an annuity. How will his annuity compare to the annuity received by a man with twenty years of service? There is no statement about revising the military estate program to permit retirement at an earlier date.

Some actuarial calculations must be carried out before one can evaluate the merits of the recommendations 27–30 of this chapter. Finally, the report implies that the "imputed value of retirement benefits" which is estimated for the entire force (even though only 37 per cent now realize benefits) is a bona-fide *cost* to the defense establishment. This is surely not the case since DOD pays benefits only to those reaching the retirement point of twenty years.

IV. CONCLUDING REMARKS

To sum up, the report first recommends that a different and discriminatory standard should be adopted to evaluate the *fairness* and *equity* of non-career compensation for the first-term enlisted men. The report then proceeds to recommend the adoption of full parity military salaries for the career force including all first-term officers. If the existing pay system were continued, the career force would have received the regular military incomes [basic pay+quarters and subsistence allowances+tax advantage] shown in the middle lines of Table 5.10. The full parity salaries would produce an average pay increase of roughly 16 per cent. I have calculated these percentage increases in career compensation for the lower pay grades; these figures appear in Table 5.

If the proposed full parity salary system is adopted and applied *only* to the career force, the hidden tax of the draft (in spite of the arguments for the residual income standard set forth on page 14) will become painfully apparent. Consider two enlisted men in pay grade E4 with over 2 years of service, and performing the same military tasks in the Armed Forces. One may have elected to re-enlist thereby qualifying him for the full parity salary, while the other is still undecided. Even though both men have the identical rank, perform the same tasks, and experience identical living conditions, the first man would receive $465 per month while the second earns only $311. If $465 per month is the necessary sum to achieve fairness and equity for the career E4, why is $311 per month *fair* and *equitable* for the second man who is serving because of his draft obligation?

The profile of regular military incomes (tax equivalent income) clearly reveals the unfair treatment of first-term enlisted men. Table 6 presents estimates of annual tax equivalent incomes by years of service for pay rates as of 1 July 1968. The pay of enlisted men exhibits sharp discontinuities at the end of two years (the tour of duty for a draftee) and four years (the obligated tour for most Air Force, Navy, and Marine Corps recruits). The pay of men with over four years of service has been regularly adjusted to encourage first-term re-enlistments. There is a myopia in this policy of suppressing pay in the first term (because the draft will assure enough recruits) and then offering sizeable bonuses and substantially higher pay to re-enlist. It is surely reasonable to suppose that there is an *exploitation effect* which operates to lower first-term re-enlistment rates. The recruit who observes that his pay is inordinately low because of the draft, may easily conclude that the Army is capable of wage exploitation. If upon completion of his obligated term of service, the Army offers him as much or even more income than he could earn in the civilian economy, the recruit may decide not to re-enlist because he had been exploited in the past and may fear future exploitation. It is extremely difficult to quantify the magnitude of this exploitation effect. One can, however, find several instances in which an employee has left a firm because he had been subjected to a discriminatory wage policy.

I strongly recommend that the salary system of compensation be extended to the *entire* force, and that the sharp discontinuities in the pay profile be eliminated. If these recommendations were adopted, the entry level pay of a new recruit to enlisted ranks would climb from a tax equivalent annual income of $2985 to $4800. The rise in entry level pay would not only eliminate the hidden tax of the draft, but would also encourage larger flows of true, non-draft-motivated volunteers who are far more likely to remain in the career force. The added budgetary cost of this pay system is only a reallocation from a hidden tax that is now placed on draftees and draft-motivated volunteers, to an explicit higher tax burden on all taxpayers.

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[6] The reasoning of the pay study group on this issue of longevity vs. time in grade reveals another curious contradiction. Earlier, they strongly endorsed a salary system so that pay could be related to productivity. There, they argued that *pay grade* was a good indicator of productivity. Yet, in this part of the report, they state that existing promotion policies are not always related to merit and productivity. The "findings" of the report have a certain elusive quality, somewhat chameleon to suit the recommendation.

[7] Some exceptions to this rule arise when the particular employee is truly unique. Movie stars have been compelled to fulfill contracts because they were irreplaceable.

TABLE 1.—SUMMARY OF CONSUMER EXPENDITURES BY FAMILY TYPE, INCOME, AND AGE OF HOUSEHOLD HEAD, 1960–61

	Estimated number of families (thousands)	Food	Housing—A	Housing—B	Clothing	Medical care
Urban families and single individuals under 25:						
1. Single	366	$669	$749	$505	$421	$105
2. Families	1,776	1,004	1,467	828	415	281
Urban families and single individuals under 25 by income class: [1]						
3. Less than 1.0	13	316	774	508	218	21
4. 1.0 to 2.0	190	530	674	453	243	96
5. 2.0 to 3.0	331	632	774	530	335	136
6. 3.0 to 4.0	481	845	1,170	731	365	219
7. 4.0 to 5.0	403	999	1,472	925	421	297
8. 5.0 to 6.0	386	1,160	1,678	973	466	305
9. 6.0 to 7.5	265	1,258	2,000	1,105	552	365
10. 7.5 to 10.0	62	1,482	2,107	1,250	695	472
11. 10.0 to 15.0	8	3,770	1,885	1,211	2,025	619
12. >15.0	3	782	2,599	1,616	390	148
13. All income classes	2,142	947	1,343	817	416	251
Urban families with oldest child over 18 years of age:						
14. Per family	3,836	1,959	2,010	1,243	1,013	486
15. Per capita [2]	3,836	466	481	296	241	116
All urban families and individuals:						
16. Average United States	40,132	1,311	1,589	992	558	355

[1] Urban families and single individuals with household head under 25 years of age were classified into 10 income groups on the basis of their income after taxes. Categories here are in thousands of dollars.

[2] The estimated 3,836,000 families in this category reported an average family size of 4.2 individuals of whom 1.3 were full-time earners. The typical family reported only 1 child under 18 years of age. The per capita figures of line 15 were obtained by dividing line 14 by the average family size of 4.2.

Source: "Consumer Expenditures and Income; Cross-Classification of Family Characteristics, Urban United States, 1960–61." Supplement 2—pt. A, to BLS Report 237–38 (July 1964); see especially tables 12A, 12B, 13A, and 14A.

TABLE 2.—BASIC EXPENDITURES AND INCOME AFTER TAXES, BY FAMILY TYPE AND INCOME

	Income after taxes	Basic-A	Basic-B	As percent of income	
				Basic-A	Basic-B
Urban families and single individuals under 25:					
1. Single	3,154	1,944	1,700	61.6	53.9
2. Families	4,528	3,167	2,528	69.9	55.8
Urban families and single individuals under 25 by income class: [1]					
3. <1.0	667	1,329	1,063	199.3	159.4
4. 1.0 to 2.0	1,586	1,543	1,323	97.3	83.4
5. 2.0 to 3.0	2,514	1,877	1,633	74.7	65.0
6. 3.0 to 4.0	3,529	2,599	2,160	73.7	61.2
7. 4.0 to 5.0	4,482	3,189	2,642	71.2	59.0
8. 5.0 to 6.0	5,412	3,609	2,904	66.7	53.7
9. 6.0 to 7.5	6,705	4,175	3,280	62.3	48.9
10. 7.5 to 10.0	8,213	4,756	3,899	57.9	47.5
11. 10.0 to 15.0	15,043	8,299	7,625	55.2	50.7
12. >15.0	18,640	3,919	2,936	21.0	15.8
13. All income classes	4,293	2,957	2,431	68.9	56.6
Urban families with oldest child over 18 years of age:					
14. Per family	9,455	5,478	4,701	57.9	49.7
15. Per capita [2]	2,251	1,304	1,119	57.9	49.7
All urban families and individuals:					
16. Average United States	5,906	3,813	3,216	64.6	54.5

Note: See table 1 for notes.

TABLE 3.—PER CAPITA CIVILIAN EXPENDITURES FOR 4 BASIC ITEMS IN 1967 PRICES (FOR INDIVIDUALS UNDER 25 YEARS OF AGE)

Item	Single individuals	Living with family	Average
1. Food	755	526	641
2a. Housing—A	827	531	680
2b. Housing—B	547	321	434
3. Clothing	468	268	368

TABLE 3.—PER CAPITA CIVILIAN EXPENDITURES FOR 4 BASIC ITEMS IN 1967 PRICES (FOR INDIVIDUALS UNDER 25 YEARS OF AGE)—Continued

Item	Single individuals	Living with family	Average
4. Medical care	131	145	138
Basic—A	2,181	1,470	1,826
Basic—B	1,901	1,260	1,581

Source: Computed from lines 1 and 15 of tables 1 and 2. The per capita expenditures were inflated by the appropriate component of the Consumers Price Index as reported in the 1968 Economic Report of the President, table 45, p. 261. Each expenditure item was inflated by the ratio of the 1967 index to the average of the indexes for 1960 and 1961. The indexes and the ratios are shown below:

Component	1960	1961	1967	Ratio
Food	101.4	102.6	115.2	1.129
Housing	103.1	103.9	114.3	1.104
Rent	103.1	104.4	112.4	1.083
Apparel	102.2	103.0	114.0	1.111
Medical care	108.1	111.3	136.7	1.246

TABLE 4.—REVISED ESTIMATES OF RESIDUAL INCOME FOR CIVILIANS, 1966 [1]

	Income before taxes	Alternative estimates of residual income				Military residual income [2]
		(1)	(2)	(3)	(4)	
Minimum wage floor	3,328	984	1,074	971	1,216	
High school graduates by age:						
18	3,756	1,100	1,202	1,303	1,548	
19	4,111	1,198	1,309	1,583	1,828	1,202
20	4,465	1,296	1,417	1,862	2,107	1,522
21	4,820	1,393	1,524	2,141	2,386	1,985
22	5,175	1,471	1,611	2,371	2,616	2,403

[1] The incomes were taken from pp. 15 and 17 of the report. The 4 estimates of residual income correspond to—

(1) The original estimates presented in tables 2.1 and 2.3 of the report, see p. 15 and p. 17.

(2) Adjusted residual income after correcting for the erroneous treatment of social security taxes. It still assumes that the cost of basic items is 61.6 percent of income after taxes.

(3) Residual income—A assumes that the average 1967 cost of the basic items is $1,826 as shown in table 3 of this paper.

(4) Residual income—B assumes that the cost of the basic items is $1,581.

[2] Figures apply to total DOD and were taken from table 2.4, p. 18.

TABLE 5.—PERCENTAGE INCREMENTS OF FULL PARITY SALARIES OVER REGULAR COMPENSATION

Years of service	Pay grade					
	O3	O2	O1	E6	E5	E4
0 to 1		25.8	24.7			
1 to 2		29.9	28.6			
2 to 3	16.2	18.8	23.4		18.9	49.8
3 to 4	14.6	7.0	8.0		17.8	47.0
4 to 6	9.7	7.6	11.1	8.0	16.9	17.3
6 to 8	9.3	8.9	14.2	7.7	14.0	16.1
8 to 10	9.6	12.0	17.3	7.2	13.2	18.4
10 to 12	8.3	15.1		5.6	12.4	20.6
12 to 14	7.1			5.4	11.7	20.6
14 to 16	8.0			5.2	12.5	20.6

Source: Computed from data in table 5.10, p. 95 of "Modernizing Military Pay." Figures represent the percentage increase resulting from the switch from tax equivalent regular military income (basic pay plus quarters and subsistence allowances plus tax advantage) to the proposed full parity military salaries.

TABLE 6.—TOTAL MILITARY INCOME BY YEARS OF SERVICE

[Total DOD enlisted ranks for pay rates as of July 1, 1968]

Years of service	Total military income		Basic pay		Basic pay as percent of total income
	Amount	Percent increase [1]	Amount	Percent increase [1]	
0 to 1	$2,985		$1,523		51.0
1 to 2	3,479	16.5	1,963	28.9	56.4
2 to 3	4,394	26.8	2,805	42.9	63.8
3 to 4	4,959	12.9	3,299	17.6	66.5
4 to 6	5,929	19.6	3,940	19.4	66.5
6 to 8	6,214	2.4	4,203	3.3	67.6
8 to 10	6,791	4.6	4,726	6.2	69.6
10 to 12	7,258	3.4	5,141	4.4	70.8
12 to 14	7,644	2.7	5,493	3.4	71.9
14 to 16	7,917	1.8	5,742	2.3	72.5
16 to 18	7,997	.5	5,822	.7	72.8
18 to 20	8,499	3.1	6,274	3.9	73.8
20 to 22	8,892	2.3	6,624	2.8	74.5
22 to 24	11,280	13.4	8,740	16.0	77.5
24 to 26	13,122	8.2	10,350	9.2	78.9
26 to 28	14,004	3.4	11,178	4.0	79.8
28 to 31	14,610	2.2	11,712	2.4	80.2
31 to 34	16,114	3.4	13,036	3.8	81.0
34 and over	16,164	.1	13,082	.1	80.9

[1] Figures represent the average annual percentage increases in pay.

Abstract of "Modernizing Military Pay, A Critique"

The attached paper was written with two objectives in mind. It first summarizes those features of the report, "Modernizing Military Pay" which I felt to be important. It then proceeds to examine specific recommendations which I strongly feel are contrary to an equitable and efficient system of military compensation. This abstract enumerates the salient features of my criticisms.

1. The report concludes in Finding 1 that compensation principles and concepts must be separately evaluated for two parts of the force: (1) the non-career force defined as all first-term enlisted men who have not made a commitment to the career force, and (2) the career force defined as the remainder of the active duty forces including first-term officers. The report recommends the adoption of the *residual income* standard for

evaluating the fairness and equity of non-career compensation, where residual income is defined as the income left after allowances for taxes and certain basic consumption items like food, housing, clothing, and medical care which are supplied in kind to many servicemen and to most first-term servicemen.

2. Three of the four reasons which are cited by the pay study group to justify this separate standard for first term enlisted men are found to be equally applicable to all men on their first tour of duty—officers and enlisted men. Acceptance of these three reasons logically implies that the same residual income standard should be adopted for evaluating the pay of first term officers.

3. The implication of the fourth reason for a separate standard is that because most first term enlisted men are single and young, their *needs* for income are somehow less than their older counterparts in the career force. This line of argument is, however, diametrically opposed to the pay philosophy espoused in Chapters 3 and 4 of this report in which it is argued that pay should be related to work performed and not based on such irrelevant "needs" criteria as the number of dependents.

4. Even if one accepts the *residual income* standard as the basis for evaluating the fairness and equity of first-term enlisted men's pay, the pay study group presents statistically invalid estimates of civilian residual incomes. A better approximation to a valid measure of civilian residual incomes is presented in column (4) of Table 4 in this paper. According to these estimates, basic pay after taxes must be raised by an average of 456 dollars per year to achieve parity with civilian residual incomes.

5. The key recommendation of the pay study group is to replace the existing system of military compensation by a system of full parity military salaries which are designed (1) to simplify the complexities of the existing system, (2) to provide a standard by which to compare military and civilian salaries, (3) to eliminate some inequities in the existing pay system, and (4) to lend credibility to military pay.

6. The "work level" standard is proposed in recommendation 12 as the appropriate basis for comparisons of military and civilian salaries. It is inferior in concept to the "cohort" standard but administratively simpler. It is my opinion that the pay study group in their quadrennial review of military pay should adopt the "cohort" standard as the benchmark for evaluating parity and use the "work level" standard for year-to-year adjustments in pay.

7. The lack of *credibility* in the existing military pay system is largely a myth. It is not pertinent to the reasons for switching to a salary system and should be largely ignored.

8. Recommendation 13 of the report proposes that in-grade pay increases be tied to longevity because present promotion policies are imperfect and do not always reflect merit or the quality of work performed. I would recommend that the preferable policy is to rationalize and perfect promotion policies and to adopt time in grade as the basis for in-grade pay increases.

9. Complete elimination of the normal re-enlistment bonus (recommendation 21) is *not* consistent with an efficient pay system designed to attract and retain qualified military personnel. In the light of the high time preference of most youths (who discount future income at very high discount rates) and the legal commitment associated with enlistment and re-enlistment in the active duty forces, the maintenance of some normal re-enlistment bonus (together with lower salaries) offers a more economical pay system for attracting and retaining qualified personnel.

10. I strongly recommend that the proposed system of full parity military salaries be adopted for *all* servicemen in the active duty forces—officers, career enlisted men, and first-term enlisted men. Failure to do so (meaning adoption of the two pay standards—residual income for first-term enlisted men and full parity salary for officers and career enlisted men) would lead to an embarrassing situation wherein men of the same rank, performing identical military tasks, and living in the same barracks could have vastly different pay. Consider for example, two men with over two years of service and in pay grade E4. If one re-enlists and becomes a member of the career force, his pay would climb from $311 per month to $465. The other man who may still be undecided will continue to draw the lower monthly pay of $311 even though he may be doing the same work, incurring identical risks, and suffering equally odious living accommodations as his colleague. Why is it that $311 per month is judged to be *fair and equitable* under the residual income standard, but under the full parity income standard, the E4 requires a monthly pay of $465 to achieve fairness and equity? The only explanation for the double standard is that the draft and the threat of being drafted assures adequate supplies of new recruits. Those who are drafted or who volunteer because of the threat of a draft must continue to bear the hidden tax of the draft if the double standard recommended by the pay study group is enacted into the next military pay bill.

WALTER Y. OI,
University of Rochester.

JULY 30, 1968.

ECONOMIC ANALYSIS SHOWS SST A POOR INVESTMENT

Mr. PROXMIRE. Mr. President, the supersonic transport development program has been delayed because of the necessity for changes in its design—at least that is what the FAA says is the reason for the delay. But next year we will again be faced with the decision as to whether funds should be appropriated to continue SST development at taxpayer expense.

When we make that decision we would be wise to listen to the counsel of objective economic analysis. Such counsel was presented to the Subcommittee on Economy in Government of the Joint Economic Committee on August 1 by Dr. Laurence E. Lynn Jr., a Deputy Assistant Secretary of Defense for Economics and Resource Analysis.

Dr. Lynn demonstrated that by objective standards the SST represents a highly questionable financial undertaking for the Federal Government.

In his testimony, Dr. Lynn subjected the SST to rigorous financial analysis. And he came up with the conclusion that if the opportunity cost of funds is estimated at 5 percent, the SST program will lose a billion dollars by 1990 using Institute for Defense Analyses market projections.

Dr. Lynn was addressing himself in his appearance before the Subcommittee to the subject of discount rates for evaluating the return on investments in public programs.

Economists generally agree that the appropriate discount rate to use in evaluating public programs is the opportunity cost of capital in the private sector. In other words, the discount rate should reflect the rate of return that a given amount of resources employed by the Government could earn in the private sector.

There is wide agreement that the present opportunity cost of capital in the private sector is in the 7–10 percent range. When the Government uses a discount rate lower than the opportunity cost of capital in the private sector, there is a misallocation of resources from the private to the public sector, from a higher return use to a lower return use. This is exactly what we are doing in pouring money into the SST program.

Dr. Lynn's analysis shows that, using the overly optimistic FAA market projections, the SST program breaks even as far as the Government is concerned at a discount rate of 6.85 percent. Using the market projections of the Institute for Defense Analysis, which I regard as far more realistic than the FAA's projections, the breakeven rate is 1.33 percent. If a higher discount rate is used, the program will not break even.

Dr. Lynn's testimony makes it unmistakably clear that the SST project viewed strictly as a financial venture is a waste of public money.

I ask unanimous consent that the portion of Dr. Lynn's testimony dealing with the SST be printed in the RECORD.

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

THE SUPERSONIC TRANSPORT PROGRAM

The Department of Defense has in the past participated in economic analysis of the Supersonic Transport Program and has a continuing responsibility to review the program for potential military uses. The following table shows the potential profitability of the SST program purely as a financial investment: the present value of total program costs to the government is subtracted from the present value of the return flow of funds from the manufacturer. No attempt is made to pass on the merits of the non-financial aspects of the program. All SST costs prior to FY69 are considered "sunk", and the calculations assume a fresh decision can be made on whether to continue the program.

PRESENT VALUE OF SST INVESTMENT

[In millions of dollars]

	Discount rate		
	5 percent	10 percent	15 percent
SST market as calculated by Institute for Defense Analyses (IDA)	−344	−528	−579
SST market as calculated by Federal Aviation Administration (FAA)	218	−239	−421

Based on FAA estimated of the potential size of the SST market, the program breaks even as far as the government is concerned at a discount rate of 6.85 percent. If the opportunity cost of the program's funds is estimated at greater than 6.85 percent, the program will not break even. Using IDA estimates of market size (which assume that sonic boom restrictions will limit sales), the breakeven rate is 1.33 percent. If a higher discount rate is used the program will not break even.

The following table shows results from the same calculations but allowing interest charges to accumulate through 1990, rather than discounting program costs back to the present.

SST PROGRAM COSTS TO 1990 INCLUDING INTEREST CHARGES

[In millions of dollars]

	Interest rate		
	5 percent	10 percent	15 percent
IDA estimates of market size	−1,057	−4,370	−14,401
FAA estimates of market size	670	−2,143	−10,477

Thus, if the opportunity cost of funds is estimated at 5%, the program will lose a billion dollars by 1990 using IDA estimates of market size but will earn a return for the government of $670 million using FAA market estimates. At 10%, the program will cost the government $4.4 billion by IDA market estimates, $2.1 billion by FAA market estimates.[1]

STATEMENTS BY SENATOR JOHN SHERMAN COOPER IN SUPPORT OF THE NOMINATION OF GOV. NELSON A. ROCKEFELLER AS REPUBLICAN CANDIDATE FOR PRESIDENT

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made on July 2, 1968, in support of the nomination of Gov. Nelson Rockefeller of New York for the Presidency of the United States by the Republican Convention.

I also ask unanimous consent to have printed in the RECORD a statement I made opening a press conference on July 24, 1968, in which Senators JAVITS, MORTON, BROOKE, SCOTT, and PEARSON participated—all expressing specific reasons why Governor Rockefeller should be nominated for President by the Republican Convention.

I also ask unanimous consent to have printed in the RECORD a press notice issued by all the Senators who participated in the press conference.

I hope very much that the representatives of the Republican Party at Miami will consider the serious problems our country faces—the diverse views of the people of our country, the necessity for selecting as our party nominee the candidate who can best meet these problems and secure the cooperation and support of all elements of our people. These are the crucial needs of our time. The Republican Party must look to the future of our country.

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

STATEMENT BY SENATOR JOHN SHERMAN COOPER IN SUPPORT OF THE NOMINATION OF GOVERNOR NELSON A. ROCKEFELLER AS REPUBLICAN CANDIDATE FOR PRESIDENT, JULY 2, 1968

The Republican organization and its delegates owe an obligation to its party membership and to the country not to foreclose an open convention at Miami. Its primary obligation is not to any candidate at this critical time, but to give the delegates and the party full opportunity to consider and to select the candidate who can manage the problems of our country—different and more difficult than ever before. It owes no debt to anyone; its duty is to the future of America.

First, everyone knows that the next Republican President must be able to deal effectively with the country's problems—both domestic and foreign. Governor Rockefeller is the only candidate of either party with executive experience. His proven success in New York—a State larger than most nations, and with problems paralleling those of the entire nation—is in the Eisenhower tradition marked by fiscal responsibility, progress and humaneness.

Abroad, Vietnam remains our chief concern, but other issues of foreign policy loom up. Governor Rockefeller is not locked in by old Vietnam policies of escalation, by rash statements or easy solutions. His wide experience in foreign affairs commands confidence and gives our country a greater assurance of judgment in the conduct of foreign policy.

A new and absolutely critical question arises in considering the selection of our nominee. Which candidate has the qualifications to assure the lawful and orderly processes of our country and at the same time to attract and hold the confidence and cooperation of the differing and sometimes alienated elements of our people? This quality of the next President requires firmness, understanding and the support and participation of all groups of our people.

I believe a majority of our party and a majority of the American people believe that Governor Rockefeller is best qualified for this task. We owe it to our party and all the American people to select as our nominee the candidate who can best govern and lead the country.

STATEMENT BY SENATOR JOHN SHERMAN COOPER, REPUBLICAN OF KENTUCKY, AT PRESS CONFERENCE OF SENATORS FOR ROCKEFELLER S-207, THE CAPITOL, JULY 24, 1968

The Senators who are here today are declared supporters of Governor Nelson Rockefeller.

We have called this meeting prior to the convening of the Republican National Convention to urge that the delegates to the Convention, our Republican leaders, and the broad membership of our Party continue to give the most thorough consideration to the qualifications of the candidates and their ability to manage the affairs of our country and to lead and bring together our people.

The people of the country are concerned—and properly so—with the critical problems—domestic and international—and with the divisions among our people, the latter a condition we have not known since the Civil War. The Republican candidate who has the recognized experience, qualification, and who can secure the acceptance of the various elements of our population will have the best chance of election and even of great importance for our country, the ability to lead it toward the solution of its problems and to effectively exercise his responsibilities as President. On this basis, we believe it evident that Governor Nelson Rockefeller has the best chance to be elected and is the best qualified to serve the country as President.

He has spoken on the issues—and alone on Vietnam—an issue which no candidate can avoid, and which our nominee must meet squarely in the coming campaign, if he is to be elected. As Governor of New York, he has dealt with problems paralleling the major problems of our country. He is the only candidate who has large administrative experience. He has the acceptance of all elements of the Republican Party and of the people of the country.

It is our view that at this critical time in our country, our Party organization, our leaders and the delegates to our Convention have an obligation to select as the Republican nominee the candidate who can best serve the future of America. We believe that it is Governor Nelson Rockefeller.

SENATORS FOR ROCKEFELLER, WEDNESDAY, JULY 24, 1968, S-207, THE CAPITOL, 3:00 P.M.

Senator EDWARD W. BROOKE, Mass., Senator JOHN SHERMAN COOPER, Ky., Senator JACOB K. JAVITS, N.Y., Senator THRUSTON B. MORTON, Ky., Senator JAMES B. PEARSON, Kans., Senator HUGH SCOTT, Pa.

We Senators who have called this press conference are all supporters of Governor Nelson Rockefeller.

We have called this conference for two reasons.

First, we are convinced that Nelson Rockefeller can win the Presidency as the candidate of our party. We are also convinced that he can—and will—win the nomination.

Second—and far more important—we are deeply convinced that Nelson Rockefeller is the only candidate of either party who can unite this divided and embittered country in a time of great danger.

Each of us has his own special field of interest; his own geographical and political point of view. Each of us will try to explain why, from his own point of view, the nomination and election of Nelson Rockefeller as the next President of the United States is a vital national need.

THE AVIATION CRISIS

Mr. BREWSTER. Mr. President, the problems of air safety and congestion have once again been propelled into the forefront of public concern.

On this occasion the circumstances are somewhat different than in the past. Usually, such concern is voiced immediately following the tragic occurance of a major air disaster. Now, it takes place because our air traffic control system has been stretched to the limit, our major airports have become saturated, and the convenience of air transportation is rapidly disappearing because of inadequate air terminal facilities.

Under the present conditions it is most fortunate that we have not had a major air disaster. A great deal of tribute must be paid to the dedicated pilots and air traffic controllers who make this congested system work.

Last week, in an effort to rectify part of the problem, the Senate added funds to employ additional air traffic controllers. This was the second time in less than a year that the Senate felt compelled to provide the air traffic control operations of the Federal Aviation Administration with more money than originally requested.

While I am among the first to praise Federal agencies seeking to economize, I am frankly puzzled by the FAA's apparent failure to anticipate its manpower and facility needs in the area of air traffic control.

Obviously, the present crisis did not appear out of thin air. The warning flags of impending crisis have been flying for sometime, but apparently the FAA chose to ignore them. I believe it should have been possible for the FAA to foresee what was going to happen and thus have taken the steps necessary to avert the present crisis.

To imply that the crisis is primarily caused by a lack of funds would be an oversimplification. For example, it has recently come to light that needed air safety equipment at Baltimore's Friendship Airport has been sitting in crates, unused, for nearly two and a half years.

[1] If pre-1968 costs are included in these calculations, the government's cost is $6.5–$9.0 billion.

How, I ask, how, could an agency with an established reputation for efficient management permit such a situation to exist? Clearly, a public explanation is required and corrective action must be taken—not at the regular everyday pace, but working around the clock until the job is completed.

There are additional signs that the FAA is suffering from management problems. I believe it is no accident that the air traffic controllers are coming to the public and the Congress with their complaints and recommendations. It is apparent to me that there has been a serious breakdown in communication between the men on the front lines and the FAA's management. Controllers I have talked with inform me that their suggestions fall upon deaf ears; that promises of action were never implemented. Such reports have become too widespread to be ignored.

The situation is all the more critical in that it will take years to set the entire system straight—from top to bottom. And this task is all the more difficult because various segments of the aviation community are deeply divided as to how to proceed from where we are today.

Mr. President, it will take time to restore a sense of order and convenience to our air transportation system. The problems are too difficult to lend themselves to simple overnight solutions, but a start must be made. The system must be set right.

CONVENTIONS ALERTED TO PUBLIC DEMAND FOR GUN LAWS

Mr. DODD. Mr. President, I hope that as the national nominating conventions of the Democratic and Republican Parties sit to choose a candidate for President, and draw a party platform, they will not forget that the majority of the American people want strong firearms control laws.

Stronger firearms control laws should be a major plank in the domestic platforms of both parties if the people are to be served. Sane firearms laws should be uppermost in the minds and concerns of all legislators, Federal, State, and local, interested in reducing crime.

Our great political parties are seeking public support on the issues of our time. The public's wish on the matter of regulating firearms is clear.

Most of the public has consistently asked for the strongest kind of firearms control.

There is no real question of that.

I suggest, then, a plank in both party platforms calling for the immediate adoption by Congress of the kind of firearms regulations the public has so long sought.

And I suggest that when Congress reconvenes in September that the delay, the foot dragging, the open and outrageous attempts to compromise a strong and well-thought-out firearms law cease.

I suggest that a law be passed that serves the public interest, rather than the private interests.

Indeed, I plead with my colleagues to do the right thing and pass a law that will keep firearms out of the hands of those who should not have them.

It is not fair that the gun lobby wins every time.

Let us give the public a fair shake.

Let the 90th Congress pass the law we all know is needed.

As a reminder of this widespread support for strong firearms laws, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a selection of editorials, by no means complete, reflecting public opinion from newspapers large and small, from rural and metropolitan areas and from every section of the Nation.

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

[From the Seattle (Wash.) Post-Intelligencer June 23, 1968]

TOWARD GUN CONTROL

There have been encouraging indications during the past week that Congress is about to enact important gun control legislation.

On Thursday, the House Judiciary Committee approved a bill which would place a strict ban on the mail order sale of rifles and shotguns. The full House is expected to vote on the measure this week. A companion bill in the Senate is scheduled to be acted upon by the Senate Judiciary Committee next Thursday.

The significant House action followed Wednesday's signing of an anti-crime bill by President Johnson. Among its provisions is a prohibition against the mail order sale of handguns. Thus, if Congress follows through this week with passage of the pending bills covering rifles and shotguns, all firearms purchases will be barred from the mails.

Still a possibility is legislation to require registration of all firearms and licensing of all gunowners.

Qualified persons who have legitimate reasons for wanting to own guns have nothing to fear from such legislation which would go a long way toward keeping firearms out of the hands of criminals and maniacs.

It is now up to Congress to move swiftly and surely toward passage of the pending bills. No one doubts that senators and congressmen will be strongly pressured, by such groups as the National Rifle Association, to kill or dilute gun control legislation. This pressure must be resisted, in face of the overwhelming lessons of tragedy and the fact that domestic firearms have caused the deaths of more Americans than all the wars America has fought.

[From the Springfield (Mass.) Union, June 21, 19668]

A START AGAINST CRIME

The omnibus crime control bill signed by President Johnson after days of hesitation falls well short of the mark in some instances and appears to overstep in others. This is the way with omnibus bills. They seldom make everybody happy, but it always seems a shame to sacrifice the good features unless the others are unthinkably bad.

The President took a particularly dim view of the measure's Title III, which permits police wiretapping and eavesdropping in the investigation of many types of crime. He had hoped to limit such practices to national security cases. But extending them to other categories of crime seems only in keeping with the need—if Massachusetts can be taken as an example. Most of what the authorities know about mob operations in this and neighboring states has not qualified as evidence because it has been learned by "bugging" techniques.

Title II of the bill runs smack into recent Supreme Court rulings in allowing confessions to be admitted as evidence if the court decides they were made voluntarily, regardless of whether the defendant was apprised of his rights to have an attorney and to remain silent. This and other Title II provisions will be fair game for appeals to the high court. Aside from what merit they may have, their inclusion in the bill is likely to generate confusion more than anything else.

Perhaps the most valuable parts of the crime bill are Titles I and IV. Title I authorizes federal grants of up to $100 million in the fiscal year starting July 1 and $300 million the following year to improve police forces and enforcement methods. One of the benefits of these grants should be a willingness, in turn, of cities and towns to pay their policemen more than most of them are getting. Title IV bans the interstate mailing of handguns and ammunition and bans the sale of handguns over the counter under certain circumstances.

Meanwhile, what ought to be done promptly, either as an amendment to the omnibus measure or as a separate bill, is to extend the ban on interstate mailing to rifles and shotguns, in addition to handguns. The President has proposed this, and the prospects are good for enactment by Congress.

[From the Albuquerque (N. Mex.) Journal, June 23, 1968]

TACTICAL BOO-BOO: CONTROL FIGHT BY RIFLE ASSOCIATION IS BACKFIRING

(By Bob Brown)

It is now obvious that the principal lobby against gun control legislation, the National Rifle Association, made a tactical boo-boo.

In opposing new laws down through the years, and in exaggerating potential effects of any such legislation, the opponents have virtually assured stronger controls than would have been acceptable in the past.

A few years ago advocates of controls would have settled for a couple of relatively harmless moves—strengthening laws to keep guns away from felons, mental defectives, juveniles and narcotics, addicts, and passage of a law requiring registration of all firearms.

But opponents would have none of this. They wanted no controls, other than those designed to keep handguns away from felons. They fought virtually all else, although NRA President Harold Glassen said the organization supported the mild bill signed by President Johnson halting the sale of hand guns by mail.

Generally a few basic arguments have been used to fight gun control laws, including the insistence that controls infringe upon an individual's constitutional right to bear arms.

Unfortunately, the anti-control people have quoted only the second half of the Second Amendment in the Bill of Rights and have ignored the first half. The full amendment reads: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." The courts have consistently interpreted this as referring to collective right, not an individual privilege.

Opponents have also argued that "guns don't kill people; people kill people." As guns are inanimate, this is true. But in the hands of people guns can be dangerous—either purposely or accidentally. The anticontrol group argues that if guns are to be registered then there should also be registration for knives, axes, clubs, beer bottles and other implements occasionally used to kill. Legislative bodies have recognized the danger of knives—as in New Mexico switch blade knives are outlawed. But records indicate that in areas where gun laws are weak—such as Mississippi, Texas and Florida, guns were used respectively, in 71, 69 and 66 per cent of all murders during the four years ending in 1965. Incidentally, in three states with strong laws—New Jersey, Massachusetts and New York—the comparable rate was 38, 35 and 32 per cent.

The NRA and its members have argued that any move toward gun control legislation means the eventual outlawing of guns. And they have insisted that when guns are outlawed, "only outlaws will have guns." They feel that if guns are ever taken away from the law-abiding citizen he will be left defenseless while the criminal will ignore the law and steal a gun—"as he usually does anyway." Actually, criminals have not needed to steal guns in many areas, including New Mexico. They have had no trouble purchasing them legitimately or through the mail. A 1965 study showed that nearly 25 per cent of 4069 mail-order guns shipped by two Chicago firms went to convicted criminals.

Some of our bigger mail-order firms—including Sears and Montgomery Ward—have stopped shipping guns but only legislation will stop this traffic by fly-by-night outfits.

There is nothing in the present batch of legislation designed to keep guns away from law-abiding adult citizens although criminologists wonder how good an idea it is for the average citizen to keep a pistol at his bedside for self-defense. Many fatal accidents occur through the use of "unloaded" guns; records indicate that two-thirds of criminal assaults and three-fourths of homicides result from quarrels among family or friends.

Actually it is this fear that the government will end all private ownership of firearms which underlies the NRA's opposition to registration of any weapons. The argument is that once local police were empowered to reject applicants for a permit to own a weapon, they would do so capriciously or on the basis of personal or political prejudice. In New Jersey, with a strong law, of 89,500 requests for firearm permits, 100 have been denied.

Another group opposes registration on the grounds invading Communists would merely have to get the lists from police to disarm the nation. In this nuclear age this contention does not seem valid.

At this time a considerably stronger gun control system seems likely from Congress. A House committee has approved—and a Senate group is expected to follow suit—a new bill to stretch the mail order ban of hand guns to cover rifles, shotguns and ammunition. The same measure limits over the counter sales to state residents who must be 18 years old to buy rifles and shotguns and ammunition, and 21 to purchase handguns. Also outlawed would be sales of weapons such as machineguns, mortars and anti-tank guns. Dealers would be required to keep sales records and the measure also prohibits purchase and transportation of firearms by felons, mental defectives, narcotic addicts.

Not in the bill, but still a possibility for inclusion, is a proposal that would require all privately owned guns to be registered and all gun owners licensed. The chief value of registration, along with ballistics test results which would be kept of all rifles and handguns, would be in tracing suspects in crimes.

Of course not even strong gun controls will stop crime or prevent all murders or accidents. But the statistics in this country and abroad show that regulation and registration markedly reduce the risks.

[From the Corsicana (Tex.) Sun, June 18, 1968]

GUN LAW IMPROVEMENT

The rising tide of violence in America, plus the shock of the second Kennedy assassination; seems to be breaking lobby-held logjam of stricter gun-control legislation.

Congress has passed a bill tightening the 1938 Federal Firearms Act, mainly by barring mail-order sales of pistols (as well as over-the-counter sales to state nonresidents). President Johnson has urged Congress to add rifles and shotguns to that regulation, a measure fought for seven years by the National Rifle Association, and popular pressure has begun to move the new bill.

The President further urged the states to tighten their own gun-control laws where they are inadequate. A movement is already under way to get stricter gun regulating legislation in Texas, as Gov. Connally unsuccessfully urged on the latest regular session.

Meanwhile, some gun manufacturers, distributors and retailers are voluntarily taking voluntary precautions in line with anticipated governmental restraints. And the influential American Bar Association is rising to offset the heretofore powerful pressure of the NRA-led anti-gun-control lobby.

All this makes sound sense. The NRA-espoused arguments against stricter gun-control laws are generally spurious.

Regulation and registration of gun sales and ownership will not seriously inconvenience sportsmen, collectors, or home protectors. Obtaining suitable guns for legitimate uses will not be impeded.

The constitutional right to "bear arms," originally intended to allow a "well-regulated militia," is a regulable right, as in the laws against concealed weapons and carrying loaded weapons on streets. And the fact that existing gun laws are unsatisfactorily enforced is no argument against better laws.

True, making it more difficult for the criminal, the irresponsible and the irrational to obtain and keep guns will not prevent crimes of violence, but it will help reduce them. Traffic laws do not prevent highway deaths, either, but who would repeal speed laws or abolish licensing of cars and drivers? As for other obtainable weapons for criminal violence, none is so dangerous and deadly as a gun.

Finally, comprehensive gun-control laws, especially registration, make it easier to detect, apprehend and convict in a criminal shooting. That has substantial deterrence value.

[From the Madison (Wis.) Capital Times, June 21, 1968]

GUNS THREATEN OUR SYSTEM: A LETTER FROM JACKSON YARBOROUGH

The most frantic and emotional argument put forth by the National Rifle Association and its adherents in opposing gun control legislation is the one which declares that such legislation is a prelude to a total disarming of the public, and is the first step toward tyranny in America. This argument is as unreasoned as it is emotional.

Its proponents are arguing that our Republic, our system of democratic government is so weak and uncertain that the only protection of the individual against governmental tyranny is a collective public armed to the teeth and ready to blast away when the first sign of tyranny appears. Presumably these individuals feel that the patriotism of the American people, and our constitutional processes, will be insufficient to deal with any threat of tyranny which may arise.

Presumably the "sheep" who support gun control legislation will be incapable of preventing governmental tyranny through normal constitutional means, so we will have to leave the job to those "real" patriots who will take up their guns and save us when tyranny threatens.

Those who oppose gun legislation constantly point to Nazi Germany to support their argument. They could not have made a worse choice. Mr. Hitler convinced the German people that it was safer to rely on the guns of his armed "patriots" than on laws to avert Communist tyranny. So they eschewed what faith they had in constitutional processes and chose to rely on Hitler's "patriots." They chose to rely on guns instead of laws.

In the last resort, the National Rifle Association evidently feels that we must rely on guns rather than constitutional law to preserve our form of government. And herein lies the danger inherent in the N.R.A. argument, for it is precisely when the people choose to rely, in the end, on guns instead of laws that tyranny is transformed from an unlikely possibility into a very real probability.

The N.R.A. argument presupposes that after two centuries our protection against governmental tyranny is not a Constitution founded upon law and the natural rights of man, but a Constitution founded upon an altar of rifles, pistols and shotguns.

It is founded in a belief that American constitutional government remains secure not because of the rule of law and reason, but because the American public has been permitted the unrestricted right to buy, sell and exchange firearms.

If the argument of the National Rifle Association is correct, then the greatest experiment in democratic government in history is a failure; it is a failure because the N.R.A. argument implies that there is such mistrust among Americans of our form of government, and the men we select to administer it, that we are unsafe from tyranny if even such a basic measure of any civilized democratic society as the registration of firearms is instituted.

Those who argue that gun control legislation is just another plot to weaken America would be well to remember one thing: disarming the public is a postscript of tyranny, not a prelude to it. Those tyrants who have seized governments in the 20th century have ridden into power on the backs of armed and organized segments of the public, paramilitary segments to whom firearms were freely available.

Gun registration will not produce tyranny, it is a means of preventing it; it will not take guns out of the hands of decent, honest people, but will prevent their sale to criminals and the mentally ill.

The greatest threat of tyranny in the United States—precisely because of our democratic heritage—lies in the anarchy which has come about because none are barred from free access to firearms: not even the demented, the addicts, or those who, advocate the violent overthrow of the United States Government.

Any of these can buy firearms by mail with no questions asked. Any of these can buy firearms over the counter, even a bazooka, a mortar, or an anti-tank gun with no questions asked.

I am not fearful of gun registration, although I am a hunter and a sportsman; I am fearful when my neighbor who rails violently against numerous shadowy plots to take over the government is permitted, without question, to stockpile an arsenal in his basement.

What if a casual remark should one day lead him to believe that I am part of such a plot? Has he ever been institutionalized for mental illness? The gun seller has no way of knowing whether he has or not; under present laws, he has no reason to bother to find out.

[From the San Antonio (Tex.) Express, June 25, 1968]

CRIME RISE BLAMED UPON GUNS

San Antonio Police Chief George Bichsel Monday blamed the large increase in crime this year in San Antonio on guns, saying "there are too many guns. Guns are too accessible."

Bichsel said five-month crime figures compiled by local police show an even larger increase in crime than the 63.7 per cent shown in figures released in a FBI report comparing crime figures for the first three months of 1967 and 1968.

The FBI report showed a 20 per cent increase in crime in cities with 500,000 to one million population, compared with San Antonio's rate of 63.7 per cent.

In murder alone, San Antonio's rate for the

first five months of 1968 is up 26.6 per cent over the number of murders committed in the same period in 1967, Bichsel said.

The FBI report indicated an 11.6 per cent increase in San Antonio's murder rate for the first three months of 1968. The national average for cities in San Antonio's population range in the same period was minus two percent.

Chief Bichsel blamed the high murder rate on guns, saying if they were less accessible the murder rate would be lower.

"There's nothing wrong with people having guns," he said, "we just want them to keep them at home."

Bichsel stated there were 38 murders committed in the first five months of 1968 as compared with 30 in the same period of 1967.

Bichsel added that 30 per cent of San Antonio murders happened in lounges or as a result of quarrels started in lounges. He pointed out that in other murders, drinking is often involved.

Commenting on gun legislation, Chief Bichsel said he would be in favor of a gun law prohibiting weapons being carried into places where alcoholic beverages are sold, such as the bill State Rep. Frank Lombardino is currently sponsoring.

Bichsel brought out that while he is not advocating citizens turn in guns to police, as they did in several cities following Sen. Robert Kennedy's assassination, they may do so.

Any gun turned into the police headquarters complaint desk would be eventually destroyed, he added.

Thursday, a student group asked the City Council to declare an amnesty period in which people could turn in their guns to police with no questions asked.

Bichsel said only one gun has been turned in so far, and that it was turned in to the city clerk by the students. He said it was in the police property office and would be destroyed.

The FBI report which prompted Bichsel's statement showed crime increases in San Antonio higher that national averages in all its categories, except robbery, which showed a 12.5 per cent increase for San Antonio and a 30 per cent increase in cities San Antonio's size.

[From the San Antonio (Tex.) News, June 26, 1968]

CRIME'S STARK STATISTICS DEMAND EFFECTIVE ACTION

The statistics are overwhelming and the results are unacceptable in a civilized society: too many guns in the hands of too many people who use them against other people.

In San Antonio, where the rate of violent crimes tops the national average, some 30 per cent of slayings occurred in beer joints, Police Chief George Bichsel said. Easy access to guns is a major cause of many of these killings, he said.

Nationally, F.B.I. Director J. Edgar Hoover cited the steady increase in criminal violence and called for local registration of firearms.

Capping a new drive to do something effective, President Johnson has asked for legislation that would require registration and licensing of firearms and for jail terms for violations. There would also be provision to attempt to keep guns out of the hands of unstable persons. Key to any legislation is enforcement, of course, and this includes realistic attitudes by judges and juries.

Hoover's endorsement of gun registration is a decisive bit of evidence on the side of Mr. Johnson's proposals. Hoover is probably the most-notable communist hunter in the country. The usual argument against registration—that it would provide communists with a ready-made list for firearms confiscation when they decide to take over the country—fails to persuade him. The argument lacks credibility.

It is ridiculous for Bexar County to tolerate as many slayings as many nations have. The age has passed when a man needs a pistol when he goes out with the boys on Saturday night. There is no basic abuse of civil rights in registering firearms.

[From the Parkersburg (W. Va.) Sentinel, June 28, 1968]

GUN CONTROLS NEEDED

The National Rifle Association continues to take the lead in fighting against strong gun-control laws. The Association has found it easy to whip sportsmen into a mild frenzy of opposition. So, when Congressmen say they are now receiving a flood of letters opposing gun-control laws, we have a right to suspect the Rifle Association of being the inspiration for those letters.

But there is no doubt of the need for the control of the sale and ownership of guns. Just last September J. Edgar Hoover, director of the Federal Bureau of Investigation wrote:

"A firearm continues to be the instrument of death in virtually every murder of a law enforcement officer. Last year, 55 of 57 law enforcement victims killed in the line of duty died from gunshot wounds. These figures are in keeping with the trend since 1960 which reflects that firearms have been the murder weapons in 96 percent of the 335 police killings.

"There has been an increasing interest on the part of the public in this admittedly complex issue, I have publicly stated my view for many years that better control of firearms is not only desirable, but also necessary to public welfare. We have reached the point where the time for debate is past; the time for action is here.

"I think mail-order firearm purchases should be banned, interstate transportation of firearms controlled, and local registration of weapons required and enforced."

[From the Petersburg (Va.) Progress-Index, June 27, 1968]

WE LIVE TOO CLOSE TOGETHER

In spite of strong opposition by the National Rifle Association (NRA) indications are that Congress will soon pass a bill which will make possible some form of gun control.

There is no doubt that two assassinations have had their effect on the lawmakers, as well as the general public, but the consideration of the matter of gun control by Congress goes back several decades, and the present emphasis is not entirely owing to the assassinations. The characterization of the demand by many for a gun control law as hysteria is hardly justified. Sober thought will result in a realization of the need for such action on the part of Congress.

Reasons for gun control are numerous: murders in which guns were used, the many accidents caused by the careless handling of firearms by children and others lacking familiarity with deadly weapons, and, most important of all, the ease with which those who should not be allowed to have weapons can obtain them.

If no more is accomplished by the passage of a gun control law than making it impossible to purchase guns by mail order, that will be a step in the direction of safety. If the law goes further and imposes restrictions on buying firearms in person, that will be a second step.

The argument by the NRA that criminals will continue to obtain guns by various means while the law-abiding citizen may experience some difficulty in purchasing a gun for self-defense has some validity. On the other hand, the potential criminal may be prevented from purchasing dangerous weapons, an accomplishment much to be desired.

The reasoning that a gun law will not be obeyed might be applied to any law which may be passed now or in the future and consequently has little strength.

Requirements such as proof of good character before a gun purchase is allowed, registration of firearms and licensing the use of them may prove to be inconvenient and may cost the owner something, but the days of the Wild West are over. We live too close together today to allow indiscriminate and uncontrolled ownership and use of firearms.

[From the Kansas City (Mo.) Star, June 26, 1968]

FIREARMS REGULATION IS INSPIRED BY DEEDS

This week the Senate juvenile delinquency subcommittee is holding hearings on bills to require the registration of firearms and tomorrow the Senate judiciary committee may act on a measure to prohibit mail-order sales of rifles and shotguns to individuals. President Johnson, in a special message, has asked Congress to move ahead with registration and to add licensing provisions as well.

The President has spoken on firearms control many times in the past. More than three years ago, in his first message to Congress on crime, he requested a strong law. Three years later, spurred by the assassinations of Dr. Martin Luther King, Jr., and Sen. Robert F. Kennedy, Congress obliged with a grab-bag crime bill that almost incidentally put mild restrictions on the sales of pistols and revolvers.

Similar prohibitions on the sales of long guns would help. But increasingly, registration and licensing statutes are seen as effective means to slow the circulation of guns and to help keep them out of the wrong hands. Motor cars must be registered. Through that system the subdivisions of government have a good picture of the number of vehicles in use and where they are. At the same time, the drivers of vehicles must obtain a license to drive—whether he owns a dozen cars or one; whether he leases or rents. Persons who are too young cannot get a driver's license, nor can people who are physically unable to drive.

Surely it would be no great inconvenience for the owners of guns to register them and for people who want to shoot guns or own them for self-protection to obtain a license. The President has suggested that licensing might be accomplished by the states with a period of grace of several years before federal licensing became mandatory. We can see no reason to wait for the several years.

It is said by opponents of gun regulation that if Congress acts now it will be because of the fears aroused by the recent assassinations and that legislation ought not to be hasty. But none of the proposals for regulation is new. All have been around for a long time. Only when the public is alarmed over murder and assassination does Congress seem to find the inspiration to do anything.

[From the San Antonio (Tex.) Express, June 25, 1968]

SHOOTING SUBSIDY SHARPLY RESTRICTED

The Army has moved to give its gun-club support to those clubs whose members have their military service obligations ahead of them and to limit their guns to rifles.

The long-touted civilian marksmanship program has been largely a subsidized shooting club whose value is debatable. The worst feature is that it was an exclusive club, a quasi-official organization that held the rights to "surplus" Army guns and ammunition at taxpayer expense. The public was supposed to get the advantage of trained marksmen in time of national peril.

The place for the Army to train marksmen is in the Army. The Army will continue to help support shooting for youngsters in properly-certified clubs and for college clubs with proper affiliation. No pistols will be sold to the members and only excess rifles specifically designed for target shooting will be available.

Previously, the Army had withdrawn its support of the National Rifle Matches.

These are commendable changes.

[From the Parkersburg (W. Va.) News, June 28, 1968]

HARD LINE COULD CURB THE LAWLESS

Advocates of strict firearm control point to the shocking figures of the Federal Bureau of Investigation's latest crime report as further evidence of the need for new and far reaching legislation.

The statistics are, indeed, disturbing. They record a 26 per cent increase in armed robberies during the first three months of this year over a corresponding period last year, and a 23 per cent rise in aggravated assault with a firearm. But they are only part of a very ugly picture. Serious crime as a whole—and the figures deal only with reported offenses—increased 17 per cent, with all population classifications—urban, suburban and rural—figuring in the upward spiral. Murder was up 16 per cent, forcible rape 19 per cent, robbery 24 per cent, burglary 15 per cent, automobile theft 17 per cent and larceny 19 per cent.

This newspaper is not among those who place great store by anti-gun legislation as a crime deterrent. It inclines to the belief that the several new legal approaches, already taken or proposed, represent an emotional rather than reasoned response to some recent tragic events. But for what good they may contain any or all of them probably are worth the inconvenience to which they would put many law abiding citizens. What we do believe the FBI report underscores is the need for a crackdown all along the line on law breakers of all kinds through the vigorous enforcement of the laws we already have on the books.

The time is long overdue for a maximum of hard nosed law enforcement, a minimum of rationalization of criminal conduct by those who seek to explain away misconduct as the product of environment, discrimination and police brutality.

[From the Beckley (W. Va.) Post-Herald, June 28, 1968]

FBI'S HOOVER SAID IT LAST YEAR

(By Emile J. Hodel)

Last Sept. 1 the director of the Federal Bureau of Investigation, John Edgar Hoover, made a statements in the FBI Law Enforcement Bulletin which, if heeded, might have deterred the assassins of Dr. Martin Luther King Jr. and Sen. Robert F. Kennedy.

Since the great debate on control of firearms and various proposed laws aimed at various degrees of control is going on apace, we feel it worth while to devote Top O' The Morning today to reprinting what Director Hoover had to say on Sept 1. It follows herewith.

"Each year, thousands of businessmen look up from their work into the menacing muzzle of a gun wielded by a trigger-happy robber. In recent months, murderous snipers have waged guerrilla warfare against law enforcement officers in our city streets. In 1963, our President was slain with a mail-order rifle. During the calendar year of 1966 alone, more citizens were killed or assaulted with guns in American streets and homes than were killed in battle during the entire Korean conflict.

"The use of firearms in crime is indeed a serious and major problem in our country today.

"A firearm continues to be the instrument of death in virtually every murder of a law enforcement officer. Last year, 55 of the 57 law enforcement victims killed in the line of duty died from gunshot wounds. These figures are in keeping with the trend since 1960 which reflects that firearms have been the murder weapons in 96 per cent of the 335 police killings.

"There has been an increasing interest on the part of the public in this admittedly complex issue. I have publicly stated my view for many years that better control of firearms is not only desirable, but also necessary to public welfare. We have reached the point where the time for debate is past; the time for action is here.

"I think mail-order firearm purchases should be banned, interstate transportation of firearms controlled, and local registration of weapons required and enforced.

"The primary thrust against this serious problem must be from the local level but federal assistance must strongly complement state gun legislation. While it is true a hardened criminal will obtain a gun regardless of statutes in force, most authorities agree that controls would make acquisition more difficult. With a large percentage of the murders in the United States occurring within the family or among acquaintances, the readily available lethal firearm, seven times more deadly than other murder weapons, becomes a major factor.

"Enforced controls at the local level provide the possibility of investigative leads in tracing stolen weapons and those used in crime. This possibility takes on added significance in view of the nationwide capabilities of the rapidly expanding FBI National Crime Information Center. Pertinent weapons information stored in this computer network is available to law enforcement throughout the country in a matter of seconds.

"Some states and jurisdictions have laws which allow courts to impose stiffer penalties for criminals who use firearms in the commission of felonies. A realistic application of these laws by the courts, plus the passage of similar legislation in areas where none now exists, together with mandatory prohibitions against suspended sentences in cases involving firearms, would certainly be a strong deterrent to those who contemplate using firearms for violence.

"There is no doubt in my mind that the easy accessibility of firearms is responsible for many killings, both impulse and premeditated. The statistics are grim and realistic. Strong measures must be taken, and promptly, to protect the public."

[From the New Brunswick (N.J.) Home News, June 27, 1968]

SO GUNS ARE OK?

Guns do not kill people; people kill people, the National Rifle Association has long contended in its argument against gun controls.

As a public service, we would like to reprint the first three paragraphs of a story appearing on the front page of Tuesday's Home News.

"FRANKLIN.—Three-year-old David Miller, son of Mr. and Mrs. Roscoe Miller of 27 Fuller St., shot himself in the chin yesterday with a loaded revolver left in a drawer in the home.

"He was rushed by his parents to Middlesex General Hospital in New Brunswick. The hospital reported this morning he was in good condition. The bullet was removed last night.

"The revolver, a .22 caliber, had been left fully loaded in a dresser drawer next to a bed on which the child was playing. Police said the weapon is owned by Sonny Depue, address unknown, who had left it there. . . ."

No further comment is necessary.

[From the Green Bay (Wis.) Press-Gazette, July 1, 1968]

WHO'S BEING HEARD FOR GUN CONTROLS?

Those citizens who believe that proper regulation of guns is going to be adopted by the Congress without their continued vocal and written support are just fooling themselves. They must face up to the fact that a vociferous, highly organized, demanding and extremely critical group being led directly or indirectly by the National Rifle Association will leave nothing undone to bring about defeat of gun controls above and beyond the minor ones contained in the anti-crime bill recently signed by the President.

It is no accident that the Senate Judiciary Committee last week voted to delay further consideration of weapons controls until next week. It is no accident that the tide of mail to congressmen is starting to turn against any further controls. It is no accident that the Congress, which had seemed ready after the assassination of Sen. Kennedy to move quickly to expand controls, has now slowed the pace on a measure to prohibit interstate mail order sales of all firearms and ammunition and to ban over-the-counter sales to nonresidents of a state. It is no accident that those who see in gun controls a usurpation of some fundamental and precious freedom are flooding the Press-Gazette with letters opposing controls while those who favor such controls are silent.

The critics of any gun controls repeat over and over again the arguments which have permitted the National Rifle Association to successfully stifle any, even reasonable, controls during the last several decades. The NRA theme is that gun regulation somehow violates individual and constitutional rights, that it will lead to a totalitarian state, that guns will be confiscated wholesale, that control is somehow tantamount to the first steps of Hitlerian regime, and that it will prevent hunters from their peaceful pursuits. These are scarce tactics at their worst. But they are effective in defeating legislation which, at worst, might cause some inconvenience and, at best, would eliminate what has become virtually no control whatsoever on firearms in the face of statistics showing the rising tide of homicides and other crimes with guns.

We believe gun control laws are necessary. We also believe that those who favor such controls don't stand a ghost of a chance to get such legislation adopted unless they make themselves heard by writing their congressmen demanding action so that controls would apply in all the states equally. The opposition to controls is making its voice heard. Who is hearing what the polls show are 70 percent of the citizens who favor gun controls?

[From the Stockton (Calif.) Record, June 21, 1968]

RULE OF REASON AGAINST GUNS

President Johnson signed the crime control bill with the weak indorsement that it contained more good than bad legislation. His signature is part of the price for future firearms control measures stronger than the bill's prohibition against the mail-order sale of handguns. Had he vetoed the bill, the current momentum in behalf of banning the interstate retailing of rifles and shotguns might have been lost in a congressional effort to override the veto.

Public sentiment in favor of stricter firearms measures is unquestionably in the ascendency. Responsively, the House Judiciary Committee has sent to the floor an extension of the mail-order provision applying to long guns, and the Senate Judiciary Committee is considering the same action.

The concept of registering firearms, almost unthinkable a month ago, has gained popularity, the polls show, since the assassination of Senator Robert F. Kennedy. Several bills to this end are in Congress, there is continuing pressure in the California Legislature, the San Francisco Board of Supervisors has enacted a registration ordinance, and Sheriff Michael Canlis is encouraging voluntary registration.

The National Rifle Association by sheer weight of organized numbers has until now lobbied successfully against every gun control movement. This time conditions are different; the public outcry has not subsided in the face of the NRA campaign.

Much emotion has been generated on both

sides of the controversy. Gun buffs tend to talk hysterically about "taking our guns away," a distortion of all control efforts. Opposition to the generally liberal American attitude toward buying and possessing guns skyrocketed with the assassination, raising extravagant hopes for the preventive influence of controls. Other signs of violence in our society, reflected daily in crime reports, contribute to the public's outrage.

The fact is that some 20,000 Americans will be killed by gunfire this year, 6,000 of them murdered and the remainder by accident or suicide. All the nation's wars have killed fewer than 600,000 Americans, but 800,000 of us have died by gunfire in civilian life in this century.

The fact is that guns are much too easily obtained by criminals, mental incompetents, habitual drunkards, and children, and that J. Edgar Hoover has written that "Easy accessibility of firearms is a significant factor in murders . . ."

Also a fact is that gun controls will not quickly bring about a reduction in the wanton use of such weapons. But they will constitute an expression of public policy and opinions, and they will be a beginning of sensible restraint.

All is not emotion in the outcry against firearms that Congress, legislatures and local government are hearing. There is plenty of good reason, and reason should rule.

[From the Muskogee (Okla.) Phoenix, June 15, 1968]

A SENSIBLE COURSE ON GUN CONTROL

Gun control legislation is another one of those subjects it seems impossible to discuss dispassionately.

To some, loose gun control laws are solely responsible for, and stiff gun control laws are the only cure for, the problem of violence in America.

To others, restrictions over the purchase and ownership of guns is the first step toward disarming the American citizenry, which is the last step before the take-over of America by "them."

There would seem to be a middle position.

There would seem to be a solution somewhere between the absolutely free and unfettered sale of dangerous weapons and the confiscation of all that exist in the country. There would seem to be enough collective wisdom among the 535 members of the U.S. Congress to write a law which would protect the rights of law-abiding sportsmen and gun buffs while making it a bit more difficult for those who should not have guns to obtain guns.

Let it be granted immediately that laws mean little to the law-breaker. The man who needs a gun for an evil purpose will find a gun. But this no more argues against putting controls on guns than the high incidence of burglaries argues against putting locks on doors.

It is time to cease the weary refrain that "guns don't kill people; people kill people." Neither do automobiles kill people. Should we then do away with all controls over the ownership and operation of motor vehicles?

Forget the criminal. The fact is, guns may indeed kill people.

At least one psychological study has shown that, in tense emotional situations, such as an argument, the mere presence or accessibility of a weapon like a gun heightens aggressive feelings. The trigger, in a very real way, pulls the finger.

If a man under the influence of anger could not run down to the store and buy a gun at once, if he had to fill out an affidavit or go through a waiting period of a few days, lives might be saved.

If a mental defective or an underage youth could not send for a rifle through the mail, lives might be saved.

If a panicky homeowner had to go through a little red tape before buying a gun to defend his house against "them," lives might be saved.

Even if only one life could be saved because someone who might have bought a gun didn't bother because he didn't care to go through the legal rigamarole, and thereby an accident that might have happened didn't happen, surely the sportsmen of America would be willing to put up with one more annoying inconvenience in this crowded world where no one's "rights" extend very far any more without bumping up against somebody else's.

[From the Huntington (W.Va.) Herald-Dispatch, June 29, 1968]

GUN CONTROL LAW AT CROSSROADS

The Senate Judiciary Committee's decision to delay action on gun control bills raised the question of whether a militant minority can defeat urgently needed legislation by determined protests to members of Congress.

The omnibus crime bill containing a bar against purchasing pistols and revolvers through the mail passed the House of Representatives by a wide majority on the wave of public indignation over the assassination of Sen. Robert F. Kennedy.

President Johnson said the gun provision was inadequate and asked for a prohibition against buying rifles and shotguns through the mail.

Later he urged legislation requiring the registration of guns and the licensing of users.

Meanwhile, the National Rifle Association told its million members that "The right of sportsmen in the United States to obtain, own and use firearms for proper lawful purposes is in the greatest jeopardy in the history of the country."

Alarmed by this charge and actuated by the pioneer spirit of freedom still strong in America, thousands of NRA members protested the proposed new legislation imposing tighter gun controls.

As a result, chances for approval of the bills at this session of Congress are sharply reduced.

The unfortunate development at a time of increasing crime calls for a clear and fair look at the problem.

First of all, opponents of the bill should realize that there is no intention in Congress or elsewhere to deprive sportsmen, gun fanciers or other responsible citizens of the right to own or lawfully use firearms.

The major purpose of proposed legislation is to keep guns out of the hands of criminals and other dangerous persons. The experience of states having strict gun control laws has already demonstrated that this would materially reduce crime.

Registration and licensing laws would also help in the investigation and solution of crimes. This was pointed out by Huntington Chief of Police G. H. Kleinknecht in connection with the effort to find the person who fatally shot a Kenova girl on the street here a week ago.

The urgent need of gun control legislation is further emphasized by the fact that the rifle with which President Kennedy was assassinated and the revolver with which a Dallas policeman was murdered were obtained by Lee Harvey Oswald through the mail.

A law requiring a license for the purchase of a gun should also have prevented escaped convict James Earl Ray from buying the rifle with which he is alleged to have killed Dr. Martin Luther King Jr.

Certainly these signal benefits far outweigh the slight inconvenience that gun control laws might cause.

But to get the benefits people who favor them are going to have to respond in far greater numbers than they have in the past by urging their senators and representatives to support the pending legislation.

[From the Mansfield (Ohio) News-Journal, June 24, 1968]

Congress recently passed a crime bill with an inadequate gun control provision. The House Judiciary Committee rejected a stronger gun control despite the public outcry for action.

But no matter what new legislation is proposed to register guns and license their owners, Congress will do nothing until and unless it is convinced that the people want such laws. We have fought for many years, without success, against the organized lobbies in Washington and their allies in the Congress.

I propose that each community in every hamlet and city in our country form a Citizens Committee for Proper Gun Control. Each Committee should advise its Representative and Senators in Washington that Congress should not adjourn this year until it passes proper gun control legislation.

[From the Springfield (Ohio) News, June 24, 1968]

NRA AMBUSHED

Whoops. Look who got bush-whacked for a change; the National Rifle Association, long-time and perhaps eternal foe of meaningful gun laws. The association traditionally has ridden shotgun for the interests of domestic arms-makers.

Now, however, five major manufacturers have bolted the industry's opposition to workable laws and have come out for the administration's proposed ban on interstate mail order sales of all guns. Chances are other manufacturers will tag along.

The NRA position is rapidly becoming isolated. There is apparent rising public demand for action. Already several congressmen who opposed gun laws in the past are rationalizing new positions.

There is no reason to believe the NRA won't fight to the last of its 900,000 members. Indeed, it is urging them to flood Capitol Hill with a-ginner mail. Clearly, however, the lobby is outnumbered and encircled. Gen. Custer, meet Sitting Bull.

[From the Florence (S.C.) News, June 24, 1968]

REGISTER EVERY FIREARM

Nothing short of the registration of every privately owned, commercially stocked and publicly assigned firearm in the United States can provide a gun control worthy of the name. To such a law must be attached drastic penalties for disobedience. If the Senate and the House of Representatives do not pass such legislation, they will be playing false with the safety of every man, woman and child in America and will be dishonoring the memory of those national leaders who, in recent years, have been brutally assassinated.

Notwithstanding reports that a wave of public sentiment is now increasing congressional willingness to pass strict legislation, we believe that only unremitting voter pressure can lead to any worthwhile remedial action. Congressional dislike of offending powerfully organized lobbies (in this case the National Rifle Association) is too well known to allow any complacency on this score.

We do not believe that the present administration bill now before Congress is enough. Primarily, it forbids the mail-order sale of rifles and shotguns. While this may be better than nothing, it is only barely so. What is absolutely required is a law requiring every last gun-owner and gun-buyer to register every old and new firearm. This would at least bring some measure of control over guns bought locally and not through the mail.

To this, as we mentioned above, must be attached severe penalties for the possession of any unregistered or incorrectly registered

firearm. This law is necessary since it would place upon the gun-bearer or the gun-possessor the obligation of proving that he had come by the weapon lawfully. Failure to prove this would be prima facie evidence of quiet, subjecting one to the penalties which such a crime deserves.

For years, there has been an almost unanimous demand on the part of law enforcement officials, from the Federal Bureau of Investigation chief, J. Edgar Hoover, on down, that the gun traffic be brought under control. It is a national disgrace that only a series of assassinations has been able to move Congress to the point where it was willing to bother with firearm legislation.

The ridiculousness of the opposition to strict controls can be seen from the statements of Harold W. Glassen, the rifle association's president. He termed efforts to control guns childish and nonsensical, and then went on to say that Americans were being deceived on this issue in the same way that the Nazis deceived the German people.

If this is the level of the association's thinking, we cannot think of a better reason for disregarding its views.—*The Christian Science Monitor.*

[From the Athens (Ohio) Messenger, June 23, 1968]

GUN LEGISLATION UTOPIA

The chance of effective legislation to halt the acquisition of guns runs against the cherished American tradition defined by Article 2 of the Bill of Rights, which states: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The 900,000-member National Rifle Association, fighting rising public pressure for stricter gun controls, depends on this section to beat any effective legislation. Some day, that right may be attacked on the ground that it is extended to people who form the militia, not to every individual citizen.

FBI Director J. Edgar Hoover, asked for his idea of ultimate legislation in this field, said that registration of guns would be utopia from a law enforcement viewpoint.

"You have to get a license for your dog," Hoover pointed out. "You have to get a license to drive your car. You have to get a license to go into various business ventures. I see no great problem to the individual in requiring all guns to be registered, if the owner has nothing to hide and if he is a law-abiding citizen."

The rifle association opposes registration as interfering with the constitutional right of sportsmen. More germane is the fear of being helplessly unarmed against criminals, or singled out for attention should a dictator come to power. However, no legitimate sportsman has any reason to fear registration. It is the hood and the triggerman who would not admit ownership of a lethal weapon for the tool of his trade. He could be isolated through registration and eventually dealt with. The huge annual casualty list by firearms in this country cries for a method of reducing the death toll, and of stopping illegal shipments here of firearms from abroad.

The mounting public outcry for stricter gun control laws moved the leading sports gun manufacturers of the country to favor a law that would ban the interstate mail order sales of rifles and shotguns.

This should be the breakthrough that will overcome opposition to this curb and make strict legislation possible. The public concern, which has been growing since the assassination of Sen. Robert F. Kennedy, also has made President Johnson confident that a uniform gun control law can and should be passed by the 50 states.

The public response has been extraordinary. Only a month ago, Congress refused to approve banning rifles and shotguns from interstate mails when it approved a law banning hand guns from sale through the mails. The Kennedy tragedy has changed this.

[From the Racine Journal-Times (Wis.), July 2, 1968]

CLICHES THREADBARE, BUT STILL USED

How thoroughly the National Rifle Assn.—the gun lobby—has done its job in indoctrinating Americans against effective gun control was illustrated in some of the views expressed in interviews published in last week's Journal-Times Sunday Bulletin.

The quotations were replete with the cliches of NRA propaganda. In one way or another, all the NRA's old saws were repeated: It is people, not guns, who commit crimes; gun control would "harass" citizens but would not affect criminals; such laws threaten to "take away" or confiscate guns; the law would "penalize" sportsmen and gun collectors.

Every one of these cliches has long since been exploded. They are based on either downright untruths or half-truths which have been patiently drummed into the public and law-makers by years of NRA propaganda.

Ralph McGill recently wrote, "The cliche statement that guns don't kill but that people do is a specious one, unworthy of serious acceptance."

Of course it is. And, of course, people kill other people—and the killers do so because they are psychotic, or enraged, or jealous, or drunk. But guns are very handy to them, whoever and whatever they are; guns are available, to almost anyone. We cannot prove a negative; we cannot prove that a specific murder would not have taken place if the gun was not available. But we do not believe that the men who killed John F. Kennedy and Martin Luther King could have thrown an ax that far.

How citizens would be harassed by having to register or license a gun doesn't come clear. A hunter gets his hunting license, gets into this licensed car with his licensed dog and goes hunting, perhaps on a licensed preserve, with an unlicensed gun. If it was for the greater public good, how much more would it inconvenience him to have his gun licensed, too?

The idea that the proposed legislation would "take away" or in some manner confiscate guns is made up out of whole cloth. There is absolutely nothing in any present or proposed legislation which would permit any agency of government to take guns away from anyone. Your automobile and even your business may be licensed; no governmental agency can seize it for that reason.

The hard facts on the availability of guns and crime in our own community are contained in the Police Department analysis quoted in last Sunday's story. In the past 3½ years 70 per cent of the murders in the community have been committed with firearms. Some of those murders may have been committed in other ways—but not all of them. The guns were there. They were handy at the wrong time. And they were used for the wrong purposes.

Legislation cannot control the passions that cause violent crimes. But it can make the most commonly used weapon less available, and thus make it less likely that the crimes will be committed.

[From the Minneapolis (Minn.) Tribune, June 26, 1968]

PRESIDENT JOHNSON AND GUN CONTROLS

President Johnson, who three weeks ago called upon Congress "in the name of sanity . . . in the name of safety and in the name of an aroused citizenship to give America the gun-control law that American citizens need," has now put his name behind the kind of law his words described. This means a law covering registration of all firearms and licensing of those who use them. We commend the President.

Mr. Johnson's strong statement Monday reflects what appears to be a growing determination among the nation's previously-silent majority to achieve strong controls. This new national mood is apparent in Minneapolis, where a majority of aldermen now favor some kind of gun-control legislation. Donald Risk, leader of the council's Democratic minority and possible future mayoral candidate, is the latest alderman to favor a requirement of permits for carrying handguns in the city.

Elsewhere, former astronaut John Glenn has been named the leader of a nationwide campaign to demonstrate public support for registration and licensing through letters, telegrams, etc., to congressmen. Among those supporting the campaign are Gov. Rockefeller and Vice-President Humphrey. We regret that Sen. McCarthy does not favor acting on gun legislation at this time, although favoring stronger controls. The gun lobby uses delays to defeat legislation.

In addition to a letter-writing campaign now, there is a need for voters to keep the pressure on their elected officials by making it clear that the issue of gun legislation will be an important factor in determining how voters make their choices in coming elections. The once-silent majority favoring controls—three out of four voters or more in Gallup Polls over the years—must not lapse into apathy again.

There must be federal controls over the interstate sales of all guns, not just handguns, as legislated this month. There should be registration of all firearms at either the federal or state levels, and there should be licensing of all users, preferably at the state level but conforming to federally established minimum standards. There should be controls where needed at local levels, such as permits to carry pistols in Minneapolis.

President Johnson said: "Registration and licensing have long been an accepted part of daily life in America. Automobiles, boats, even dogs and bicycles in many communities, are commonly registered. Our citizens must get licenses to fish, to hunt and to drive. Certainly no less should be required for the possession of lethal weapons that have caused so much horror and heartbreak in this country. Surely the slight inconvenience for the few is minimal, when measured against protection for all."

We agree with the President.

[From the Green Bay (Wis.) Press-Gazette, July 2, 1968]

THE RECORD OF OTHER COUNTRIES: TOUGH GUN LAWS CUT HOMICIDES

(NOTE.—The following article by Lee Dirks is reprinted with permission from The National Observer.)

Tough gun-control laws reduce crime rate and the number of homicides in a society: True or false?

The question has long been posed; the answer, at least in America, still is in hot dispute, largely because the evidence seems to be inconclusive or, in the minds of some, mostly irrelevant. There's no paucity of facts and figures, however, and the assassination of Senator Kennedy compels a fresh look at the conclusions they point to.

Throughout Sirhan Sirhan's native Jordan, for instance, persons purchasing or possessing firearms risk severe punishment unless they receive permission from the authorities. Even the Bedouins, the desert nomads who traditionaly have carried weapons, must register them with a special desert police force.

Jordan's stringent firearms laws don't eliminate violence by gunfire, nor do they prevent some guns from circulating illegally. But they apparently do help keep crime rates down. In 1963, the year President Kennedy was assassinated, 2.25 of every 100,000 Jordanians were murdered, of whom a much smaller percentage died of bullet wounds. In

the United States in the same year, 2.7 of every 100,000 Americans were murdered by firearms alone.

CONTRAST JORDAN AND JAPAN

But Jordan is not an industrialized, prosperous nation, those who deny the effectiveness of firearms legislation might argue, and besides, statistics from Jordan cannot really be trusted.

Then take Japan, an industrialized, densely populated nation with urban problems not unlike those of the United States. Japan has perhaps the most stringent firearms laws of any nation in the Free World, and crimes of violence are relatively low.

With rare exceptions, only police officers can carry pistols in Japan. Of the more than 100,000,000 Japanese, fewer than 100 have licenses permitting them to possess handguns; most of these are competitors in international shooting matches. Japan is a land of hunters, from the members of the imperial family who go duck hunting with nets to the sophisticated sportsmen who hunt game with the latest rifles, and some 500,000 rifles and shotguns are known to exist there. But anyone who is under 18, mentally deranged, without a fixed address, or potentially dangerous in the judgment of the authorities cannot get a gun permit. Even persons who pass these qualifications must take three hours of instruction and pass a written exam before they can receive a hunting license.

In 1966, firearms were present in only 99 crimes of all types—murders, rapes, assaults, robberies—in Japan. In the United States, which has twice as many people as Japan, firearms were used in more than 50 times that number of murders alone in 1966. The rate of murders in Japan runs about one-third that in the United States.

ACCIDENTAL DEATHS FEWER

Whether because of stringent gun-control laws or other reasons, the rate of accidental deaths involving firearms is sharply lower in Japan and every other large country than in the United States. In contrast to Japan's 500,000 firearms, some 50,000,000 to 200,000,000 firearms are estimated to exist in the United States, according to Senate testimony last year; the estimates vary so widely because of the general absence of registration requirements. For every 1,000 Americans, 1.3 die every year in gun accidents; in Japan the rate is .09.

But Japan is an Oriental land with a long tradition of firearms controls, skeptics of legislation might say, and besides, Japan has a heritage of rule by a strong central government that at times has trampled on the rights of individuals.

Then take Britain, defender of individual rights over the centuries and progenitor of the American system of law. Weapons laws in England date from the Statute of Northumberland of 1328, and the possession of firearms has been controlled by licensing since the Gun License Act of 1870.

No one under 14 is permitted to buy or possess any kind of gun in Great Britain. Almost all handgun permits issued authorize use only on pistol ranges. Genuine sportsmen can get licenses for the use of shotguns with little difficulty, however, and some 4,500 shooting clubs flourish in the British Isles.

In Britain, the homicide rate per 100,000 persons runs one-eighth the rate in the United States, the rate for robbery one-tenth the U.S. rate, and the rate for aggravated assault one-seventeenth. When 5,126 Americans were being murdered by firearms in 1963, 24 Britons were dying by the same means.

BRITISH ALSO BREAK LAWS

Not that Britons are more law-abiding than Americans; the larceny rate there runs three times the U.S. larceny rate. When a person uses a firearm in a homicide in Britain, however, he can be assured of headline treatment; the murder of three policemen in London not long ago received world-wide attention and incidentally resulted in a six-year prison sentence for illegal possession of firearms for the man who four months before the murder had sold the pistols to the murderers. Except for riot deaths and an occasional sensational murder, the more than 100 murders of policemen in the United States (more than 90 per cent by firearms) go largely unnoticed.

But Britain has no frontier tradition, and besides, British law has no equivalent to the Second Amendment's right to bear arms . . . (Question: Does the United States today have the "well-regulated militia . . . necessary to the security of a free State" upon which the Second Amendment predicates "the right of the people to keep and bear arms?")

Then take Hawaii, covered by the Second Amendment yet a state that requires a permit to purchase a handgun and requiring that handgun sales be reported to the police. Hawaii's rate for murder and non-negligent manslaughter by every means in 1966, the latest year for which figures are available, was 2.9 per 100,000 persons. Alaska, which became a state at about the same time as Hawaii but has far less stringent firearms requirement, had a rate of 12.9, more than four times Hawaii's.

HAWAII HOMICIDE RATE LOW

Urban conditions apparently have little effect on Hawaii's low standing among the states in homicides. Honolulu had fewer homicides (12) in 1966 than any of the four U.S. cities hovering closest to it in population. Miami recorded 53 homicides, Norfolk 20, Akron 17, and Omaha 13.

But Hawaii is not part of the continental United States, and besides, it's too small to be considered for an accurate sample of the effectiveness of firearms laws.

Then take New York, the mainland state with the most stringent gun controls. New York's Sullivan Law requires citizens to obtain a license to possess handguns even in their homes or places of business.

New York's homicide rate ranks among the lowest in the nation despite the state's dense population; at 4.8 per 100,000 citizens, it's less than half the rate of Alaska. The New York City rate is similarly low—half that of Chicago, Detroit, and Cleveland, and one-third the rate of Houston. In Texas, as Frederick J. Ludwig, chief assistant district attorney of Queens, put it last year in testimony before the Senate: "To violate the weapons laws . . . the defendant must (1) carry concealed (2) away from his home (3) a pistol or revolver, (4) have been convicted of a felony (5) involving a crime of violence, and (6) the particular act of violence must have been committed, not with any weapon, but a firearm."

But New York City is not Houston, and besides . . .

COMMUNITY SELF-DETERMINATION ACT

Mr. NELSON. Mr. President, on July 24, Senators HARRIS, PERCY, JAVITS, and myself, along with a broad bipartisan group of 29 other Senators, introduced the Community Self-Determination Act of 1968, a bold new program to help poor communities lift themselves economically and socially. The bill would establish a program of Community Development Corporations, to be organized and wholly owned by members of the community—both urban and rural. The corporations would operate business enterprises and utilize profits for daycare, education, job training, and other social services.

In order to familiarize Senators with the concepts behind the community corporations and explain how these programs might work, I shall place in the RECORD several articles which I think are very informative: First, an article entitled "Are Community Corporations the Answer," by Gar Alperovitz, a former member of my staff who worked with members of the Congress of Racial Equality and residents at the Kennedy Institute of Politics at Harvard in developing with legislation; an article entitled "The Southern Roots of Urban Crisis," by Roger Bearwood, from the August issue of Fortune; an editorial from the New York Times, July 29, entitled "The Energies of the Slums"; and several articles which were published recently in the Boston Globe.

I ask unanimous consent that these pieces be printed in the RECORD.

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

[From Boston, June 1968]

ARE COMMUNITY CORPORATIONS THE ANSWER?

(By Gar Alperovitz)

There is one thing about which urban experts, responsible journalists, and anxious politicians tend to agree: solutions to urban decay and civil unrest will require that this country spend billions of dollars over the next few years.

The ironic thing is that some people still talk as if there were a possibility that large sums of money might, in fact, be forthcoming from Congress. Some assume that the war in Vietnam is the only roadblock. But a more realistic appraisal is that the war will not end soon and that poverty funds, meager as they now are, will continue to be cut back. In exchange for a tax bill, for example, the Congress recently demanded a $6 billion slash in expenditures.

A hard look at the political complexion of the leaders of Congress would also cast serious doubt on the notion that the gentlemen who control appropriations are likely to approve poverty fund expansion, war or not.

The simple truth is that under our present welfare and anti-poverty programs, the poor are dependent on the willingness of the middle class to support them—suburban Congressmen are continually asked to tax their *own* constituencies. Not surprisingly, when good will pales (as it has in the wake of rebellion and violence), welfare dries up.

There cannot be even marginal security for the poor as long as such a system prevails.

What's more, even were it secure, welfare is still a bad system. Not only the taxpayer recognizes this; men and women on welfare don't like it either.

Poor men, black or white, jammed into urban ghettos or abandoned in rural hollows don't want charity—even government charity. Welfare checks and food stamps do violence to a man, strip him of dignity, and breed in him a hatred of the total system. He goes about his daily life with nothing new or hopeful on the horizon, resenting handouts, resenting the overbearing institutions of our society, frustrated, alienated, angry.

The situation is tense. We wait for the nevt crisis while City Hall stumbles along with traditional rhetoric and piecemeal promises.

Quite obviously, we need a new approach. For one thing, we need a program for the poor which is not dependent on the failing largesse of Congress. But more fundamentally, we need a program which will foster economic development in the ghetto itself—which will offer jobs and dignity instead of handouts.

So much is common sense—and has been recognized by many. But there can be no economic development in the ghetto without stability.

Any realistic program for economic development must take into account the disorder, alienation, turmoil and despair that is the central fact of ghetto life today. Economic development through jobs and outside business investment is simply not sufficient; what is needed is *community* development, for stability can come about only through the responsible participation of community people in their own affairs.

But how is this participation to be achieved? Black people in the ghetto argue that, in general, democratically based community control is the only way to create respected, indigenous leadership which truly represents the community and which can sustain order. The demand for control sounds radical and revolutionary to some; but, stripped of its rhetoric it is quite simply one of the bases of community life; a community can never control itself until it is responsible for its own affairs.

Shrewd politicians are now beginning to understand that community control can also be sensible administrative practice. In fact, it can solve one of a mayor's biggest headaches; which among the many groups, projects, community leaders and would-be leaders should he support? If the community is in control, it can decide for itself—through the ballot box—who are its leaders and what are its needs.

This concept has been tested in practice. The best example is in Columbus, Ohio. There, a humane and intelligent Lutheran minister, Rev. Leopold Bernhard, worked to set up a "Neighborhood Corporation" in the Columbus ghetto with the help of the Washington writer Milton Kotler.

The Corporation is, in fact, little more than a simple legal line drawn around a neighborhood of 8,000 people. (Any good lawyer can draw up such an institution in a matter of hours.) All the stockholders live in this one geographic area. Anyone in the neighborhood can become a member in the Corporation simply by signing up. And, most important, the Corporation is controlled by the neighborhood on a one man, one vote basis.

The Columbus Office of Economic Opportunity and others working to fight poverty transfer funds directly to the Corporation to be used for social services—day care centers, job training, teen centers—as the community deems best for its *own* self-improvement.

Of course, mistakes are made—as they are in any organization (including the mayor's office). But in Columbus the Corporation must face the consequences of its mistakes in the open arena of neighborhood politics. There are regular neighborhood meetings and Corporation elections. And there are plenty of community groups and leaders to keep an eye on each other—just as in any other political institution.

The Columbus example has been tried in dozens of other communities—including New York's Bedford-Stuyvesant, in a project sponsored by Senator Robert Kennedy.

The Marshall Plan for European Reconstruction worked according to the same principle. Instead of trying to decide from Washington how to allocate funds, General Marshall told Europeans to get together and come up with their own plans.

In fact, local autonomy and private, decentralized decision-making—the antithesis of big government—are among the most traditional of American values. (People in Boston may recall that in the nineteenth century Roxbury was an independent town.)

The Community Corporation recalls the spirit of the New England town meeting—the people closest to a problem are responsible for solving it; local leadership is recognized and in control.

The strength of the idea is the old truth that the only way to achieve self-respect is to be responsible for one's life; its special value for us today is that it could provide the framework in which the energy of social protest can be channelled into constructive activity for community development.

But community control of *outside* resources—however great its value for stability—does not by itself solve our first problem of finding a source of funds for the transformation of the ghetto, besides a reluctant Congress.

Those who recognize that economic development is a good idea may, with a little imagination, also see that funds for community social services might be derived from the community itself. If the Community Corporation were not merely a conduit for outside funds—but instead were also a vigorous economic enterprise which purchased businesses—profits could be plowed back into the community for social services. We are talking about community control of economic development, in which a deprived community would provide its own anti-poverty funds and manage its own anti-poverty programs.

How can this come about? One result of the recent riots is that white businessmen in the ghetto are becoming more and more interested in selling their stores and factories. Loans are available, from insurance companies and from banks, which could be used to help the community buy these businesses at fair market value. Given the present business climate (and new government incentive programs) they should be relatively easy to arrange.

Ordinarily, and under Mayor White's recent proposals, a few enterprising black businessmen would buy these businesses; but there is no reason why a corporation representing the community could not do so—and use the profits for social services for thousands of ghetto residents.

The New York based National Economic Growth and Reconstruction Organization (NEGRO), a nonprofit corporation established by neurosurgeon Thomas W. Matthew, owns and operates a broad spectrum of highly complex enterprises. The corporation employs more than 600 people, has an annual payroll of over one million dollars, and has more than three million dollars in assets.

NEGRO businesses include the Interfaith Hospital in Queens, New York, a general hospital with 140 beds and potential to expand to 210;

The Domco Textile Co., which makes most of the uniforms worn by NEGRO employees, boutique clothes for singer Miriam Makeba's Caribbean shops, and lingerie sold in New York department stores;

The Domco Chemical Co., in Jamaica, Long Island;

A paint manufacturing plant;

Two 100-family apartment buildings in the Bronx, which were rehabilitated by NEGRO's Spartacus Co.;

And finally, two municipal bus lines, one operating 35 buses, in Watts, Los Angeles; another operating 30 vehicles in Harlem and Jamaica, Long Island.

NEGRO enterprises are financed by the sale of Economic Liberty Bonds, offered in denominations ranging from 25 cents to $10,000. The bonds are sold on the streets, by mail, and through payroll deductions. The first bond program in 1965 raised $400,000, all but $5,000 of which has been repaid.

Dr. Matthew is dedicated to the principle of Negro self-help; he turns down all offers of grants from the government and from foundations. "If they want to give us a million dollars," says Dr. Matthew, "let them buy a million dollars of our bonds."

In Boston, EG&G, Inc., a Bedford-based manufacturer of precision instruments, provides another example of new business in the ghetto. EG&G purchased the century-old E. Van Noorden Company in Roxbury, incorporated a new subsidiary, EG&G Roxbury, Inc., and embarked on a program to train neighborhood people to take over the operation and management of the new enterprise. The plan also offers employees equity in the company; over the next 20 years EG&G Roxbury will sell 35 per cent of its stock to neighborhood employees. (Another 20 per cent of the shares will be offered to the public, so it is conceivable that the Roxbury community could control the company at the end of the 20 year period.)

EG&G's training costs are partly offset by a contract from the Department of Labor; and management expects to be operating a profit-making business in little more than normal start-up time.

Avco Corporation has a somewhat similar program in Roxbury, although it does not include a plan for employees' equity. Last year, Avco set up a printing plant in Roxbury to provide jobs and training to Negroes. 137 people are presently employed as trainees—including management trainees. Avco expects this number to reach 232, and plans eventually to withdraw all outside training and supervisory personnel presently on loan from other Avco plants in the area.

And this spring, specialists from Avco-Roxbury joined in the formation of a new urban systems department to help other companies train hard-core unemployed through a new government-business jobs program.

The examples above all show the relevance of modern private enterprise to the problems of the ghetto. But they fail in two major respects: first, the profits from the industry benefit only a few shareholders (black and white); second, they provide only jobs—they do nothing at all to help provide services, a sense of community participation, and above all, the stability which is derived from vigorous broad-based local participation. (In fact, to the extent that the conventional business framework provides jobs and dividends for the few, it tends to increase the division in the ghetto between black haves and black have-nots.)

In short, we are back to our original problem: what is needed is a program that can combine the advantages of local control with the capacity to make a profit. The Neighborhood Corporation itself must go into business in a big way.

There is a precedent from which to work: EG&G Roxbury. Much of its stock will ultimately be sold to its employees: the parent company will be come a minority stockholder. If the EG&G example were taken one step further and, with the help of loans, the Community Corporation were to buy stock in the company, we would have a situation in which business profits could be used for the social services the community decides best for its own needs.

Creatively expanded, this concept, I believe, might help us see the beginning of an end to welfare—and the creation of true community participation and stability.

The approach could be started right now, within the framework of existing federal program. In fact, experiments of this kind are under way in other parts of the country—and Mayor White, for instance, could do much to make Boston a leader in this area, if he were to seize the initiative. But progress in the direction of viable Community Corporations could be hastened by minor administrative or legislative changes.

First, it would help if major companies moving into the ghetto could be assured a market for their products. At present, a share of government procurement contracts is set aside for small business. This program should be broadened to include new ghetto industry.

Second, it would help if we instituted an industrial "turnkey" program—a program of tax incentives to expand the EG&G model—to encourage business to come into the ghetto, to teach people to operate new enterprises, and to sell newly established businesses to the community at fair market value.

Third, there ought to be an increase in the federal funds available for technical assistance and training. A Community Point 4

program—something on the model of Point 4 aid abroad—would insure that all companies wanting to train an untapped portion of the labor market would have the resources to do so.

Fourth, the resources of the Economic Development Administration ought to be made more easily available. Under the present terms of the law, an area of 250,000 population must have above average unemployment in order to qualify for EDA technical assistance, grants, and low-interest, long-term development loans. If the poverty standard were applied to smaller population units (say units of 50,000), ghetto areas could qualify. Several Congressmen have proposed that this provision of the law be changed, but so far nothing has been done.

Finally, in a broader perspective, Congress could enact major new legislation to encourage and support local Community Corporations on a widespread basis. The major thrust of such legislation would be to provide for government subscriptions and government insured loans to community corporations to insure a flow of capital for new business. This, combined with tax incentives, training programs, *and local control*, might provide the impetus needed for a real transformation of our cities.

[From Fortune, August 1968]

THE SOUTHERN ROOTS OF URBAN CRISIS

(By Roger Beardwood)

The rural South is green, beautiful, and quiet. The ghettos of the North are grim and noisome stews that boil over when summer heat ignites old frustrations. Yet more than a million southern Negroes have taken the trail north in the past decade. This year alone, another 100,000 or so will arrive in the northern cities, packing the slums still tighter, and compounding America's interlocked fiscal and social urban problems.

Most of the migrants know that what awaits them in the urban North is little better than a rattlesnake's hole. Most of them arrive virtually penniless. Many are illiterate. Few have trades or skills that command more than the minimum wage. Some are doomed to search in vain for work.

Still they continue to migrate; indeed, they have little choice. For if good jobs are hard to find in Chicago, Detroit, and New York, there is no work at all back home. Since World War II, U.S. agricultural policy has encouraged the sweeping mechanization of farming in the South. On cotton plantations, tobacco lands, and cornfields, machines have been steadily replacing thousands of hired hands and sharecroppers. And as the large farmers become more efficient, small white and Negro farmers abandon their land because they lack the money and knowledge either to compete with their large neighbors or to switch to more profitable labor-intensive crops.

Forced to leave the shacks that were their homes, southern Negroes take to the road every year. Sometimes that road leads to a small town in the South; but many small towns are already overcrowded with people who have been forced out of farming and are unable to find other jobs. Sometimes the farm worker heads for a large southern city such at Atlanta, Memphis, or Birmingham. There, too, the going can be tough and hopeless. In some of the black neighborhoods of New Orleans, for instance, unemployment runs as high as 47 percent.

WHY NEGROES MOVE NORTH

Today's urban slums grew from sickly roots—the southern countries in which poverty, illiteracy, and bad health are endemic. The areas on this map with the highest percentages of Negroes and lowest measures of human well-being are in general those with the heaviest rate of emigration.

Squeezed between declining farm employment and racial and educational barriers that kept them from taking other jobs, 3,500,000 southern Negroes have fled north in the past generation. Their exodus has changed dramatically the ethnic composition of the U.S. In 1940 one Southerner in four was Negro; today only one in five is. Seventy-seven percent of all U.S. Negroes lived in the South in 1940; now just over half do.

About 100,000 southern Negroes still move north each year. One major migration stream runs from Florida, Georgia, the Carolinas, and Virginia, to Philadelphia, New York, and beyond. Of the Negroes who lived in New York City in 1960 but were born elsewhere, 77 percent came from these states, plus West Virginia, Delaware, and Maryland. A second route runs from Mississippi and Alabama toward Chicago and Detroit. Nearly half the Negroes living in Detroit and almost 60 percent of those living in Chicago in 1960 who were born elsewhere came from Mississippi, Alabama, Tennessee, or Kentucky. Still another major migration stream runs from Louisiana, Arkansas, Texas, and Oklahoma westward to California; from those states came well over half of the Negroes living in Los Angeles in 1960 but not born there.

Because migrating Negroes are subjected to less study than migrating birds, nobody knows with certainty how many Negroes have moved out of the South since 1960, when the last census was taken. But there is fragmentary evidence to suggest that the migration is changing direction. As southern cities open up new jobs for Negroes, they are becoming final destinations instead of transit camps. Over half of southern Negroes are now in urban areas, compared to just over a third in 1940.

In the North about three-fourths of the Negroes live in the core cities of major metropolitan areas. But an increasing number of Negroes who move north appear to be heading for smaller cities and towns. Most of those who go north from Sanford, Florida, for instance, end up in Rochester, New York.

The biggest single age group in the Negro migratory stream has been people in their teens and twenties. They have left behind sizable concentrations of illiterate and sick people, and of the old and the very young. (Many of the children are living with grandparents, remnants of a family unit that has lost its wage earners through migration.) Thus the South has lost, and is continuing to lose, a high proportion of its younger, better-educated Negroes. That, in turn, makes the region less attractive to corporations planning new plants. And the lack of those new plants and the jobs they provide forces still more young Negroes to migrate.

More often, the migrant heads north, where there is at least a chance of a job, no men in hoods ride the streets, and there is a welfare payment to keep the migrant alive. For bad as it is, the northern slum is still preferable to what southern Negroes leave behind:

In 1966 the median income for Negro families in sixteen southern states and the District of Columbia was $3,422. In the rest of the U.S. median Negro family income was $5,746 a year.

Many southern Negroes are chronically hungry. A survey financed by churches and private foundations discovered 235 "emergency hunger counties" in the South, with a total population—black and white—of almost five million. There are heavy concentrations of Negroes in most of those counties; in some, children are literally starving.

Three houses out of four occupied by Negroes in small towns and rural areas of the South are without basic plumbing, or are dilapidated—or both. In the large cities of the North and West, only 15 percent of Negro homes are in such condition. (Unless otherwise stated, the South is defined as the eleven states of the Confederacy, plus Kentucky and Oklahoma.)

The southern educational system has left 33.5 percent of adult Negroes illiterate, and thus almost unemployable. In the rest of the nation, the illiteracy figure for Negroes is 23.4 percent.

LESS WORK, LOWER PAY

The malaise of the rural South and the resulting migration are inexorable results of policies and programs devised by the agricultural committees of Congress in which white Southerners have long had the dominant voice. Encouraged and financially aided by the Department of Agriculture, southern farmers are using modern technology that constantly raises the productivity of both labor and land. But abundance has produced surpluses. To reduce them, the department pays farmers not to cultivate some of their land.

On the land they do cultivate, white southern farmers need less labor each year. On the land they take out of production, they need almost none. For large farmers and for consumers, these policies have been beneficial. They have raised efficiency, kept prices stable, and enabled the nation to conserve arable land. For hired hands and sharecroppers, however, agricultural abundance has produced a dual problem. There is less work for them each year, and the excess of available labor has kept wages low.

Between 1950 and 1960, 493,000 Negroes and 1,024,000 whites lost their jobs in southern agriculture. In the coming seven years, at least another quarter of a million people, white and black, will be thrown out of work. This collision with agricultural economics has been disastrous for all farm workers. But it has been catastrophic for Negroes; they are confronted by almost insurmountable barriers of race as well as poverty in the South. Segregated schools have left them less educated than whites and most jobs are still closed to them because of their color. Thus the Negro's transition from farm to factory, from hoe to lathe, from tractor to office, lies over an obstacle course laid out by a society in which he has no voice.

For the dwindling number of Negroes who remain on the land, the problem is how to make a living wage. The U.S. Agriculture Department estimates that in 1964, the latest year for which figures are available, the average Negro farm worker in the sixteen southern states worked seventy-seven days a year and earned $353. He also spent twenty-four days doing nonfarming jobs—domestic, gardening, and laboring work, for example—and earned an additional $150, bringing his total annual income to $503. That official estimate conceals some wide variations. In 1964, wages on farms in the South ranged from a low of 65 cents an hour in South Carolina to a high of 99 cents in Florida. Moreover, some farm workers are earning less than 65 cents an hour, even in 1968.

AT THE MERCY OF "THE MAN"

Five miles south of Greenville, Mississippi, close to the Mississippi River, is a big flat cotton field owned by a white family. One day this summer, under a blazing sun, a group of Negro women and children were hoeing the weeds between the rows. Fifty yards away stood a row of wooden shacks, warping in the heat, alongside a sluggish creek, the only sanitary facility.

"The man pays but $3 a day," said one woman, hoeing as she spoke. "No, I don't know how much the children will get, but he said something. Maybe 60 cents the day, maybe more. It don't do to press him. We need the work, and he pays more than some people. Across there"—she waved toward a plantation on the far side of a highway—"the man pays $2.50 a day."

She and her husband have six children, five of them living at home, and one in Greenville looking for work. When the couple and their two sons, aged twelve and fourteen, are all working, the family's total weekly income may be $70, "but that is only at the planting and the harvesting, and maybe a few weeks of chopping in between." Otherwise, the family lives on the husband's

wages—a maximum of $50 a week, earned when the farmer needs him. Some weeks the family has no income at all.

Agricultural workers in the U.S. are specifically excluded from most labor legislation. They do not have the right to bargain collectively, and only those who work for a farmer using more than 500 man-hours of hired labor in any quarter are entitled to the minimum wage—$1.15 an hour now and due to go up to $1.30 an hour next February. In 1967 fewer than one worker in three in the South was entitled to the minimum wage. Not all of those entitled to that minimum have been getting it.

Two months ago, Roy Flowers, who owns a plantation in the Mississippi Delta, was permanently enjoined by a federal judge from violating minimum-wage, overtime-pay, record-keeping, and child-labor regulations. Among other things, the court found that Flowers had been charging his Negro workers $70 a month for shacks that should have been rented for no more than $5. In the first recovery of wages under 1966 amendments to the Fair Labor Standards Act, the judge ordered Flowers to pay 200 Negro employees $50,000. Last year, it should also be noted, the Agriculture Department paid Flowers $210,832 for not cultivating 4,000 of his 16,000 acres.

But while federal laws provide some protection for agricultural workers, plantations with large payrolls are now harder and harder to find in the South. The problem for many Negro families is not low wages, but jobs. Since big farmers need fewer and fewer workers, a family fired from one plantation has almost no chance of finding work at another one.

As recently as the late 1940's, for example, one hundred Negro families lived on Due West, a 3,000-acre plantation in Tallahatchie County, Mississippi. Due West has been owned by the Sturdivant family for nearly a century, and the present owner, Mike P. Sturdivant, is a believer in modern management and farming methods. In recent years he has almost totally mechanized Due West. He now needs only some casual labor to pick cucumbers and nine regular Negro workers who drive big, versatile tractors that traverse the rich earth planted mainly with cotton, wheat, and soybean.

Sturdivant is a good employer by Delta standards. He pays his drivers more than the minimum wage—between $1.25 and $1.45 an hour—and charges them no rent for their relatively well-kept houses. (He is now building nine comfortable houses, at a cost of about $8,500 each, for which he will charge his tenants only $12.50 a month.) Yet even the nine families that remain on Due West stand precariously on the edge of poverty. Sturdivant's tractor drivers earn less than $3,000 a year. On that they can eat adequately. In the future they will be well housed. And if they run out of cash, they can get an advance, interest-free, on future earnings. But it is difficult for them to save money, and illness could be a major financial disaster. Moreover, their jobs are far from secure. If surpluses of cotton and other commodities rise, the Agriculture Department will reduce the acreage on which Sturdivant is allowed to plant. In 1967 he received $122,640 for not planting some of his land.

FARMERS WITHOUT A LOBBY

Big farmers in the South not only make decisions that leave hired hands and sharecroppers jobless, homeless, and penniless. They also have a powerful voice in the formulation and execution of farm policies and programs that vitally affect the survival of independent Negro small farmers. In 1950 some 492,000 Negroes in the South were classified as farm proprietors and managers; by 1960 only 167,000 remained in that category. There are fewer now, and if the trend continues unabated, almost none will be left by 1975. Many of these small farmers and their families could be helped to stay on the land for at least another generation. But three things are against them: their farms are very small, they lack the money to mechanize, and they do not have a Washington lobby.

The big farmers' Control over small farmers' destinies rests on two facts of political life. First, the key agricultural committees in Congress are largely controlled by the Southerners; some of them, like Senator James Eastland of Mississippi, are farmers themselves. Second, the most important Agriculture Department programs are administered by state and county groups that are dominated by whites. The black farmer is helped where the administration is fair and unprejudiced, and hindered where it is not.

The Negro farmer's troubles frequently start with the Agricultural Stabilization and Conservation Service. The A.S.C.S. is at the very heart of the farm program, that complicated structure which supports prices, sets production and marketing quotas, conserves land by taking it out of intensive cultivation, and allots the number of acres on which farmers may grow crops such as cotton, tobacco, and corn.

By its very nature, the A.S.C.S. system works best for large farmers. For the land on which they do not grow crops, farmers are compensated according to their past production; large farmers have usually had a higher crop yield per acre than small farmers. Moreover, large farmers can take out of production their least fertile land; small farmers do not have that margin. And on the land they do continue to cultivate, large farmers can continue to increase income by using modern technology. Small farmers, in contrast, lack the capital and knowledge to mechanize, irrigate, or use the latest pesticides.

Theoretically, the A.S.C.S. is highly democratic, operating through a pyramid of state and local groups. At the top is the state committee, appointed by the Secretary of Agriculture after consultation with farm organizations, state directors of agriculture, deans of agricultural colleges, and political leaders. Under the state committees are three-man county committees that are elected by community committees chosen by farmers themselves.

But Negroes sit on only five southern A.S.C.S. state committees. And there are only 454 Negroes among the 37,000 community-committee members. Most important, no Negro sits on any county committee (four have been elected as alternate members). And it is these all-white county groups that hire the A.S.C.S. staff that administers the federal program. This year only 310 Negroes had permanent full-time jobs in 2,892 county offices in the entire nation, and no office had a Negro manager.

One measure of the Negro farmers' lack of power is provided by a 1964 A.S.C.S. list of "released allotments"—acres that farmers have decided not to plant, and are available for reapportionment among other farmers. In eight counties in four southern states, white farmers who had applied to A.S.C.S. offices for released allotments received disproportionately more of them than Negro applicants did.

COTTON RIGHT UP TO THE FRONT DOOR

Many small Negro farmers would do far better if they stopped growing cotton, corn, tobacco, and other crops in the allotment system. By concentrating on such other crops as cucumbers, squash, cabbage, and sweet potatoes, which are outside the quota system, they could cultivate all of their land instead of only part of it. Moreover, since the production of such crops has not yet been heavily mechanized, the small farmer could compete with his larger neighbors.

The Cooperative Extension Service is supposed to help farmers to make changes of this kind by advising them on which crops to grow, on cultivation methods, and on farm management. But the familiar southern pattern of separate but unequal facilities depreciates the Extension Service's value to Negro farmers. Until 1964 the service was completely segregated; the Negro extension staff worked out of separate offices. (Some of them lacked even a typewriter.) Now the formerly separate staffs have been merged; but many Negroes are still paid less than whites doing comparable work, and in only two counties do Negroes head the Extension Service. A number of white supervisors are less qualified than, and junior in service to, their Negro subordinates.

Furthermore the Extension Service lacks both vigor and imagination. Extension workers generally give advice only to those people who ask for it—although some of the people in greatest need, those living in remote areas, are unlikely to ask for it because they do not know it is available, or because they seldom go to the county seat and cannot write a letter. The service has also failed to encourage enough people to grow their own food. For generations, agricultural experts have urged farmers to buy less food at the store, and grow more on their own land. But in many parts of the rural South, most poor homes, black and white, have no vegetable gardens, partly because landowners have a vested interest in forcing workers and sharecroppers to buy at the company store; thus they insist that their people grow cotton and tobacco right up to the front door of their shack.

THE RIGHT TO BORROW

A third branch of the Agriculture Department on which black farmers should be able to lean is the Farmers Home Administration: it is empowered to lend small farmers money to build or improve their homes, buy or enlarge farms, buy machinery, start businesses that will increase nonfarm income, finance the raising and marketing of crops, and make loans to farmers' cooperatives. To obtain help, a farmer must be small—but not too poor. He has to convince the local office—staffed by federal employees—that he needs money for a good reason. Then a county committee of three must certify that he cannot get the money through commercial channels, but is nevertheless a good credit risk.

Because the Farmers Home Administration is a federal operation, it can impose federal standards more effectively than the A.S.C.S. or Extension Service can; in counties where 20 percent or more of the farmers are Negro, the state director appoints at least one Negro to the committee. More than 300 Negroes are on county committees in the South; nearly 200 are chairmen. This relatively large Negro representation is bringing promising results. Between 1964 and 1967 the number of loans to Negroes in sixteen southern states rose 108 percent, to 22,850; loans to whites rose 24 percent, to 67,425. But there is another side to the story. Although Negroes have a quarter of all loans in the South, they have received only a seventh of the funds: $71,200,000, compared with $436,700,000 borrowed by whites.

In the last several years there has been a slow, minimal improvement in the administration of Agriculture Department programs, brought about by pressure from the civil-rights groups, a firmer federal policy, and by Negro farmers themselves. Burke County, Georgia, is one of many places where the pressures are rising. The A.S.C.S. office is a small, red-brick building in the county seat of Waynesboro. Recently, while three Negro farmers waited to talk about crop allotments, the acting manager, Frank S. Cates, described things as he saw them. "I'll admit the small farmer is more vulnerable than the big one," he said, "but these minority people who live in these shacks don't want to work. They'd rather go off somewhere and get on relief. You know this white-black thing. We never had any problem until

these outside agitators came in. I don't know what the younger generation will come to, but the older people get along just fine. There's nothing an ordinary man can do about the situation. J. Edgar Hoover knows it's the Communists."

That night, eleven black farmers drove in their pickup trucks to a former one-room school fifteen miles from Waynesboro, and apologized for being late. "We work on 'nigger time,'" said one. "Only show our faces after dark, 'cuz we don't want Mister Charlie see us getting together." After opening their meeting with a hymn and a prayer, the farmers got down to business; how to improve their condition.

"Now I want to tell y'all to tend your gardens," said the president, a gnarled, elderly man in faded denim coveralls. "I know you don't all do that, 'cuz you think you're too busy raising your cash crop. But that garden is good as cash any day, and gives you real tasty food, too. And you ladies, you start thinking about raising some chickens. If y'all do that, then you won't have to go running to that store, borrowing money while you're waiting for your cash crop."

Didn't the Extension Service show farmers and their wives how to grow vegetables and raise chickens? "Not that I ever heard of," said the president. "We don't hardly ever see those fellas from one year to the next."

One farmer complained that his cotton acreage had been cut again, although a white farmer in the same neighborhood had received an increased allotment. Surely, allotment reductions can be appealed, a visitor suggested. Broad smiles. "The appeals committee is white, too," said the chairman. The farmers then decided to nominate candidates for the next community-committee election, and to insist that a Negro be present at the counting of the ballots.

GETTING TOGETHER, PROSPERING TOGETHER

In many parts of the South, black farmers are beginning to band together in cooperatives through which they buy pesticides, machinery, and seed more cheaply than they could in the past and to which they are selling their crops at better prices. The black co-op movement, however, is young, underfinanced, and short of experienced management. And many farmers are reluctant to join up.

On a steamy summer evening, as dusk settled on the bayous of southwest Louisiana, a score of Negro farmers and their wives gathered in a white-painted church in Evangeline Parish to hear John Zippert, assistant director of the Southern Cooperative Development Program. The program, an affiliate of the Southern Consumers Cooperative, is funded primarily by the Ford Foundation; both groups help poor people to form co-ops. One of the beneficiaries is the Grande Marie Vegetable Cooperative in Sunset, Louisiana. Zippert's message to the black farmers that night stressed the advantage of membership in Grande Marie.

The farmers nodded approvingly when Zippert explained, "In a cooperative, the members are boss. You decide what is good for you. You make the decisions." But still there were doubts. Many in the audience wondered whether the co-op would survive. Grande Marie has had a tough time since it started in 1965. In its first eighteen months it could not pay members cash for their crops, because Agriculture Department money did not come through in time. Then the department funded a rival co-op, formed by a breakaway group of white members. Finally, a Chicago corporation to which Grande Marie sold sweet potatoes was unable to pay its bills. But Grande Marie is still in business; this summer it had more than 300 members.

Some of the Negro farmers' cooperatives in the South are still spindly growths. Others—like Grande Marie and the 1,875-member Southwest Alabama Farmers Co-operative in Selma—have grown sturdy enough to survive white opposition and attempts to control them. The Alabama co-op refused an $852,000 Agriculture Department loan because of stipulations that a department representative attend all board meetings, that full minutes of every meeting be sent to Washington, and that a department employee approve all expenditures from a supervised bank account. The members, who have an average income of $1,000, were determined to prove that they have the right to manage their own affairs. After nine months of negotiations, and a seventeen-hour meeting in Washington in June, the Agriculture Department conceded that point by dropping virtually all its stipulations.

By itself, the co-op movement will not cure the ailments of black farmers—small farms, lack of capital, white hostility, and a farm program that favors large farming operations at the expense of small ones. But the co-ops are raising their members' income, and are rapidly becoming pressure groups that can force the Agriculture Department into giving Negro farmers more aid.

STITCHING A FREEDOM PATTERN

A second type of co-op in the South is helping poor people to start their own businesses. Some members are wives and children of farmers. Others are people turned off the land, but still living in rural areas. Most of these organizations have been started with the help of "the Movement"—a portmanteau term for all those people, black and white, who work to improve the condition of the poor Negro. The Movement includes civil-rights workers, southern white liberals, ministers, atheists, left-wingers—anybody, in fact, who believes that the poor cannot be left to molder and has the courage to act on that belief. They need courage: the Movement is harried by the police, obstructed by officials, and harassed by the Klan. But it survives and, without it, many people would be even more impoverished than they are.

The Freedom Quilting Bee in Wilcox County, Alabama, is one example of a rural co-op founded with the help of a concerned outsider. The county's Negro women had for generations made quilts for their families. In 1965 the Reverend Francis X. Walter, a white minister who works in the area, encouraged them to form a cooperative financed with $7,000 from a private foundation. Working on piece rates, the hundred-odd members of the Bee averaged 25 cents an hour in their first year; now, again through Walter's efforts, they have a marketing consultant in New York, who has encouraged them to concentrate on five designs, use better fabrics, and raise productivity by improving their quilting techniques. In the future the members hope to average a dollar an hour. "But even the 25 cents was welcome," said one woman this summer as she sewed. "It was sometimes the difference between eating or not for me."

Another new co-op, with far-reaching hopes, can be found just outside Crawfordville, Georgia, in a schoolhouse made of rough-hewn wood. The school was built by the Negro community in the 1930's when the county refused to provide a school. Today, that humble monument to Negro self-help is the home of Crawfordville Enterprises, a cooperative that employs ninety-six black seamstresses and six men, and has a payroll of some $350,000 a year.

The co-op was set up without help or encouragement from local whites, and whites get little financial benefit from its growing payroll. Many Negroes in the area have been boycotting white-owned stores since 1965, when the school board refused to desegregate its schools. The board also fired Calvin Turner from his teaching job for fighting in the desegregation battle. Turner, an educated and energetic Negro, was thus free to become director of Crawfordville Enterprises when it was founded in 1966 with help from the Southern Rural Action Project, a privately funded antipoverty agency in Atlanta that got money for the project from the National Council of Negro Women and from the Stern Family Fund.

Sewing machines and silk-screen equipment were purchased from an Atlanta white man who was selling his textile business and agreed to train the co-op's workers. At the start, trainees got $20 a week; today, workers are on piece rates, and average $64 a week. This summer Crawfordville Enterprises is moving into a new factory built with a private loan, but will keep the schoolhouse as a center for silk-screen operations. By early next year, says Turner, the co-op will employ some 150 people, and have a payroll of over $500,000 a year.

Turner's plans go far beyond building a bigger and better manufacturing operation. His dream is to solve every problem of poverty in Taliaferro County. The cooperative already provides education for its workers and day care for their children. Next, it will use some of its profits and its business ability to start a housing project.

CATALOG OF PROMISES

The cooperative movement is half a step in the right direction. But the prospects are still grim for any southern black family that is forced off the land. The rural areas are crowded with black people without jobs and in desperate need of food and medical care, better housing, job training, and help with the transition from an agrarian to an industrial life. On paper, programs exist to remedy all these ailments. The Office of Economic Opportunity puts out a catalogue, fuller of promises than Sears, Roebuck's, listing every federal program available to the poor. It is a glittering array of Head Start, Mainstream, Upward Bound, Community Action, and other Washington slogans and acronyms. It has raised expectations in the South but has done little to fulfill them.

In theory, a community could thus feed the poor and offer a complete range of programs that would salvage destitute families—train the husband for a new job, teach the wife household management, put toddlers in day care and preschool classes, give the teen-ager a marketable skill, offer industry financial incentives to open a new plant, and finally rehouse the entire family in a home built with federal money. In practice, some communities may have one or two programs, others have three; but almost none has the full range. In too many counties, elected and appointed officials are hostile to antipoverty programs. Their reasons range from dislike of "federal interference" to overt racism.

Last year federal food programs reached only one poor person in five nationally, and fewer than that in the South. "It would just mean a lot of niggers lining up for food, and that's all there is to it," said the sheriff of Glascock County, Georgia, defending a county decision not to have a food program. Until the Poor People's Campaign camped in Washington and demonstrated at his office, Secretary of Agriculture Orville Freeman had imposed a food program on few southern counties. Freeman then sent an ultimatum to the 1,000 poorest counties, asking them for their plans to start programs; fifty-one did not reply. Freeman then announced he would use his legal powers to distribute food in all 1,000 counties. He has always had those powers but has not used them because the department believes in working with local administrations, not against them.

Hunger sits at the table in many Negro homes. This year the Citizens' Board of Inquiry into Hunger and Malnutrition published a report listing 235 counties in the South that meet at least three out of four criteria: the number of babies who die between the ages of one and eleven months is at least twice the national average; at

least four people in ten are poor; and less than one poor family in four receives either welfare or food programs. These are among the poorest, worst-nourished counties in the U.S., but are far from the only ones in which hunger is endemic.

Some southern Negroes are actually starving. Six doctors who studied the health and living conditions in six counties of Mississippi last year said that they saw evidence of vitamin and mineral deficiencies and exhaustion in child after child. The doctors reported: "We saw children fed communally—that is, by neighbors who give scraps of food to children whose own parents have nothing to give them. Not only are these children receiving no food from the government, they are also getting no medical attention whatsover. They are out of sight and ignored. . . . They are suffering from hunger and disease and directly or indirectly they are dying from them—which is exactly what 'starvation' means."

Born into hunger, wretchedly educated in the South's separate but highly unequal school systems, taught to use only the simplest farm implement, and then replaced by machines, many hundreds of thousands of adult black people are adrift in the South. Nobody knows with any accuracy how large the Negro rural population is in 1968, what proportion is employed, or how many people are in each age group.

HEALING THE WALKING WOUNDED

The Delta Opportunity Corp., an antipoverty group that operates out of run-down offices in Greenville, Mississippi, specializes in helping these discards of the plantation system. A project of the Opportunity Corp.'s parent, the Delta Ministry, is the bravely named Freedom City, a group of shacks clustered round a sagging barn on a patch of land outside Greenville. About nine families, with a total of some thirty-five children, now live there. Out of its scanty funds, the Opportunity Corp. pays each adult in its training scheme a maximum of $30 a week.

Some did not escape the Delta plantations on which they once lived without a struggle. One man recalls, "I told the man I was going to leave. He was real cross, said I owed him money, said he would put me in jail. Well, I didn't recollect owing him no money, but I'd have gone to jail sure enough, 'less I had these friends to carry me away by night." That reject of southern farming is now learning to be a bricklayer at a class run by the D.O.C.; he is also learning to read and write. In a nearby shack is Walter Abney, who thinks he is thirty-five, but isnt sure: "My mammy, she didn't register me that I could find." Abney is learning the plumbing trade from a white instructor, a Northerner who went South to work on a defense project, and was stung to anger and action by the plight of the poor.

"A DIPLOMA IS UTTERLY IRRELEVANT"

As the exodus from rural areas continues, southern cities are starting to attract a larger share of the migrants. Atlanta is now 44 percent Negro, New Orleans 41 percent, Memphis 40 percent, and Houston 23 percent. Belatedly, a few cities are starting to tackle the intertwined and mounting problems of poverty and racial discrimination. Among them is Winston-Salem, North Carolina. Its efforts are real, determined, intelligent, and compassionate—models, indeed, of good intentions, if not yet of success.

The city's mayor, M. C. Benton, is that rare southern phenomenon, a liberal with political power. Moreover, he has powerful allies: R. J. Reynolds, Hanes Corp., the Wachovia Bank & Trust, Western Electric's local management, and most of the other big employers in the area. Benton and his committee of businessmen are learning fast. Says John Dawson, employment manager of Western Electric's factory in Winston-Salem, "I used to insist on a high-school diploma as a minimum qualification. Now I've learned that a diploma is utterly irrelevant for most jobs. I have to admit it—people like me have been screening applicants out for years, not screening them in." (Dawson was on loan to the mayor as a special assistant for manpower for six months. His successor is a Reynolds personnel expert.)

John Watlington, president of the Wachovia Bank & Trust, and another member of the mayor's committee, was shocked to discover the depth and extent of poverty in the Winston-Salem area. Says Watlington, "I just didn't realize we had these problems. I thought that by hiring Negroes and promoting them—we have a Negro assistant vice president, and a Negro personnel expert—we were playing our part. But now I realize that we as a bank must do more, not only in Winston-Salem, but also in the state." The Winston-Salem Urban Coalition will have funds of about $2 million—half of it pledged by Reynolds Tobacco. Benton is currently planning the next step in his plan to rehabilitate the poor: a housing program that will use some of the Coalition money.

Businessmen who are trying to bring southern Negroes into the industrial labor force face a tremendous task. The southern educational system has left most Negroes abysmally equipped for life in a sophisticated industrial society. Almost all Negro teachers, themselves products of a segregated school system, are paid less than their white counterparts. "I was half-educated myself, and now I'm half-educating the kids in my school," says a Mississippi Delta science teacher. Segregated schools are now illegal, to be sure, but segregation is still a fact of life. Only one Negro child in seven is attending a desegregated school.

Lower educational qualifications are one reason for the Negroes' low representation in better-paying jobs in the South. In 1960, the latest year for which figures are available, 23 percent of employed whites, but only 14 percent of employed Negroes, held jobs in manufacturing. In white-collar occupations the disparity was even greater: 44 percent of employed whites had white-collar jobs, but only 9 percent of employed Negroes.

But discrimination, as well as lack of education, keeps Negroes out of the better-paying jobs. A white high-school graduate is almost three times as likely as a black one to be working in an office. And, in virtually every occupation, a white is paid more than a Negro for doing the same work.

A growing number of businessmen in the South are trying to remedy the Negroes' educational deficiencies with basic education courses on company time, and with job-related training that upgrades Negro employees' skills. Top management's enthusiasm for such programs is not always matched at the supervisory level. But even at lower levels, attitudes are changing. "These are good guys, and they're going to make good workers," says a white foreman in charge of a batch of trainees at Tampa Electric Co. in Florida. "They want to learn, and once they get the message that we really want to help, they pitch in."

However, some national corporations with a reputation for equitable hiring and promotional policies in the North are still less than fair in the South. Richard Sobol, of the Lawyers Constitutional Defense Committee, a privately funded group with headquarters in New Orleans, contends that many corporations leave the management of their southern operations to executives who go along with local customs. The L.C.D.C. was founded to provide legal aid for civil-rights workers arrested in the South; recently its focus has shifted to fighting economic discrimination against Negro industrial workers.

One of its targets is the Crown Zellerbach plant at Bogalusa, Louisiana. Under pressure from the Equal Employment Opportunity Commission, Crown Zellerbach merged its old separate job-progression lines for black and white workers—a system that had kept Negroes out of better-paying jobs. But the L.C.D.C. believed that the new arrangement was unfair. "The way it was working," says Sobol, "a Negro with many years of service who wanted promotion had to start right at the bottom of the merged progression line, along with kids of eighteen." Pressing for a seniority system based on time with the company rather than time on the job, the L.C.D.C. sued Crown Zellerbach and won. The decision is now being appealed.

"Actually, Crown Zellerbach is not the real problem," says Sobol. "It is the United Papermakers and Paperworkers [an A.F.L.-C.I.O. member]. It threatened to strike if we won the suit, but was enjoined from doing so. Crown Zellerbach is far from the worst company; it just happened to be the biggest employer in Bogalusa, which is the most active civil-rights area in Louisiana." L.C.D.C. has filed a similar suit against Continental Can's Louisiana plant, and is preparing suits against other corporations.

FEAR OF VIOLENCE

Civil-rights legislation and successive legal decisions have raised the hopes of Negroes throughout the U.S. But, especially in the South, their battle is far from over. White diehards still have many weapons, ranging from their control of jobs and farm and anti-poverty programs to physical force. The U.S. Commission on Civil Rights reported in May that widespread white resistance to the Voting Rights Act of 1965 took the form of discrimination in the electoral process, and actual or threatened violence. "The fear of physical violence is a real and ever present threat for Negroes in the South," says Dr. Daniel Thompson, professor of sociology at Dillard University, New Orleans. "It is one of the reasons that black people leave the South."

There is another kind of violence in the South, the kind that maims men's souls as well as their bodies. The men of Freedom City, the sharecroppers of North Carolina, the hungry children of Mississippi—all have been grievously wounded by a society in which they have no voice. Only a handful of people are binding up those wounds, and trying to make whole again the victims of a collision between economics and apathy.

Since 1940 millions of black people have left the South, searching for freedom. Some have found it; some have found only more unhappiness, more anguish. The economies of large-scale farming, and the thrust of farm policies, make a further loss of jobs inevitable. As things are today, most of those dispossessed workers and their families will either sink into deeper poverty in the rural South, or move to the cities. They are unequipped for urban life; the cities are ill equipped to cope with them.

Despite continuing migration, some 7,100,000 Negroes of working age will be living in the South in 1975—12 percent more than in 1960. About 3,900,000 will be in the labor force—working or looking for work. The challenge to the South's political and business leaders is threefold: to create new jobs, open a higher percentage of them to Negroes, and ease rural people's transition from one way of life to another with education and job training.

On past performance, southern institutions, both political and business, will need energetic prodding before they meet the challenges of the future. Much of that task falls to the federal government, and to national corporations. Both have the resources to undertake the role; both have the power, financial and legal, to ensure that their standards are met.

So far, government and business have focused their problem-solving powers on urban problems, and blinkered themselves to rural ones. But every additional migrant is another burden on the cities, and the urban crisis will

not be cured, or even arrested, until the South becomes more attractive to its black population than the urban North. The slums are in large part a result of the malaise of the rural and smalltown South; the violence in northern streets is a product of frustrations born in southern fields.

[From the New York Times, July 29, 1968]

THE ENERGIES OF THE SLUMS

The most promising aspect of the proposal to establish community development corporations and development banks in the urban slums is the support it has received, cutting across both political and racial lines.

Two liberal Republicans, Senators Javits of New York and Percy of Illinois have in effect joined hands with Vice President Humphrey by co-sponsoring legislation with his spokesman, Senator Harris of Oklahoma. Informal political cooperation among men who are deeply concerned about urban problems and active in the quest for remedies is not at all surprising.

What is indeed surprising—and gratifying—is the support of Roy Innis, the director of the militant Congress of Racial Equality. The active participation of the CORE leader in framing this legislation raises the hope that many Negroes who are traversing the fine line between order and violence will now opt for solving their problems within the framework of legal processes.

The development corporations, stock in which would be owned by at least ten per cent of the adults in a local community, would conduct business enterprises, undertake housing projects and provide such social services as legal aid and vocational counseling. Most of the working capital would come from community development banks which would be empowered to sell stock or bonds in the money markets.

A successful program must be soundly conceived, and there are questions that should be resolved, either before the corporations are launched or in their formative period of trial and error. The first is whether it is in fact possible to attract anything but local service enterprises to slum areas through tax incentives. Manufacturing establishments are now located in the outer rings of metropolitan areas largely because of space requirements. It might require huge uneconomic subsidies in the form of tax exemptions to break that locational pattern.

A related issue is whether it would not be better, perhaps easier, to move the slum dwellers to new jobs rather than move jobs to the slums. There is nothing inherently desirable, foreordained or sacred about preserving dense concentrations of poor people in the central-city cores of urban areas. The possibilities of new towns that were opened up in Great Britain might be given a fair trial in this country.

The prospect of harnessing the restive energies of the slums to constructive purposes, of placing into the hands of people new tools for their own betterment, excites the hope for an eventual solution of the problems that are tearing at the social fabric of American life. No one can be so prescient as to lay out a precise blueprint for action. Yet the "Community Self-Determination Act," as it is called, would, with its emphasis on local control and local participation, appear to be a proper vehicle for embarking upon a most difficult journey.

[From the Boston Globe, May 26, 1968]

CONTROL THE ISSUE IN ROXBURY

(By David Deitch)

Should the black community in Roxbury be allowed to control its own destiny?

The question is ridiculous on the face of it, and demeaning. Nobody ever asked whether the Jews, Irish or Italians, who often lived apart in their own communities before dispersing, whether they were capable of ordering their own lives.

The question just never arose.

Yet white people insist on asking whether blacks should be permitted self-determination in the allocation of resources designed to help them. This "problem" of permitting the blacks to do it themselves has been raised throughout the United States and in Boston.

In one sense, the whole idea of black self-determination is part of a larger movement in many communities that "want to do it themselves," that want to see a decentralization of power in an era when government is getting bigger and bureaucracies stifle self-fulfillment. But when black people talk about self-determination the whole issue gets bogged down in the rhetoric of power and race.

Today in Boston there is a controversy between Mayor White and a few powerful business leaders on the one hand, and a confederation of militant black organizations in Roxbury called the United Front on the other. The Front, whose guiding principle is black self-determination, is incensed at the Mayor's refusal to endorse a black-controlled development corporation which would make use of funds raised mainly in the business and financial community.

Instead, Mayor White has come forth with a plan for a development corporation which would be responsible to the presently elected Model Cities Board that covers an area including Roxbury, North Dorchester and Jamaica Plain. Whatever the merits of the Mayor's plan, it clearly circumvents the black power groups under the United Front umbrella.

The United Front says it has no confidence in the Model Cities Board comprised of 11 black and seven white directors, who in any case are accused of lacking familiarity if not sympathy with the black community's problems, including its desire for autonomous development.

Close observers of the controversy claim that the Front is unable to budge an inch from its basic position of black community control over development funds, and that the Front will be compelled to form its own development corporation, raising funds as best it can. To back down over the issue of control would be to negate the Front's basic philosophy of self-determination for black people.

Obviously, some of the major contributors to the Mayor's development corporation proproposal are reluctant to let the blacks have the money to do with as they will. Some are said to be worried that the money won't be invested wisely, and some are believed to be hazily concerned about helping the blacks form a base for political power through control of development funds.

Gar Alperovitz, a fellow of the Institute of Politics at Harvard, sees the Boston controversy as "a long struggle for awareness by white people", part of a process changing white-black relations.

"The businessman's first impulse is to want to go in and help the blacks," says Alperovitz. "He gets slapped in the face and can't understand it. The realization sets in slowly that what the blacks want—must have—is self-help."

Alperovitz believes that the business community is split over what to do in Boston. There are many powerful business and financial figures around who still need to be convinced that self-help is crucial to black development. But there also exists a growing number of white business people who are beginning to see the necessity of letting the blacks go their own way and make their own mistakes.

Richard Nixon's celebrated speech endorsing the black community's desire for a "piece of the action" through what he considers to be an emerging black capitalism may prove to be a landmark of sorts. Even the Wall Street Journal endorsed this sort of self-help for the blacks.

Although the black activists in Roxbury want to use the development funds as they see fit, they have never suggested they could do without technical assistance. They want such assistance and have made arrangements to get it. What could be more racist than to automatically assume it, that the blacks would waste the money given to them for development? On the contrary the psychological problem exists that they might be more tight-fisted than white bankers.

Negotiations between Mayor White and the United Front are said to be in an extremely delicate phase, and could break down completely at any time. But Alperovitz is confident that the split, if it comes, won't be permanent because the evolutionary process is pulling things toward community control over resources.

[From the Boston Globe, May 30, 1968]

QUESTION OF POWER: WHO DEFINES "COMMUNITY"?

(By David Deitch)

How do you define a community? What boundaries should it have?

This is the second key question that must be answered by all cities who want to form community corporations—like Boston. But if Boston is typical of other cities who are painfully granting neighborhoods a bigger say in the conduct of their affairs, the question puts the cart before the horse.

The bigger question that must be answered first is whether City Hall is indeed interested in delegating responsibility to the neighborhoods. If this is so, then Boston and other cities won't have much trouble defining the limits of the community that wants more political control.

For instance, Boston is about to make its first stab at decentralizing a bit of City Hall power. Mayor White has proposed creation of a community development corporation to administer small business investment funds provided by local business leaders, the agency to be controlled through the 18-member Model Neighborhood Board which includes the area of Roxbury, North Dorchester and Jamaica Plain.

The United Front, a loose coalition of black groups, has denounced the Mayor's plan as sidestepping the main community grievances, most of which revolve around the desire for local autonomy. The Front wants the proposed community corporation to concentrate its efforts on Roxbury alone, and to be delegated the responsibility for administering the resources.

It is true that the United Front has never really proven that it most nearly represents the wishes of the Roxbury community. The outsider knows the Front as being the only group pressing for a measure of self-determination in Roxbury. It's impossible to say who ought to represent Roxbury until a referendum is taken.

But—and this is the main issue—any thought of a referendum is superfluous until City Hall agrees in principal to transfer some authority to the neighborhood. The boundaries of a community can be easily negotiated once "downtown" agrees to transfer some political power.

According to urban problems expert Milton Kotler, whose concept for the community corporation several years ago is now transforming local politics in America, "people are desperately trying to locate the neighborhood by sociometric measure and by numerous other artificial means. These are not the ways to find a neighborhood.

"A neighborhood will disclose its boundaries once it has some authority to govern."

The political argument in Boston over who should control the proposed community development corporation, the Model Cities Board or the United Front, is irrelevant because City Hall still has refused to respect the concept of the community as a distinct and meaningful entity. The Model Neighbor-

hood Board which includes Roxbury, North Dorchester and Jamaica Plain doesn't represent a distinct community and nobody argues very hard that it does.

But Roxbury is a community and has been regarded as one since 1868 when its was annexed by Boston without consent. Kotler thinks that Roxbury's 1868 boundaries are still entirely feasible for a community corporation but, in any case, "only the people can tell you what the neighborhood is."

Kotler, who is writing a book on community autonomy in the United States, has found that the City Halls frequently have used the model cities boards to avoid handing over political control to the neighborhoods. The potential impact of community corporations on local politics could be tremendous.

If Roxbury ever got its own community corporation, can you imagine what Dorchester, would want? And Charlestown. And any other neighborhood that feels separated from the political process?

It's unfortunate that because Roxbury happens to be mostly black and the United Front a militant black organization the issue of community control has become obscured in a racial cloud. But white people also live in Roxbury and they also would be represented on a community corporation board elected through a referendum.

Who knows but that a Roxbury referendum wouldn't deny political power to the United Front? There's only one way to find out.

[From the Boston Globe, July 16, 1968]

FEDERAL LIFT IN SIGHT FOR URBAN CORPORATION

(By David Deitch)

Mayor White has refused to cooperate with the black leadership in Roxbury who want their own community corporation, but legislation introduced in Congress last week may make City Hall intransigence all but a dead issue.

Four Republican congressmen, three of whom are ranking minority members of their committees, sent to the floor H.R. 18460, a bill that would move black people (whites, too!) toward economic independence through the establishment of community-controlled development and service corporations.

What the legislation does in a nutshell is to make it financially attractive to establish a community corporation by granting Federal tax incentives and guarantees to both neighborhoods and corporations who want to help.

The germ of the idea came from Gar Alperovitz and John McClaughry, radical and conservative types, respectively, at the Institute of Politics of the Kennedy School of Government in Cambridge. Alperovitz held a long series of seminars with Roy Innis, the new national director of CORE, an organization still in the process of crystallizing its own ideas about community control.

CORE knew it wanted black self-determination in the local communities but hadn't made up its mind on the precise sort of public instrument that was necessary to carry out the goal with the essential support of the white power structure. CORE is now pitching for federal legislation to support community control of social services and economic development while offering in return an eventual end to welfare payments and the promise of profits to the corporations who get into the deal.

The total package of possibilities obviously convinced the bill's conservative sponsors who include Reps. William B. Widnall (R-N.J.) of the Banking and Currency and Joint Economic Committees; Robert Taft Jr. (R-Ohio), of Foreign Affairs; Charles E. Goodell (R-N.Y.) of Education and Labor; and Thomas B. Curtis (R-Mo.) of Joint Economic and Ways and Means.

Essentially, the bill defines the limits of the community corporation in its incorporated procedures. Any group of five people can petition for incorporation but must have the support of at least five percent of the over-16 population—which could be hard to get in a poverty-stricken community such as Roxbury. This could result in a referendum to decide the corporation's operating area. Once established and certified, the corporation would hold elections in the community to determine its governing body.

Mayor White has been urged to establish a community corporation in Roxbury through this basic procedure, but has refused, electing to work through the Model Cities Board which covers a much wider area. White's plan effectively sidetracks what the blacks want most of all: control over their own communities, which means that City Hall would have to give up some governing power.

The community corporation would own—sooner or later—the stock of businesses which establish in the area, and use the profits for social services and reinvestment. Alperovitz says the idea of self-generating growth is central to cutting the Gordian knot of appropriations in Congress.

The bill would also authorize a turn-key program where industrial corporations would have the tax incentive to establish subsidiaries in the ghettos, particularly those with growth technologies, and leave behind trained management, workers and the ownership of a viable concern in the hands of the community corporation.

There's some question whether industry would want to set up competing companies, but Alperovitz says it's possible to find non-competitive markets. Another less preferable choice, as far as the idea of autonomy is concerned, is for industry to establish supplier companies in the ghetto.

Corporations such as EG&G, Xerox and Aerojet-General are among the major corporations which have established ghetto subsidiaries to be handed over in part to black management and workers.

A third feature of the legislation is that it would authorize a development bank system which would be locally controlled, but provide for Federal guarantees on investment money flowing into the financial arm of the community corporation.

The quality of the bill's present support leads Alperovitz to predict that "this program or something much like it will be a major attraction of the next Congress; everybody is moving in this general direction."

[From the Boston Globe, July 20, 1968]

LOCAL CONTROL VITAL TO BLACK ECONOMIC DEVELOPMENT—CONGRESS DOES SOMETHING ABOUT IT

(By David Deitch)

The military-industrial complex for a long time has been seen as a convenient form of socialism for the affluent millions who benefit from it. A big chunk of the national tax dollar goes to support the corporations working on military contracts and the salaries and stock options of the privileged.

One could always legitimately complain therefore at the double standard in this country which prevents a similar application of public funds being directed toward breaking the chain which regulates the ghetto life.

But the factors which control the ghetto are as institutionalized as the military-industrial complex and, as far as money is concerned, Congress will appropriate in one place but not in another. This is a fact of political life that shows no sign of becoming dislodged even by riots.

This is why it became necessary to devise legislation such as the Community Self-Determination Act (S. 3875) which would tackle the problem of ghetto economic development through an essential compromise between the needs of the black community leadership, which are still evolving, and the free enterprise, profit-making system.

The legislation would make it financially attractive for neighborhoods to set up community development corporations (CDC), controlled by local residents, as well as for outside corporations to create plants and facilities for later sale to the community. Total cost of the act is estimated to be under $1 billion for fiscal year 1970.

The CDC bill represents a conglomeration of radical and conservative thinking which seems to have crystallized around the advantages of decentralizing the political and economic decision-making process in the United States. This philosophy squares perfectly with the black power leadership which, despite many other differences, are solid when it comes to black control of black communities.

It was the logic and benefits to be gained from community control and decentralization that caused two fellows at the Harvard Institute of Politics with senatorial connections, Gar Alperovitz and John McClaughry, to develop initially the idea for legislative purposes with Roy Innis of CORE. The Community Self-Determination Act has since attracted a wide range of conservative-liberal sponsorship in Congress, and for some readily apparent reasons.

The CDC bill is implicitly a recognition that private enterprise can't be kept out of the slums because large amounts of public money won't be made available. It avoids the whole issue of making affluent whites pay for black development by concentrating on self-help and profit-making opportunities.

But while the Act formally recognizes the inevitability of profit-making in the slums, it at least regulates the terms of what has come to be known as "corporate imperialism for the poor". These terms insist that once established at a profit by outside corporations, businesses will be turned over to the people through their ownership in the community corporation.

This stipulation presumably goes far toward meeting CORE's requirement that black development won't effectively take place unless "capital instruments", that is, the means of production, are owned by blacks who never owned them before.

One of the most interesting parts of the bill is the democratic way in which the community corporation is to be formed, something that might influence the parochial mentality of local politicians. According to a joint statement by Senators Percy, Nelson, Javits and Harris, "the act's further organizational requirements can be best understood by observing that they are designed to permit the community to define itself and to create a CDC as it sees fit."

In other words, the backers of the legislation respect the meaning and worth of a community, by insisting that limits on the size and membership of the community should not be imposed from outside it. This automatically means that the community corporation will help the inner city discover its political identity despite the objections of City Hall.

[From the Boston Globe, July 30, 1968]

LOCAL CONTROL VITAL TO BLACK ECONOMIC DEVELOPMENT—"WE ARE THE ONLY PEOPLE WITHOUT CAPITAL"

(By Harold J. Samuels)

WASHINGTON.—The demand of the black community for a share in American business—not only as employees but as owners and managers—has been heard clearly by political leaders this year. The leading candidates of both parties are calling for new policies to promote black ownership.

In the inner city itself "a piece of the action" has become a symbol more potent that just an economic issue. "Jobs" still means working for whitey; "own your own" means a lot more.

A Negro business leader put the problem bluntly. "This is a capitalistic system," he said, "but we are the only people in it without any capital."

The Irish, the Jews, the Italians have always owned the businesses in their neighborhoods, and the grocer's son eventually made his way to college and into the "system." The blacks, for many reasons, have not been able to.

The facts are dramatic:

Minorities are 15 percent of the population but own only 1 percent of the businesses. One out of ten white families owns its own business, but only one out of 40 black families do.

Even in the ghettos, some 80 to 85 percent of the businesses are owned by whites. Certainly less than 10 percent of the retail volume moves through black stores in the inner city.

In Washington, where more than 60 percent of the population is Negro, blacks own 2000 businesses while whites own 28,000. One fourth of the businesses the Negroes do own are barber shops and beauty parlors. They own no manufacturing enterprises.

With little capital of their own, Negroes have a hard time walking into a bank and coming out with a business loan. And there are astonishingly few Negro banks to go to—only one in the whole of New York city, 17 in the entire United States.

The Johnson Administration has made a start, gaining some experience in how to help minorities and making some mistakes along the way. But it now has the tools and is ready to move in a much bigger way.

The critical problem of insurance for businesses in high risk areas will soon be resolved by the reinsurance bill Congress is expected to pass. The Small Business Administration has the authority to guarantee hundreds of millions of dollars worth of loans from the private banks. SBA can do for minority business development what Federal mortgage guarantees have done for housing. The agency can offer 100 percent guarantee on special "economic opportunity" loans for the poor—looking more at their personal potential as entrepeneurs than at their capital. Some $82 million has been loaned so far.

Acquiring some capital is only the start for the new class of minority entrepreneurs we want to help establish. They must also have training in management to succeed.

On both these scores there is a limit to what government can or should do. The private business community's participation is essential to provide not only capital—greatly leveraged with government guarantees—but management assistance.

Much more can and must be done by the retail and service businesses to offer franchise to minority entrepreneurs—auto dealerships, service stations, supermarkets. There is no better way for people with limited experience to develop managerial competence than by operating first under the umbrella of a successful corporation.

Trade associations should set up special programs to sponsor and train minorities to get into their fields, especially retail and service areas where entry is the easiest.

The President has given me the mandate as head of the S.B.A. to move forcefully in these new directions, and quickly. The leaders of the banking and business communities are being consulted and they understand this need. They see minority ownership as important to economic growth and a stable society.

A TIME FOR TOUGHNESS

Mr. BENNETT. Mr. President, everybody realizes that the problem of inflation is one of the most serious we face today, since it underlies so many others. It cannot be licked without imposing some hardship on everybody, and this is very hard to do in an election year.

I agree with the editors of the Wall Street Journal who published an editorial today entitled, "A Time for Toughness." I am afraid that reluctantly, I have to agree that we in Congress are among those who have failed to display this very necessary quality.

It is particularly disheartening when big labor can exact a 6-percent wage increase and have that increase approved by the administration as being well within the current allowable pattern, even though the increase is doubled by rate of productivity increase, and in the same breath condemn the steel companies, which have found it necessary to cover that increase with 5-percent price increases.

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

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

A TIME FOR TOUGHNESS

"The Bethlehem steel price increase is unreasonable and just should not be permitted to stand. The public interest must be recognized by the entire steel industry in its price decisions at this critical time."

Thus did President Johnson, in tough, schoolmasterish tones, take the steel companies to task. Though the lecture was scarcely unexpected, it still calls for a few comments.

To begin with, maybe it's mildly disheartening that the Administration at least realizes that inflation has gone so far that it demands the toughest sort of counter-action. On the day that the President was censuring the steel men—without censuring the Steelworkers Union for its huge wage increase—the Bureau of Labor Statistics released the dreary news that consumer prices climbed in June at an annual rate of 6%, the fattest figure for any month since early 1966.

The Administration's approach, however, indicates once again that it fails dismally to grasp the economics of inflation. That is disheartening in the extreme, since effective control of inflation, if it's ever to come, demands intelligent action by Washington.

No one, and certainly no Administration official, knows whether an across-the-board steel price rise is "reasonable." (Reasonableness aside, it was probably bad tactics; a series of "selective" boosts apparently could have achieved the same result without a White House explosion.)

The proper testing-place for price increases, in a free economy, is the market. It's quite possible that stiff import competition and declining demand, as users work off inventories piled up in anticipation of the strike that did not come, would in time prove a steel price rise to be unrealistic.

In any event, it's certainly unrealistic, in an economy as large and diverse as this one, to try to even slow inflation by rolling back prices of a single firm or industry. That's no more sensible than fighting a flood by plugging a single hole in a badly perforated dike.

The Government's toughness would be vastly more useful if it were directed toward lessening the pressure of the waters on the dike. After all, it's largely responsible for building up that pressure over the years. So far, there's scanty evidence that either the Administration or Congress sees their duty clearly, or even dimly.

Oh, they got tough with the taxpayers, all right; nearly everyone is taking home less cash these days to pay those spiraling prices. Put another way, the President just jacked up the cost of Government, so look who's complaining about steel prices. There has also been a lot of determined talk about trimming Federal spending, but the words up to now far outrun the action.

In the first place, Congress refused to face up to the task of setting priorities among the vast number of Federal programs it had sanctioned. Instead, it elected the blunderbuss approach, a $6 billion slash in spending somewhere, partly by forcing an across-the-board curtailment in Federal jobs.

Even then, it has shown a total lack of courage in its conviction. One by one, agencies have been exempted from the employment curb. Time after time the lawmakers have padded the Administration's spending requests.

The job of getting the runaway budget under control is by no means easy. Demands for continued or increased spending in many areas are strong, and especially persuasive in this election year. In certain cases, perhaps, spending boosts could be justified in any normal time.

But this is hardly a normal time. The Government, in trying to do too much too fast for too many, has sorely weakened its ability to do anything really useful for anyone. Some people are bound to be hurt if the Government finally takes effective action to stabilize the nation's currency, to clean up its badly muddled financial affairs.

It isn't going to help at all to chastise the steel companies. But it sure is a time for toughness.

NOMINATION OF JUSTICE FORTAS

Mr. PELL. Mr. President, I speak once again to support the nomination of Abe Fortas to be Chief Justice of the United States.

His qualifications are well known, and my reiterating of them will not add to their lustre.

It should be understood by the Nation that there are Senators who support the appointment of Justice Fortas, even though such support does not gain the publicity that opposition brings. As to personal probity, there is no question of fitness. As to the power of the President to appoint, need we really give this argument any credence? Suffice it to say, if the President were to bring about a settlement in Vietnam, nobody would argue against it on the grounds that he is going out of office.

I have not heard any serious question as to the ability of Mr. Justice Fortas. Therefore, it is quite evident that opposition to his nomination comes from a general distaste of the Supreme Court or from partisan politics. But whatever the reason, there would appear to be no excuse for subjecting Mr. Fortas to the personal abuse which has been directed at him. I ask unanimous consent to have printed in the RECORD an article published in this week's New Republic.

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

JUSTICE FORTAS

On that day in February, 1952, the great marble Caucus Room was jammed. Pat McCarran was in the chair, swarthy Joe McCarthy led the Republicans and the man whom McCarthy denounced as a "Soviet spy," on whose conviction he said his whole case of conspiracy would stand or fall, was in the witness chair. For 12 days—the longest congressional interrogation of one man in congressional history—Professor Owen Lattimore of Johns Hopkins, a leading expert on the Orient, was pilloried. Sitting beside him

as his counsel, giving his services free and advising his client to fight back, was Abe Fortas of the law firm of Arnold, Fortas and Porter.

In the last fortnight, Fortas has himself sat in the same marble-columned room, in the same witness chair, before a Senate committee, defending himself. He is the first man nominated as Chief Justice of the Supreme Court ever to be thus questioned by the Senate.

Fortas got Lattimore off. "A more blatant invasion of the right of free speech has never occurred in our history," Thurman Arnold wrote later. As for Justice Fortas, the confirmation fight will be delayed till after Congress returns in September, where it will hit a filibuster; the result a toss-up.

It has been a strange experience. Fortas' testimony of closeness to Mr. Johnson did not aid him. But the thing that sticks in memory is a member of the great U.S. tribunal being taunted for his judicial decisions. Lattimore denounced in 1952 because he warned Red China was here to stay; Fortas badgered in 1968 because he believes police court defendants have a right to constitutional safeguards. At the end, Strom Thurmond (R, S.C.) invited the Justice back to see a display of girlie magazines filled with nude photographs which he wanted Fortas to view on the charge that court decisions have encouraged pornography. Fortas declined.

What is the real attack on Fortas? We believe it is an attack by obscurantists and those confused by modern complexities against liberals, intellectuals and the Supreme Court as a symbol—charging that the latter is somehow responsible for crime and lawlessness. Popular sentiment is 4 to 3 against the Court, according to Gallup. Nixon has put himself at the head of the attack against "the barbed wire of legalisms" erected by "the Supreme Court." Nixon will pick Justices, the inference is, who will shortcut legal niceties.

And what are these niceties? In 1963 a 50-year-old white man named Gideon who had been in and out of jail most of his life wrote a letter from a Florida prison telling the Supreme Court that he'd asked for legal counsel and been refused. Using its discretionary power, the Court named Abe Fortas to represent Gideon. The idea that busy Justices of the highest court would reach down into prison and review the case of a habitual prisoner was moving to some. *NYTimesman* Tony Lewis wrote a best-seller on it, *Gideon's Trumpet*. A TV network devoted an hour of prime time to recapitulate the case. And today *Gideon* v. *Wainwright*, argued by Fortas, means that all men, even the humblest, even habitual criminals, have the same rights before the Court.

That is what the Fortas case is really about. To Nixon these rights are a "barbed wire of legalisms." To the Court majority they are simply the safeguards habitually granted defendants in British trial courts. But in the marble-columned Senate Caucus Room the same wind of anger and resentment that blew against Lattimore, blows today against Lattimore's former counsel.

THE SMALL BUSINESS ADMINISTRATION'S 15 YEARS OF HELP TO AMERICAN BUSINESS

Mr. BIBLE. Mr. President, this week marks the 15th anniversary of the founding of the Small Business Administration. On July 30, 1953, the Congress enacted the Small Business Act which gave permanent and independent status to the Small Business Administration pursuant to the following strong mandate:

It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise . . . and strengthen the overall economy of the Nation.

This agency was designed to belong to the 5 million small businessmen of this country who produce 40 percent of our gross national product and fully half of all of the jobs in our economy. The Congress recognized that our smaller firms needed not only a voice in Washington, but a helping hand. This is because in the more remote regions of our country, far from the large money markets of the East, and particularly where agriculture predominates, bank lending is quite seasonal and capital is harder to come by at just about any time of the year.

SBA was made the lender of last resort for businessmen in these areas where bank credit, particularly medium-term loans and growth funds, was difficult to obtain. I was pleased that we were able to have a branch office established in Las Vegas in my State and, over the years, this branch has fully justified its existence by making the following loans to worthy Nevada businessmen: business loans, 175, totaling $9,947,000; equal opportunity loans, seven, totaling $58,000; development company loans, one, totaling $120,000; disaster loans, 77, totaling $474,000; other loans, five, totaling $81,000; for a total of 265 loans amounting to $10,680,000.

The Small Business Administration has also been active in the field of bringing management information to small businessmen. This is often equally or more important to a small company whose owners may be expert in some but not all of the skills required in this age of increasing specialization. Nationally, the agency has distributed more than 44 million management publications and held 11,000 courses, conferences, and workshops which have been attended by more than 450,000 business men and women. The agency estimates that 565,200 business people have received individual management counseling since 1960 under these programs, including the new SCORE program which has mobilized retired executives to go out to the factories and the stores and bring their accumulated wisdom to the companies that need it. I know that Nevada and the other Mountain States have benefited substantially from these programs.

Of special value to our smaller towns has been the local development company program, which was placed on the statute books in late 1958, and under which activity has picked up speed with every passing year. At first, it matched $4 of Federal loan money for each $1 raised by a local community to attract industry. In the past Congress, this was amended to increase the ratio to $9 to $1. The SBA has already made 1,805 of these loans, totaling more than $375 million, with 82 percent of them coming in the last 5 years. Nevada has received only one of this type loan so far, but I feel there is considerable potential for our communities in this area.

Many other actions of the Small Business Administration have an influence on the structure of our economy, which is harder to reduce to hard figures but, nevertheless, has a powerful effect on the climate in which small businessmen and farmers operate. The agency, together with the House and Senate Select Committees on Small Business, has fought hard year in and year out that the rules of competition were fairly drawn in order to resist the trend toward big business taking over a disproportionate share of the economy.

An example of this is in the field of procurement by the Federal Government of defense and other industrial materiel. The original Small Business Act declared Congress' intention that small firms get a fair share of this business. We went on to amend the law in 1963 to extend this fair share to the realm of subcontracting, and gave SBA the responsibility of carrying out these instructions on a day-to-day basis. The agency then developed subcontracting rules and applied them to the 39 largest Government prime contractors. An indication of the success of this program is that in fiscal year 1967 about $4.1 billion was subcontracted under these rules, which is almost double the level that existed prior to the legislation. I am glad to see that SBA is now practically doubling the scope of the subcontracting program to include the 75 top prime contractors. Some of these subcontracts have come into the Rocky Mountain area, and more will do so in the future.

In the field of agribusiness, also, the Congress and the Small Business Administration are working together. With my active support, the Senate Small Business Committee made a pioneer 3-year study between 1964 and 1967, exploring overseas potential for American livestock and beef products. We discovered and documented the existence of a $1 billion market in the Western European nations by 1970. Through legislation sponsored by myself and 26 other Senators, we are attempting now to mobilize industry and Government to take full advantage of these rich possibilities.

This study led us to considering some of the structural weaknesses of the livestock and meat industries, and to a subsequent study of a possible tax and other financial measures that might improve profitability and the long-term ability of our small livestock producers to capitalize fully on the future growth of both domestic and foreign markets.

Similarly, when the Wholesome Meat Act of 1967 imposed on members of the meatpacking industry a requirement that they upgrade their facilities to meet Federal standards within 2 years, my small-business-minded colleagues in the Senate were quick to support a resolution which I offered to study the possible hardships resulting from this act, and to suggest effective remedies. This legislation, Senate Resolution 290, now has 17 cosponsors and is presently pending before the Committee on Agriculture. We are working very hard to gain its passage by the full Senate, and if we are successful, the Small Business Administration will have an important role in studying and filling the needs of approximately 14,000 nonfederally inspected meatpackers who must comply with the Wholesome Meat Act.

It has impressed me that all of this activity on the part of the SBA has been at almost a negligible cost to the taxpayer. At its last report, SBA informed the Congress that it was returning 96 cents in loan repayments and interest for every dollar that Congress had appropriated to it, including for the maintenance of its Washington headquarters and many field offices. When the added taxes paid by SBA-assisted firms are added, it is probable that the SBA program has resulted in a profit to the Federal Treasury. This is a remarkable record for any Government agency.

Mr. President, it thus seems to me that the Small Business Administration has proven its worth, both to my State of Nevada and to the Nation as a whole. I have been pleased to be a part of these efforts since I came to the Senate in 1955 and as a member of the Select Committee on Small Business since 1957. I am proud of the accomplishments of the committee and of the SBA and take this occasion to heartily congratulate the Small Business Administration on its 15th birthday. I look forward to helping all I can so that the next 15 years can be equally as productive for our small businessmen and farmers in Nevada and across the country.

THE ADMINISTRATION IS ACTING RESPONSIBLY IN THE MATTER OF FEDERAL EMPLOYMENT

Mr. MONRONEY. Mr. President, our distinguished colleague, the gentleman from Delaware, has said that the Johnson administration had "deliberately padded the Federal payrolls," by adding more than 95,000 employees just prior to the signing of the surtax law.

I take issue with the Senator. I believe that his statement is both inaccurate and misleading. For the fact of the matter is that he has lumped together full-time Federal employment and temporary summer employment—including the youth opportunity employees.

As we know, the tax bill specifically exempted up to 70,000 economically and educationally disadvantaged youth employees under the youth opportunity program.

This year, I am told there are 93,200 summer youth employees between the ages of 16 and 21 working for our Government. But the overriding fact is that full-time permanent Federal employment has increased only by 12,000 this June. This figure compares with an increase of under 18,000 last year and 16,000 a year before.

It is clear, I think, that the Johnson administration is exercising prudent restraint in Federal hiring. It has abided by the letter of the law passed by Congress with the surtax bill. Clearly, Federal agencies, acting under the watchful eye of President Johnson, have acted with restraint in their hiring practices. And since the tax bill has exempted youth opportunity participants, it seems to me that the distinguished Senator has erroneously calculated the true intent and purposes of this administration's desire to practice economy in government.

President Johnson, from the moment he took office, pledged to the American people that his administration would be prudent and thoughtful in spending the taxpayers hard-earned money. I think the record will show that the President has kept this promise. The American people are getting what they are entitled to: well-managed, streamlined Federal management under the programs that are helping to reshape modern America.

Mr. KUCHEL. 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. 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.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

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

Thereupon (at 11 o'clock and 14 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 11:46 a.m. when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

NATIONAL EYE INSTITUTE

Mr. HILL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12843.

The PRESIDING OFFICER laid before the Senate the bill (H.R. 12843) to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health, which was read twice by its title.

Mr. HILL. I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

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. HILL. H.R. 12843 that would establish a National Eye Institute as part of the National Institutes of Health has been approved by the House of Representatives. The legislation is identical to S. 325 except that the bill as passed by the House was amended to substitute the term "Secretary" for the term "Surgeon General." This is merely a technical amendment. The legislation was unanimously approved by the Committee on Labor and Public Welfare. The companion measure in the Senate, S. 325, has 51 cosponsors.

There are over 400,000 blind persons in the United States, and it is estimated that some 90 million Americans—nearly one-half of the entire population—suffer from some sort of eye disorder or impaired vision. More than 12 million schoolchildren require eye care; 3,500,000 people in this country have a permanent, noncorrectable, visual defect; and 1,500,000 are blind in one eye according to the legal definition of this condition. More than 32,000 Americans lose their vision each year, so that in the 20-year period from 1940 to 1960 the blind population in the United States increased by 67 percent while the general population increased by only 36 percent. Over one-half million Americans will become blind in the next 10 years if the present trend continues. The cost of blindness in addition to the human tragedy runs to more than $1 billion a year.

An expanded program of research to determine the causes of blindness and to develop effective prevention and treatment techniques, is essential.

In addition to research focused on the cause, cure, and prevention of eye diseases, the proposed National Eye Institute will also focus attention on the special health problems and other special requirements of the blind. For example, broad demographic studies designed to produce urgently needed comprehensive information about the health, age, distribution, economic, and social characteristics of blind persons, as well as public attitudes would be extremely useful in the development of governmental and nongovernmental service programs.

The bill was ordered to a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. HILL. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 11 o'clock and 48 minutes a.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12:09 p.m., when called to order by the Presiding Officer (Mr. THURMOND in the chair).

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 the bill (S. 3095) to amend the Public Health Service Act to extend and improve the programs relating to the training of nursing and other health professions and allied health professions personnel, the program relating to student aid for such personnel, and the program relating to health research facilities, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill

(H.R. 18706) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1969; and that the House receded from its disagreement to the amendments of the Senate numbered 1, 2, and 3 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1969—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18706) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1969, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

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

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of West Virginia. Mr. President, the total sum approved by the conferees is $540,178,988. This sum is $8,014,822 under the Senate recommendation, $11,292,988 over the House bill, and $66,012,012 under the total revised budget estimates for fiscal 1969.

The Federal payment to the general fund of the District of Columbia was fixed at $79,000,000, a decrease of $1,000,000 below the Senate recommendation and $4,000,000 above the House allowance. The Federal loan authority was fixed at $66,473,000, a decrease of $4,000,000 below the Senate recommendation and $917,000 below the House allowance.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 18706, which was read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$79,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$66,473,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$57,223,000".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 1, 2, and 3.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a summary table of the bill.

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

Summary of bill (H.R. 18706)

Item	New budget (obligational) authority, fiscal year 1968	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill	New budget (obligational) authority, recommended in Senate bill	New budget (obligational) authority recommended by conference action
(1)	(2)	(3)	(4)	(5)	(6)
FEDERAL FUNDS					
[FEDERAL PAYMENT TO DISTRICT OF COLUMBIA					
General fund	[1] $70,000,000	$70,000,000	$75,000,000	$80,000,000	$79,000,000
Water fund	2,205,000	2,098,000	2,098,000	2,098,000	2,098,000
Sanitary sewage works fund	1,294,000	1,184,000	1,184,000	1,184,000	1,184,000
Total, Federal payment to District of Columbia	73,499,000	73,282,000	78,282,000	83,282,000	82,282,000
LOANS TO DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY (FROM THE U.S. TREASURY)					
General fund	[2] 66,588,000	94,429,000	58,140,000	61,223,000	57,223,000
Highway fund	14,300,000	8,000,000	8,000,000	8,000,000	8,000,000
Water fund	2,000,000	1,250,000	1,250,000	1,250,000	1,250,000
Total, loan appropriation to District of Columbia	82,888,000	103,679,000	67,390,000	70,473,000	66,473,000
Grand total, new budget (obligational) authority, Federal funds	156,387,000	176,961,000	145,672,000	153,755,000	148,755,000
DISTRICT OF COLUMBIA FUNDS					
OPERATING EXPENSES					
General operating expenses	*27,079,258*	*33,299,000*	*31,703,000*	*31,827,738*	*31,770,000*
Public safety	*98,988,276*	[3] *113,023,000*	*100,476,000*	*104,682,329*	*104,531,000*
Education	*103,021,900*	*112,314,000*	*108,400,000*	*108,969,385*	*108,676,000*
Parks and recreation	*15,473,900*	*19,044,000*	*17,041,000*	*16,983,988*	*16,983,988*
Health and welfare	*106,884,600*	*127,415,000*	*122,343,000*	*121,441,870*	*121,356,000*
Highways and traffic	*16,688,400*	*17,765,000*	*17,621,000*	*17,621,000*	*17,621,000*
Sanitary engineering	*27,441,980*	*31,207,000*	*30,7351000*	*30,735,000*	*30,735,000*
Metropolitan Police (additional municipal services, Imperial Shrine Convention)	*237,700*				
Metropolitan Police (additional municipal services, inaugural ceremonies)		*440,000*	*440,000*	*440,000*	*440,000*
Personal services, wage-board employees	*1,613,000*	*787,000*	*787,000*	*787,000*	*787,000*
Settlement of claims and suits	*36,800*				
Total, operating expenses	[4] *398,357,764*	[5] *455,294,000*	*429,545,000*	*433,488,810*	*432,899,988*
REPAYMENT OF LOANS AND INTEREST					
Reimbursement to the United States	*7,760,000*	*8,868,000*	*8,769,000*	*8,769,000*	*8,769,000*
CAPITAL OUTLAY					
Capital outlay	[6] *112,750,500*	[7] *142,029,000*	*90,572,000*	*105,936,000*	*98,510,000*
Grand total, District of Columbia funds	*518,868,264*	*606,191,000*	*528,886,000*	*548,193,810*	*540,178,988*

[1] Includes $6,020,800 contained in the second supplemental bill, 1968.
[2] Includes $3,688,000 contained in the second supplemental bill, 1968.
[3] Includes $11,529,000 submitted in H. Doc. No. 346.
[4] Includes $17,066,964 contained in the second supplemental bill, 1968, broken down as follows:

General operating expenses	$1,535,558
Public safety	6,466,076
Education	5,690,000
Parks and recreation	353,000
Health and welfare	2,214,000
Highways and traffic	62,100
Sanitary engineering	709,430
Settlement of claims and suits	36,800
Total	17,066,964

[5] Includes $2,288,000 submitted in H. Doc. No. 318, broken down as follows:

General operating expenses	$599,000
Education	902,000
Personal services, wage board employees	787,000
Total	2,288,000

[6] Includes $847,000 contained in the second supplemental bill, 1968.
[7] Includes a $1,531,000 reduction submitted in H. Doc. No. 318.

THE CHIEF JUSTICE OF THE UNITED STATES

Mr. HOLLAND. Mr. President, I note with interest a report in the New York Times this morning of a speech made by Chief Justice Earl Warren yesterday to the Conference of Chief Justices of the several States. The article is entitled "Warren Says All Share Crime Onus." The article is written by Fred P. Graham, and the article is stated to be special to the New York Times.

I ask unanimous consent that the article may be printed in the RECORD as a part of my remarks at this point.

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

WARREN SAYS ALL SHARE CRIME ONUS. CHIDES "SELF-RIGHTEOUS" AND ASSERTS SLUM CONDITIONS HAVE LONG BEEN HIDDEN

(By Fred P. Graham)

PHILADELPHIA, Aug. 1.— Chief Justice Earl Warren today chided persons who viewed rising crime with "self-righteous indignation" and "oversimplification."

"It is not so simple, and all of us must assume a share of the responsibility," the Chief Justice said.

Yesterday Gov. Ronald Reagan of California was applauded when he presented the Republican platform committee in Miami Beach with a ringing statement against rising crime. Before the same committee, Richard M. Nixon attributed some of the crime rise to the courts.

In his comments today, Justice Warren did not mention any specific critics of the Court, but he warned a meeting of state supreme court justices that the Supreme Court was facing increasing criticism over its liberal rulings on the rights of criminal defendants.

In an apparent reference to recent attacks on the Supreme Court in Congress, Justice Warren declared that no branch of the Government "can strengthen the democratic process by climbing over the weakened body of another."

Justice Warren attributed the crime rise to slum conditions, which, he said, "for decades we have swept under the rug." But he added that judges must shoulder some blame for the situation because of trial delays that leave accused criminals at large or in jail for as long as two years between arrest and trial.

CALLS COURTS SUSCEPTIBLE

Justice Warren did not mention specifically the anticourt statements made during last month's Senate Judiciary hearings on the nomination of Abe Fortas as Chief Justice.

But he warned that "if one out of three coordinate branches of government is discredited, the entire structure of government is weakened." He said the judiciary "is the most susceptible to attack, because it cannot enter the political arena and trade blow for blow with those who would discredit its work."

Justice Warren spoke to the Conference of Chief Justices at its annual meeting in the Warwick Hotel here.

It was the first time he had addressed the state chief justices group, which has frequently been critical of the United States Supreme Court.

It is customary for one or sometimes even two Supreme Court justices to attend conventions of the American Bar Association.

This year's convention will open at the Philadelphia Civic Center on Monday, and four Justices will attend.

A BIT OF FENCE-MENDING

The presence of the four—Justices Warren, Fortas, William J. Brennan Jr. and Byron R. White—indicates that the Supreme Court is mending its fences with the legal profession at a time when anticourt sentiment seems to be rising.

Justice Warren quipped during his speech that "circumstances over which I have no control" (the delay in Senate confirmation of Justice Fortas as Chief Justice) could bring him back to the high bench on October 3.

But he declined to elaborate to reporters, saying that he did not want to give the impression that he had "blacklisted the Senate" into choosing between Justice Fortas or him.

Justice Warren has announced his intention to resign but has said he will serve until a successor is nominated and confirmed.

Other annual meetings being held here now are the National Conference of Court Administrative Officers, the National Association of Bar Executives, the National Conference of Commissioners on Uniform State Law and the Traffic Court Program Seminar.

Mr. HOLLAND. Mr. President, I wish to read two paragraphs from the article:

In his comments today, Justice Warren did not mention any specific critics of the Court, but he warned a meeting of state supreme court justices that the Supreme Court was facing increasing criticism over its liberal rulings on the rights of criminal defendants.

In an apparent reference to recent attacks on the Supreme Court in Congress, Justice Warren declared that no branch of the Government "can strengthen the democratic process by climbing over the weakened body of another."

Mr. President, I sincerely hope that by his quoted remarks the distinguished Chief Justice did not mean he does not approve the use of the checks-and-balances processes provided by our Constitution and the appropriate exercise of its powers and responsibilities in this matter by the Senate. I think that the Senate, always remaining decent in its comments, has a responsibility to use its checks-and-balances power, in making remarks and comments it thinks appropriate relative to the conduct of the Supreme Court.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH MANPOWER ACT OF 1968

Mr. HILL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3095.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3095) to amend the Public Health Service Act to extend and improve the programs relating to the training of nursing and other health professions and allied health professions personnel, the program relating to student aid for such personnel, and the program relating to health research facilities, and for other purposes, which was, strike out all after the enacting clause, and insert:

That this Act may be cited as the "Health Manpower Act of 1968".

SEC. 2. As used in the amendments made by this Act, the term "Secretary", unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

TITLE I—HEALTH PROFESSIONS TRAINING

PART A—CONSTRUCTION GRANTS

EXTENSION OF CONSTRUCTION AUTHORIZATIONS

SEC. 101. (a) Section 720 of the Public Health Service Act (42 U.S.C. 293) is amended by inserting after and below clause (3) of the first sentence thereof the following new sentence: "For such grants there are also authorized to be appropriated $170,000,000 for the fiscal year ending June 30, 1970, and $225,000,000 for the next fiscal year."

(b)(1) Such section 720 is further amended by striking out "Sums so appropriated shall remain available until expended." and by adding at the end of such section the following: "Sums so appropriated for any fiscal year shall remain available for obligation through the close of the next fiscal year."

(2) The amendments made by this subsection shall apply only with respect to appropriations for fiscal years ending after June 30, 1969.

FEDERAL SHARE

SEC. 102. (a) Subsection (a)(1) of section 722 of the Public Health Service Act (42 U.S.C. 293b) is amended by striking out "such amount may not exceed 50 per centum" and inserting in lieu thereof "such amount may not, except where the Secretary determines that unusual circumstances make a larger percentage (which in no case may exceed 66⅔ per centum) necessary in order to effectuate the purposes of this part, exceed 50 per centum".

(b) The amendment made by this section shall apply in the case of projects for which grants are made from appropriations for fiscal years ending after June 30, 1969.

LENGTH AND CHARACTER OF FEDERAL RECOVERY INTEREST IN FACILITIES

SEC. 103. (a)(1) Clause (b) of section 723 of the Public Health Service Act (42 U.S.C. 293c) is amended to read as follows:

"(b) the facility shall cease to be used for the teaching purposes (and the other purposes permitted under section 722) for which it was constructed, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so,".

(2) So much of such section 723 of such Act as precedes clause (a) is amended by striking out "ten" and inserting in lieu thereof "twenty".

(3) Clause (A) of section 721(c)(2) of such Act (42 U.S.C. 293a) is amended to read: "(A) the facility is intended to be used for the purposes for which the application has been made,".

(b) The amendments made by subsection (a) (1) and (2) shall apply in the case of facilities for which a grant has been or is in the future made under part B of title VII of the Public Health Service Act. The amendment made by subsection (a)(3) shall apply in the case of assurances given after the date of enactment of this Act under such part B.

GRANTS FOR MULTIPURPOSE FACILITIES

SEC. 104. (a) Section 722 of the Public Health Service Act (42 U.S.C. 293b) is further amended by adding at the end thereof the following new subsection:

"(d) In the case of a project for construction of facilities which are primarily (as determined in accordance with regulations of the Secretary) for teaching purposes and for which a grant may be made under this

part, but which also are for research purposes, or research and related purposes, in the sciences related to health (within the meaning of part A of this title) or for medical library purposes (within the meaning of part I of title III), the project shall, insofar as all such purposes are involved, be regarded as a project for facilities with respect to which a grant may be made under this part."

(b) The amendment made by subsection (a) shall apply in the case of projects for which grants are made under part B of title VII of the Public Health Service Act from appropriations for fiscal years ending after June 30, 1969.

GRANTS FOR CONTINUING AND ADVANCED EDUCATION FACILITIES

SEC. 105. (a) Paragraph (3) of section 721(c) of the Public Health Service Act (42 U.S.C. 293a) is amended by inserting before the semicolon at the end thereof the following: "(and, for purposes of this part, expansion or curtailment of capacity for continuing education shall also be considered expansion and curtailment, respectively, of training capacity)".

(b) Subsection (d) of section 721 of such Act is amended by inserting "(other than a project for facilities for continuing education)" after "an existing school" in paragraph (1)(A) and after "a school" in paragraph (1)(B).

(c) Section 724(4) of such Act is amended by inserting before the semicolon at the end thereof: ", and including advanced training related to such training provided by any such school".

(d) The amendments made by this section shall apply in the case of projects for which grants are made under part B of title VII of the Public Health Serivce Act from appropriations for fiscal years ending after June 30, 1969.

PART B—INSTITUTIONAL AND SPECIAL PROJECT GRANTS FOR TRAINING OF HEALTH PROFESSIONS PERSONNEL

SEC. 111. (a) Sections 770 771, and 772 of the Public Health Service Act (42 U.S.C. 295f, 295f–1, 295f–2) are amended to read as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 770. (a) There are authorized to be apropriated $117,000,000 for the fiscal year ending June 30, 1970, and $168,000,000 for the fiscal year ending June 30, 1971, for institutional grants under section 771 and special project grants under section 772.

"(b) The portion of the sums so appropriated for each fiscal year which shall be available for grants under each such section shall be determined by the Secretary unless otherwise provided in the Act or Acts appropriating such sums for such year.

"INSTITUTIONAL GRANTS

"SEC. 771. (a)(1) The sums available for grants under this section from appropriations under section 770 for the fiscal year ending June 30, 1970, and for the next fiscal year shall be distributed to the schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary, medicine, and podiatry with approved applications as follows: Each school shall receive $25,000; and of the remainder—

"(A) 75 per centum shall be distributed on the basis of—

"(i) the relative enrollment of full-time students for such year, and

"(ii) the relative increase in enrollment of such students for such year over the average enrollment of such school for the five school years preceding the year for which the application is made; with the amount per full-time student so computed that a school receives twice as much for each such student in the increase as for other full-time students, and

"(B) 25 per centum shall be distributed on the basis of the relative number of graduates for such year.

In computing the increase under clause (a)(ii) of the preceding sentence for any school, there shall be excluded a number equal to the increase required by subsection (b)(1) (except in the case of a school to which the third sentence of such subsection applies).

"(2) For the fiscal years ending June 30, 1970, and June 30, 1971, only, the sum computed under paragraph (1) for any school which is less than the amount such school received under this section for the fiscal year ending June 30, 1969, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the sums computed under such paragraph (1) for the remaining schools, but with such adjutants as may be necessary to prevent the sums computed for any of such remaining schools from being reduced to less than the amount it received for such fiscal year ending June 30, 1969, under this section.

"(b)(1) The Secretary shall not make a grant under this section to any school unless the application for such grant contains or is supported by reasonable assurances that for the first school year beginning after the fiscal year for which such grant is made and each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the average of the first-year enrollments of such students in such school for the two school years having the highest such enrollment during the five school years during the period of July 1, 1963, through June 30, 1968, by at least 2½ per centum of such average first-year enrollments, or by five students, whichever is greater. The requirements of this paragraph shall be in addition to the requirements of section 721(c)(2)(D) of this Act, where applicable. The Secretary is authorized to waive (in whole or in part) the provisions of this paragraph if he determines, after consultation with the National Advisory Council on Health Professions Educational Assistance, that the required increase in first-year enrollment of full-time students in a school cannot, because of limitations of physical facilities available to the school for training, be accomplished without lowering the quality of training provided therein.

"(2) Notwithstanding the preceding provisions of this section, no grant under this section to any school for any fiscal year may exceed the total of the funds from non-Federal sources expended (excluding expenditures of a nonrecurring nature) by the school during the preceding year for teaching purposes (as determined in accordance with criteria prescribed by the Secretary), except that this paragraph shall not apply in the case of a school which has for such year a particular year-class which it did not have for the preceding year or in the case of Howard University.

"(c)(1) For purposes of this part and part F, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or the number of graduates, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class in a school, or were graduates, in an earlier year, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determinations when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this part and part F, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy, or doctor of pharmacy, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree.

"SPECIAL PROJECT GRANTS

"SEC. 772. Grants may be made, from sums available therefor from appropriations under section 770 for the fiscal year ending June 30, 1970, and for the next fiscal year, to assist schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, and veterinary medicine in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions or to effect significant improvements in curriculums of any such schools or for research in the various fields related to education in such health professions, or to develop training for new levels or types of health professions personnel, or to assist any such schools which are in serious financial straits to meet their costs of operation or which have special need for financial assistance to meet the accreditation requirements, or to assist any such schools to meet the costs of planning experimental teaching facilities or experimental design thereof, or which will otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply of adequately trained personnel in such health professions needed to meet the health needs of the Nation."

(b)(1) Subsection (a) of section 773 of such Act (42 U.S.C. 295f–3) is amended by striking out "basic or special grants under section 771 or 772" and inserting in lieu thereof "grants under section 771 or 772".

(2) Subsection (b)(1) of such section is amended by inserting before "or podiatry" the following: "pharmacy, veterinary medicine,".

(3) Subsection (c) of such section is amended by striking out "National Advisory Council on Medical, Dental, Optometric, and Podiatric Education" and inserting in lieu thereof "National Advisory Council on Health Professions Educational Assistance".

(4) Subsection (d)(2) of such section is amended by inserting "(excluding expenditures of a nonrecurring nature)" after "for such purpose".

(5) Subsection (e) of such section is amended to read as follows:

"(e) In determining priority of projects applications for which are filed under section 772, the Secretary shall give consideration to—

"(1) the extent to which the project will increase enrollment of full-time students receiving the training for which grants are authorized under this part;

"(2) the relative need of the applicant for financial assistance to maintain or provide for accreditation or to avoid curtailing enrollment or reduction in the quality of training provided; and

"(3) the extent to which the project may result in curriculum improvement or improved methods of training or will help to reduce the period of required training without adversely affecting the quality thereof."

(c)(1) Section 774(a) of such Act is amended by striking out "and podiatric education" and inserting in lieu thereof "podiatric, pharmaceutical, and veterinary education".

(2) Such section 774(a) is further amended by striking out "twelve" and inserting in lieu thereof "fourteen", and by striking out "National Advisory Council on Medical, Dental, Optometric, and Podiatric Education" and inserting in lieu thereof "National Advisory Council on Health Professions Educational Assistance".

(3) The heading of section 774 is amended to read:

"NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE"

(4) Section 780(d) of such Act is amended by striking out "National Advisory Council on Medical, Dental, Optometric, and Podiatric Education" and inserting in lieu thereof "National Advisory Council on Health Professions Educational Assistance".

(d) The amendments made by this section shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

(e) Effective only with respect to appropriations for the fiscal year ending June 30, 1969, section 772 of such Act is amended (1) by striking out subsection (c), and (2) by inserting before the period at the end of subsection (b) the following: ", or (3) to plan for special projects for which grants are authorized under this section as amended by the Health Manpower Act of 1968".

PART C—STUDENT AID

STUDENT LOANS

SEC. 121. (a)(1) Clauses (2) and (3) of section 740(b) of the Public Health Service Act (42 U.S.C. 294) are each amended by inserting ", except as provided in section 746," after "fund" the first time it appears therein.

(2) Section 740(b)(4) of Such Act is amended by striking out "1969" and inserting in lieu thereof "1971".

(3) Section 741(c) of such Act (42 U.S.C. 294a) is amended by striking out "three years" the first time it appears therein and inserting in lieu thereof "one year" and by adding before the period at the end thereof "; and periods (up to five years) of advanced professional training including internships and residencies)".

(4) Section 741(e) of such Act is amended to read as follows:

"(e) Such loans shall bear interest, on the unpaid balance of the loan, computed only for periods for which the loan is repayable, at the rate of 3 per centum per year".

(5)(A) Section 741 of such Act is further amended by adding at the end thereof the following new subsections:

"(j) Subject to regulations of the Secretary, a school may assess a charge with respect to a loan made under this part for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under subsection (c) or cancellation of part or all of the loan under subsection (f), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The school may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(k) A school may provide, in acccordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this part payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month."

(B) Subsection (b)(2) of section 740 of such Act is further amended by striking out "and (D)" and inserting in lieu thereof "(D) collections pursuant to section 741(j), and (E)".

(b)(1) The first sentence of subsection (a) of section 742 of such Act (42 U.S.C. 294b) is amended by striking out "and" before "$25,000,000" and by inserting before the period at the end thereof ", and $35,000,000 each for the fiscal year ending June 30, 1970, and the next fiscal year".

(2) The third sentence of such subsection is amended by striking out "1970" and "1969" and inserting in lieu thereof "1972" and "1971", respectively.

(3) The fourth sentence of such subsection is amended by striking out "and" before "(2)" and by inserting before the period at the end thereof ", and (3) for transfers pursuant to section 746".

(c) Section 743 of such Act (42 U.S.C. 394c) is amended by striking out "1972" each place it appears therein and inserting in lieu thereof "1974".

(d)(1) Section 744(a)(1) of such Act (42 U.S.C. 294d) is amended by inserting "and each of the next three fiscal years," after "1968,".

(2) Section 744(c) of such Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$45,000,000".

(e) Part C of title VII of such Act (42 U.S.C. 294, et seq.) is further amended by adding at the end thereof the following new section:

"TRANSFER OF FUNDS TO SCHOLARSHIPS

"SEC. 746. Not to exceed 20 per centum of the amount paid to a school from the appropriations for any fiscal year for Federal capital contributions under an agreement under this part, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part F of this title to be used for the same purpose as such sums. In the case of any such transfer, the amount of any funds which the school deposited in its student loan fund pursuant to section 740(b)(2)(B) with respect to the amount so transferred may be withdrawn by the school from such fund."

(f) The amendments made by subsections (a)(1), (b)(3), and (e) shall apply with respect to appropriations for fiscal years ending after June 30, 1969. The amendment made by subsection (a)(3) shall apply (1) with respect to all loans made under an agreement under part (C) of title VII of the Public Health Service Act after June 30, 1969, and (2) with respect to loans made thereunder before July 1, 1969, to the extent agreed to by the school which made the loans and the Secretary (but, then, only as to years beginning after June 30, 1969). The amendment made by subsection (a) (4) and (5) shall apply with respect to loans made after June 30, 1969.

SCHOLARSHIPS

SEC. 122. (a) Subsection (a) of section 780 of the Public Health Service Act (42 U.S.C. 295g) is amended by striking out "or pharmacy" and inserting in lieu thereof "pharmacy, or veterinary medicine". The heading of such section is amended by striking out "OR PHARMACY" and inserting in lieu thereof "PHARMACY, OR VETERINARY MEDICINE".

(b) Subsection (b) of such section is amended by inserting "and each of the next two fiscal years" after "1969," in the first sentence and by striking out "1970" and "1969" and inserting in lieu thereof "1972" and "1971", respectively, in the second sentence.

(c)(1) Paragraph (1) of subsection (c) of such section is amended by inserting "and each of the next two fiscal years" after "1969" in clause (D) and by striking out "1969" and "1970" in clause (E) and inserting in lieu thereof "1971" and "1972", respectively.

(2) The first sentence of paragraph (2) of such subsection (c) is amended by striking out "from low-income families who, without such financial assistance could not" and inserting in lieu thereof "of exceptional financial need who need such financial assistance to".

(d) Part F of title VII of the Public Health Service Act is further amended by inserting after section 780 the following new section:

"TRANSFER TO STUDENT LOAN FUNDS

"SEC. 781. Not to exceed 20 per centum of the amount paid to a school from the appropriations for any fiscal year for scholarships under this part, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part C for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums."

(e) The amendment made by subsections (a), (b), (c)(1), and (d) shall apply with respect to appropriations for fiscal years ending June 30, 1969. The amendments made by subsection (c)(2) shall apply with respect to scholarships from appropriations for fiscal years ending after June 30, 1969.

PART D—MISCELLANEOUS

STUDY OF SCHOOL AID AND STUDENT AID PROGRAMS

SEC. 131. The Secretary shall, in consultation with the Advisory Councils established by sections 725 and 774, prepare, and submit to the President and the Congress prior to July 1, 1970, a report on the administration of parts B, C, E, and F of title VII of the Public Health Service Act, an appraisal of the programs under such parts in the light of their adequacy to meet the long-term needs for health professionals, and his recommendations as a result thereof.

TITLE II—NURSE TRAINING

PART A—CONSTRUCTION GRANTS

EXTENSION OF CONSTRUCTION AUTHORIZATION

SEC. 201. (a) Section 801 of the Public Health Service Act (42 U.S.C. 296) is amended to read as follows:

"SEC. 801. (a) There are authorized to be appropriated, for grants to assist in the construction of new facilities for collegiate, associate degree, or diploma schools of nursing, or replacement or rehabilitation of existing facilities for such schools, $25,000,000 for the fiscal year ending June 30, 1970, and $35,000,000 for the fiscal year ending June 30, 1971.

"(b) Sums appropriated pursuant to subsection (a) for a fiscal year shall remain available for obligation through the close of the next fiscal year."

(b) Section 802(a) of such Act (42 U.S.C. 296a) is amended by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1970".

FEDERAL SHARE

SEC. 202. Section 803(a) of the Public Health Service Act (42 U.S.C. 296b) is amended by striking out "may not exceed 50 per centum" in clause (B) and inserting in lieu thereof "may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 66⅔ per centum) necessary in order to effectuate the purposes of this part, exceed 50 per centum".

INCLUSION OF TRUST TERRITORY

SEC. 203. Section 843(a) of the Public Health Service Act (42 U.S.C. 298b) is amended by striking out "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, or the Trust Territory of the Pacific Islands".

AMENDMENT OF DEFINITION OF COLLEGIATE SCHOOL OF NURSING

SEC. 204. Section 843(c) of the Public Health Service Act is amended by inserting before the period at the end thereof ", and including advanced training related to such program of education provided by such school".

EFFECTIVE DATE

SEC. 205. The amendments made by sections 201 and 204 shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

PART B—SPECIAL PROJECT AND INSTITUTIONAL GRANTS TO SCHOOLS OF NURSING

SPECIAL PROJECT AND INSTITUTIONAL GRANTS

SEC. 211. Sections 805 and 806 of the Public Health Service Act (42 U.S.C. 296d, 296e) are amended to read as follows:

"IMPROVEMENT IN USE TRAINING

"SEC. 805. (a) From the sums available therefor from appropriations under section 808 for the fiscal year ending June 30, 1970, and the next fiscal year, grants may be made to assist any public or nonprofit private agency, organization, or institution to meet the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of nursing education or to effect significant improvements in curriculums of schools of nursing or for research in the various fields of nursing education, or to assist schools of nursing which are in serious financial straits to meet their costs of operation or to assist schools of nursing which have special need for financial assistance to meet accreditation requirements, or to assist in otherwise strengthening, improving, or expanding programs of nursing education, or to assist any such agency, organization, or institution to meet the costs of other special projects which will help to increase the supply of adequately trained nursing personnel needed to meet the health needs of the Nation.

"(b) In determining priority of projects for which applications are filed under subsection (a), the Secretary shall give priority in the following order:

"(1) the relative need of the applicant (if a school of nursing) for financial assistance to continue in operation or avoid curtailing enrollment or reduction in the quality of training provided;

"(2) the special need of the applicant for financial assistance in connection with its merger with a school of nursing;

"(3) the relative need of the applicant for financial assistance to maintain or provide for accreditation as a school of nursing; and

"(4) the extent to which the project will increase enrollment of full-time students receiving nursing training.

"INSTITUTIONAL GRANTS

"SEC. 806. (a) The sums available for grants under this section from appropriations under section 808 for the fiscal year ending June 30, 1970, and the next fiscal year shall be distributed to the schools with approved applications as follows: Each school shall receive $15,000; and of the remainder—

"(A) 75 per centum shall be distributed on the basis of—

"(i) the relative enrollment of full-time students for such year, and

"(ii) the relative increase in enrollment of such students for such year over the average enrollment of such school for the five school years preceding the year for which the application is made; with the amount per full-time student so computed that a school receives twice as much for each such student in the increase as for other full-time students, and

"(B) 25 per centum shall be distributed on the basis of the relative number of graduates for such year. In computing the increase under clause (A) (ii) of the preceding sentence for any school, there shall be excluded a number equal to the increase required by subsection (b) (except in the case of a school to which the third sentence of such subsection applies).

"(b) The Secretary shall not make a grant under this section to any school from any appropriation for a fiscal year ending after June 30, 1970, unless the application for such grant contains or is supported by reasonable assurances that for the first school year beginning after the fiscal year for which such grant is made and each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the average of the first-year enrollment of such students in such school for the two school years having the highest such enrollment during the five school years during the period of July 1, 1963, through June 30, 1968, by at least 2½ per centum of such average first-year enrollment, or by five students, whichever is greater. The requirements of this subsection shall be in addition to the requirements of section 802(b)(2)(D) of this Act, where applicable. The Secretary is authorized to waive (in whole or in part) the provisions of this subsection if he determines, after consultation with the National Advisory Council on Nurse Training, that the required increase in first-year enrollment of full-time students in a school cannot, because of limitations of physical facilities available to the school for training, be accomplished without lowering the quality of training provided therein.

(c)(1) For the purposes of this part and part D, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school or in a particular year-class in a school, or the number of graduates from a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in particular year-class in a school, or were graduates from a school in earlier years, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or year-class was not in existence in an earlier year at a school.

"(2) For purposes of this part and part D, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study in an accredited program in a school of nursing."

CONDITIONS OF ELIGIBILITY

SEC. 212. Part A of title VIII of the Public Health Service Act is amended by adding at the end thereof the following new sections:

"APPLICATIONS FOR GRANTS

"SEC. 807. (a) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications under section 805 or 806 for any fiscal year must be filed.

"(b) The Secretary shall not approve or disapprove any application for a grant under this part except after consultation with the National Advisory Council on Nurse Training.

"(c) A grant under section 805 or 806 may be made only if the application therefor—

"(1) is from a public or nonprofit private school of nursing, or in the case of grants under section 805, a public or nonprofit private agency, organization, or institution;

"(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(3) contains such additional information as the Secretary may require to make the determinations required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(4) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 808. (a) There are authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1970, and $40,000,000 for the fiscal year ending June 30, 1971, for improvement grants under section 805 and institutional grants under section 806.

"(b) Of the sums appropriated under subsection (a) of this section $15,000,000 shall be available for each of the fiscal years ending June 30, 1970, and June 30, 1971, for grants under section 805."

CONFORMING CHANGE

SEC. 213. Clause (2) of section 843(f) of the Public Health Service Act (42 U.S.C. 298b) is amended to read: "(2) in the case of a school applying for a grant under section 806 for any fiscal year, prior to the beginning of the first academic year following the normal graduation date of the class which is the entering class for such fiscal year (or is the first such class in such year if there is more than one);".

EFFECTIVE DATE

SEC. 214. The amendments made by the preceding provisions of this part shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

PLANNING FOR FISCAL YEAR 1969

SEC. 215. Effective only with respect to appropriations for the fiscal year ending June 30, 1969, section 805(a) of the Public Health Service Act is amended by inserting at the end thereof the following new sentence: "Appropriations under this section shall also be available for grants for planning special projects for which grants are authorized under this section as amended by the Health Manpower Act of 1968."

PART C—STUDENT AID

ADVANCED TRAINING

SEC. 221. Section 821(a) of the Public Health Service Act (42 U.S.C. 297) is amended by striking out "and" before "$12,000,000" and by inserting "$15,000,000 for the fiscal year ending June 30, 1970, and $19,000,000 for the fiscal year ending June 30, 1971," after "1969,".

STUDENT LOANS

SEC. 222. (a)(1) Clauses (2) and (3) of section 822(b) of the Public Health Service Act (42 U.S.C. 297a) are each amended by inserting ", except as provided in section 829," after "fund" the first time it appears therein.

(2) Section 822(b)(4) of such Act is amended by striking out "1969" and inserting in lieu thereof "1971".

(b)(1) Section 823(a) of such Act (42 U.S.C. 297b) is amended by striking out "$1,000" and inserting in lieu thereof "$1,500", by inserting "to licensed practical nurses and" immediately after "preference", and by inserting after the first sentence the following new sentence: "The aggregate of the loans for all years from such funds may not exceed $6,000 in the case of any student.".

(2) Section 823(b)(2) of such Act is amended by (A) striking out "one year" and inserting in lieu thereof "nine months" and (B) striking "except that" and all that follows down to but not including the semicolon and inserting in lieu thereof "excluding from such 10-year period all (A) periods (up to three years) of (i) active duty performed by the borrower as a member of a uniformed service, or (ii) service as a volunteer under the Peace Corps Act, and (B) periods (up to five years) during which the borrower is pursuing a full-time course of study at a collegiate school of nursing leading to baccalaureate degree in nursing or an equivalent degree, or to graduate degree in nursing, or is otherwise pursuing advanced professional training in nursing".

(3) Section 823(b)(3) or such Act is amended by inserting before the semicolon at the end thereof the following: ", except that such rate shall be 15 per centum for

each complete year of service as such a nurse in a public or other nonprofit hospital in any area which is determined in accordance with regulations of the Secretary, to be an area which has a substantial shortage of such nurses at such hospitals, and for the purpose of any cancellation at such higher rate, an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled".

(4) Section 823(b)(5) of such Act is amended by striking out everything which follows "3 per centum per annum" down to but not including the second semicolon.

(c)(1) Section 823 of such Act is further amended by adding at the end thereof the following new subsections:

"(f) Subject to regulations of the Secretary, a school may assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this part for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under subsection (b)(2) or cancellation of part or all of the loan under subsection (b)(3), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The school may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(g) A school may provide in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this part payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month."

(2) Subsection (b)(2) of section 822 of such Act is further amended by striking out "and (D)" and inserting in lieu thereof "(D) collections pursuant to section 823(f), and (E)".

(d)(1) Section 824 of such Act (42 U.S.C. 297c) is amended by inserting $20,000,000 for the fiscal year ending June 30, 1970, and $21,000,000 for the fiscal year ending June 30, 1971, after "1969," the first time it appears therein, by striking out "1970" and inserting in lieu thereof "1972", and by striking out "1969," the second time it appears therein and inserting in lieu thereof "1971,".

(2) The second sentence of such section is amended by inserting before the period at the end thereof ", and (3) for transfers pursuant to section 829".

(e) The first two sentences of section 825 of such Act (42 U.S.C. 297d) are amended to read as follows: "From the sums appropriated pursuant to section 824 for any fiscal year, the Secretary shall allot to each school an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in such school bears to the total number of persons enrolled on a full-time basis in all schools of nursing in all the States. The number of persons enrolled on a full-time basis in schools of nursing for purposes of this section shall be determined by the Secretary for the most recent year for which satisfactory data are available to him."

(f) Section 826 of such Act (42 U.S.C. 297e) is amended by striking out "1972" each place it appears therein and inserting in lieu thereof "1974".

(g) Section 827(a)(1) of such Act (42 U.S.C. 297f) is amended by inserting "and each of the next three fiscal years," after "1968,".

(h) Part B of title VIII of such Act (42 U.S.C. 297 et seq.) is further amended by adding at the end thereof the following new section:

"TRANSFERS TO SCHOLARSHIP PROGRAM

"SEC. 829. Not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for Federal capital contributions under an agreement under this part, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part D to be used for the same purpose as such sums. In the case of any such transfer, the amount of any funds which the school deposited in its student loan fund pursuant to section 822(b)(2)(B) with respect to the amount so transferred may be withdrawn by the school from such fund."

(i) The amendments made by subsection (b)(1) and (2) shall apply with respect to all loans made after June 30, 1969, and with respect to loans made from a student loan fund established under an agreement pursuant to section 822, before July 1, 1969, to the extent agreed to by the school which made the loans and the Secretary (but then only for years beginning after June 30, 1968). The amendments made by subsection (b)(4) and subsection (c) shall apply with respect to loans made after June 30, 1969. The amendment made by subsection (h) shall apply with respect to appropriations for fiscal years beginning after June 30, 1969. The amendment made by subsection (b)(3) shall apply with respect to service, specified in section 823(b)(3) of such Act, performed during academic years beginning after the enactment of this Act, whether the loan was made before or after such enactment.

SCHOLARSHIPS

SEC. 223. (a) So much of part D of title VIII of the Public Health Service Act (42 U.S.C. 298c et seq.) as precedes section 868 is amended to read as follows:

"PART D—SCHOLARSHIP GRANTS TO SCHOOLS OF NURSING

"SCHOLARSHIP GRANTS

"SEC. 860. (a) The Secretary shall make grants as provided in this part to each public or other nonprofit school of nursing for scholarships to be awarded annually by such school to students thereof.

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1970, and the next fiscal year to each such school shall be equal to $2,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1972, and for each of the three succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending prior to July 1, 1971.

"(c)(1) Scholarships may be awarded by schools from grants under subsection (a)—

"(A) only to individuals who have been accepted by them for enrollment, and individuals enrolled and in good standing, as full-time students, in the case of awards from such grants for the fiscal year ending June 30, 1970, and the next fiscal year; and

"(B) only to individuals enrolled and in good standing as full-time students who initially received scholarship awards out of such grants for a fiscal year ending prior to July 1, 1971, in the case of awards from such grants for the fiscal year ending June 30, 1972, and each of the three succeeding fiscal years.

"(2) Scholarships from grants, under subsection (a) for any school year shall be awarded only to students of exceptional financial need who need such financial assistance to pursue a course of study at the school for such year. Any such scholarship awarded for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school making the award, but not to exceed $1,500 for any year in the case of any student, as such school may determine the student needs for such year on the basis of his requirements and financial resources.

"(d) Grants under subsection (a) shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Nurse Training.

"(e) Grants under subsection (a) may be paid in advance or by way of reimbursement, and at such intervals as the Secretary may find necessary; and with appropriate adjustments on account of overpayments or underpayments previously made.

"TRANSFERS TO STUDENT LOAN PROGRAM

"SEC. 861. Not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for scholarships under this part, or such larger percentage thereof as the Secretary may approve for such school for such year, may be transferred to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums."

(b) The amendment made by subsection (a) shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

PART D—MISCELLANEOUS

DEFINITION OF ACCREDITATION

SEC. 231. (a) Subsections (c) and (e) of section 843 of the Public Health Service Act (42 U.S.C. 298b) are each amended by striking out "an accredited program" and inserting in lieu thereof "a program".

(b) Subsection (d) of such section is amended by striking out "an accredited two-year program" and inserting in lieu thereof "a two-year program".

(c) Such subsection (c) is further amended by adding before the period at the end thereof (and after the language added by section 205 of this Act) ", but only if such program, or such unit, college, or university is accredited".

(d) Such subsection (d) is further amended by adding before the period at the end thereof ", but only if such program, or such unit, college, or university is accredited".

(e) Such subsection (e) is further amended by adding before the period at the end thereof ", but only if such program, or such affiliated school or such hospital or university or such independent school is accredited".

(f) So much of subsection (f) of such section as precedes clause (1) is amended—

(1) by inserting ", or by a State agency," immediately after "accredited by a recognized body or bodies";

(2) by inserting "or State agency" immediately after "such a recognized body or bodies";

(3) by inserting after "Commissioner of Education" the first time it appears therein "and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Commissioner of Education";

(4) by striking out "or a program accredited for the purpose of this Act by the Commissioner of Education";

(5) by inserting ", or a hospital, school college, or university (or a unit thereof)," immediately after "except that a program";

(6) by inserting ", or the hospital school college, or university (or a unit thereof)," immediately after "reasonable assurance that the program"; and

(7) by striking out "by the school which provides or will provide such program".

(g) Such subsection (f) is further amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, the Commissioner of Education shall publish a list of recognized accrediting bodies, and of State agencies, which he determines to be reliable authority as to the quality of training offered."

STUDY OF SCHOOL AID AND STUDENT AID PROGRAMS

SEC. 232. The Secretary shall, in consultation with the Advisory Council established by section 841, prepare, and submit to the President and the Congress prior to July 1, 1970, a report on the administration of title VIII of the Public Health Service Act, an appraisal of the programs under such title in the light of their adequacy to meet the long-term needs for nurses, and his recommendations as a result thereof.

TITLE III—ALLIED HEALTH PROFESSIONS AND PUBLIC HEALTH TRAINING

EXTENSION AND IMPROVEMENT OF ALLIED HEALTH PROFESSIONS PROGRAM

SEC. 301. (a)(1)(A) Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295h) is amended by striking out "and $13,500,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof "$13,500,000 for the fiscal year ending June 30, 1969; and $10,000,000 for the fiscal year ending June 30, 1970".

(B) Section 791(b)(1) of such Act is amended by striking out "1968" and inserting in lieu thereof "1969".

(2)(A) Section 792(a) of such Act (42 U.S.C. 295h–1) is amended by striking out "and $17,000,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof "$17,000,000 for the fiscal year ending June 30, 1969; and $20,000,000 for the fiscal year ending June 30, 1970".

(B) Section 792(b)(1) of such Act is amended by striking out "1969" and inserting ing in lieu thereof "1970".

(3) Section 793(a) of such Act (42 U.S.C. 295h–2) is amended by striking out "and $3,500,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof "$3,500,000 for the fiscal year ending June 30, 1969; and $5,000,000 for the fiscal year ending June 30, 1970".

(4) Section 794 of such Act (42 U.S.C. 295h–3) is amended by striking out "and $3,000,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof "$3,000,000 for the fiscal year ending June 30, 1969; and $4,500,000 for the fiscal year ending June 30, 1970".

(b) Such section 794 is further amended by—

(1) striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, institutions, and organizations";

(2) inserting "and methods" after "curriculums"; and

(3) striking out "new types of".

(c) Part G of title VII of such Act is further amended by adding at the end thereof the following new section:

"EVALUATION

"Sec. 797. Such portion of any appropriation pursuant to section 791, 792, 793, or 794, for any fiscal year ending after June 30, 1969, as the Secretary may determine, but not exceeding one-half of 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this part."

(d) Such part G is further amended by adding after section 797 (added by subsection (c)) the following new section:

"STUDY

"SEC. 798. The Secretary shall prepare, and submit to the President and the Congress prior to April 1, 1969, a report on the administration of this part, an appraisal of the programs under this part in the light of their adequacy to meet the needs for allied health professions personnel, and his recommendations as a result thereof."

PUBLIC HEALTH TRAINING

SEC. 302. (a) Section 309(a) of the Public Health Service Act (42 U.S.C. 242g) is amended by striking out "and" before "$9,000,000" and by inserting "$8,500,000 for the fiscal year ending June 30, 1970, and $12,000,000 for the fiscal year ending June 30, 1971," after 1969.

(b)(1) Section 306(a) of the Public Health Service Act (42 U.S.C. 242d) is amended (1) by striking out "and" before "$10,000,000" and by striking out "the succeeding fiscal year," and inserting in lieu thereof "the two succeeding fiscal years, and $14,000,000 for the fiscal year ending June 30, 1971", and (2) by inserting "sanitarians," immediately after "nurses".

(2) Section 306(d) of such Act is amended by striking out "$50" and inserting in lieu thereof "$100".

TITLE IV—HEALTH RESEARCH FACILITIES

EXTENSION OF CONSTRUCTION AUTHORIZATION

SEC. 401. (a) Section 704 of the Public Health Service Act (42 U.S.C. 292c) is amended by striking out "and" after "$50,000,000"; and by inserting "$20,000,000 for the fiscal year ending June 30, 1970, and $30,000,000 for the next fiscal year," after "$280,000,000,".

(b) Section 705(a) of such Act (42 U.S.C. 293) is amended by striking out "1968" and inserting in lieu thereof "1970".

FEDERAL SHARE

SEC. 402. (a) Subsection (a) of section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended by striking out "except that in no event may such amount exceed 50 per centum" and inserting in lieu thereof "but such amount may not, except as provided in paragraph (2), exceed 50 per centum".

(b) Such subsection (a) of section 706 is further amended by inserting "(1)" after "(a)" and adding at the end thereof the following new paragraph:

"(2) The maximum amount of any grant shall be 66⅔ per centum instead of the maximum under paragraph (1) in the case of any class or classes of projects which the Secretary determines have such special national or regional significance as to warrant a larger grant than is permitted under paragraph (1); but not more than 25 per centum of the funds appropriated pursuant to section 704 for any fiscal year shall be available for grants in excess of 50 per centum with respect to such class or classes of projects."

ADVISORY COUNCIL COMPENSATION

SEC. 403. Section 703(d) of the Public Health Service Act (42 U.S.C. 292b) is amended by striking out "$50" and inserting in lieu thereof "$100".

EFFECTIVE DATE

SEC. 404. The amendments made by section 402 shall apply in the case of projects for which grants are made from appropriations for fiscal years ending after June 30, 1969.

SEC. 405. The clause of section 101(b) of the Joint Resolution of June 29, 1968 (Public Law 90–366) relating to activities of the domestic agricultural workers health program of the Department of Health, Education, and Welfare, is amended by striking out ", other than grants,".

Mr. HILL. Mr. President, the Health Manpower Act of 1968, S. 3095, was reported by the Committee on Labor and Public Welfare, of which the distinguished occupant of the chair [Mr. CLARK], is a member. It was unanimously approved by the Senate on June 24, 1968. It was approved with amendments by the House yesterday by a vote of 350 yeas and no nays.

This legislation would extend the Health Professions Education Assistance Act, the Nurses Training Act, the Allied Health Professions Personnel Training Act, the Health Research Facilities Act, and the public health training authorities of the Public Health Service Act in sections 306 and 309.

The enactment of this legislation is essential if we are to overcome the shortages that now prevail among all categories of health manpower. By the year 1975 we will need an additional 80,000 physicians, 25,000 dentists, 3,000 optometrists, 6,000 pharmacists, and 200,000 nurses according to the estimates of the Department of Labor. This legislation would assist in the expansion of our training capacity for health personnel through construction grants, institutional grants, special project grants, scholarships, and student loans.

As approved by the Senate the legislation authorized a 3 year extension of the programs, with the exception of the Allied Health Professions Personnel Training Act. The House approved only 2-year extensions with a total appropriation authorization of $531 million for 1970, as compared to a Senate figure of $542 million, and an appropriation authorization of $646 million for 1971, as compared to a Senate figure of $672 million.

Since the differences in the authorizations for appropriations are relatively small for the years 1970 and 1971, I move that the Senate concur in the House amendments to S. 3095 so that the legislation can be forwarded to the President.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

Mr. HILL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

(At this point, Mr. MANSFIELD assumed the chair.)

VIETNAM

Mr. CLARK. Mr. President, last Wednesday President Johnson ruled out, for the time being, further deescalation of the war in Vietnam. He said we would not halt our bombing of North Vietnam, while there is danger of a major Vietcong offensive in the south. He went even further. He said that we might have to "act promptly on additional military measures if the enemy puts our men in danger."

Meanwhile, we read in the newspapers that 4,500 additional American troops have been rushed by air into frontline combat near the demilitarized zone.

Once again we are threatened with a new escalation of the war. Perhaps tomorrow or the next day a spokesman for the administration will deny that further escalation is contemplated.

One would hope that this time that denial would be correct, but I fear, if past performance is any indication, we will

nonetheless further escalate under such circumstances. We will escalate when we should be doing just the opposite. We should—and I now call on the President to—stop the bombing of North Vietnam now. Stop the bombing now when the fighting has in fact subsided. Stop the bombing now while casualties are down. Stop the bombing now to show we are willing to take a further good faith step in an effort to get the Paris negotiations off dead center. Stop the bombing now as a first step in a general cease-fire to save the lives of American boys. If there is a new Communist offensive in the south—and we have cried wolf in that regard on several occasions, which did not eventuate—but if there is a new offensive in the south we can always resume the bombing of the north again, although I think most of us now know the bombing of the north is having very little impact on reducing the infiltration of North Vietnamese and supplies into the south.

With respect to the Paris negotiations, I believe we must work toward a South Vietnamese Government which truly expresses the will of the people. In my judgment, the recent action of the Thieu government in jailing Mr. Dzu for his peace-oriented views is a shocking example of how basically undemocratic the Saigon government is. The only kind of government which can survive in South Vietnam is a government which has the support of the people. The Thieu-Ky government does not have that support.

Let us make it quite clear now that we intend to come out of these negotiations with a representative government which has the support of the people of South Vietnam. Let us also make it clear that we are prepared to accept a role in that government for representatives of the NLF—the Vietcong—if that is the will of the people of South Vietnam. Let us further make it clear that we are prepared to accept an interim coalition government in South Vietnam which will replace the present corrupt, undemocratic, dictatorial regime, and that we would expect that the NLF would be represented in that coalition.

Mr. President, the American people are tired of this war. They want it over with. They do not and have never understood our objectives in being in it. They lack confidence in those presently in charge of our Vietnam policy—not their motives, but, because of their emotional commitments of their ability to make sound policy decisions.

Our next President, whomever he may be, must have the confidence and trust of the American people. He must be willing to accept the mistakes of the past, admit them, face up to them, and chart a course, with respect to Vietnam, which will lead us, with honor, off the mainland of Southeast Asia and enable us to meet the problems—the serious and critical problems which confront us at home, and which at the moment we have neither the fiscal will nor the fiscal ability to do, because of the huge cost of our Military Establishment and the war in Southeast Asia. I hope that course will be charted which I have just recommended by all serious presidential candidates, specifically and in detail before the nominating conventions are over. I suggest that the respective convention delegates make up their minds for whom to vote, on the basis of the candidates' positions on these critical, national issues of foreign and domestic importance, and on the basis of the candidates' potential for leading this country in the directions which it must take—both in our foreign and domestic policy if we are to restore health and well-being to America—which we all love.

I myself intend to do so as a delegate from Pennsylvania to the Democratic National Convention which meets at the end of this month.

Mr. President, I yield the floor.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE 90TH CONGRESS—ACCOMPLISHMENTS, HOPES, AND SUGGESTIONS

Mr. MANSFIELD. Mr. President, today marks the 130th legislative day for the Senate this year. The total is the most numerous to date in any year, save one, during the last decade.

It was the hope of the leadership that adjournment sine die could have been achieved by this date. Every reasonable effort was made to that end. The Senate has been in session Mondays through Fridays, committees have worked hard, and legislation has generally been enacted in an orderly and timely manner. The recess schedule was limited to only 8 legislative days over five holiday periods.

During the first session of the 90th Congress, a concerted effort was also made on the part of the leadership, with the cooperation of the President, to manage the legislative program in such a manner as to permit adjournment sine die prior to Labor Day, 1967. Nevertheless, Congress was unable to adjourn until December 15 last year.

In an effort to improve the situation this year, the President directed Cabinet officers, agency heads, the Budget Bureau, and his own staff to aim at presenting all of his messages to Congress by the end of February. The last major message, in fact, was received by March 4, 1968. He further directed that any draft legislation that might be involved was to be submitted to the Congress on the same day as the message and that executive witnesses were to be available immediately to testify before the committees of Congress.

In the circumstances, it was possible for the Senate committees to move a great amount of authorizing legislation. The Senate's Committee on Appropriations has also acted as promptly as possible. Today, there are no appropriations bills which have been received by the Senate which the committee has not ordered reported. However, three appropriations bills have not yet been received from the House. These are the Department of Defense, foreign aid, and a final supplemental appropriations bill.

In spite of this exceptional effort, adjournment as planned has not been possible. It has not been possible, moreover, even though there were other factors working to encourage a timely termination of the session. It is, for example, a national election year and the pressures of politics are high. There is a strong desire on the part of Members to check personally with their constituencies. There has been no slowdown on the part of the administration, the Senate, or the committees.

That we could not complete the work as expected in these favorable circumstances seems to me to argue for taking a hard look at the adequacy of current legislative procedures and, notably, fiscal procedures, for meeting today's requirements. Is it reasonable to expect that in future years we will be any more able than we have been this year to end sessions in the early summer as contemplated under the La Follette-Monroney Reorganization Act of 1946? Experience indicates that appropriations actions seem destined for completion sometime in the fall of each year rather than by July 1, as is now theoretically required. Moreover, I do not think it reasonable to expect that, in the span of 5 months, Congress will be able to discharge its responsibilities effectively in authorizing and dispensing upwards of $186 billion.

It may well be time, therefore, to acknowledge that legislating is a year-round responsibility and to act according not only in Congress but throughout the Government. In this connection, perhaps, the most urgent requirement involves the Federal fiscal year which now begins on July 1. Why should the fiscal year not coincide with the calendar year, as was the case during the early years of the Republic?

As it now stands, the President submits the annual budget to Congress within 15 days of the convening of the Congress. There is, therefore, a maximum of 5½ months prior to the beginning of the new fiscal year for Congress to consider all budget requests. As I have already noted, the experience of recent years amply demonstrates that this is insufficient time.

Clearly, something is wrong with a system which decrees that a new fiscal year must begin on July 1, but, repeatedly, is unable to provide the appropriations in time to carry out the decree. Congress has attempted to bridge the gap between the decreed beginning of the fiscal year and the actual time of appropriation by restorting to the device of continuing resolutions. The arrangement is makeshift and wasteful. At best, it serves only to continue "business as usual." It generally fails to provide funds promptly for new programs. It fails to make efficient and effective adjustments in the funding of old programs. In addition, it leaves unresolved for prolonged periods many controversial issues which are sometimes best resolved without delay.

A change in the fiscal year so that it will coincide with the calendar year might well open up the possibility of much more orderly procedures not only in the Congress but in the executive branch of the Government. As it is now, the departments and agencies often must await appropriations by Congress until long after the start of the fiscal year. The resultant delay, uncertainty, and confusion could be reduced if Congress could complete appropriating actions prior to its beginning. Furthermore, the departments and agencies now begin their budgetary consideration for the next fiscal year during the spring months of the prior calendar year. Where appropriations bills have not been enacted by the time of this consideration, the executive branch faces great difficulties in attempting to plan rationally.

The present system also causes major problems for States and localities. Their difficulties arise because many programs of Federal assistance, as the Senate knows, require matching funds. The States and localities cannot sensibly make their own appropriations for any given year until after the Federal Government has acted. When Federal appropriations are delayed, however, State legislatures will have often adjourned and local budgets and programs will have already been set. In short, States and localities often guess at what Congress is going to do with the result that urgent undertakings may be delayed, distorted, or disrupted.

A 10 or 11 months Congress could also provide for a more orderly scheduling of its time and could include an appropriate summer recess, as many Members have suggested. That would be as possible as it is sensible, if the pressures of providing appropriations were not ever present and a resumption of the session in the fall were a certainty. With time to attend to legislation in a less harassed manner, the prospects for better legislation would be enhanced. Were Congress to plan on the basis of 11 months for authorization and appropriation instead of the present 7 months, it might well lead to a more searching scrutiny of requirements and a better understanding of issues.

The record seems to me clearly to indicate the need for a basic change. During the 22 years since World War II, Congress has adjourned only twice in July, five times in August, three times in September, six times in October, five times in December, and once as late as January. Various improvisations, in an attempt to secure an early adjournment, have failed repeatedly.

It is time to face up to the fact that the substantial growth of the Federal Government, the increased responsibilities of a Senator's office, and the multitude of complex problems preclude maintaining schedules which, however well they may have worked in the past, are no longer working.

Today, the Senate is a year-round job. Congress is a year-round job. For all practical purposes that year begins in January, not in July. It may be helpful as a first step, therefore, to adjust the Government's fiscal year to coincide with the calendar year. This change would not preclude early adjournments, if conditions warranted, but, I believe, it would result in more realistic and orderly fiscal practices with beneficial results accruing to both the legislative and executive branches and to the Nation.

I urge, therefore, that study be given to this matter by an appropriate commission or by committees of Congress. A so-called Hoover-type commission, as proposed by the Senator from Connecticut [Mr. RIBICOFF] and passed unanimously by the Senate, might look into the question. It may be, too, that the Monroney Special Committee on the Organization of the Congress might also consider it. In one way or another, I believe that we must delineate effective adjustments in the current concept of the fiscal year and in the executive and legislative fiscal processes which derive from it.

Mr. President, contrary to the old French saying that the more things change, the more things remain the same, it is my very strong belief that the more things change, the more things change, and we ought to face up to these changing times.

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

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. I did not have an opportunity to hear all of the Senator's speech, but I think I got the thrust of it. I commend him for making the suggestions. I may say that each year I have introduced proposed legislation——

Mr. MANSFIELD. If the Senator will yield, I would like to say what I think the Senator is going to say, and that is that for more than two decades, to my knowledge, the Senator from Washington [Mr. MAGNUSON], whom I am now addressing, has introduced proposed legislation seeking to divide the year into two parts, one to consider appropriations, the other to consider authorizing legislation. No Member of either body has been more consistent or more devoted to that principle, because, I must say, he has recognized things as they are. He has been ahead of his time. I now only hope that the rest of us will be able to catch up with the Senator from Washington.

Mr. MAGNUSON. We have had lengthy hearings on the suggestion made by the Senator and my proposals—which were, of course, only proposals, with a great many suggestions in them.

Mr. MANSFIELD. Mr. President, if the Senator will yield further, the genesis of what I have said is based on the Magnuson suggestions and proposals for legislation made by him year after year after year.

Mr. MAGNUSON. But surely we could at least do what the able Senator from Montana so ably stated at the end of his speech. One thing we could at least do is to change the fiscal year to conform with the calendar year. It would save a lot of money and would result in more efficiency, because all the corporations and those who work and who control a large part of the economy operate according to the calendar year. I think it would save untold millions of dollars if we did the same.

The Senator from Montana and I have sat in the Appropriations Committee room downstairs many a day, appropriating money, while up here in the Senate Chamber the Senate was working on legislation authorizing the program, and maybe changing it at the same time.

Mr. MANSFIELD. Yes; many times.

Mr. MAGNUSON. It has happened many times. It seems to me that that is one thing we could do that would save much money and at the same time increase our efficiency. I think the distinguished occupant of the chair [Mr. CLARK] has joined as a cosponsor of the general idea that the distinguished majority leader has just mentioned.

The PRESIDING OFFICER (Mr. CLARK in the chair). If the Senate will excuse the informality—the Chair realizes that he does not customarily comment in colloquy—the Senator is correct. The Chair would suggest that one of the difficulties with the suggestion of the Senator from Montana, with which I am in general agreement, is, What are we going to do about campaigning for election and reelection?

Mr. MAGNUSON. There are many difficulties in connection with the suggestion, but as someone has said, there must be a better way to run the Congress than the way it is run now. There has to be.

The PRESIDING OFFICER. There certainly is.

I commend the Senator from Montana for what he has said here on the closing day of this part of this session of Congress.

Mr. MANSFIELD. Mr. President, may I say that all I was doing, in effect, was repeating the thoughts expressed in the legislation introduced by the distinguished Senator from Washington.

As I have indicated earlier, for more than two decades, to my personal knowledge, both in the House of Representatives and in the Senate, he has been doing this.

With respect to the question raised by the distinguished occupant of the chair, the Acting President of the Senate, the Senator from Pennsylvania [Mr. CLARK], I would say that as far as campaigning is concerned we would all have to take our chances under any new procedures, just as we do now.

But I do think we are reaching the point where we will have to operate on a year-round basis. I would hope the calendar year would replace the fiscal year, and I would hope, as many Senators have advocated, that it might be possible to bring about a recess of 1 month, preferably August, during each year. At least that would give Senators a chance to go home, spend some time with their families, and come back refreshed.

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

Mr. MANSFIELD. I yield the floor.

The PRESIDING OFFICER. The Chair makes one very brief comment. It might be worth consideration whether we could adopt by legislation something not unlike the British system, which does strictly limit the amount of time which can be spent in campaigning before an election.

UNLAWFUL SEIZURE OF FISHING VESSELS

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2269.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2269) to amend the Act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries, which were, on page 1, line 9, strike out "certified" and insert "certificated".

On page 2, line 10, strike out "from (A)" and insert "(A) from".

On page 4, lines 1 and 2, strike out "in an amount not to exceed $150,000 annually".

On page 4, strike out all after line 24, over to and including line 6 on page 6, and insert:

SEC. 5. The Secretary of State shall take such action as he may deem appropriate to make and collect claims against a foreign country for amounts expended by the United States under the provisions of this Act (including payments made pursuant to section 7) because of the seizure of a vessel of the United States by such country. If such country fails or refuses to make payment in full within one hundred and twenty days after receiving notice of any such claim of the United States, the Secretary of State shall withhold, pending such payment, an amount equal to such unpaid claim from any funds programed for the current fiscal year for assistance to the government of such country (as shown in materials concerning such fiscal year presented to the Congress in connection with its consideration of amendments to the Foreign Assistance Act of 1961). Amounts withheld under this section shall not constitute satisfaction of any such claim of the United States against such foreign country.

Mr. MAGNUSON. Mr. President, the House of Representatives amended the bill in several particulars, one of which would establish a mandatory deduction of foreign assistance funds from those nations which illegally seize American-flag vessels on the high seas. They also limited to $150,000 the Federal contribution to an indemnity program.

This is not a great deal of change from the Senate bill. The Senate agreed to an amendment providing that as to Chile, Ecuador, and other countries, we would withhold all foreign assistance in case they seized American vessels; but I think the House version meets the problem better.

I have cleared this matter with the distinguished acting minority leader and others, including the Senator from New Hampshire [Mr. COTTON], on the minority side, and with other members of the committee. We feel we cannot wait on this bill, and therefore, we bring it up now.

Mr. President, I well recognize the objections which are made to the House amendment to S. 2269. In many respects I am in agreement with them.

The original amendment adopted on the Senate floor in early April provided for a complete cutoff of foreign assistance to those countries which continue to harass and seize American-flag fishing vessels on the high seas. This amendment was proper and would give good notice that this Nation has respect for international law and expects other coastal nations to treat our citizens in the same manner.

The realities, however, Mr. President, clearly indicate that such an amendment might be near impossible to enact into law at this time. I do not think that a single American fisherman should wait 1 day longer than necessary to achieve the protection provided in S. 2269. It is for that reason that I seek concurrence with the weaker House amendment.

The senior Senator from Alaska [Mr. BARTLETT] joined with me in cosponsoring the stronger amendment with the senior Senator from California [Mr. KUCHEL], but I know that if Mr. BARTLETT could be with us today as he was during the discussion and passage of this bill last April, he would heartily concur with me that we must send this measure to the White House at the earliest possible moment. He would also wish for the stronger Senate amendment, but he would compromise along with me that American-flag fishermen might achieve the protection they deserve.

I would debate the principles in this bill and amendment, but the fact that one American-flag tuna vessel off Chile, Ecuador, or Peru might today be subjected to armed seizure 100 miles offshore and forced to submit to indignities of illegal arrest and financial loss in seizure, dictates that we must act today, not tomorrow.

Mr. President, I have read the affidavits of these men. The number of seizures off Latin America alone is astounding—121 U.S.-flag fishing vessels in the last 8 years alone. These men have paid illegal fines in excess of half a million dollars. Under the 1954 law they were repaid, although the delay in many cases compounded their losses. The payments under the 1954 act, however, applied only to actual fines, nothing for exorbitant license fees or the time away from the fishing grounds.

There is another reason for moving this bill toward law today. Traditionally, August has been a month of increased seizures. The yellowfin tuna quota as established by the Inter-American Tropical Tuna Commission was officially ended on June 17. Actually, however, boats at sea could continue fishing until completion of their respective trips, and many of them arrived in San Diego last week. Now, with the yellowfin fishing ended because of conservation controls, the risks will be higher. Our American tuna vessels now must seek skipjack, and to do so they must go southward. In the weeks ahead they will be subjected to an even greater degree to the illegal high seas harassment and seizure.

Mr. President, we have had eight of these illegal seizures already this year. In March the average was one seizure a week. We must not wait for a perfect measure. These men need this protection now.

For 14 years we have asked our fishermen to go to the high seas and have promised them the protection provided under the 1954 law. It is not enough, although, it has enabled our fleets to stay in business. These men are asserting our rights to the high seas by their peaceful pursuits. They are assuring that our American policy of freedom on the high seas be retained. They should not be asked to go one day further than necessary.

Again, Mr. President, I agree with those who seek a stronger bill, but I also rest with the conviction that not one additional day should pass unnecessarily without giving these men protection.

There are those who say that the cutoff amendment should be included, that the mere deduction from American foreign assistance is not enough. I would call attention, however, that for 14 years we have not collected a single dime in return for the reimbursement to fishermen for these illegal fines.

S. 2269, despite the weaknesses, now makes it mandatory that this Nation will get back dollar for dollar those funds which we spend in the future to assist the American-flag fishing vessel in putting some reality into this Nation's policy in relation to the oceans.

Mr. KUCHEL. Mr. President, the bill before us has been amended by the House of Representatives to delete a very important aspect on which the Senate has insisted, not only in this legislation, but on a number of occasions in the past few years. S. 2269, as passed by the Senate, included an amendment, which I offered and which the Senate supported by an overwhelming vote, to provide for an absolute shutoff of all aid to any country which fails to make restitution for the cost and damages of seizure within 120 days after the act has been committed. It is my own firm view that this kind of total shutoff is a necessary, indeed a vital, auxiliary to our diplomatic efforts to make clear to certain Latin American nations that America will not tolerate further seizures.

I concede that the bill before us does have the virtue of providing for compensation for the costs of seizure to fishermen, who have been repeatedly subjected to these acts of piracy. It does additionally provide that funds to make these payments shall be taken from current aid programs. This compensation is important, and in the public interest. I shall support the House-amended bill on the theory, I suppose, that half a loaf is better than none.

Mr. President, in concluding my comments in the Senate on this subject, I wish to lay to rest one of the unfortunate fictions that has made our efforts in achieving effective legislation so difficult. We are not dealing with a well-heeled fishermen's lobby. We are not providing some kind of government relief for the rich. On the contrary, we are trying to sustain an industry composed of humble and courageous people who accept the risks of nature, as fishermen have done for thousands of years. In California these fisheries bring employment to many who otherwise would not find work.

We—a few of us—have carried on this fight against the conventional unwisdom that somehow American fishermen would not weigh heavily in the balance of national values when weighed against the vagaries of our diplomacy in Latin

America. I simply conclude by saying that there can be no national integrity—and therefore no effective diplomacy—unless we protect the rights of our own American people on the high seas.

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, to be perfectly candid about it, when the bill was before the Senate, the Senator from Ohio made a strong plea against it. The bill, however, passed the Senate overwhelmingly, so I do not intend to move to reconsider at this time; thus if, after the adjournment, the Senator from Ohio wishes to discuss the bill, he will have the opportunity. I have tried to notify him that it would be taken up today, but I have not been able to do so.

PROTECTIVE EYEWEAR

Mr. MAGNUSON. Mr. President, technical advances are made so fast today that many of the real benefits derived from the improvement of items we use every day are overlooked by the average American.

Such is the case in what is termed "protective eyewear." For some time now, industrial safety glasses have been available and have been of great help in reducing the horrible eye injuries which occur to people in industrial occupations.

The average American, young and old, has not had such protection available for his eyes during normal activities until recently. I am told that within the last few years protective lenses, which are made from either hard resin or heat-treated glass, have become available for everyone who wears glasses.

These protective lenses will withstand an impact much greater than ordinary glass lenses. Even if they should break, they will not shatter into the hundreds of blinding slivers and jagged bits of razor-edged glass as ordinary crown lenses do.

The 500,000 eye injuries suffered each year by Americans—and more than 161,000 of those are children—could have been prevented or, at least, reduced in seriousness if the victims had been wearing protective eyewear.

A recent Gallup survey showed that Americans fear blindness second only to cancer. Yet, our people continue needlessly to endanger their sight if the lenses of their corrective eyewear or sunglasses are made from ordinary glass. I might point out that I am talking about more than half the entire population who do wear corrective lenses of some sort and about the many millions more who regularly wear sunglasses.

Personally, I do not believe that anyone would wear a dangerous piece of ordinary glass just a fraction of an inch away from his most valuable sense organ if he knew that a protective device is readily available.

The Guild of Prescription Opticians of America, Inc., is conducting the national protective eyewear program—PEP—to inform the general public of the availability of this protection. Dr. Arthur H. Keeney, the ophthalmologist in chief at the Wills Eye Hospital and Research Institute in Philadelphia, has pioneered the development and promotion within the medical profession of these protective lenses and is now serving as honorary chairman of PEP.

Dr. Keeney states:

At my own institution, every lens prescribed for every patient under any circumstances—even if used only to read the Sunday paper—is a protective lens. In case of falls, car accidents, flying rocks and debris or other blows to the eye area, these protective lenses are safety shields for the eyes.

In an age full of so many hazards inherent in the products in daily use, the optical industry as a whole is to be commended for its genuine interest in developing products to save the eyes of our Nation. They have set an excellent example of public concern for all of the American industrial and business community.

Further, I would like to recognize and commend the members of the Guild of Prescription Opticians of America, Inc., for their efforts to inform their fellow Americans of this valuable advance in the eye safety field.

THE "PUEBLO" INCIDENT

Mr. MAGNUSON. Mr. President, during the last 2 or 3 days we have heard a great deal of discussion in the Senate about the *Pueblo* case. I think that I speak for the great majority of the Senate when I say that there is no body of persons anywhere more desirous for constructive action, and for the President of the United States and the State Department to accomplish something toward the return of the men and the ship—most particularly the men—from North Korea. I believe we all share the same hopes.

I voted with the distinguished Senator from Colorado [Mr. DOMINICK], and helped him cosponsor the amendment by which we tried to say it would be helpful if the Soviets and other countries, who would have a great deal to say about this matter, and who have great influence with North Korea, would aid us in the matter.

The Senate agreed to the Dominick amendment, which I heartily supported. But, Mr. President, the following morning, Mr. Chalmers Roberts who is a very distinguished correspondent, known to all of us in the Senate as a very fair and objective writer, had published in the Washington Post a résumé of what has happened up to date in the *Pueblo* case. I believe his article is well worth reading. It points out many facts that were not brought out on the floor of the Senate. It strongly endorses the main objective that we all have in this matter, but points out some of the problems involved.

I ask unanimous consent to have printed in the RECORD an article entitled "United States Weighs Price in the *Pueblo* Case," written by Chalmers M. Roberts and published this week in the Washington Post.

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

UNITED STATES WEIGHS PRICE IN THE "PUEBLO" CASE

(By Chalmers M. Roberts)

Nothing was more excruciating for President Kennedy than the negotiations to rescue the Bay of Pigs prisoners from Cuba. It is very much the same with President Johnson and the men of the Pueblo now held in North Korea.

The White House has kept its public comments to a minimum but Mr. Johnson is known to have spent long hours trying to find a formula which would satisfy the Communist regime in Pyongyang without creating major repercussion here at home.

The President reportedly has rejected the idea of paying ransom as Mr. Kennedy did in the Cuban case. It appears open to question whether some form of payment, probably labeled an indemnification, might be coupled with some form of apology, however.

The problem is the form of apology and its relationship to release of the spy ship. One suggestion, that the United States apologize and then repudiate the statement after the crew is released, has been rejected by the President, officials say.

In the Cuban case President Kennedy felt responsible because he had approved the ill-fated Bay of Pigs adventure. In the Pueblo case the United States is firmly on record that as far as anyone here knows the spy ship never violated North Korean territorial waters.

The Koreans demand, and have continued to demand through 19 meetings with American officials on the Pueblo case, that Washington apologize for an intrusion, that it promise there will be no repetition and that it punish the guilty. As read here, Pyongyang has not clearly promised to release the crew even if this were done.

Efforts to win Korean approval for turning the case over to some impartial third party have not succeeded.

Deputy Assistant Secretary of State Winthrop G. Brown, whose area is Northeast Asia, has turned out a batch of possible scenarios but not yet the effective one.

As Secretary of State Rusk put it the other Day, the United States had "tried every facility that we can think of at our disposal." He meant that the United States had offered to have the issue settled by a third party tribunal with a pledge to apologize if the tribunal found that the Pueblo had indeed violated Korean waters. But Pyongyang rejected each approach.

There are others at work, too. The Soviet Union is known to have tried its hand in Pyongyang, reportedly arguing that the North Koreans have wrung all the available propaganda out of the case and now should accept a compromise settlement.

Even some of the members of the Neutral Nations Supervisory Commission are known to have acted as intermediaries. Officials remain vague as to who has done what. The four are Sweden, Switzerland, Czechoslovakia and Poland.

Some of these third parties have cited to the North Koreans the recent case of the American plane which the United States admitted had violated Soviet air space in the Kuriles. It has been pointed out to Pyongyang that Washington stuck to its apology even though the pilot, after the plane's release, denied such a violation.

According to some officials, the North Koreans referred the Soviets to the U-2 case for which the United States refused to apologize.

The trouble with both cases, however, is that neither is strictly analogous. Hence some new ground will have to be broken if the United States is to apologize for something it has said its ship did not do.

This brings the problem back to the potential repercussions in the United States. Very few now seem to be calling for the use of force to free the Pueblo but a good many

people have indicated dissatisfaction with the Administration's failure to free the crew. Parents and other relatives of crew members, naturally, have been most vocal.

Secretary Rusk acknowledges "bitter disappointment" and he has promised to keep on trying to "to bring these men out safe and alive." But thus far there is no evidence that he has found a way.

The North Koreans sound totally intransigent: either apologize or we will hold, and probably try, the Pueblo crew. From past experience with North Korea, no one would be surprised if they do what they threaten.

The problem in the end is the President's. To win the crew's release he will have to pay some price, it appears. It is up to him to judge what is tolerable in terms of both public opinion and the national precedent that would be set.

That is not a happy choice at any time and the more so in a presidential election year. The Republican candidate can be expected to needle, at the least, his Democratic opponent on the Pueblo case. If the candidates are Richard Nixon and Hubert Humphrey, the Vice President will be on yet another spot as a member of the Johnson-Humphrey Administration.

Mr. MAGNUSON. Mr. President, I recommend this article to other Senators, for this reason: All of us have received a great deal of mail on the *Pueblo* case. We have answered it the best we knew how, consistent with the facts as we know them. Mr. Roberts, in his excellent article, brings the matter chronologically up to date, and the article would, I am sure, be of interest, not only to Senators, but to all Americans who write to them about this matter. Senators well might want to have reprints made of it to send to such people, particularly the kinfolk of the men now imprisoned in North Korea.

TO ATTRACT THE TOURIST

Mr. MAGNUSON. Mr. President, yesterday the Secretary of Commerce inaugurated a very worthwhile program designed to stimulate more interest, not only on the part of Americans in seeing the United States—"See the U.S.A." is the slogan—but also to welcome bona fide tourists from abroad.

The inequality of the tourist trade is one of the great problems in our balance-of-payments deficits. Americans traveling overseas probably spend $1.6 billion during the course of the year, whereas the bona fide tourists from other countries whom we welcome to our shores do not spend more than $300 million to $400 million. So the balance-of-payments deficit on this one item is well over a billion dollars.

The President has attempted to attack the problem. It has been difficult. Many of us opposed the so-called travel tax, because we did not think that was the way to go at it.

The basic problem, of course, is to boost our exports as against our imports, which are rising steadily. I am very optimistic about the relative levels of our imports and our exports.

So yesterday the Secretary of Commerce, with the U.S. Travel Service, initiated a very effective program to see what we can do to encourage visitors to this country. The State Department has cooperated, thank goodness.

The program would simplify passport and visa procedures. Hardly 7 or 8 years ago, it used to be said with some justification—I have said it on this floor many times—that for a bona fide foreign tourist to get into the United States is more difficult than to break out of jail.

Mr. President, we want them here. Free interchange of tourists adds much to our relations with other parts of the world. It eases tensions. People get to know one another. Moreover, to encourage tourists is in line with our person-to-person program, whereby many of our young men and women go abroad to live for 1 year during their school years, and then come back home.

Mr. President, they have even prepared a brochure about motoring in the United States. I can assure our foreign friends that it is somewhat dangerous, but not any more than in any other country. The big thing we have to overcome, almost universally, is the impression abroad that it is too difficult to travel in the United States.

It is not more costly. In many cases it is not as costly as traveling in a foreign country.

We have had the cooperation of many of the traveling agencies and transportation people. Bus line companies now give a monthly ticket to a bona fide foreign tourist. Local airlines do the same thing. It is possible for a bona fide foreign tourist to go any place he wants to go for a month.

European railroads have done this for years. I wish that our railroads would adopt the same plan. It would revive our passenger service. They have nothing to lose. If these tourists pay only $1, the railroads would be $1 ahead. And we could in this way revive our passenger service.

We even intend to welcome people who come to our country as tourists. I have in my hand a card reading: "The President and the people of the United States extend to you a most cordial welcome and sincere wish for a pleasurable and memorable visit."

We will have cards printed that tourists may carry to identify themselves as tourists. There will be a notice extending American courtesy to them and telling them where their language may be spoken, and giving them other valuable information.

Car rental agencies have a modified rate for bona fide foreign tourists.

I hope that through these means we will be able to close the gap existing now between our people traveling abroad and visitors to the United States.

It will take some campaigning and some advertising. Congress has been very skimpy in the amount of money it has appropriated for the Travel Service to operate. However, one thing that we have to make known is that this is one of the few countries in the world to which a visitor can come at any time of the year and find any kind of season he wishes. It is a country of all seasons. It is not seasonal as are most of the other countries in the world. Visitors can come here in January or in July and find any kind of climate or accommodations they wish.

Mr. President, I commend the distinguished Secretary of Commerce, Mr. C. R. Smith and the hard-working people in the U.S. Travel Service and the members of the Commerce Committee who have been so active in this matter.

TRIBUTE TO SENATOR ROBERT F. KENNEDY

Mr. ERVIN. Mr. President, a few days ago the Senate held a memorial service for our departed colleague, Robert F. Kennedy, late a Senator from New York. On June 16, 1968, one of the late Senator Kennedy's close friends, Judge H. L. Riddle, Jr., of the North Carolina bar, delivered a eulogy upon Senator Robert F. Kennedy entitled "Young Man With a Purpose," which merits inclusion among memorial speeches recently made by Senators. For this reason, I ask unanimous consent that a copy of this eulogy be printed at this point in the body of the RECORD. I also ask unanimous consent that comments made upon Judge Riddle's eulogy by my friend, Saul R. Cheslock, entitled "Foreword" be also printed at this point in the body of the RECORD.

There being no objection, the eulogy and foreword were ordered printed as follows:

FOREWORD

(By S. R. Cheslock)

"For thus hath the Lord said unto me:
Go, set a watchman;
Let him declare what he seeth!"
ISAIAH 21:6.

"For it is a day of trouble, and of trampling, and of perplexity"
ISAIAH 22:5.

Robert F. Kennedy, struck down by a hate filled, murderous act, brings to mind the role envisioned and assumed by the great Prophet of ancient days, who also declared what he saw. Without equating the two men, certain similarities are striking—both were men of high rank and position. Both championed the cause of the lowly and the oppressed. Both saw clearly the path to be taken, and fearlessly took it. Both of them suffered violent, tragic deaths.

When first I read this eulogy by Judge Riddle I sensed that he had produced a thing of value—I became convinced of this feeling when I read the final text. It was then that I encouraged him to have it prepared in its present format.

YOUNG MAN WITH A PURPOSE

We are drawn together here today to offer homage to our late departed friend, Robert F. Kennedy—a man of purpose and of peace. More so then the tragic anomaly that a mind so consumed with hate triggered the bullet that was to forever still such a young and gallant heart. With the impact of his loss still fresh within the depths of my mind, it isn't at all easy for me to convey what eight years of association with this extraordinary human being has meant to me. It will be due to the weakness of words that only a glimmering of what really cries out to be said, can be spoken.

A fatalistic belief that his life might be a short one may have been one of the factors which compelled Robert Kennedy to drive at such a tremendous pace. Then, too, he felt that in the tragic loss of two elder brothers, both in the service of their country, he could be expected to live up to the Kennedy standard of excellence. He knew that there was so much to be done in such a short time—short for the tasks at hand—even had

he lived the Biblical three score and ten. He believed that every available moment must be used in his quest for a better life for his fellow man.

Compassion for the underprivileged and unfortunate combined with courage and boundless energy blended together into an eventful though tragically short life. He packed into his forty-two short years a fuller and more useful life than most attain who live much longer.

His intense concentration upon the job at hand was often mistaken by those who did not know him as "coldness." His grim and dogged determination to achieve his idealistic goals was sometimes mistaken for "ruthlessness". If he was cold it was only to indifference and apathy. If he was ruthless it was only in his fight against bigotry and intolerence. Those who knew him best never questioned his integrity nor sincerity of purpose.

Soon after finishing his college education one of his first important tasks in life was as counsel for the Senate Select Committee on Improper Activities in the Labor and Management Field. The courage, energy and ingenuity he showed in this amazing exposure of organized crime was but a portent of yet greater things to come.

During the presidential campaign of 1960, Robert Kennedy, more than any other person was responsible for the nomination and subsequent election of his brother, John F. Kennedy, as President of the United States.

He served the administration of both Presidents Kennedy and Johnson as Attorney General of the United States, and he served that office with uncommon distinction. He was relentless in his fight against crime and vigilant in his crusade to secure to every citizen his rights under the Constitution.

As a United States Senator, he labored hard and long but was often frustrated by the Senate's habits of tradition, undue deliberation and delay. His temperament was that of an activist and he chafed at the bit to seek the solution to a vital problem delayed by legislative maneuvering and floundering. He craved action and knew that its seat lay in the office of the Presidency. And thus he took his campaign directly to the people in whose vineyards he strived so zealously to serve.

In his dealings with his fellow man he based his judgment not upon color, creed or race, but upon character, creativity and reliability. Social or economic status were not the yardsticks by which he measured a man. He judged the man by the good within him.

Civil rights, to him, was not some benevolent gift to be handed out by a kindly court or legislative body, but was the natural and God-given heritage of every citizen, both by moral and constitutional mandate.

He was not a politician in the strict sense of the word. More often than not he told the prospective voter what he did not want to hear. He emphasized the dangers of cigarettes to a South whose tobacco played a vital part in its economy—to a North and East he likened the plight of the Negro in the ghetto to that of his life on the southern plantation. He chided the Mid-West and Far-West for their discrimination of those of Indian, Mexican and Oriental extraction. All to him were but part of a pattern that must be changed if America was to survive. He could scold a minority group on the necessity for law and order only because they knew he was sincerely interested in removing the root causes of their lawlessness.

Welfare and the dole were repugnant to him as degrading to the dignity of man. And so he dreamed of a vast partnership of business and government to offer constructive jobs to those hitherto dependent upon alms and government handouts.

He served his country honorably as a sailor in time of war. And though his love for America was intense, he had a further sense of fellowship with the people of all nations. He visited abroad often, both the near and remote. He wanted always to see the people and listen to their problems. He did so with sympathy. And so he dared "the why not" that someday there might exist a brotherhood of nations under God, with peace and goodwill among men.

Robert Kennedy was keenly aware of the ever reaching tentacles of communism, yet during his latter years he realized with clarity that it would take more than war to stem its tide. Therefore, he resolved with all the passionate resolution of a Kennedy, to root out the real causes of war and to contribute his utmost to contain its spread. He believed that an America, with all of its peoples sharing in its blessings, would provide the best example to a world skeptical of our aims, both at home and abroad, thus providing democracy's worth over dictatorship. He would replace the destructiveness of the bomb with constructive ideas of the brain. He yearned for a world where the integrity of simple people would be beyond price and the daily toil of millions would be above pomp and power. The killing and maiming, not only of the military, but of innocent civilians, the wasteful and inhumane destruction of homes, fields, villages and cities—the ruinous desolation of war caused him to agonize toward a solution—communication and understanding, without which peace cannot prevail.

More and more he harkened to the cry of the prophets of old—to turn swords into ploughshares and let the people enjoy the fruits of their harvests. To me, this was his loftiest aspiration in his tireless quest "to seek a newer world."

His rare moments of relaxation were spent with his wife and children, whom he deeply loved. Together they climbed the rugged mountains, roared down the turbulent rivers and enjoyed nature to the fullest. He loved athletics. Dissipation to him was the waste of a body which he regarded as the earthly repository of the soul eternal.

Perhaps his greatest inner satisfaction was that he had run the good race. He strived to attain the excellence of a Kennedy. We believe he did.

He will be sorely missed around the hearth at Hickory Hill by a valiant widow and a band of brave little ones. Countless other little ones around the world will miss the hope he engendered in them.

May the Lord bess him and keep him,
May the Lord make his face to shine upon him, and be gracious unto him.
May the Lord lift up his countenance upon him,
And give him peace both now and evermore.

Nathan Hale said: "I regret that I have but one life to give for my country." Having given several of their own for America, to the Kennedy family I would offer this supplication:

O Lord, support them all the day long, until the shadows lengthen and the evening comes, and the busy world is hushed, and the fever of life is over, and their work is done.
Then, in thy mercy, grant them a safe lodging and a holy rest,
And peace at the last. Amen.

THE FORTAS NOMINATION

Mr. ERVIN. Mr. President, on July 26, 1968, Jesse A. Helmes, the eloquent and forthright commentator of WRAL–TV, in Raleigh, N.C., made some illuminating comments upon my speech on the nomination of Justice Fortas for the chief justiceship of the United States. I ask unanimous consent that his comments be printed at this point in the body of the RECORD:

There being no objection, his comments were ordered printed as follows:

Nothing produces such great agony among political "liberals" as their being forced into confrontation with a fellow who knows something about the Constitution. The "liberals", in their determination to destroy the Constitutional processes of the country, sometimes appear to be pretending that the Constitution doesn't really exist. And they repeatedly insist that the document should not be permitted to stand in the way of the implementation of their pet projects and schemes.

That is what the great ruffle is all about concerning the joint efforts of Lyndon Johnson and Earl Warren to see that Abe Fortas is promoted to Chief Justice of the United States, to succeed Earl Warren, and to make room on the Court for another of Mr. Johnson's friends, Homer What's-His-Name of Texas.

North Carolina's Senator Sam Ervin decided that it was about time that the Senate explored some Constitutional questions with the two men proposed by the President for the nation's highest court. And Senator Ervin, Constitutional scholar that he is acknowledged to be, has been dismayed at the lack of Constitutional understanding possessed by the two proposed nominees. The country, if it wishes to retain any semblance of its original principles, had better share in the Senator's dismay at what he has been hearing—and not hearing—from Mr. Fortas and Mr. Thornberry.

Moreover, the country might well take note of the united propaganda assault launched against Senator Ervin. The liberal press, and radio and television, have assumed—perhaps correctly—that the average citizen knows little or nothing of the provisions of the Constitution, or the logic behind them.

One day last week, for example, Senator Ervin found it necessary to remind Homer Thornberry of a few simple facts about what the Constitution provides—and what it does not provide. At one point, the Senator was constrained to remind Mr. Thornberry—the man whom Lyndon Johnson would have sit on the highest court of the land—that "The Constitution of the United States doesn't give anybody the right to vote."

It was a simple statement of fact, as any schoolboy ought to know—but Mr. Thornberry has demonstrated that either he did not know it, or if he did, that it didn't make any difference to him in his performance as a federal judge.

The *right* to vote can be *given* only by the states. The Constitution provides only that the right to vote—and all other rights, for that matter—must be granted without discrimination—that they must be granted equally without regard to race, sex, or—as some of the Articles of the Constitution put it—"previous condition of servitude". But even this authority was granted by the states—and not by the federal government—in the form of amendments to the Constitution *ratified by the states!* Had it not been for such ratification, the provisions would not be in the Constitution.

So Senator Ervin had it right—as usual—when he reminded Homer Thornberry that "The Constitution of the United States doesn't give anybody the right to vote." Elections are still conducted by state and state and county boards of elections. It is the state legislatures which decide the qualification standards for voters—within the broad frame of reference *agreed to* by the states and by ratification by the states of amendments to the U.S. Constitution. It was, for example, the State of Georgia which decided to lower the minimum voting age for its citizens to 18, while North Carolina maintains its minimum of 21. The guaran-

tees of the U.S. Constitution go no further than to insist that the "rights"—granted by the states—be granted to all on a non-discriminatory basis.

It may seem a small point to some, but it is in reality a vastly important one. For it spells out—or is supposed to spell out—the division of authority between the states and the federal government. Senator Ervin believes in the principles enunciated in the Constitution; he believes that the federal government should not intrude or trespass upon the authority and responsibilities of the states. The "liberals" feel differently about it; they want to centralize all powers and authority in Washington. That is why they so resent Senator Ervin's constant efforts to preserve the true meaning of the Constitution. That is why they are so shrill in their demands that Abe Fortas become successor to Earl Warren as Chief Justice of the United States.

Senator Ervin may lose this fight with the "liberals". If he does, the country will have lost also. There is more at stake in this matter than most Americans realize. Which is precisely as those who call themselves "liberals" want it to be.

THE TOBACCO ECONOMY IN THE SOUTH AND TRENDS AND FACTS AS TOBACCO IS RELATED TO HUMAN HEALTH

Mr. ERVIN. Mr. President, a short time ago Mr. William H. W. Anderson made a speech at the 1968 Tobacco Workers' Conference in Asheville, N.C., upon the subject "The Tobacco Economy in the South and Trends and Facts as Tobacco Is Related to Human Health."

I ask unanimous consent that a copy of this speech be printed at this point in the body of the RECORD.

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

THE TOBACCO ECONOMY IN THE SOUTH AND TRENDS AND FACTS AS TOBACCO IS RELATED TO HUMAN HEALTH

Tobacco has an honorable heritage for English-speaking North America. It was the first successful agricultural enterprise of the Virginia Colony at Jamestown. It was our first successful agricultural export, with John Rolfe, later to be Secretary of the Colony, shipping some 2,300 pounds in the "Elizabeth" in 1614 to London for sale. The flavor of Virginia-grown leaf was distinctive, and its popularity caught on at once. By 1630—ten years after the Puritans touched on Plymouth Rock—Virginia tobacco was being sold to English and Scottish merchants in the amount of 1,500,000 pounds.

Fortunes were made from tobacco. It is a matter of record that Rolfe's efforts insured the "starving" Virginia colonists. More than that, it was the beginning of the British overseas empire. By the time of the outbreak of the Revolutionary War, the tobacco growers in Virginia, North Carolina, South Carolina, and Maryland were exporting to the European markets over 100,000,000 pounds annually.

Tobacco again had the opportunity to gain the center-stage spotlight during the efforts of the colonials to gain independence from Mother Britain. It was a tobacco trial, known to historians as the "Parsons' Cause", that first brought public attention to Patrick Henry, the famed schoolboy orator of the Hanover (Va. County) "Slashes". While Henry, who later was to gain fame for his remarks on "give me liberty or death," won the case from his former clients, he invoked the rancor of the Established Church (Anglican) clergy.

But tobacco had an even greater role in winning the surrender of Lord Cornwallis to the French and American troops at Yorktown, Va., Oct. 17, 1781. Note: Yorktown is less than 30 miles from where Rolfe "made" his first tobacco crop at Jamestown. When the colonials needed money to finance their effort, Benjamin Franklin, then serving as Ambassador to France, obtained a loan from France to the credit of the Continental Congress in the amount of 2,000,000 livres in gold—almost $10,000,000—in exchange for 5,000 hogsheads of Digges' best Virginia tobacco.

Tobacco today continues to share an important role in our nation's agricultural economy. It is the nation's fifth field crop in cash yield. It is one of five crops to exceed the billion-dollar mark in return to growers.

The national cash-crop leaders, as measured in terms of billions of dollars:

1. Corn	2.536
2. Soybeans	2.524
3. Wheat	2.000
4. Cotton lint and seed	1.600
5. Tobacco	1.326

Tobacco for many years has ranked among the first five most important agricultural crops in value of U.S. farm exports. It has been of great assistance in the balance-of-payments program. Tobacco exports last year totaled 642 million pounds (farm sales weight). This was 17,000,000 pounds above 1966 and our largest since 1946. Flue-Cured exports, at 528 million pounds, increased 19%. Burley shipments, at 55 million, were about the same as in 1966, which was the largest amount since 1927. Fire-Cured and Dark Air-Cured also had higher exports. Only Cigar Wrapper declined.

The major U.S. outlet for overseas sales was the United Kingdom, with 24% of the total. West Germany was second, with 20%, and The Netherlands was third, with 7%.

The overseas sales of U.S.-grown tobacco in 1967 was valued at upwards of a half billion dollars. U.S.-grown tobacco accounts for nearly one fifth of the world production. Note: our U.S. wheat crop accounts for about 12% of the world output.

The number of cigarettes manufactured and smoked obtained new highs last year in the United States. Output of cigarettes was put at almost 580 billion units by the U.S. Department of Agriculture. Consumption by U.S. smokers (including our overseas forces) was set at about 522 billion. This is 11 billion units higher than in 1966.

Increase is largely the result of increased population, with more people reaching an adult age of smoking, higher levels of income, and the much larger shipments (about 22 billion) to armed forces overseas.

There are some 900 thousand retail outlets selling tobacco products. Cigarettes account for more over-the-counter retail sales (including vending machines) than any other product manufactured in the U.S.A.

Sales of all tobacco products amounted last year to $9.46 billion, with $8.45 billion being spent on cigarettes.

Certainly one of the major problems confronting all in the Tobacco Community is an upward spiral of excise taxes on tobacco products, particularly upon cigarettes. State tax rates on cigarettes have increased over 65% during he past seven years. More increases can be expected. Yet all in the Tobacco Community are convinced that tobacco products already are making tremendous contributions to revenue at all levels.

Figures for the latest calendar year show that over $3.789 billion in revenue was collected by Federal, State, County, and Municipal agencies from the sale of all tobacco products. Federal taxes on cigarettes and other tobacco products totaled $2.051 billion.

Thus, the combined State and Federal excise taxes on cigarettes in the various States ranged from 36% to 56% of the price that the consumer paid for his favorite smokes.

Tax revenue is converted into use for schools, roads, hospitals, and other community services, as well as the support for numerous other governmental department needs. No tobacco grower suggests that tobacco should not carry its fair share of the tax load. Yet, one must remember that tobacco is the most heavily-taxed farm crop in all history.

Total taxes on cigarettes bought in New York City now amount to 26¢, and this, the Tobacco Tax Council says, accounts for a large amount of illegal or "buttlegging". The Tax Council says that at least one in every five sales today in New York City is illicit, and the Council predicts further trouble, because of excessive taxes, in New Jersey and Florida.

SOUTHEASTERN STATES TAXING CIGARETTES AND OTHER PRODUCTS (FISCAL ENDING JUNE 30, 1967)

[Gross collections in thousands]

State	Total cigarette and other tobacco taxes	Cigarette taxes	Other tobacco taxes [1]	Other tobacco taxes collections	Percentage of total taxes from cigarettes
Alabama	$25,174	$23,496	C, S, Ch, Sn	$1,678	93.3
District of Columbia	5,327	5,327			100.0
Florida	63,113	63,113			100.0
Georgia	38,720	38,052	C	668	98.3
Kentucky	11,088	11,088			100.0
Louisiana	36,412	34,592	C, S	1,820	95.0
Maryland	26,383	26,383			100.0
Mississippi	20,359	18,437	C, S, Ch, Sn	1,822	91.0
North Carolina (does not tax any tobacco product).					
South Carolina	14,470	12,299	C, S, Ch, Sn	2,170	85.0
Tennessee	31,633	30,690	C, S, Ch, Sn	942	97.0
Virginia	14,149	14,102	C	[2] 47	99.7
West Virginia	12,227	12,227			100.0
Total	298,955	289,806		9,147	

[1] C—cigars; S—smoking tobacco; Ch—chewing tobacco; Sn—snuff.
[2] Virginia repealed cigar tax Sept. 1, 1966.

Congressman Watkins M. Abbitt, of Virginia, Chairman of the Sub-Committee on Tobacco of the House Agriculture Committee, says that the taxes on tobacco, in a sense, would underwrite or offset the cost of all price support programs since 1933.

According to the U.S. Department of Agriculture, the wheat program has cost $3 billion; corn $3.2 billion; cotton, almost $4 billion, and flax, about $190 million.

The tobacco program has cost about $38 million. But during an almost 35-year period of support programs, tobacco taxes have amounted to over $52 billion. This is well over three times as much as the Commodity Credit Corporation has paid on all price-support crops.

CASH RECEIPTS FROM TOBACCO COMPARED WITH TOTAL CASH RECEIPTS FROM ALL FARM COMMODITIES, BY ALL TOBACCO-GROWING STATES, AVERAGE 1960-64, ANNUAL 1965-67

[Dollar amounts in millions]

	1967		
	Cash receipts		Tobacco as percentage of total
	Total	Tobacco	
North Carolina	$1,299	$540	41.6
Kentucky	764	285	37.3
South Carolina	415	110	26.5
Virginia	520	82	15.8
Tennessee	586	78	13.3
Georgia	1,029	102	9.9
Connecticut	160	29	18.1
Maryland	328	17	5.2
Florida	1,036	28	2.7
Pennsylvania	913	10	1.1
Massachusetts	159	10	6.3
Wisconsin	1,436	6	.4
Ohio	1,241	13	1.0
Indiana	1,350	10	.7
West Virginia	104	2	1.9
Missouri	1,365	3	.2
Total	12,705	1,325	

Tobacco is a relatively high-cost, high-labor crop. It requires about 425 hours "to make" an acre of tobacco. It requires from eight to 15 hours for wheat. It costs about $634 to produce an acre of tobacco. Cotton costs about $124; corn, $54; soybeans, $39; wheat, $33, and oats, $27.

The Southeastern States are the major tobacco-growing areas in this country. But other significant tobacco-producing States are Connecticut, Florida, Louisiana, Massachusetts, Ohio, Pennsylvania, Missouri, Maryland, and Indiana.

Expenses of the nation's 700,000 tobacco grower families amount to over a billion dollars annually. Here are some of the larger expense items:

[In millions of dollars]

Hired labor	185
Pesticide and sprays	25
Plant-bed cloth	10
Twine	3
Seed	2.25
Fertilizer and Lime	45.5
Fuel oil (curing)	75.8
Curer replacements	15
Plastic covers	3
Warehouse commissions	45

The above represents some of the principal costs for the tobacco grower. Yet these other astronomical items are involved in obtaining a finished tobacco product:

Transportation (U.S.A., only), $130 Million.

Cigarette Paper, $25.75 Million.

Packaging (Cartons, Containers), 62 Million Pounds of Light Paper; 103 Billion Square Feet of Paper Board.

One more item for our economic profile of the Tobacco Community—advertising. In order to market the U.S. tobacco products, some $311,733,000 is spent by the six major manufacturers on advertising, according to Advertising Age (June 24, 1968).

The expenditures are broken down in these principal outlets:

Daily newspapers	$114,626,000
Popular magazines	38,783,000
Farm publications	395,241
Business publications	509,500
Spot television	49,451,000
Network television	184,933,000
Spot radio	14,244,000
Network radio	6,643,000
Outdoor advertising	2,145,000

Changes occur slowly in the Tobacco Community. This obtains for the cultural practices of the grower, marketing procedures for the crop, or popularity shifts in the finished product of the manufacturer.

One historian suggested that major changes in the popularity of the use of various tobacco products, in some strange way, seemed to accompany or follow the nation's major wars.

A strong case can be made. Snuffing and pipe smoking certainly were popular at the time of our two wars with Great Britain. Cigar smoking and tobacco chewing were the vogue with our pioneers of the Great West—even past the Spanish-American War. It was not until World War I that cigarettes were acceptable by men—it was later, when this nation fought its war against The Depression of the 1930's that women smoked cigarettes in public.

About the time of the Korean conflict, less than 2% of U.S.-made cigarettes were filtered or capped. Today about 75% of our cigarettes are filters. It was a war that caused this change, but Korea has little to do with it. The switch to filter popularity was set off by a campaign of anti-tobacco forces, sparked by excellent publicity and attention given a series of articles in the *Reader's Digest*. This magazine carried charts on tobacco "tars" and nicotine contents of leading brands, and used statistical associations to allege that cigarettes caused lung cancer, respiratory trouble, heart disease, and many human ailments.

These charges by many health organizations encouraged many manufacturers to produce a milder cigarette, with less tar and nicotine. Filters were popular with many ladies—it didn't smear their lipstick. Manufacturers, quick to sense a new marketing trend, turned out many new brands. Instead of having a dozen or so major brands as in 1952, we today have over some 140 different cigarette products on the market.

More cigarette brands should have meant good news for the grower. But it did not happen quite that way. The filter blends required a lighter-bodied tobacco, lower in nicotine content. This meant an increased popularity in the "R" types of tobacco, as attested by favorable prices on the warehouse floor. This brought a change from the light, fluffy traditional varieties.

The switch in taste and popularity of the new cigarette brands provided many economies. Every manufacturer obtained much more for his purchases by employing a new process, processed sheet leaf or "homogenized" tobacco. The entire leaf, including stems which represented 20% of leaf weight, was utilized. Filters, although small in length were cheaper than tobacco. Some manufacturers made minute reductions in the circumference of the cigarette.

Therefore, while there has been an increase of about 50% since 1952 in the number of cigarettes smoked (387 billion units to 576 billion units), the use of tobacco in cigarettes dropped by about 25.5%. In other words, there were 107 cigarettes made from one pound of tobacco 16 years ago as compared to 192 cigarettes made from one pound of tobacco today.

While the marketing and production techniques of the manufacturers have improved, the advances in cultural practices of the tobacco grower also have been significant. All in the Tobacco Community seem to be smarter than they were in 1952.

For example, the per-acre yield in 1952 for Flue-Cured tobacco was 1,222 pounds; today it's about 2,023 pounds. Burley per-acre yields have jumped for the same period from 1,316 pounds to 2,345. This is a tribute to the advances in scientific learning, smarter farming practices, and research. Congratulations to you scientists who paved the way!

And it will be the research work of the scientists and physicians who will provide the medical answers to the tobacco-and-health problem. This will come through intensive work in the laboratories, not with statistical surveys or with computer-tape conclusions for a medical problem.

Our nation's No. 1 medical authority, the American Medical Association, has not accepted the conclusions of many zealots who would destroy the tobacco livelihood.

The AMA, at its annual meeting last month in San Francisco, stated firmly that research so far has failed to pin the blame on cigarette smoking for lung cancer, respiratory diseases, heart ailments, and many other human physical weaknesses.

After four years of no-strings-attached research—and with no preconceived objectives—The AMA made this statement:

"The problem related to establishing any kind of cause and effect relationship between tobacco and health are far *more complex* than has been supposed.

"*Many years* may be required to gather sufficient experimental facts and data to clear what is at best, a *muddied picture*. It is evident that we have a long road to travel, and this will be done slowly."

Thus, the AMA admits that while there *might appear* to be a relationship between cigarette smoking, as well as many human diseases, *nobody* has been able to prove it.

According to Dr. Gerald B. Dorman, Vice President of the AMA Educational and Research Foundation, research has "added significantly to the body of knowledge about the effects of cigarette smoking on health."

But Dr. Dorman adds: ". . . the answers to the major questions—what are the *scientifically-documented* effects of smoking on the human, and what—if anything—can be done to make smoking more safe are still *inconclusive*."

And Dr. John B. Hickam, Chairman of the Department of Medicine at the University of Indiana Medical School, told a recent joint meeting in Louisville of the Kentucky Thoracic Society and the Kentucky TB and Respiratory Disease Association:

"I have never contended that smoking 'causes' lung cancer. The word is 'promotes'.

"But the fact is that more people are smoking now than before the 1964 Report was made, and apparently they will continue to smoke, just as they will continue to drive automobiles, despite the high-injury-and-death rate on the highways."

Statistical associations "don't necessarily mean cause and effect", according to Dr. Dale Groom, of Charleston, S.C., in an April address to the American College of Cardiology at San Francisco.

"If they did," Dr. Groom observed, "one could argue that telephones cause heart attacks, because there is a direct association between the number of telephones in a community and the heart-attack rate in a community."

All should be proud of the conscientious efforts of the Tobacco Community, which is spending over $31 million to obtain the medical answers to the tobacco-and-health controversy. The Tobacco Community now is spending the major portion of research money—more than any other U.S. group, according to the *Tobacco Reporter*, an international publication which recently made independent surveys on the costs and kinds of research now being conducted in the smoking-and-health area.

Over $21.5 million has been pledged by the principal U.S. tobacco manufacturers to independent research conducted by the American Medical Association. An additional $10 million has been made available by The Council for Tobacco Research-USA to physicians and scientists in over 200 hospitals, universities, and research centers. This research is being conducted in this country and abroad.

Co-operative and co-ordinated research will take time, but tobacco leaders want these answers. If there is something in cigarettes that is harmful to humans, all in the Tobacco Community want to find out what it is—the sooner, the better—so it can be removed, curtailed, or corrected. The Tobacco Community has everything to gain, and nothing to lose from its quest through research to medical answers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

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

Thereupon, (at 12 o'clock and 54 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1 o'clock and 12 minutes p.m., when called to order by the Presiding Officer (Mr. MONRONEY in the chair).

ATTEMPT BY SOME SPECIAL-INTEREST GROUPS TO REWRITE NATIONAL LABOR RELATIONS ACT

Mr. MORSE. Mr. President, I wish to make a few remarks about what I think is an ominous development concerning certain antilabor forces that are laying plans for next year for revisions of labor relations legislation on the statute books of this country. These revisions can best be described as antilabor in both their motivations and objectives.

Mr. President, although the major political parties have not yet named their candidates and the voters have not yet gone to the ballot box, some special interest groups have already begun to apply pressure for legislation next year in the 91st Congress under what they hope will be the leadership of a Republican President. They are also hoping for a more conservative Congress to reverse the wheels of history.

There is now emerging a well-financed public relations campaign to rewrite the Nation's basic labor relations laws, to abolish the National Labor Relations Board, and to substitute in its place a labor court or to transfer many of its functions to the Federal district courts. The protagonists of this campaign are the Chamber of Commerce and the National Association of Manufacturers as the two bellwethers, but there are other employer organizations and employer-oriented organizations in this drive to strip the National Labor Relations Board of its statutory powers.

In fact, their purpose is to rewrite the National Labor Relations Act, to weaken it, and to make it more palatable to them, despite the public interest. They would erase much of the progress achieved in American labor-management relations in the last three decades by substantially revising the law and the procedures which have been the foundation for that progress.

But, in order to put a facade of respectability on their proposals, they have circulated far and wide a spurious claim that the NLRB is prounion, that it has distorted the law as Congress wrote it and that the Federal appellate courts have mindlessly rubberstamped the Board's decisions. They also make sweeping charges that labor unions have become excessively powerful in our society, and they assert that labor's power must be sharply curtailed to "equalize bargaining power" between labor and management.

These claims bear little, if any, relationship to reality. Scholars in this field regard these claims as self-serving hyperbole. The charges cannot withstand close scrutiny and legal analysis. Nevertheless, the claims are boldly made in the hope of influencing uninformed persons and of inflaming old passions and prejudices.

The time is not appropriate to answer these claims. But it is timely and appropriate to alert my colleagues and the American public to the fact that this regressive campaign is underway. Plans for its execution have been carefully laid during the last 4 years. It is now being gradually exposed to public view.

In 1965 the Chamber of Commerce and the NAM jointly appointed a "blue ribbon" committee of 150 management lawyers to draft what they regard as desirable changes in the National Labor Relations Act. Appointed to this committee were important corporation labor lawyers.

May I say, as a lawyer, I am not criticizing these lawyers in carrying out their professional responsibility to their clients. Their clients are entitled to their legal services, and their clients have, in my opinion, employed some of the most brilliant lawyers at the American bar.

Collectively they represent many major and minor employer interests. The central analytical and drafting responsibilities for this committee were, according to newspaper accounts, given to Guy Farmer, Gerard Reilly, and Theodore R. Iserman. This "blue ribbon" committee held a number of meetings and studied a number of draft memorandums. Their proceedings were conducted with great secrecy.

Mr. Farmer was Chairman of the National Labor Relations Board, by appointment of President Eisenhower, for a brief period. Before and after he represented employers in labor matters. He is known, along with Mr. Reilly and Mr. Iserman, as being a member of the trio of most able labor-relations lawyers in the country. If I were an employer and wished to be represented in my relationships in negotiations with any union, I would not hesitate at all to decide to be represented by any one of these three employer-labor lawyers.

Mr. Reilly was a member of the Board, during the early forties, by appointment of President Roosevelt. He is a very able lawyer who well represents the employers who want to rewrite our labor laws in a manner that will make them employer slanted.

Mr. Iserman is a lawyer handling labor matters for employers.

In November of 1967, the chamber circulated the fifth revised draft of the "blue ribbon" lawyers' report. It is called "Labor Law Reform Study: Amendments to the Labor-Management Relations Act." It is a 167-page, section-by-section analysis of proposed amendments to the Labor Act, and it is punctuated by broadside attacks on the integrity of decisions of the NLRB and the Federal courts. It says flatly that "the legislative remedy should be aimed at the chief offender—the NLRB itself."

The "blue ribbon" lawyers have determined to abolish the Board and to make substantial changes in the law, but they appear to be divided as to whether the Board's unfair labor practice jurisdiction should be transferred to a national labor court or to the Federal district courts. Because of this difference of opinion, the "blue ribbon" committee report says that either solution would be satisfactory. The pitch recently made by the NAM to the GOP platform committee likewise plumps for transferring jurisdiction either to a new labor court or to the Federal district courts.

The Congress has consistently rejected such proposals as unwarranted and as dangerous to the administration of our national labor laws and policies.

They have likewise been rejected in the past by many management attorneys including both Mr. Farmer and Mr. Reilly, who evidently put no high value on consistency. In 1959, at the time the Landrum-Griffin bill was under consideration, the Senate Committee on Labor and Public Welfare appointed an advisory committee on the organization and procedure of the National Labor Relations Board.

Both Mr. Farmer and Mr. Reilly were members of this advisory committee. The report of this committee discussed proposals to vest jurisdiction of unfair labor practice cases in the Federal district courts or in a labor court and unanimously rejected both proposals.

Other members of that advisory committee were Prof. Archibald Cox, subsequently Solicitor General, Mr. Dennison Kitchel, a corporation lawyer who was Senator Goldwater's campaign manager in 1964, and Arthur Goldberg.

Many of my colleagues in the Senate will remember, and favorably, Prof. Archibald Cox. He was associated with our committee at the time Senator JACK KENNEDY, of Massachusetts, was one of our colleagues. Then Mr. Cox served as chief counsel to Senator KENNEDY in the handling of labor legislation on the floor of the Senate. He was Senator KENNEDY'S chief legal adviser when the Senate put through the Kennedy-Morse labor law by a vote of 90 to 1 in 1959.

Mr. Cox, Mr. Kitchel, and Arthur Goldberg are lawyers of the same high repute and ability as the employer lawyers to whom I referred earlier in this speech.

My quarrel is not with the lawyers as lawyers. My quarrel is with the report of the NAM and the U.S. Chamber of Commerce and others supporting this approach, seeking, if they were ever successful, to scuttle the National Labor Relations Board and the law, on which it operates. My quarrel is not with them as lawyers, but with their proposed program. Their legal advice to their clients carries out their clients' purpose, but in

my judgment, it is a program that is not in the public interest.

Mr. President (Mr. BYRD of Virginia in the chair), the "ripper" amendments now circulated by the NAM and the chamber begin by deleting from the policy objectives in the law's present preamble any reference to protecting self-organization and freedom of association. They go from there to limit the scope of the bargaining obligation, to restrict the Board's power in unit determinations, to toughen a number of the sections limiting labor's conduct, to ease various restrictions on employers, to confine the Board's none-too-strong remedial authority within much narrower limits, to change the venue provisions for court review, and to reverse over a score of Supreme Court, courts of appeals, and Board decisions in leading cases. However profitable for lawyers, this wrecking operation, based as it is on faulty and distorted analysis, would undoubtedly produce new instabilities and conflicts which would severely damage our labor-management progress.

Although there has been an unbroken line of criticism of the NLRB and the courts in business publications over the years, the strategists of the new campaign appear to have selected 1968 as the year in which to mount a pervasive public relations drive against the Board and the law itself. The choice of 1968 was an obvious one because of its relationship in time to the forthcoming national elections. The strategists assume that the best hope for substantive, legislative changes will come early in the 91st Congress, if a change in the administration is accompanied by the election of a more conservative Congress. They made the same kind of efforts in 1953, the first year of the first Eisenhower administration.

In fact, hearings before the Republican platform committee in Miami during the last few days, when discussion was directed to the matter of labor legislation and labor policy, show clearly the designs on the part of some to carry forward the program of the NAM and the U.S. Chamber of Commerce.

I read a newspaper account—not in a Florida newspaper—of the testimony of one of the greatest labor leaders in our country's history, a very deserving successor to past leaders of the AFL, and then the AFL and the CIO combined; namely, Mr. George Meany. It makes perfectly clear that the examination to which he was put by members of the Republican platform committee bears directly upon some of the implications and warnings I am setting forth in this speech today as to the oncoming legislative contest that the next session of Congress will witness; the proposals I am talking about seek to weaken the legislation we already have on the books that pertains to the National Labor Relations Board.

In a speech in January of this year, William K. Zinke, a vice president for industrial relations of the NAM, opened the first act of the campaign to abolish the Board with a ringing denunciation of the Board, the courts and "the unrestricted power of organized labor," and with a call to action by all business groups.

In a February 2 column in the Northern Virginia Sun, syndicated writer Victor Riesel published a detailed background piece of the truly vast and unreported "management movement" to abolish the Board. He said:

> Management men have woven together the broadest united front of large and small businesses in history for the fight to revamp what they charge are pro-union federal labor relations laws and boards.

His article contains the full history of the "blue ribbon" committee, and he reports that the "campaign is guided by an informal steering committee which believes the time has come for the offensive in search of public opinion and Congressional support."

Hill & Knowlton, "the world's largest public relations firm" and a longtime publicist for conservative interests, has been retained to play an important role in the campaign's public relations program. This firm has obviously already earned a most generous fee, for, under its own name, Hill & Knowlton has prepared at least three documents, of roughly 40 pages each, which are the working tools for the public relations program of the propaganda effort.

The first document, entitled "U.S. Labor Legislation in Historical Perspective," is a simply written background study of the labor movement, the Labor Act, and the Board. Its point of view is that historical circumstances, economic survival, and social justice support the concerted drive to rewrite the Labor Act, to abolish the Board and thereby to curb the power of organized labor. The second document, entitled "Background Memorandum: The Need for Labor Law Reform," is a nonlegal summary of the report of the "blue ribbon" lawyers' committee. Written journalistically, it is a blistering and one-sided attack on the present Board with respect to a number of specific case decisions. The third document, which is untitled, contains 17 little vignettes dealing with individual Board decisions. It is intended to be used as a sourcebook for editorials in small newspapers, for columns by feature writers or like purposes. Each vignette is written in a homey prose style with the NLRB cast as the villain and individual workers and small employers as its victims.

Mr. President, much as I disagree with its motivations and its obvious purposes, it is a cleverly prepared journalistic document of propaganda against our labor laws and against the Board and, in effect, against the courts which, on the basis of the evidence in the record submitted to them, have carried out their judicial functions in the series of cases which are brought under attack in this propaganda treatise.

A recent article in Fortune describes Hill & Knowlton's broad operation through 16 offices around the world. It has become famous as an "image maker," representing not only specific corporate clients but also institutional interests such as members of the gun lobby, the tobacco lobby, the steel industry in the 1937, 1952, and 1959 strikes, the oil and gas lobby in the early 1950's when a scandal resulted from an oil company's attempted "campaign contribution" to Senator Francis Case just before a crucial vote on the producer exemption bill, and the Government of the Bahamas when a scandal resulted from gambling-gangster influences, and others.

If one is inclined to credit the revised aphorism that "where there is smoke, there is often a smoke machine," Hill & Knowlton seems to be one of the main smoke machines in this effort to becloud public understanding.

Since the beginning of 1968, an unprecedented number of feature articles and editorials have been written about the Board. Various themes have been stressed. An April 12 article in the Christian Science Monitor, for example, weaves together a story on the management campaign to rewrite the Labor Act and to abolish the Board with a story about the Ervin subcommittee hearings; it also quotes from the "blue ribbon" lawyers committee's labor reform study.

Now let me say a word about the Senate subcommittee hearings, for that committee is chaired by the distinguished Senator from North Carolina [Mr. ERVIN], a former member of the North Carolina Supreme Court. In keeping with his judicial temperament and his judicial practice, he conducted the hearings in a judicial manner. I do not happen to agree with much of the record of the hearings, but it is a good thing to have those hearings, because then we get an opportunity to study the points of view of those on both sides of the issue. That is what Senate committee hearings are for.

My comments in criticism of the drive to emasculate our existing labor laws and to substitute for them what I have said earlier in this speech would be employer-slanted labor legislation bear no relationship whatsoever and bear no implication of criticism on my part in regard to the conduct of these hearings by the Senator from North Carolina [Mr. ERVIN].

In fact, I am glad we have the record of those hearings, because it will be on the record of those hearings, in part, if I am back in January as a member of the Committee on Labor and Public Welfare, that I shall rely heavily in the preparation of amendments that may be needed in connection with existing labor legislation—but not to weaken the National Labor Relations Board, not to weaken the judicial processes of our country, but to strengthen both the Board and our judicial processes.

Articles with themes similar to those which I mentioned a moment ago appeared in the Wall Street Journal on March 29, in the St. Louis Post-Dispatch on May 19, in the Charlotte Observer on June 3, in the Houston Chronicle on June 30, and in the San Francisco Chronicle on May 11. Virtually identical editorials sharply critical of the NLRB have appeared at approximately the same time in three unrelated newspapers in different parts of the country, viz, the Macomb Daily of Mt. Clemens, Mich., the Northern Virginia Sun of Arlington, Va., and the Richmond Independent of Richmond, Calif. Not unexpectedly, the Reader's Digest comes front and center in this same drive in its August issue with an article repeating all the hackneyed

charges against the Board and ignoring the preponderant testimony of scholars and other well-informed observers about the great contribution this law—and the Board and courts—have made to labor peace.

Mr. President, I believe that this campaign which I have described is both serious and dangerous. It is serious because those who are leading it have carefully laid their plans to arouse public opinion with distorted slogans and misleading arguments. It is dangerous because its purpose is to unstabilize a scheme of labor law administration which has largely succeeded in bringing labor peace to the Nation while at the same time promoting free collective bargaining. There are few countries in the world which have succeeded in achieving both of these goals, and there are many countries which both admire our success and hope to model their own laws and institutions on ours.

In fact, may I say that if I come back to the Senate next January and we proceed with hearings on the Taft-Hartley law, I shall give to employers in this country, many of whom have talked with me at great length, an opportunity to come forward and testify in support of the observation which I have just made; namely, not that the labor laws we have on the books do not need amending in some particulars—but not of the type of amendments the "blue ribbon" commission is contemplating—but amendments that will strengthen the objectives of sound labor legislation in this country.

I repeat, I shall give to those employers who have talked with me at great length about their satisfaction with the improvement in labor relations that has occurred in this country since the passage of this legislation, an opportunity to appear as witnesses. I think they are especially well qualified to clear up some of the propaganda that is being circulated in the material I have already discussed in this speech about the Board, the courts, and the soundness of existing labor legislation in the main.

I am also saddened by this campaign of propaganda against the Board, against existing legislation, and against the judicial process that has produced decisions involving labor law, for it comes at a time when the energies and resources of labor and management should be devoted to helping the Nation solve some of the real problems of our time at home and abroad. If this campaign succeeds, I fear that it will lead to a new era of labor strife which will merely add to our already lengthy list of national problems.

In short, I believe the time has long since come when labor and management should cease their name calling and should turn to the opportunities which they have to help the Nation survive during these difficult years.

Mr. President, it is not a labor war that we need in our country. It is not open economic warfare between labor and management that we need in this country, but a continuation of the strengthening of the collective bargaining process to which, I respectfully submit, the National Labor Relations Board has contributed so much in bringing about and improving, throughout its existence.

Let me also say that if I am back here next January, having already made it clear in the Committee on Labor and Public Welfare that we ought to have the hearings, I shall urge early hearings by the committee on all the proposals for amendments to the Taft-Hartley law.

I shall also arrange separate hearings that I discussed some time ago on the Senate floor in regard to improvements in the pension system of our country. The sad thing is that a little over 50 percent of the workers of this country who contribute to pension funds and welfare funds never receive a dime of return from those pension programs. That is because of mobility. It is because people do not stay and work long enough for a single employer to collect benefits. It is typical of our American way of life, which is characterized by mobility.

So the pension authorities who have been writing on this legislation urge what is called portability, or vestment of pension rights; that those rights, to the degree that they have been earned under a given employer, follow the worker from employer to employer throughout his employable years. It is said by many authorities that, with the great strides we have made with our great computation system now, it is not difficult at all to set up a system under which it is possible for portability to occur and vestment of rights to be obtained.

I intend to hold hearings on that problem. It will be found that both management and labor are very much interested in the development of some such program. I happen to be the impartial member of a 25-member pension board, and have been for some years, which has jurisdiction over a pension fund for the electrical industry of this Nation. I happen to think it is one of the best of the pension and welfare funds.

It happens to deal in an industry in which there is a remarkably high degree of permanency of employment under one employer, the electrical industry of the country. That situation does not exist in very many industries.

But, Mr. President, even in this field, the electrical industry, I think legislation such as that to which I have referred, if it can be worked out on a scientific basis, ought to be worked out.

It is said by some authorities that it would really be the next step for the extension of the general welfare benefit objectives of our social security system. After all, we are able to handle a social security system, which has many problems in common with the type of pension program to which I have been alluding.

Mr. President, I happen to believe that if this attack upon the National Labor Relations Board and existing legislation and judicial processes continues and succeeds, it will lead to a new era of labor strife, which will merely add to our already lengthy list of national problems.

On October 19, 1967, under the heading "Labor Court Will Not Solve Labor Problems," I addressed the Senate as follows:

Mr. President, yesterday, I had planned to testify before the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary on S. 176, a bill for the settling of labor disputes that affect the vital interests of the public. It was introduced by the distinguished Senator from Florida [Mr. SMATHERS].

I had prepared my testimony for that hearing, and expected to be able to testify at 2 p.m. before the subcommittee; but the Senator from Florida became involved in other matters that necessitated a postponement of the hearing, which I fully understand and appreciate, and it is perfectly satisfactory to me. However, I, too, have a great many other responsibilities that are taking me away from the Senate from time to time these days, and I do not know how soon it will be possible for me to appear before the subcommittee; and I desire to have my views a matter of public record. Therefore, I intend to present a summary of my testimony at this time on the floor of the Senate. I shall be available to testify—in fact, I am requesting that I have the privilege of testifying—before the subcommittee at an early date, when the chairman reconvenes the hearings on S. 176. I will then be subject to examination by the subcommittee with respect to my views in regard to how I believe emergency labor disputes that imperil the health, safety, and security of the country should be handled.

At this time, I wish to make this statement for the record.

Yesterday, I sent to the press a mimeographed copy of the testimony I would have given before the subcommittee, and I shall use that statement as the framework of my comments at this time.

The hearings that have been underway before the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary deal with a bill introduced by Senator Smathers, S. 176, to establish a U.S. Court of Labor-Management Relations, referred to generally in the press as a court of compulsory arbitration. Generally, the hearings appear to date to be directed toward a solution of the problem presented by labor disputes that would adversely affect the public interest of the Nation. The bill is not—and it is my understanding that the hearings generally are not—intended to deal with any area of labor-management relations except for such disputes.

I feel qualified to appear before the subcommittee and to make the speech today on this subject matter. I wish to point out, however, that I believe the subject matter is appropriate for the consideration of the Committee on Labor and Public Welfare, not the Committee on the Judiciary. The mere fact that the words "labor court" are used in the bill does not, ipso facto, automatically bring it within the jurisdiction of the Judiciary Committee.

The bill deserves to be considered by the Labor Committee because, from time immemorial, the Labor Committee has had jurisdiction over legislation that deals with the regulation of labor disputes.

In any event, I believe that the bill, after it is considered by the Judiciary Committee, should be referred to the Labor Committee for the consideration of the Labor Committee, before the bill comes to the calendar of the Senate.

* * * * *

I have been on the Committee on Labor and Public Welfare for many years, and measures always have been referred to the Labor Committee when they deal with any proposal that would regulate by legislation labor disputes in this country.

It is self-evident that the purpose of S. 176 is not to establish or change judicial procedure, but to deal with big strikes.

This is labor legislation. As such, it should have the review and consideration of the Committee on Labor and Public Welfare.

In the meantime, this hearing record should show some of the basic objections to

this particular means of coping with national emergency disputes.

The present title II of the Taft-Hartley Act was passed by Congress in 1947. It was the result of the rash of strikes which followed the return of our country to a peacetime economy and the lifting of the wage-price controls which had been present during World War II. During that period there had been a voluntary agreement not to strike or lock out and the War Labor Board had adjudicated all requests for increases in wages. That was a wartime measure instituted to control the inflationary tendencies of a war economy. As a former member of that Board, I can say it worked and worked well.

It worked because it was based on a voluntary agreement entered into between labor and management that for the duration of the war they would suspend their right to strike and their right to lock out. It worked during the war period when all of us were willing to give up a portion of the usual freedoms we enjoyed.

Peacetime is quite different. In peacetime we traditionally do not want the Government to tell us what price to sell our merchandise at or exactly what the labor conditions of our employees should be. However, when the strikes during 1945, 1946, and 1947 appeared to disrupt our Nation's economy, legislation was passed in an attempt to solve the problem.

The 1947 legislation was not good legislation and very shortly thereafter Congress, or at least the Senate, attempted to devise some amendments to title II of Taft-Hartley in order to perfect the emergency dispute provisions of our labor laws. In 1952 the Senate Committee on Labor and Public Welfare reported by bill S. 2999 of the 82d Congress. The report on that bill, which was recently reprinted in the committee print, "Federal Legislation To End Strikes: A Documentary History," published by the Labor Subcommittee during the recent railroad shopcraft dispute, clearly sets forth the various possible avenues of legislative action. It concluded that only minor revisions of the provisions of title II were possible; however, in the rush to adjournment that year the bill was never acted upon.

In 1952, the Labor Committee rejected the thought of instituting a system of compulsory arbitration for the settlement of emergency labor disputes. Since that time I have not seen any reason to change my judgment that the committee was correct in this conclusion.

COLLECTIVE BARGAINING IS BASIS OF LABOR-MANAGEMENT RELATIONS

The American system of labor-management relations is called collective bargaining. It proceeds upon the premise that given the time, management and labor have the ability to solve their own problems by sitting down across the table from one another and talking out their differences. Sometimes, and this is relatively infrequently, bargaining breaks down and resort is made to some sort of self-help to further the objectives of one side or the other and it also takes the form of lockouts or strikes. But this self-help is only for a limited period, because its only purpose is to induce the other side to agree at the bargaining table to the earlier demands which led to the use of self-help. The basic premise of the system is that the parties will be able to solve their differences between themselves without resort to outside interference or help. This means that neither side wants Government intervention because when the Government intervenes the parties lose control over the bargaining. They also lose control over the outcome. Of course the claim is made that weak industries are unable to hold their own against their workers and they need the counterbalance of the Government to stand against the might of unions that wish to drain all of the profits of the company to its workers, so it is alleged. Everyone knows that this is hypocrisy. Every union wants to continue a business which keeps its members' jobs healthy, for without a healthy business there are no jobs.

Moreover, the kind of dispute this bill would affect is hardly likely to be one involving small, weak companies or industries. There are those, however, who believe that the system which we have developed has developed middle-age spread. They believe that the strikes which occur causing inconvenience to the public should be eliminated. They therefore propose some sort of mechanism which they believe will deal fairly with both sides but will eliminate strikes. They seldom mention lockouts, but, of course, lockouts would be included. They propose a decisionmaking body of some sort or another which will settle the disputes which cause the strikes.

One commonly heard argument in support of the labor court concept is that it is used in other countries of the world. There are two fallacies contained in that argument. First is the conclusion that it has worked well, but the subjective conclusion that it has worked well is not justified, since our system has never been tried in those countries. Collective bargaining is desired by many of the labor experts of Australia and New Zealand.

Second, and much more important, is that while a system may be perfectly viable in a country with a population of 11,335,000, we have almost 200 million people in the United States and a regular work force of almost six times the entire population of Australia. We all know that the democracy as practiced in ancient Greece on a city-State level is not possible in our country today. It cannot be assumed that what is done in small, largely agricultural countries with small labor forces will work well for the greatest industrial nation in the world which is almost 15 times as large.

These things are seldom as simple as they appear at first glance. Of course, if a court or an arbitrator decides the matter in dispute, that dispute is gone and there will be no strike or lockout. But there will also be no collective bargaining because one side or the other will know that he can do better appealing to the independent third party than he can by means of bargaining. So he will sit tight and not bargain. So more and more the parties will just turn to that wonderful third party to tell them what to do.

When the Government tells you what to do, that is Government regulation. And when the Government can tell you what wages to pay your workers it is only one short step for the Government to tell businesses what prices they can charge and what profits they can make. Economic freedom, as we know it under our private enterprise system, goes out the window. Sure, it is much nicer and simpler not to have strikes, but how many of us want arbitrators, the courts, or the President of the United States to tell the country what wages the workers shall get, what profits the businessmen of the country shall make, and, of course, as we are so well aware right now, what the level of taxation of our citizens shall be?

Any solution to what can and must be described as basically a minor convenience should not destroy one of the things that has made this country's economic system so productive and so profitable—free collective bargaining.

You may ask, what about situations such as the recent railroad shopcraft dispute where you stated that the national welfare was being endangered? The Congress of the United States has done well to deal with each problem as it arises. We cannot use an atom bomb to kill one fly. No element in our entire private enterprise system is more basic to the system than is collective bargaining. I see no reason for Congress to shun its responsibility to protect the public interest through the commerce clause, by delegating this responsibility to another Government agency, on blanket terms to be applied to all disputes that meet the definition.

True, we have strikes of national impact from time to time. Where necessary, Congress has provided the machinery for terminating them. There is no evidence whatever that these disputes have unduly burdened the Congress, for this is one of the things we are here for.

I have been heard to say in past debates on this subject matter in the Senate that so long as the interstate commerce clause is in the Constitution, the Congress of the United States cannot and should not escape its responsibility to deal with an industrial dispute that reaches such a proportion that great jeopardy is placed upon the public interest. It is the Congress which has jurisdiction over interstate commerce, and the sole jurisdiction of Congress in the field of industrial relations stems from the interstate commerce clause. Oh, I know serious labor disputes are hot political potatoes. I understand politicians, I think, pretty well. They would rather not burn their fingers on them. But they were elected to office to carry out their responsibilities to every section of the Constitution of the United States, including the interstate commerce clause.

Let me say to the voters of this country, "Do not let your Congress ever duck its responsibilities in regard to great national emergency labor disputes. You elected them to protect you when you had a special situation that calls upon Congress for congressional action."

Now, they are few and far between, but that does not justify Congress seeking to pass a compulsory arbitration law and calling it under the very interesting label of "court of labor relations," and turning over the economic welfare of millions of workers and hundreds and thousands of employers to so-called judges who do not have the slightest background, training, or basis for handling questions of wages, prices, taxes, and profits.

We cannot separate those questions from the question of determining major labor disputes on a compulsory basis in this country. That is why I never have and never shall vote for a compulsory arbitration law. That is why I shall always be proud to have my record show that I was one of two Senators who voted against the only compulsory arbitration law ever passed by the Senate.

Thus, as one who has worked in this field for 32 years—for I arbitrated my first case 32 years ago and have been involved in many, many, in fact several hundred, major labor disputes in this country in the past 32 years—I shall never be a party to supporting compulsory arbitration legislation which seeks to substitute for that precious freedom, the freedom of employers and workers to iron out at the collective bargaining table their differences over wages, hours, and conditions of employment, the judgment of whatever number of men are placed on a so-called labor court to settle issues which are not judicial at all.

That is one of the basic fallacies in this whole issue. We are not dealing with litigious legal concepts. We are dealing with the basic economic rights of men and women among labor and among employers as to what their economic relations shall be in respect to the employer-employee relationship. That is why this proposal would establish a kind of statism in the American economy, a kind of collectivism in the American economy, a governmental dictation of the working relationships which are to prevail in a so-called democratic society between employers and employees. When we do that, we are not dealing with questions of legal rights. We are not dealing with questions of judicial problems. We are dealing with the economic relations between supposedly free employers and those free men and women who are the employees.

I will never cast a vote to enslave American employers and American workers under the arbitrary discretion of a so-called labor court. Because, when we do, we destroy the freedom of collective bargaining in this country.

Oh, the argument is made that I do go along with the exceptional cases. I shall cover those situations. They do not destroy free collective bargaining. We merely recognize that under our constitutional system that there is no absolute right to strike or lockout. It is a relative right. But it is a superior right in most instances, and becomes a subordinate right in few. When we get a great labor dispute which imperils—note my language—which imperils the health, safety, and security of the American people, then the superior right of the American people to governmental intervention subordinates the very precious right of management to lockout and workers to strike.

That is not the Smathers bill. The Smathers bill seeks to give jurisdiction to the court in a case in which they find it involves public interest.

What case does not? But they are altogether different from the emergency disputes which imperil the health and safety of the Republic under the Taft-Hartley law. How many such disputes have there been? Twenty-eight. Listening to some of my colleagues, we would think that a great strike peril was confronting us 24 hours a day because, from time to time, free men and women who are employees and free men and women who are employers exercise that precious freedom of the right to strike and lockout.

Well, let me say to those who are inconvenienced by strikes and lockouts, do not forget that the price of freedom comes high. But, it is worth it. It is worth all the inconveniences one has to suffer in the case of a strike or lockout, when that strike or lockout does not involve an imperilment of the health, safety, and welfare of the American people.

What does the Smathers bill propose to do? It proposes to take any labor case before an arbitration tribunal into a court for a compulsory decision, if it is alleged or a complaint is filed which claims the public interest is substantially involved. The public interest is involved in every labor dispute. That does not justify having the Government come in and dictate the terms of the economic life for the people involved in a good faith labor dispute.

If we do not understand that deep philosophical concept of the meaning of economic freedom for American workers and American employers, then we have not grasped the real meaning of the great strife which has occurred and developed in this country over the years for the rights of free men and women to bargain for the hours, wages, and conditions of employment in their relationships with employers.

We have fashioned specific machinery for specific disputes, in specific situations. By so doing, we have left collective bargaining as intact as it can be left after a national work stoppage. We have left the responsibility for wages and working conditions where it belongs—in the hands of union and management.

Once remove that responsibility from private hands—once put it in a permanent public agency—and we will have moved a long way toward the substitution of government fiat for private decisionmaking throughout our whole economic system.

Management has more to lose from this procedure than anyone else. Wages are one of its major costs, if not the major cost. Once this part of its business enterprise is turned over to a government agency for determination, management's operation of the enterprise is severely reduced. And that government agency is not going to be guided solely by what is good for management, but by its own charge to the public interest. Statism, collectivism, in labor-management relations is not going to benefit either party in the long run.

Congress, in short, is not too busy to deal with a national labor dispute of the proportions covered by this bill. Better that we should continue dong so on an ad hoc basis than turn over to a new bureaucracy so important a part of our economic life.

BILL IMPOSES NARROW SOLUTION ON ALL DISPUTES

Let me turn now to the terms of S. 176. I sympathize with what Senator SMATHERS is trying to do. He wishes to establish a course which would solve all emergency disputes. His bill has, however, only the most superficial relationship to the means provided under Public Law 90–54 which settled the railroad shopcraft dispute.

I do not agree with the principle of S. 176 that a court which must decide each case upon the record of evidence made before it is the best means of solving all national emergency disputes. Our recent rail board had no such constriction. Ours was not an arbitration board, as this court would be. Ours was a mediation board, empowered finally to propose a settlement within the bargaining history. That was our guideline; not the evidence subject to court rules, which so often can mean that the side with the best lawyers and best economists makes the best record. The arbitrator has no choice then, but to make his award on that basis.

The arbitrator is bound by the record. The arbitrator is bound by the preponderance of the evidence. The arbitrator is subject to reversal if his decision cannot be documented and the transcript of the record applied to the burden of proof and the preponderance-of-evidence rule. A mediator is not so bound. The mediator seeks only to bring the parties to a conscionable compromise of their differences irrespective of the evidence.

A mediator takes into account the economic position of the parties. In the railroad case, we took into account, for example, the fact that for every day of strike the railroad companies would have lost $12 million-plus per day in expense losses alone, plus every dollar, amounting to millions more, of income from the railroads.

We took into account the fact that the public, in time of war, if a railroad strike brought the economy of the country to its knees in the midst of a national crisis, would lose hundreds of millions of dollars a day. We took into account what, in the long run, the workers and their families would lose in dollars and in public good will. That was what the mediators took into account along with such factors as were presented. We took into account what was fair for the workers today by way of a concession to them here and to the carriers there. We considered what would be a fair, commonsense, equitable solution of their differences.

It is an entirely different process from arbitration. It is not understood, I know. It is not understood by many in the labor ranks in this country. How well I know. I have taken their criticisms. But their criticisms never have the slightest effect on me so far as fulfilling my responsibilities is concerned when I am in charge of a labor case. We protected the legitimate rights of the carriers and the workers in that case by holding within the framework, as Congress provided for in the statute it passed, through a mediation process, not an arbitration process.

What is more, we protected collective bargaining as an institution, in this and in all other industries.

Mr. President, should industrial relations be subjected permanently and by compulsion to the straitjacket of compulsory arbitration? Are wages and working conditions really an appropriate subject for the rules of courtroom law? I think not, as a general rule. How many other business contracts, mergers, and so forth, would businessmen care to see arranged exclusively under such rules?

Each dispute in the labor field is unique. A permanent court of five men will not necessarily make available the men who may be best qualified in a particular dispute, especially since those who serve on it would have very few cases to handle. Ad hoc procedures, on the other hand, allow the use of the individuals best qualified to contribute their talents to the given case. The type of court proposed in S. 176 would exclude some of the Nation's best qualified laymen in industrial relations from contributing to the solution of labor disputes.

BILL EXPANDS DEFINITION OF EMERGENCY DISPUTES

I have already noted that the bill changes the definition of emergency disputes under Taft-Hartley from disputes which "imperil the national health or safety" to those which would "adversely affect the public interest of the Nation." Under the Taft-Hartley definition, there have been roughly 28 disputes since 1947 which could have gone to the court provided for in the Smathers bill.

That is an average of 1.4 disputes a year. During 4 of those years, there were no emergency disputes at all.

On the basis of the Taft-Hartley definition, one must conclude that this five-man, permanent court would have almost nothing to do. But under the definition of the bill, it would appear that most disputes would come under its jurisdiction and would be settled by pure and simple compulsory arbitration.

So we have to ask ourselves, is not economic freedom worth something? Is it not worth inconvenience, is it not worth sacrifice; yes, is it not worth some of what S. 176 calls an adverse effect?

Remember that the dispute which "imperils the national health or safety" is a dispute so far reaching, so comprehensive, so vital that the national health and safety must come ahead of the interests of the parties. That was the situation we had in the recent rail dispute.

But the definition which changes "imperils" to "adversely affects" and changes "the national health or safety" to "the public interest" is going to turn over to compulsory arbitration the general, run-of-the-mill labor disputes anywhere in the country. The adoption of this bill would encourage one side or the other not to participate in good-faith collective bargaining, because they will sit down and see if they can gain more with the compulsory arbitration court. The Smathers bill would be an inducement to the breakdown of the precious right of freedom called free collective bargaining.

We still live in an economic and political democracy. There are no guarantees in a democracy; there are no guarantees of high wages or profits or success in the free enterprise system. We have thought the price of occasional inconvenience, of occasional loss of profits, of occasional loss of wages and family income was worth paying for the precious right of economic liberty.

ARSENAL OF WEAPONS APPROACH

Finally, I would elaborate on a point which I have already touched upon. I do not think there is one single solution which should be applied to all difficult labor-management disputes. That only complicates the situation. Everyone knows before the bargaining even begins how it will end if the parties do not make their own contract. The only permanent legislation in this area I have ever thought sound was the one that called for the so-called arsenal of weapons, which provided alternative solutions that could be applied depending upon the circumstances.

I think Public Law 90–54 was a sound solution for the recent rail dispute.

But who knows whether it would be appropriate for the next national emergency?

It may not be. Certainly I would hope it will have the effect of discouraging both parties to rail bargaining from seeking a publicly imposed solution again.

In labor relations, nothing is more important than that the options be kept open. Congress should keep its options open, too. I know the groans and moans that go up in this body when a major dispute appears to be headed for legislation. The cry is heard that we should rid ourselves of labor issues, because they bring political repercussions no matter what a Member of Congress does. Many bills are based upon the desire for a politically painless solution to labor disputes. There just are none.

LABOR NEGOTIATIONS WILL BECOME MORE POLITICAL, NOT LESS

No one knows better than I that legislation in this area can be politically painful. But no one should be deluded that labor relations can be removed from politics. I would serve notice upon every Member of Congress that you turn over to a public body the job of writing wage contracts, and you will plunge Congress into a political pit that will make you wish for the good old days when you only had to worry about one dispute at a time.

You will bring into politics the whole spectrum of wages and working conditions. The members of the court will have to be appointed and confirmed; the guidelines any such body applies will be subject to amendment. You will have Congress lobbied so hard from all sides that wage levels will become a major and direct political problem for every candidate for Congress.

We in Congress are in charge of establishing wages for postal workers and civil servants. What this bill, and others like it do, in effect, is not to remove Congress from the labor field, but to put the whole massive set of private labor negotiations right in our laps, along with civil service and postal wage scales.

Do you think the Mine Workers and the Auto Workers and the Longshoremen—to name just three unions—will leave us alone, once we assign contract writing to a labor court? To the contrary, they will hold us responsible for the men on the court, for each of their decisions, and they will seek to improve their economic position by further legislation.

General compulsory arbitration, as provided by S. 176, will, in my opinion, do more harm than good to industrial relations, and I do not believe Congress should turn to it.

Oh, I made this plea in 1963, when I pleaded against that compulsory arbitration bill which came out of the Commerce Committee urging compulsory arbitration for the settlement of the railroad dispute in 1963. I was one of two Senators who voted against it. If one will read the RECORD, he will find that, looking up at the front row of the gallery, where there were sitting some of those who had brought the pressure and the lobbying techniques to bear upon the Senate to pass that law, I said to them, pointing my finger at them, "You will rue the day that you brought the pressure on the Senate to pass this compulsory arbitration law, for you leaders will have to assume the responsibility of passing the first compulsory arbitration law ever passed by the Congress of the United States."

I want to say, in complete fairness to them, that many of them have told me since how right they considered I was in 1963 and how much they appreciated the position I took. Well, I have had some difficulty with some of them since, as I have participated in the solution of some labor disputes, including two east coast dock cases, the airlines case, and recently the railroad case. When I am put on a board that is in the middle and called upon to settle a labor dispute, I never permit my obligations to that board to ever mix with my political views.

But today I am discussing what I think are major tenets of our economic and political philosophy that ought to be considered by Members of the Senate before they vote on the Smathers bill, if it ever comes to a vote. In my judgment a vote for the Smathers bill will be as great a mistake as the Senate made in 1963, when it voted for the first compulsory arbitration law in the history of the Republic. I hope such a vote will never be cast again, because it is most important that we see to it that workers and employers in America remain completely free to participate in collecive bargaining between themselves for the determination of their wages, hours, and conditions of employment, and that no restriction ever be placed upon that freedom except in those rare and novel cases where a course of economic action on the part of workers and employers in a dispute imperils the health, safety, and security of the Republic. Even then, the Congress should assure that in protecting such a major, superior public interest, it does the least possible to interfere with collective bargaining.

Mr. President, I shall not insert in the RECORD the documents to which I have referred, and which deal with this subject. I only wish to have the RECORD show that my comments and criticisms in regard to this program of the U.S. Chamber of Commerce and the National Association of Manufacturers are based upon my analysis of the documents the propagandists are circulating. I also have before me the Reader's Digest article from the August 1968, issue, which I mentioned. I shall not ask to have it printed in the RECORD, but I want the RECORD to show that I had it before me at the time I prepared the speech I have just delivered, and that my criticisms of it in this speech relate to my analysis of the article at the time I prepared the speech.

Mr. President, I yield the floor.

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 the bill (S. 633) to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the U.S. Information Agency through establishment of a Foreign Service Information Officer Corps, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1504) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans for enterprises to supplement farm income and for farm conversion to recreation, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, establish a flexible loan interest rate, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10932) for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force (retired).

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13781) to amend title II of the Marine Resources and Engineering Development Act of 1966.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

The message also announced that the House had agreed to the amendments numbered 1 and 2 of the Senate to the bill (H.R. 16027) to amend title 38, United States Code, to provide increases in rates of compensation for disabled veterans, and for other purposes; and that the House had disagreed to the amendment of the Senate numbered 3 to the bill.

DEATH OF CONGRESSIONAL REORGANIZATION

Mr. MONRONEY. Mr. President, I rise on a somewhat sad occasion, to announce to the Members of the Senate the death of congressional reorganization, because the effort, as made by the Senate and by the Joint Committee on Reorganization of Congress, which started so bravely about 18 months ago, has been wrecked on the shoals of the inability of the Members of the House of Representatives to be permitted to vote on this very important piece of legislation.

No subject receives more of our attention and comment than "need for change." It has become almost trite to talk of the miraculous technological advances of this century, the changing demands of a pluralistic society, and the need for economic and social change to stay abreast of the times. Indeed, "change" has become the very fabric of our national character.

I regret to say that we have been particularly reluctant to apply this mandate for change to one major institution—the Congress itself. Over two decades ago, I was coauthor, with the late Senator Bob LaFollette, of the Legislative Reorganization Act of 1946. That act—which provided our present committee system, professional staff, and other major internal reforms—has been the only comprehensive change in congressional machinery during the 20th century, and we are nearing the close of the 20th century.

Since 1965, it has been clear to me that the time for change has arrived again—that another major effort at congressional reorganization is needed. Since that time, I have had the honor to act as cochairman of the Joint Committee on the Organization of Congress—a special committee created by resolu-

tion of both Houses of Congress to study and recommend organizational changes. After months of hearings, hundreds of witnesses and thousands of pages of testimony, the committee made its recommendations in the summer of 1966.

I am proud to say that the Senate has responded to this call for reform. After extensive debate, S. 355—a bill based on the recommendations of the joint committee—passed the Senate by a vote of 75 to 9 in February 1967. At that point, it appeared that the Legislative Reorganization Act of 1967 would soon be law.

Sad to say, this has not been the case. Despite the fact that this bill was the product of 2 years of effort by a joint committee—despite the fact that the bill had passed the Senate by an overwhelming margin—the House of Representatives has not acted on it during the past year and a half following Senate passage. There is now no prospect that the House will act during the remainder of the session. Thus, S. 355 will die at the conclusion of this Congress.

There is a curious paradox here.

Congress complains about the growth of Executive power—but refused to consider legislation to redress the balance.

Congress frets about loss of legislative initiative—and blocks institutional reform to make those initiatives more likely.

Congress bemoans the fact that Government programs are becoming more complicated, more difficult to analyze, virtually impossible to oversee—but then refuses to admit that some of these difficulties lie within its own organization structure.

Let me recount briefly as what S. 355—the bill which was never permitted to reach the House floor—would have accomplished for Congress.

It would have made committee procedures more democratic so that all members of a committee—not just the chairman or the senior members—could play a significant part in the shaping and consideration of legislation.

It would have refined the jurisdiction of the standing committees—including the creation of a Senate Veterans Committee.

It would have improved our capacity to deal with the Federal budget by requiring more information from the Bureau of the Budget, a computer capability for budget analysis in the General Accounting Office, and a higher level of budget information from legislative committees and during the appropriations process.

It would have strengthened our sources of information by adding to permanent committee staff, providing minority staff as a matter of right, and enlarging the services of the Legislative Reference Service.

It would have encouraged better scheduling of legislative business through a firm adjournment date.

It would have removed the time-consuming and questionable task of patronage appointments and confirmations of postmasters.

It would have strengthened the lobby registration laws so that we could have better information about these people who represent special interests on pending legislation.

One fact is particularly significant. The House of Representatives did not vote down congressional reorganization. They were never able to consider it. In my judgment, a majority of the Members of the House—and I include both political parties—would have supported a reform bill had they had the opportunity to do so.

Mr. President, I do not wish to lay the blame at a single door. The facts speak for themselves. A year and a half after Senate action, the way was not clear for the Members of the House of Representatives to vote the bill up or down. Ironically, the fate of this bill illustrates most abundantly why congressional reform is so badly needed.

Some matters in S. 355 were an exercise of the rulemaking power of the Senate. I considered reintroducing those items as a Senate resolution—since the concurrence of the other body would not be required. But I would not want such Senate action to give the illusion of major reform when that reform had not been forthcoming. I do not think we should let Congress get off the hook with half a loaf.

For this reason, the fight for congressional reform must be carried on in both Houses. Although we are a bicameral legislature, it is the Congress—not just a part of it—that must keep pace with the times.

Sometimes I wonder how interested the public really is in the need for congressional reform. They have a vital stake in it—since the legislative branch is in fact the people's branch, their representative in the governmental process.

This much I know. Congressional reform will not come unless the public—and, I might add, the news media that inform the public—makes it crystal clear to their representatives in Congress that they will not tolerate blind adherence to hidebound tradition and outdated customs and creaky legislative machinery.

There are those who believe we can achieve "instant reform" by just eliminating one or two well-known abuses. It is a far more difficult task. True reform must be a mosaic of many changes. That is the reason why reorganization can only come as a comprehensive effort as we were able to achieve in 1946 and have attempted so hard to achieve these past 3 years.

I would like to think that an aroused public will help make this reform a reality. I would like to think that the leadership and the rank and file membership of both Houses will realize that we are falling behind—not keeping pace—in our capacity to deal with modern problems. I know that I intend to continue my efforts to rally support for this, the greatest institutional challenge of this age.

I call upon the Members of Congress to renew this effort with me next January.

While the road to congressional reform is a long and rocky one, we shall reach the final goal—a democratic, effective and well-informed legislative body—able to respond in every way to the challenges of these modern, exciting, and complicated times.

I want to pay tribute to my colleagues on the Joint Committee on the Organization of the Congress who have labored so long and so faithfully to make Congress more effective. They have my pledge that their labors shall not have been in vain.

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

Mr. MONRONEY. I yield.

Mr. HOLLAND. Mr. President, while I do not happen to be a member of the Senator's committee which has labored so hard and, I think, so usefully in this field of congressional reorganization, I am completely in accord with the views expressed by the learned Senator.

I regret deeply with the Senator the fact that the reorganization could not be finally accomplished. I do hope that the Senator will persevere in his effort.

I want the Senator to know that many of us who are not part of the active committee strongly believe in that effort and will continue to support him in it. The Senator from Florida will certainly do so.

Mr. MONRONEY. Mr. President, I deeply appreciate those words. I know how strongly, firmly, and effectively the distinguished Senator from Florida carries on the myriad duties he has as one of our most distinguished Members.

We must join in the fight today. We are perhaps the only large-scale operation in the world that does not have computerization of the necessary facts available. Yet we have computerized many of our agencies that deal with fractional matters compared to what Congress deals with. We cannot even get budgeted information from the breakdown of the figures.

Modern business today has computerized information available to it. Yet, the U.S. Government—the largest volume business in the entire world today—does not have it. We will continue to try hard to modernize our recordkeeping.

I regret that due to circumstances beyond the control of the Senate, the matter is dead for this year. However, I surely hope to revive it when Congress meets next year, if I am fortunate enough to be a Member of the Senate again. I hope that we can take up the matter and get better results next year.

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

Mr. MONRONEY. I yield.

Mr. SPARKMAN. Mr. President, I appreciate the remarks of the distinguished Senator from Oklahoma. I have had the privilege of serving as a member of that committee on the reorganization of the Government. I am proud of the fact that the Senate acted on the matter quite promptly. I regret that the House has held up action. I share with the Senator the hope that we may secure better results next year.

Mr. MONRONEY. Mr. President, the distinguished Senator was a most effective and diligent member of the committee. I do appreciate the great efforts he made in this field.

ESTABLISHMENT OF A FOREIGN SERVICE INFORMATION OFFICER CORPS

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 633.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 633) to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the U.S. Information Agency through establishment of a Foreign Service Information Officer Corps which was on page 9, after line 14, insert:

TENURE OF FOREIGN SERVICE RESERVE OFFICERS

SEC. 15. (a) Any officer appointed as a Foreign Service Reserve officer after the date of enactment of this Act may serve as such for not more than five years. During such period (no sooner than the expiration of the third year but no later than the expiration of the fifth year) such Foreign Service Reserve officer shall be appointed as a Foreign Service officer, Foreign Service Information Officer, Foreign Service Reserve officer with unlimited tenure, Foreign Service Staff officer, or shall be terminated as a Foreign Service Reserve officer.

(b) Notwithstanding the provisions of sections 522 and 527 of the Foreign Service Act of 1946, as amended, an appointment of any Foreign Service Reserve officer existing on the date of enactment of this Act may be extended, but not beyond the expiration of the five-year period beginning on such date of enactment.

RETIREMENT AND SEPARATION OF FOREIGN SERVICE RESERVE OFFICERS

SEC. 16. (a) In accordance with such regulations as the President may prescribe, any Foreign Service Reserve officer with unlimited tenure shall become a participant in the Foreign Service retirement and disability system and shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Beginning on the date of enactment of this Act, any Reserve officer referred to in the preceding sentence shall be mandatorily retired for age in accordance with the provisions of subsections (c) and (d) of section 9 of this Act.

(b) The provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended, shall apply to Foreign Service Reserve officers with unlimited tenure.

PRESENT FOREIGN SERVICE RESERVE OFFICERS

SEC. 17. Any Foreign Service Reserve officer appointed before the date of enactment of this Act who has completed at least three years of continuous and satisfactory service as such on such date of enactment, or who will have completed at least three years of such service before the expiration of the three-year period beginning on such date of enactment, may be appointed as a Foreign Service Reserve officer with unlimited tenure.

LIMITATION ON EXTENSION OF FOREIGN SERVICE RESERVE OFFICER APPOINTMENTS

SEC. 18. Paragraph (3) of section 522 of the Foreign Service Act of 1946, as amended, is amended by inserting immediately before the period at the end thereof the following: "; except that the authority contained in this paragraph relating to extending the appointment of any Reserve officer, and to continuing the services of any such Reserve officer by reappointment, shall not be applicable to the Department of State and the United States Information Agency".

EXCLUSION OF CERTAIN AGENCIES

SEC. 19. The provisions of sections 15, 16, and 17 of this Act shall not apply to officers and employees of the Agency for International Development, the Peace Corps, and the Arms Control and Disarmament Agency.

Mr. SPARKMAN. The bill creates a career service for information officers of the U.S. Information Agency. The bill was introduced by the Senator from Rhode Island [Mr. PELL], a member of the Committee on Foreign Relations. The Pell bill—now the "Pell-Hays Act"—was the subject of hearings within the committee and was approved by the Senate on November 13, 1967.

When the bill was considered by the House of Representatives, it was approved with one amendment which I am sure the Senate will have no problem in accepting.

That amendment does away with an anomaly which has existed under the Foreign Service Act for many years, namely, that Foreign Service Reserve officers continue to have their periods of tenure extended by annual provisions in appropriations acts, thus circumventing the intent of the Foreign Service Act that their tenure be temporary.

The House amendment makes it clear that Foreign Service Reserve officers may continue as such for not more than 5 years. Thereafter, their service shall be terminated unless they have in the interim been appointed as career officers in the Department of State, as Foreign Service information officers, as a Foreign Service Reserve officer with unlimited tenure, or as a Foreign Service staff officer.

I ask unanimous consent that those portions of the report of the Committee on Foreign Affairs of the House of Representatives dealing with this subject be printed at this point in the RECORD.

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

SECTION 15

Subsection (a) provides that any officer appointed as a Foreign Service Reserve officer after the date of enactment of this act may serve in that capacity for no more than 5 years. Under the authority of section 522 of the Foreign Service Act of 1946, as amended, such appointments may be made for an initial period of 5 years and extended for an additional 5 years—a total of 10 years. A provision in the annual appropriation acts of the Department of State and of USIA has permitted an annual extension for those whose appointments expired during the next fiscal year. Thus the Reserve category, intended to be one of limited duration, has gradually become one of indefinite duration.

The committee recognizes the need to obtain the services of specialists and technicians in each of the two agencies. But it is convinced that they should be temporary appointees. If their services are necessary, they should be given tenure; if not, they should be terminated. This subsection specifies that at any time after 3 years and before the end of 5 years the agency must determine whether to terminate a Reserve appointment or, in the discretion of the Secretary or the Director, give unlimited status to a Reserve as a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer with unlimited tenure, or a Foreign Service Staff officer in accordance with provisions of a law applicable to those categories of officers.

Subsection (b) provides that Foreign Service Reserve officers holding appointments as such on the date of enactment of this act may be extended for a period not to exceed 5 years. This will permit an orderly phaseout of those officers who cannot, or do not wish to, secure an unlimited appointment.

SECTION 16

Subsection (a) provides that a Foreign Service Reserve officer who is given unlimited tenure shall become a participant in the Foreign Service retirement and disability system and shall transfer his contributions from the civil service or other retirement system under which he has been covered to the Foreign Service retirement and disability fund. The reference to subsections (c) and (d) of section 9 of this act makes applicable the provisions for mandatory retirement for age.

Subsection (b) makes applicable to Foreign Service Reserve officers with unlimited tenure those sections of the Foreign Service Act of 1946, as amended, that deal with separation and retirement benefits. These sections apply in the same manner and under the same general terms and conditions as now apply to Foreign Service officers and as will apply to Foreign Service information officers under other sections of this act.

SECTION 17

This section covers Foreign Service Reserve officers now on the rolls of the Department of State and USIA. It makes eligible for appointment of unlimited tenure such officers who have or will have completed at least 3 years of continuous and satisfactory service. Such appointments will be granted in the discretion of the Secretary or the Director.

SECTION 18

This section amends section 522(3) of the Foreign Service Act of 1946, as amended, by limiting to a maximum of 5 years the appointment of Foreign Service Reserve officers of the Department of State and USIA. Individuals from Government agencies other than the Department of State and the Agency are assigned to these two agencies as Foreign Service Reserve officers. They have reemployment and reinstatement rights in their employing agency and are in a sense temporary employees of the two agencies. The amendment continues the authority in existing law to extend the assignment of such individuals for an additional 5 years. It is expected, however, that this authority will be used sparingly. The committee recognizes the need for the continuation of the assignment authority but does expect the Department of State or the Agency to use this assignment authority to avoid granting career status to Reserve officers by assignment as such from within their own agency.

SECTION 19

This section excludes the Agency for International Development, the Peace Corps, and the Arms Control and Disarmament Agency from the provisions of sections 15, 16, and 17 of this act.

Mr. PELL. Mr. President, we are living today in the midst of what might well be called the age of communications. There are more ways for man to talk to his fellowman than ever before in history. Happily this country leads the world in development of communication devices employing all the latest mechanical and electronic inventions. This country also has no peers in its present great outpouring of literature, painting, sculpture, music—which can be described as artistic communication.

It is vital that as a Nation we speak to the people of other nations with our best communications foot forward. Since 1953 our Government has had the appropriate, independent mechanism for doing so—the U.S. Information Agency. Since that time the USIA has grown to be an important part of America's foreign policy community both in Washington and overseas. Its mission has been to use communications techniques to win understanding abroad for the United States, its foreign policies, its people, and its culture. Considering it has labored under one serious handicap, the USIA has carried out its assignment effectively.

This handicap has been the fact that the professional personnel of the agency have been denied a career service. Mr. President, it is self-evident that if we are to have the best possible information service to tell America's story to the world we must have the best communications experts to do the job. USIA's top professionals for 15 years have had to work as temporary employees. This condition has hurt morale and threatened the long-range excellence of the Agency's performance. It has also caused increasing difficulty in attracting young and able people into making USIA their career.

I am delighted that this day Congress has eliminated this longstanding deficiency in such an important agency of government by passing the Pell-Hayes bill, S. 633, for a career service for USIA.

I am confident that the USIA will move firmly within the provisions of this act to bring its service to the highest excellence. Young people with skills and background in all types of communications can look to the USIA as a place where they can practice their profession proudly. Year by year recruitment should now be greatly stimulated. Within the Agency, training measures can be employed to improve officers in the performance of the Agency's particular mission. And both in Washington and in the scores of overseas posts USIA officers can now work with the tranquillity that a rule career service affords the deserving professional who has earned a place in it.

Mr. SPARKMAN. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to S. 633.

The motion was agreed to.

DISPOSAL OF BERYL ORE

Mr. BENNETT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14367.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on the Senate amendment to H.R. 14367, which was read as follows:

Resolved, That the House disagree to the amendment of the Senate to H.R. 14367, an act to authorize the disposal of beryl ore from the National Stockpile and the Supplemental Stockpile.

Mr. BENNETT. Mr. President, inasmuch as the stockpile disposal law already requires the use of sealed bids on a competitive basis in the disposal of beryl, it seems to me the amendment is redundant.

I move that the Senate recede from its amendment to the bill.

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

Mr. BENNETT. I yield.

Mr. SYMINGTON. Mr. President, for the benefit of the Senate, the Subcommittee on National Stockpile and Naval Petroleum Reserves is in agreement with the position taken by the distinguished Senator from Utah, and we have no objection to this amendment being cleared at this time.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. AIKEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1504.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1504) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans for enterprises to supplement farm income and for farm conversion to recreation, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, establish a flexible loan interest rate, and for other purposes which was to strike out all after the enacting clause, and insert:

That the Consolidated Farmers Home Administration Act of 1961, as amended, is further amended as follows:

The first sentence of section 303 is amended to read as follows: "Loans may be made or insured under this subtitle for (1) acquiring, enlarging, or improving farms, including farm buildings, land and water development, use and conservation, (2) recreational uses and facilities, (3) enterprises needed to supplement farm income, (4) refinancing existing indebtedness, and (5) loan closing costs."

SEC. 2. Section 304 is amended by inserting "(a)" after "subtitle", and by changing the period at the end of the section to a comma and adding the following: "not including recreational uses and facilities, and (b) without regard to the requirements of sections 302 (2) and (3), to individual farmowners or tenants to finance outdoor recreational enterprises or to convert to recreational uses their farming or ranching operations, including those heretofore financed under this title."

SEC. 3. Section 306(a)(2) is amended by changing "$50,000,000" to "$100,000,000".

SEC. 4. The last sentence of section 306(a)(3) is amended by changing "1968" to "1971".

SEC. 5. Section 306(a)(6) is amended by changinug "$50,000,000" to "$15,000,000".

SEC. 6. Section 308 is amended by striking the word "Loans" from the beginning of the first sentence and inserting in lieu thereof "Until October 1, 1971, loans" and by striking the comma after the word "Secretary" and the phrase "aggregating not more than $450,000,000 in any one year,".

SEC. 7. Section 309(f) is amended by changing "$50,000,000" to "$100,000,000".

SEC. 8. Section 312 is amended by (a) revising subsection (4) to read as follows: "(4) financing land and water development, use, and conservation,"; (b) inserting new items (5) and (6) to read as follows: "(5) without regard to the requirements of section 311 (2) and (3), to individual farmers or ranchers to finance outdoor recreational enterprises or to convert to recreational uses their farming or ranching operations, including those heretofore financed under this title, (6) enterprises needed to supplement farm income,"; and (c) by renumbering the present items "(5), (6), and (7) to "(7), (8), and (9)".

SEC. 9. Section 313 is amended by changing the colon after "$35,000" to a comma, and by striking the proviso in item (1).

SEC. 10. Section 316 is amended by (a) striking from the first sentence "at an interest rate not to exceed 5 per centum per annum," and (b) adding at the end of the section the following: "Loans made under this subtitle shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus not to exceed 1 per centum per annum as determined by the Secretary."

SEC. 11. Section 331 is amended by adding a new subsection (f) at the end thereof to read as follows:

"(f) Release mortgage and other contract liens if it appears that they have no present or prospective value or that their enforcement likely would be ineffectual or uneconomical."

SEC. 12. Section 333(b) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking the word "farming".

Mr. AIKEN. Mr. President, this bill passed the Senate unanimously last year. It has just passed the House with minor amendments.

I move that the Senate concur in the amendments of the House.

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

Mr. AIKEN. I yield.

Mr. HOLLAND. Am I correct in my understanding that this matter has been cleared with and approved by the Senator from Louisiana?

Mr. AIKEN. Yes. I have discussed it with the chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana, and also the Senator from Florida. I would appreciate the cooperation of both. The Senator from Louisiana said he had no objections.

The House did reduce the overall authorization from $150 million to $100 million for rural water and sewage plants.

Mr. HOLLAND. I thank the Senator.

Mr. AIKEN. The amendments of the House are all minor and, in fact, improve the bill.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The question is on agreeing to the motion of the Senator from Vermont.

The motion was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

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. 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.

AMENDMENT OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 1093.

The PRESIDING OFFICER laid before the Senate the amendment of the House

of Representatives to the amendment of the Senate to the bill (H.R. 1093) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, an for other purposes, which was, on the last line of the Senate engrossed amendment, strike out "459(g)" and insert "459".

Mr. BYRD of West Virginia. Mr. President, the House amendment to the Senate amendment is intended to correct a mistake in the Senate version of this bill. The mistake consisted of a reference to section 459(g) of title 50, appendix, United States Code, when the intention was to refer to section 459 of title 50 appendix, United States Code. The amendment merely strikes "(g)" to conform to the clear intent of the Senate report.

I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

THE COST OF RESURRECTION CITY

Mr. BYRD of West Virginia. Mr. President, few if any Americans were deluded by the initial claims that the costs of Resurrection City and the so-called Poor People's Campaign would be underwritten from private funds and that tax moneys would not be used.

It is clear that the true costs of this ill-fated pressure campaign will never be known. I have, however, sought over the past few months to report the dollar values assigned to the campaign by those Federal agencies which appeared to be most prominently identified with it.

For all practical purposes, I believe the figures are now final, and in order that the record be as complete and accurate as possible, I submit a table indicating that the total direct cost to the Federal Government and District of Columbia was in excess of $1,700,000. I ask unanimous consent that the table be printed at this point in the RECORD as exhibit A.

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

EXHIBIT A

FUNDS EXPENDED IN CONNECTION WITH POOR PEOPLE'S CAMPAIGN

Department	Nature of last report	Amount expended
Agriculture	Final	$10,671
District of Columbia	do	805,682
Interior	Final [1]	277,165
Justice	do	476,533
General Services Administration	do	44,573
Department of the Army	do	86,179
Total		1,700,803

[1] Subject to final cost determinations and settlement of claims, damage deposit, and suspense account.

Mr. BYRD of West Virginia. Inasmuch as the Department of the Interior's report of July 19 contains information not previously available, I ask unanimous consent that it be printed in the RECORD at this point in its entirety, as exhibit B.

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

EXHIBIT B

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., July 19, 1968.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: We have previously furnished you the total costs to this Office of the Poor People's Campaign in connection with the occupancy of Resurrection City and the Solidarity Day March as $159,774.

The costs of dismantling structures, grounds cleanup, and restoration of turf were estimated at $61,000. Although the restoration of the turf is still in process we do have more accurate costs of this work.

These costs to date amount to $31,900. The estimated costs to complete the sodding of the area and repair or replace trees and shrubbery is $30,000, or a total estimated cost of $61,900.

In summary the costs are as follows:

Resurrection City through termination of permit	$145,167
Solidarity Day March	14,607
Dismantling of structures and restoration of area:	
National Park Service costs (includes estimated cost of unfinished work)	61,900
GSA costs (includes storage and transfer of real property)	29,482
District of Columbia Highway Department costs	26,009
Subtotal	117,391
Total	277,165

An agreement has been reached with the S.C.L.C. for them to sell the lumber stored at Fort Belvoir with the selling price to be approved by this Office, and the proceeds to be placed in a suspense account in the U.S. Treasury, to be disposed of along with the $5,000 deposit according to legal determinations to be made later.

We will be happy to provide further information regarding the actual restoration costs when completed, and also the final disposition of the initial deposit of $5,000, and amounts to be received from the sale of the lumber.

Sincerely yours,

RUSSELL E. DICKINSON,
Acting Regional Director.

Mr. BYRD of West Virginia. I also ask unanimous consent to have printed at this point in the RECORD, as exhibit C, a copy of a telegram dated May 21, 1968, which I directed to Mr. Nash Castro, National Capital Regional Director, National Park Service, questioning the adequacy of the bond obtained to restore to its former condition the national park lands used by Resurrection City.

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

EXHIBIT C

MAY 21, 1968.

Mr. NASH CASTRO,
Regional Director, National Capital Region, National Park Service, Washington, D.C.:

Will appreciate your immediate advice as to whether or not guarantee required by section 8 of permit issued by you as Regional Director, National Capital Parks, to the Southern Christian Leadership Conference on May 10, 1968, has been received and if so in what form. In view of present intensive usage will also thank you to advise me as to the sufficiency of this bond to "remove all facilities installed by or for it and shall restore the areas to their prior condition."

ROBERT C. BYRD,
U.S. Senator, Chairman, District of Columbia Subcommittee, Senate Appropriations Committee.

Mr. BYRD of West Virginia. At the time Mr. Castro appeared before the District of Columbia Appropriations Subcommittee, I inserted into the hearing record his reply to my telegram, and inquired again as to his opinion of the adequacy of the $5,000 bond.

I ask unanimous consent that a brief excerpt of these hearings be printed in the RECORD at this point, to be followed by a clipping from the Evening Star of Tuesday, July 30. These would appear as exhibits D and E.

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

EXHIBIT D

Senator BYRD. I insert in the record at this point your letter to me of May 24 outlining the view that the $5,000 bond plus possible salvage rates would be sufficient to insure that the Southern Christian Leadership Conference, as permittee, would fulfill its obligation under the permit or to indemnify the National Park Service in the event the permittee should default in carrying out its obligations.

Is this still your view?

(The letter follows:)

MAY 24, 1968.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: By way of further follow-up to your telegram of May 21, we believe the $5,000 cash deposit made by the Southern Christian Leadership Conference to conform to the requirements of the permit as sufficient to cover the removal of the facilities installed by them on park land in the District of Columbia. This represents the combined judgment of those who negotiated with the SCLC people on the permit.

On the basis of our discussions with their negotiators, we feel quite confident that SCLC will remove their installations, for they led us to believe they wish to recover their deposit.

Our judgment may be incorrect, but if it is we shall be much surprised. In any case, we consider the amount to be adequate if the responsibility should fall to us to remove or contract with others to remove the facilities installed by SCLC. Salvage value of the lumber is believed to be sufficiently high to attract private salvage firms. We believe that salvage could be contracted at little or no cost to the Government.

In respect to power lines and poles installed on the site by PEPCO for SCLC, a deposit of $7,850 was made by SCLC to the utility company. This amount includes the cost of removing the poles and lines.

Sincerely yours,

NASH CASTRO,
Regional Director.

BOND SUFFICIENCY

Mr. CASTRO. It is still my view, Mr. Chairman.

Senator BYRD. It is still your view that the $5,000 bond is sufficient?

Mr. CASTRO. Yes, sir, as of now it is. It depends on compliance we have with the permit.

My own impression of things is this: They have an investment of lumber in the site, I understand, in excess of $70,000. I don't feel they can afford to abandon it. If they did, I am sure any contractor would be happy to come in and salvage it and restore the site.

EXHIBIT E

[From the Washington (D.C.) Evening Star, July 30, 1968]

TENT CITY LUMBER SOLD FOR $5,500

The National Park Service today announced the sale of the lumber salvaged from Resurrection City to a Johnson City,

Tenn., firm for $5,500. The agency had hoped to sell the lumber for $18,000 to $20,000. But, a spokesman said, the bid from the Greybeal & Smith firm was the only one and the lumber, now in storage at Ft. Belvoir, Va., is in danger of deterioration.

As called for in an agreement with the Southern Christian Leadership Conference, sponsors of the Poor People's Campaign, the money will go into a trust fund pending a legal determination of who gets it—the Park Service or the SCLC. The federal agency has sought the money to help pay costs of restoring the Resurrection City site.

Mr. BYRD of West Virginia. This newspaper story relates that the salvaged lumber which was said to have cost in excess of $70,000 when new was sold last week for $5,500. This together with the $5,000 bond will be less than one-tenth of the costs incurred by the Government in dismantling the structures and restoring the area.

In reviewing my files on this subject, I note that in Mr. Castro's letter of May 10, 1968, granting the Southern Christion Leadership Conference a permit to utilize national park lands for the construction of "Resurrection City, U. S. A.," paragraph 8 reads as follows:

Upon cessation of the use of the designated areas under this permit, Permittee shall remove all facilities installed by or for it and shall restore the areas to their prior condition, reasonable wear and tear of the turf excepted. To guarantee compliance with this requirement, Permittee shall deposit $5,000 in cash with the National Park Service or shall execute an undertaking in the amount of $5,000 with two sufficient sureties satisfactory to the National Park Service or to furnish a contractual commitment therefor satisfactory to the National Park Service.

I also note that the assurances contained in the paragraph set forth above were accepted and agreed to for the Southern Christian Leadership Conference on May 10, 1968, by Mr. Bernard LaFayette, Jr., national coordinator of Washington Poor People's Campaign, and Mr. Walter E. Fauntroy, director, Washington bureau, Southern Christian Leadership Conference.

Clearly the Southern Christian Leadership Conference has an obligation to live up to its commitment, and I together with many other American taxpayers will look forward with interest as to how this account will be finally settled by those who have been charged with protecting the Government's interest in this matter.

CONGESTION AT NATIONAL AIRPORT

Mr. BYRD of Virginia. Mr. President, this morning's Washington Post carried an article by Richard M. Cohen concerning the serious and growing safety hazards resulting from the congestion of flights at National Airport.

Mr. Cohen reported that recently a Presidential support plane narrowly avoided a collision with a commercial jet over Mount Vernon when a tower controller became too busy directing other flights to contact the planes involved.

This incident emphasizes the dangerous conditions at National Airport.

The national president of the association representing the Nation's controllers—Kenneth T. Lyons—is quoted as saying:

The safety factor at National has degenerated to a point that almost daily there are reported and unreported near-misses, averaging five a day.

Mr. President, must we wait for a major disaster before we take steps to correct this situation? Can we any longer avoid our responsibility to assure the safety of those who use National Airport and those who live in its vicinity?

I have warned many times in the past that air traffic at National Airport had passed the saturation point. It is not reasonable for the airlines to continue expanding their use of this facility.

Yet, these airlines have proposed major improvements at National, including the lengthening of its runway, in order to accommodate more and bigger jets. It may be possible to do this but it is not possible to expand the airspace above National Airport.

So, no matter what might be done to improve ground facilities at National, we will still have the safety problem which results from too many planes in the air at the same time over the same area.

The only solution is to divert some of these flights to other airports. The logical alternative is Dulles International Airport which was designed for this specific purpose. It is one of the most modern airports in the world, but it is also one of the most under utilized.

Mr. President, I call upon the airlines, the Civil Aeronautics Board, the Federal Aviation Administration, the Department of Transportation, and all other responsible parties to take immediate steps to alleviate congestion at National in the interest of public safety.

EARTHQUAKE IN THE PHILIPPINE ISLANDS

Mr. MANSFIELD. Mr. President, for some time now the news tickers have been carrying reports of an earthquake centering in Manila in the Philippine Islands. A number of Filipinos are dead and many more are injured because of this terrible catastrophe. Damage to buildings in Manila has been extensive and the cost cannot even be estimated.

Mr. President, the earthquake presents another difficulty to the Republic of the Philippines. It is one I am sure that the Filipino people under the leadership of President Marcos will face up to and surmount.

This castrophe has struck the Republic of the Philippines just as it was beginning to move forward rapidly in many fields—in agricultural production, the road building and schools as well as in social services. These advances will have strengthened the Republic to meet this natural calamity.

I wish to express through President Marcos to the people of the Philippines the great distress of the Senate at this catastrophe and to let them know that we feel for them, sympathize with them, and if there is any way we can be of service to these long-time friends and allies, we stand ready and willing to do everything we possibly can. The Senate, I know, joins with me in the hope and prayer that the damage, the deaths, and the injuries will not be overwhelming, that the losses will be kept to a minimum and that the recovery will be rapid.

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.

HOUSE CONCURRENT RESOLUTION 805—ADJOURNMENT FROM TODAY TO SEPTEMBER 4, 1968

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 805.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 805, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 2, 1968, it stand adjourned until 12 o'clock meridian, Wednesday, September 4, 1968.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment to House Concurrent Resolution 805 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

In line 2, after the word "the", strike out "House" and insert "Congress".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The House concurrent resolution (No. 805), as amended, was agreed to as follows:

Resolved by the House of Representatives (the Senate concurring), That when the Congress adjourns on Friday, August 2, 1968, it stand adjourned until 12 o'clock meridian, Wednesday, September 4, 1968.

Mr. MANSFIELD. Mr. President, I ask that the resolution as amended remain at the desk until everything is completed. I recall an incident 8 years ago when I was left holding the bag, because of being too eager to have approved a resolution of this sort. I do not intend to do that ever again, until the business of the Senate is completed.

AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. MANSFIELD. Mr. President, I submit House Concurrent Resolution 806, and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be read by the clerk.

The legislative clerk read the concurrent resolution (H. Con. Res. 806), as follows:

H. CON. RES. 806

Resolved by the House of Representatives (the Senate concurring), That notwithstanding any adjournment of the two Houses until September 4, 1968, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There being no objection, the concurrent resolution was considered and agreed to.

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

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

ROBERT F. KENNEDY

Mr. STENNIS. Mr. President, soon after he came to Capitol Hill several years ago, I learned to know our late colleague, Robert Kennedy. From the first I recognized him as a man with a fine mind and rare talents. Later, I saw repeated evidences of his tremendous energy and complete dedication to his work.

I believe as fine a tribute as can be given a person is a frank appraisal of your impressions of him as he performs his duties, especially in public life.

From year to year, then, I viewed the fine contributions that he made to a major Senate committee as a highly valuable staff member. Later, I saw his talent for organization and the splendid overall job he did in managing the primary and presidential campaigns of the late President, John Kennedy.

Our late colleague became Attorney General and served with distinction for almost 4 years. He showed a mature, professional, and official judgment. I saw every evidence that he was dedicated to this job. Then, and later as a Senator, I learned firsthand that he was a man of tremendous capacity in his knowledge of our Government. I saw him as one who could quickly and readily make firm decisions of the most important nature. He was effective indeed in dealing with the many grave problems that confronted him. Certainly, he was highly attractive to millions of people in political as well as personal matters, and was a leader by force of intellect and willpower. I did not share his opinion in all questions but I recognized him as a very formidable leader and molder of opinion in many fields.

I look upon the manner of the passing of our late colleague and friend as a great personal and political tragedy. It was a personal tragedy for him to lose his own life, and for his family to lose him. It was a political tragedy for a forceful and fearless leader to be lost, when dedication and energy are so badly needed in our political life.

There were few times that he and I voted together except on matters of procedures and there were times when, frankly, I could not understand his position. At the same time, I realized there were times when he perhaps could not understand my position, but we could always deal with each other in confidence. While he was Attorney General and while he was a Senator, we were very often on opposite sides or pitted against each other in public matters. But on or off the Senate floor, he always told me the truth, and nothing but the truth, about every matter that we discussed. This was a cardinal virtue in which I can take pride as well as share with his other friends and with each member of his fine family.

As an American, as a former colleague and friend, I am thankful for the contribution that he made and shall cherish the memory of his virtues.

I mourn his untimely passing and the loss sustained by his family, his country and the Senate. To his surviving widow and to each of his children as well as his other relatives, Mrs. Stennis and I extend our heartfelt sympathy in their earthly loss and pray that God will sustain them now and in the years ahead.

May God rest the soul of our former colleague, Robert Kennedy.

RETIREMENT OF GEN. WILLIAM F. McKEE AS ADMINISTRATOR OF FEDERAL AVIATION ADMINISTRATION

Mr. STENNIS. Mr. President, on July 31, Gen. William F. McKee retired as Administrator of the Federal Aviation Administration.

General McKee leaves that position after 39 years of Government service—35 years in the military, 4 years in Government—of which 3 were spent as the Administrator of the Federal Aviation Administration.

He leaves Government service after a very distinguished career that has been marked by highly effective service to his country.

During the period he was head of the FAA he faced some of the most pressing problems the country has faced since the beginning of aviation. Because of the fine work he has done, a solid foundation has been laid for outstanding progress in developing aviation and especially in safety in the air.

Under his direction many of the services of the FAA have been greatly improved. Long-needed services have been established, all of which have been of great value to all the people as well as to the aviation industry.

On his appointment as head of the Federal Aviation Administration, the President of the United States described General McKee as "one of the most knowledgeable and competent administrators in the Defense Department."

I know from my personal association with him in the military and while he was head of the Federal Aviation Administration that his work in whatever he has undertaken has been outstanding. He is imaginative, dedicated, wise, and industrious.

His leaving will be a loss, but he has helped to establish the Federal Aviation Administration as a continuing organization and has inspired the employees of that agency to continue their fine work and to carry on in the same manner as when he was in charge.

The remarks he made in saying farewell to his staff are typical of his fine spirit and of his dedication.

I ask unanimous consent that they be inserted in the RECORD.

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

GENERAL McKEE'S FAREWELL REMARKS TO THE STAFF—JULY 31, 1968

First, I want to express to all of you my admiration and respect for a great job under quite difficult circumstances. The FAA operates around the clock, 24 hours a day, 365 days a year—with a tempo which increases each day.

All of you are well aware of the problems of yesterday and the problems of today—let us look at tomorrow.

The country will become each day more and more dependent on air transportation both:

For the transportation of people

For the transportation of cargo.

I have stressed to the Congress, to the Administration, to the public, and to the aviation community that the resources, from whatever source, must be provided in the interest of (a) The safety of the system, (b) The operational effectiveness of the system, (c) The economy of the country.

Failure to provide the people, the facilities and equipment, and the resources for research and development can only mean strangulation in the growth of civil aviation—with its disastrous effect on our economy and, I am afraid, on the safety of our operation.

We have laid this whole picture out before the Congress. I am convinced the leaders in the Congress understand and are willing to do what they can to help.

The President well recognizes the problem and, as you know, has submitted legislation to help provide the needed resources.

We in the FAA know what needs to be done and what it will cost over the next five years—and even beyond. The FAA—you people—have the capability and the talent to do it.

It is past time now for the aviation community to pull together and give us the support that we need to do the job for them and more importantly, for the country. Each day we wait is another day lost. We cannot afford to shove this problem under the rug for another year.

I know in my heart each one of you will continue each day to do the best job you know how—which reminds me of a famous sentence in the English language—"When you have done the very best you can the angels in heaven can't do better."

In conclusion, I want all of you to know as I leave that I will continue to support you wherever and whenever I can to my very utmost.

Mr. STENNIS. Mr. President, I would like to add that even though General McKee and I were friendly in our work and I appreciated what personal contacts I had with him, we were not what one might call close personal friends, and what I say about him here as an outstanding administrator is not based on any personal feelings. My attention was attracted to him even before I became a member of the Armed Services Committee. He has been an outstanding influence. He is industrious. He really has left a fine job done behind him.

This year I happened to handle the appropriation bill for the Department of Transportation, and felt there the influence of his fine work in that Department. I know how he responded to the grave emergency and really critical situation that has arisen with reference to overcrowded air travel, so far as controller problems are concerned, as well as some of the equipment. He has been outstanding in meeting that emergency as well as planning for the future. It was at his prompting that the Senate adopted an amendment to meet that problem. That amendment has been finally approved by both Houses in a bill that went to the President's desk yesterday.

THE BIAFRAN FAMINE A WORLD RESPONSIBILITY

Mr. DODD. Mr. President, I know the hour is late and the Senate wants to recess and Senators want to get away. I shall detain the Senate but a few minutes, because this matter is terribly important.

Mr. President, although the hour is late, before we recess I want to call the attention of the Senate to the terrible famine in Biafra and to the bloody and merciless war which has cost the lives of more than 200,000 people over the past year in this small African country.

The photographs of starving children which have appeared in the American press tear at our heartstrings. And stories that have appeared in the press in the last few days indicate that the situation is getting worse by the hour. On this point I would like to quote from an article which appeared in the New York Times on July 30, 1968:

> Death strikes everywhere—in hospitals, in mission stations, even by the roadside. At the Okpala Mission 80 miles west of here, the Rev. Ken Doheny is close to weeping as 7,000 children assemble at dusk, their bony hands outstretched.
>
> "They used to come here every night for a little soup—milk or bean," he reports. "Now we have nothing left. This is a children's war. They're all doomed, the lot of them."

Despite incredible difficulties, a number of private organizations, mostly notably the International Red Cross, CARITAS, and Church World Service, have been doing their utmost to alleviate the suffering in Biafra. But a point has now been reached where nothing short of an international emergency effort can prevent the death and starvation of millions of civilians in Biafra.

The possibility of such an emergency action has been widely discussed. But it has proved impossible thus far to achieve an agreement on arrangements.

The Nigerian Government has offered to open us a land corridor for food shipment to Biafra. But the Biafrans have adamantly refused to agree to this, first of all, because the operation would be under the effective control of those whom they regard as mortal enemies, and second, because they fear the food will be poisoned. According to press reports these fears are not without foundation, because there have already been a number of instances of poisoned food reaching Biafra from Nigeria.

The Biafran authorities, for their part, have taken a stand in favor of an emergency airlift under international auspices. In this position, they are supported by the major international organizations engaged in relief activities in Biafra. Quoting unnamed officials of these organizations, last Tuesday's issue of the New York Times made the point that two American C–130 transports, flying a daylight shuttle from the offshore islands of Fernando Po and South Tome, would be able to take in the 200 tons of food a day necessary to prevent a major famine. The article said that there are some 2,000 tons of emergency food supplies already stored in warehouses in the offshore islands waiting to be transported.

Unfortunately, the proposal for a daylight air shuttle has been fought tooth and nail by the Nigerian Government, despite the fact that they would have nothing to fear if the operation were conducted under the control of the International Red Cross, or the Organization of African Unity, or the United Nations.

The State Department has shipped large quantities of food to nearby points, ready to be moved into Biafra as soon as the necessary arrangements can be made. But it distresses me that the Department has thus far taken no action to break the political logjam which is preventing the delivery of food to the starving people of Biafra. Indeed, the only action that has been made public is an appeal to the Biafran authorities to accept defeat and come to terms with the Nigerians.

Since hundreds or even thousands are dying every day, I do not think that we can afford to postpone an effective international relief action until after an agreement is achieved between the Nigerian and Biafran authorities, or until all hostilities come to an end. Such a delay might very well cost the lives of millions of innocent civilians.

I believe that we should use our utmost influence to break this logjam and to persuade the Nigerian authorities to agree to the immediate establishment of an emergency airlift.

I realize the delicacy of the situation. But I am convinced that such an initiative would evoke the support of the Organization of African Unity, of the United Nations, and of civilized opinion the world over.

If two C–130 transport planes can save the lives of literally millions of people in Biafra, and, if we have the planes and the food to provide, then it would be nothing short of criminal if we failed to mount an airlift because of political bickering on the part of the combatants.

Quite apart from this, I strongly urge that we use all of our influence in favor of an immediate cease-fire. This is the position which would have the concurrence of important members of the Organization of African Unity, including some of the more radical members as well as some of the more conservative members.

It is a position moreover which would in no way conflict with our commitment to neutrality.

Regrettably, our neutrality thus far has been slanted in favor of Nigeria.

Both the British and the Russians have been sending large quantities of arms to Nigeria, and the Russian Ilyushin bombers have been used with devastating effect against the populated areas of Biafra.

Incidentally, there are persistent reports that, in return for the massive assistance they have given Nigeria, the Soviet Government will be accorded port facilities in Lagos for units of the Red Navy. I am disposed to believe these reports, first, for the reason that the Soviets do not do anything for nothing, and, second, because of the alarming influence of the hundreds of Soviet technicians, advisers, and teachers who now play so important a role in the Nigerian apparatus of government and education.

While all this has been going on, we have, in the name of neutrality, not merely abstained from shipping anything to Biafra that could be used to help the Biafrans defend themselves, but we have even sought to put obstacles in the way of individual Americans, who, out of an honest sympathy for the Biafran cause, have been seeking to assist them by flying in supplies.

Our position on the Biafran secession, like our position on Katanga in the Congo crisis of 1961–62, seems to spring from a blind and categorical opposition to any secession by any minority or grouping in one of the newly emerging nations of Africa. We tend to regard the arbitrary frontiers of colonialism as sacrosanct.

I do not understand the reason for this.

Perhaps it is because we tend to apply the lessons of our own history without discrimination to situations that are different in a hundred ways.

The American Civil War was fought to keep united a nation that, by and large, had common ethnic origins, shared a common culture, and had already been in existence as a political entity for almost a century.

The unity of Nigeria at the point where it achieved nationhood, on the other hand, was an essentially artificial geographic unity foisted on the Nigerian peoples by British colonialism.

The eastern Ibos, who have now set up their own state of Biafra, have virtually nothing in common with the northern Hausas. The Ibos are Christians. The Hausas are Moslems. They are different ethnically, they speak different languages and, overall, their cultures are far removed from each other.

When some 40,000 Ibos were massacred by the Hausa majority in northern Nigeria in September of 1966, and when the remaining Ibos were driven from the north as refugees, the fragile artificial unity that had been put together by the British came apart. On May 30, 1967, Biafra declared its independence.

So much blood has already been spilt between Hausas and Ibos that it is highly questionable whether a unified Nigeria can be put together again.

This has recently been recognized by France and it has also been recognized by some of the leading statesmen in Africa.

For example, Felix Houpouet-Boigny, the esteemed President of the Ivory Coast, said in a recent statement:

I want . . . to cry out my indignation in the face of the inexplicable indifference—culpable indifference—of the whole world with respect to the massacres of which Biafra has been the theatre for more than ten months. I rejoin my country, pained, indignant, deeply upset and revolted by the prolongation of this atrocious war which rages in Biafra and which has already cost more than 200,000 human lives, not to count the immeasurable cost in destruction of all kinds, in a country definitely rich but still under-developed.

Unity will be the fruit of the common will to live together; it should not be imposed by force by one group upon another.

Insofar as we Africans form a part of the world, we could not but be astonished at how little we are valued; at the indifference with which people treat everything that concerns us.

We must realize this ineluctable fact: even if, as a result of this military superiority in men and material, Nigeria succeeds in occupying the whole of Biafra, the problem of the secession will not be solved. There will, therefore, be no real peace in Nigeria as long as Biafra fights for its independence.

Kenneth Kaunda, the President of Zambia, spoke with equal eloquence in his statement of May 20, 1968, recognizing Biafra. This is what he said:

The tragedy which has befallen the Federation of Nigeria is a most unwelcome event in this phase of Africa's development. The current war and the atrocious excesses committed in waging the war, the loss of human life and property, have shaken this continent and there are no prospects yet that Biafra can yield to what has almost become a war of attrition.

This Government is convinced that the heritage of bitterness stemming from this horrifying war will make it impossible to create any basis for political unity of Biafra and Nigeria. The Zambian Government therefore has decided to recognize the Republic of Biafra as a sovereign and independent state.

We hope that the establishment of this Republic will now allow Nigeria and the people of Biafra to work out a better framework for co-operation in order to ensure a better platform for more realistic unity among themselves in order to live in peace and to foster African unity in the spirit of brotherhood and mutual co-operation for the benefit of all the peoples of that region."

Mr. President, if there is to be a durable peace, there will have to be a cease-fire. If, on the other hand, the Nigerians insist on pushing their offensive until they have completely obliterated the Biafran resistance, this will rule out the possibility of a durable peace between Ibos and Hausas for a century to come.

But whatever our Government may decide to do politically, it is my earnest hope that it will move with the utmost expedition and without equivocation of any kind to mount the international emergency airlift which alone can save millions of Biafrans from an agonizing death.

WHOLESOME POULTRY PRODUCTS INSPECTION ACT—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

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

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, the Senate amendment to H.R. 16363 was a complete substitute for the House text, but it differed from the House text in only eight respects, as follows:

First, the Senate amendment omitted the word "knowingly" from section 9(a) of the Poultry Products Inspection Act as requiring too high a proof of violations of the act. This change conformed it to the corresponding provision of the Meat Inspection Act approved last year. The House conferees agreed to this change.

Second, the Senate amendment provided interested parties with an opportunity to present their views orally with respect to proposed rulemaking under the Poultry Products Inspection Act. The House conferees agreed to this provision.

Third, the Senate amendment expressed the intent of Congress that condemnation of poultry for disease be supported by scientific fact and be achieved through uniform inspection. The House conferees concurred in this provision.

Fourth, the Senate amendment prohibited the Secretary from requiring any change in the official inspection legend. The House conferees felt that this provision was too restrictive and that while no change in the inspection legend is now contemplated, the Secretary should be left free to change it if, after hearing the views of all interested parties, he determines that such a change is necessary. The conferees felt that such a hearing should be held before any change should be made. This prohibition is omitted from the conference substitute.

Fifth, the Senate amendment struck out a requirement of the House bill that labeling information be placed on both the carcass and the container in the case of nonconsumer packaged carcasses. The House conferees felt that the decision as to whether the labeling of carcasses, in addition to containers, was necessary for the protection of the public and was practicable should be left to the Secretary. The conference substitute makes it clear that such carcass labeling is to be required only when the Secretary makes such determination.

Sixth, the Senate amendment prohibited States from imposing storage or handling regulations which might act as trade barriers to interfere with the free flow of poultry products in interstate commerce. The conferees made it clear that this provision is intended to apply only to barriers which "unduly" interfere with such commerce. This was the intention of the Senate. The Senate amendment in conjunction with this provision extended the Secretary's authority to regulate storage and handling to retail stores and other establishments which make purchases in commerce, and the conference substitute accords with the Senate amendment in this respect.

Seventh, the Senate amendment differed in a number of respects from the House provisions with respect to exemptions for small producers and processors. The conference substitute is generally in accord with the Senate amendment. It provides for an exemption, subject to sanitary and similar requirements, for producers and processors slaughtering not more than 5,000 turkeys annually, or an equivalent number of other poultry—counting four birds of other species for each turkey.

The conference substitute provides, in addition, for an exemption from all provisions of the act for producers slaughtering not more than 250 turkeys annually, or an equivalent number of other birds on the basis of four other birds per turkey.

Eighth, the Senate amendment amended the provision of the Poultry Products Inspection Act dealing with imports to conform it to the corresponding provisions adopted last year in the Federal Meat Inspection Act. Under existing law, imports may be admitted only if the Department determines that the system of poultry inspection in the exporting country is the substantial equivalent of the U.S. system, and if other requirements are met. The Senate amendment did not differ greatly from this by imposing the same requirements for imports as domestic products. There is little substantive difference, but the House felt that the Senate provision might be regarded by other countries as imposing additional requirements that might serve as a basis for retaliatory action. Furthermore, the United States is a poultry exporter to a much greater extent that it is a poultry importer. Consequently the conference substitute omits this provision of the Senate amendment.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

HOUSE CONCURRENT RESOLUTION 805—AUGUST ADJOURNMENT

Mr. MANSFIELD. Mr. President, I suggest that House Concurrent Resolution 805, the adjournment resolution, now be sent to the House of Representatives, because there may or may not be only one more item for the Senate to consider.

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

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

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 the

President had approved and signed the following acts and joint resolutions:

On July 27, 1968:

S. 3102. An act to extend until November 1, 1970, the period for compliance with certain safety standards in the case of passenger vessels operating on the inland rivers and waterways.

On July 29, 1968:

S. 510. An act providing for full disclosure of corporate equity ownership of securities under the Securities Exchange Act of 1934;

S. 1299. An act to amend the Securities Exchange Act of 1934 to permit regulation of the amount of credit that may be extended and maintained with respect to securities that are not registered on a national securities exchange;

S. 2986. An act to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes; and

S.J. Res. 160. Joint resolution to amend the Securities Exchange Act of 1934 to authorize an investigation of the effect on the securities markets of the operation of institutional investors.

On July 30, 1968:

S. 1941. An act to prevent, abate, and control air pollution in the District of Columbia, and for other purposes;

S. 3456. An act to provide that the prosecution of the offenses of disorderly conduct and lewd, indecent, or obscene acts shall be conducted in the name of and for the benefit of the District of Columbia;

S. 3495. An act to authorize the Secretary of the Army to modify certain use restrictions on a tract of land in the State of Iowa in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy; and

S.J. Res. 181. Joint resolution to authorize the President to designate the week of August 4 through August 10, 1968, as "Professional Photography Week."

On August 1, 1968:

S. 3497. An act 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.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 2468. An act for the relief of Dr. George S. Ioannides; and

S. 2488. An act for the relief of Dr. Raul Agustin Pereira-Valdes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3710) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

EARTHQUAKES IN THE PHILIPPINES AND MEXICO

Mr. MANSFIELD. Mr. President, earlier today I discussed the earthquake which had occurred in the Philippines, centering on the capital of that Republic, Manila. Since that time, I have noted that an earthquake also occurred in Mexico City. While the destruction apparently is not as severe as that which has been reported from the Philippines, the damage is nevertheless extensive, with some deaths and many injuries.

I extend on behalf of the Senate the understanding and the sympathy of the Senate to the Mexican people in their hour of difficulty and express to the administration of that great Republic under the Presidency of Gustavo Diaz Ordaz our feelings of regret and sorrow that such an event has occurred.

We stand ready to be of whatever assistance we can to the people of Mexico in this time of distress and express the hope that the affliction will be mitigated, the losses limited, and the recovery rapid.

CENTRAL ARIZONA PROJECT

Mr. KUCHEL. Mr. President, yesterday at long last an age-old water controversy was set at rest. A bitter dispute over the waters of the Colorado River in the Southwestern part of the United States was concluded.

During the last half century, while it raged, it saw occasional outbursts of gunfire across State lines, long periods of vituperation between public officials of some of the States, and somewhat rare moments of reason and lucidity during which public servants in that area of the country sought to find a way out of the morass.

Yesterday the Senate and House conferees agreed, one short of unanimously, to approve a compromise proposal which surely represents forward progress. The conference report will come to the Senate and to the other body when Congress reconvenes on September 4.

As a Senator from California and as a Senator of the United States, I am proud to have been a member of the conference and to have played a role in fashioning the conference agreement. The enormous problem of sharing the waters in this stream has confronted Arizona and California and Nevada and the four States in the Upper Colorado River Basin in every Congress in which I have served, and in many of those preceding my service.

In my view the interests of my State, as well as of our Nation, have been well served by the agreement which was reached yesterday. The conference report brings to a realistic and fair conclusion many of the disputes which have harried the States of the river basin since 1922, the year in which those representatives of those States signed an agreement called the Colorado River Compact.

Our proposal authorizes the central Arizona project, so vital to the State of Arizona, to keep vast areas of that State from returning to the desert.

It involves a $832 million reclamation undertaking providing for the construction of a system of aqueducts, dams, canals, and pumping stations which, when constructed, will transport water of the Colorado River to the areas of Phoenix and Tucson. But our conference report does far more than that.

The conference report recognizes that the fortunes of our fellow Americans who live in the Pacific Southwest are interdependent now, and will be independent, on the morrow and that we must face and solve the inevitable water shortages of that entire region before they arise in the years ahead. It stands for the proposition that together all of us who call the Pacific Southwest our home shall travel together in good comradeship, recognizing that every basin State faces essentially, if in varying degrees, the same specter of water shortage later on in this century.

Our proposal contains provisions which are most crucial to the State I have the honor to represent, the State of California. In 1928, Congress enacted the Boulder Canyon Project Act. It stands as a milestone in the superb career of one of my great predecessors, one of the true giants of the U.S. Senate and of American government, the late Hiram W. Johnson. That act provided for the construction of Hoover Dam, but as a precondition it required the people of California, acting through their legislature, to agree then and in the future to limit their use of Colorado River water apportioned to the Lower Basin by article III(a) of the compact to 4,400,000 acre-feet of water per year, plus one-half of any unapportioned excess.

Through the years, as my State has exploded in population to become the largest State of the Union, with 20 million and more people today, California was able to put to high, beneficial use nearly a million acre-feet in addition to that to which she was required to limit herself in 1929.

The report recognizes that a new Federal undertaking in Arizona should not supplant existing development in Arizona, Nevada, and California. It acknowledges the essential fairness of the time-honored doctrine of water law: "First in time, first in right." On that principle, for which we from California have been contending since the very beginning of this controversy, all existing uses in Arizona and Nevada will be protected, and 4.4 million acre-feet of California's existing uses are given priority over the uses created by the central Arizona project in the event of shortage. Thus, for California, not the amount of water my State has been using this year and last year and the year before is protected to her, but as to the reduced amount of 4,400,000 acre-feet my State is granted priority on the basis of "first in time, first in right" in perpetuity.

After the project costs of the Boulder Canyon project are repaid, sometime in the late 1980's, revenues will be available from the sale of electricity generated at Hoover, Parker, and Davis hydroelectric powerplants. Our conference report will divide those revenues.

It will allow Arizona to subsidize the central Arizona project through the use of revenues from the sale of power for use in Arizona. However, it will retain the revenues from the sale of power for use in California and Nevada to help finance works to bring more water into the river.

The conference report deals fairly with the complex question of an international obligation on the river. In 1944, the United States entered into a treaty with the Republic of Mexico by which the United States agreed to let 1.5 million acre-feet of Colorado River water flow into the arid lands of our sister republic each year. Unfortunately, it was subsequently discovered that there would not be enough water in the Colorado River to give Mexico 1.5 million acre-feet each year and to supply the amounts allocated to the States in both the Upper and Lower Basins by article III (a) of the compact.

In other words, Mr. President, the unhappy fact is that the early estimates of supply of water in the river were exaggerated. Recognizing that fact, the conference proposal makes the burden of building works to supply water to meet the Mexican treaty obligation an obligation of the entire Nation, which it is, and not simply an obligation of the water users of the Pacific Southwest, which it is not. The obligation arises by treaty approved by the U.S. Senate, and represents an assumed burden which runs to the country as a whole.

The report further provides for exhaustive studies of methods by which new water may be brought into the Colorado River. Inventories of the supplies and of the needs of the entire West may be made. The report, however, provides for a 10-year moratorium before transbasin diversion works from the Pacific Northwest to the Pacific Southwest can be studied.

By the most optimistic of water supply estimates, the crisis for a central Arizona project trying to supply Arizona's water needs will arise around the end of this century. At that time, under the most optimistic of estimates, unless we put more water into the river the central Arizona aqueduct will be less than half full. So that if we get along with the job and if, as I think is now going to happen, the conference report is approved and the President signs the bill and the central Arizona project begins to be constructed, 10 years is but as a nighttime in the development and progress of our country and represents no insurmountable burden on the Government of the United States in its duty to help provide sufficient water to sustain the life of the American people and their economy in the days ahead.

Years of work in the Western States and in Congress have now culminated, after more than a week of negotiating sessions of the Senate-House conference committee, in a document which I think reflects the highest degree of water statesmanship. Each State in the West may be proud of the conference legislative proposal, and every State in the Nation may applaud the kind of regional cooperation represented by this report.

I would be recreant to any sense of duty or of value if I did not first salute the dean of the Senate of the United States. In a real sense, CARL HAYDEN has been not simply a Senator from Arizona but a Senator from the Western United States, with an indefatigable devotion to duty. He has continued, over most of the last half century, in which he has nobly served his Nation and his State, to carry forward his concept for a central Arizona project for the benefit of his State; and in the give and take of the last week and of the last several years, CARL HAYDEN looms large as one who has contributed to the results we have obtained.

Mr. President, I am glad to have participated in a conference, the chairman of which was my good friend, the distinguished Senator from Washington [Mr. JACKSON]. Surely I was delighted to see across the table the distinguished Representative from Colorado, the chairman of the House Committee on Interior and Insular Affairs, Representative WAYNE ASPINALL whose contribution in this instance and in the entire modern history of western development has been great. The State of California was served superbly in the conference by Representative JOHNSON and Representative HOSMER. I pay tribute to every one of my colleagues in the Senate and in the House of Representatives who were members of the conference committee.

I ask unanimous consent that the names of those who served on the conference committee be printed at this point in the RECORD.

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

Senate Conferees: Mr. Jackson, Mr. Anderson, Mr. Hayden, Mr. Church, Mr. Gruening, Mr. Kuchel, Mr. Allott, and Mr. Jordan; House Conferees: Mr. Aspinall, Mr. Saylor, Mr. Johnson of California, Mr. Edmondson, Mr. Udall, Mr. Burton of Utah, and Mr. Hosmer.

BIAFRA

Mr. McGOVERN. Mr. President, I know that for a number of weeks Senators have been concerned about news stories with respect to the mounting hunger and starvation in the area of Biafra, a part of the State of Nigeria, which has been gripped in a serious military and political conflict for a number of months.

Reports have come to me, which I believe to be well grounded, which indicate if the blockade that is now isolating 7 to 10 million people in Biafra is not penetrated in some fashion with food relief, as many as 2 to 3 million people may starve to death in the next few months. Already thousands of people have fallen victim to starvation in the situation that developed there this spring and summer.

To try to arouse some positive action on the part of our Government and other countries which must be watching the situation, I have this afternoon drafted a letter to the President which I am now circulating among Senators. It has been signed by the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. HARRIS], the Senator from Minnesota [Mr. MONDALE], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oregon [Mr. MORSE], the Senator from New Jersey [Mr. WILLIAMS] and the Senator from Rhode Island [Mr. PELL]. I hope we will have a number of other signers before the end of the day. I shall read the letter into the RECORD:

U.S. SENATE, COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C., August 2, 1968.

DEAR MR. PRESIDENT: We are deeply concerned about the mass starvation that now threatens Biafra.

As you know, this area, which has attempted to secede from Nigeria, is now completely surrounded by Nigerian Federal Troops, and is under a blockade that can only be penetrated by aircraft. It contains seven to ten million people who are traditionally dependent on food imports. The present blockade and the exhaustion of their reserves has forced them into a state of acute hunger and starvation.

The complex political issues responsible for the blockade are currently being discussed by the parties involved, but it may be several months before these negotiations can resolve the issues and lift the blockade. Medical authorities estimate that by that time several million poeple will have starved to death. A large majority of these will be children, since chidren are far more sensitive to dietary deficiencies than are adults. Thousands have already died, and the starvation rate is increasing rapidly.

We wholeheartedly support our government's present policy of strict political neutrality in this civil war. At the same time, we believe firmly that the resulting starvation should not occur if it is within our power to prevent it.

Therefore, we urge you to offer assistance through the United Nations or voluntary religious and humanitarian organizations to enable them to deal with the food shortage that has resulted from this conflict.

We suggest that the relief operation be conducted according to the following general principles:

(1) Food should be brought into the impacted areas of Nigeria in sufficient quantity to sustain the population until normal food acquisition can be resumed.

(2) While it is probable that most of the assistance will be supplied by the United States, other advanced countries should be urged to contribute.

(3) Since the political situation may require that the relief operation initially be conducted by air, our Government and others should make appropriate arrangements to provide the distributing agencies with aircraft, pilots and supporting equipment.

We feel it is of paramount importance that America avoid partisan involvement in armed conflicts that do not significantly affect our national interests. Therefore, we urge that U.S. assistance be channelled entirely through international or private voluntary organizations.

All individuals participating in the relief operation shall do so at their own risk, and they and their sponsoring agency shall bear the entire responsibility for their safety.

The children and adults of eastern Nigeria must receive swift attention and assistance, or millions of them will die while many of the remainder suffer permanent mental or physical damage.

We urge that action be taken with all possible speed.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. WILLIAMS of New Jersey. Mr. President, I have prepared a statement which I wish to deliver at this point in connection with this tragic condition.

STARVATION IN BIAFRA: A CALL TO ACTION

Mr. President, in a small corner of the vast African Continent, up to 6 million persons face death by starvation. The little children are the first to succumb. They are dying in substantial numbers now, and it is estimated that within a month 3,000 children may be dying each day. It is not impossible that within 6 months the 6 million persons who now live in that region, which the natives choose to call Biafra and which the Nigerians maintain is still Nigeria, may be very nearly wiped out. I have deliberately described the situation in this somewhat cumbersome manner because I do not want there to be any possibility of construing my statement as taking sides in the politics of this dispute. I am not taking sides.

Furthermore, it would be contrary to the policy of this country—as I understand that policy—to take up the political or military cause of either of the parties to this dispute. But, there is another national policy, one that has been stated and acted upon many times in our recent history. That is the policy of food for people. It is the policy under which we have sent millions of tons of wheat and other foodstuffs to India. It is the policy under which we have given help to the victims of famine or disaster in countries around the globe. It is the policy under which the overflowing granaries and storehouses of this fortunate Nation have been emptied of part of their surplus to provide the difference between starvation and an adequate diet for many millions of people.

Mr. President, I have been informed of all the political and logistical difficulties in mounting an airlift of sufficient size to bring to those who are starving and dying enough food and medical supplies to relieve the situation. Frankly, the logistical difficulties do not impress me as being insoluble. Difficult, yes—insoluble, no. If necessary, because of ground fire from the Nigerian forces or because of lack of landing facilities, an air drop operation might be required. The political difficulties I believe we should ignore, in the name of humanitarianism.

I know that there are those in official places who will cite endlessly the political difficulties and entanglements and nuances which, they say, render it impossible for us to act. They will say "wait for the parties involved to work out arrangements to permit a relief operation to be mounted." My answer to them is that we cannot wait. The parties involved have placed this third on an agenda on which there is no agreement in sight on the first two items. If we wait, we will lose a generation of children and perhaps a whole population of 6 million persons.

Mr. President, I believe we should begin today to mount an airlift or an air drop to relieve the deadly famine which is bringing death to the children who are the pawns in a mammoth and monstrous political chess game.

We should mount this relief effort multilaterally if we can—there are other nations which have indicated they may be ready to act—unilaterally if we must. And let the world judge whether we are taking political sides in a dispute or whether we are, in fact, simply taking the side of little children and adults who are starving to death daily.

Mr. President, ours is a land of abundance. So many have found it a hardship to have a surplus of food in this country. Many of us feel, and I am sure the Senator from South Dakota feels this way, too, that our abundance is a real treasure. We have found ways to use the abundance of food we have in countries of real hardship around the world.

This is one of the most deserving situations I can recall. There are complexities, I agree with the Senator, involving political considerations, which should not be our concern. However, the hunger of the people of Biafra must be our concern.

The Senator is correct in saying that young children are the first to suffer in this food shortage situation that has led to actual starvation.

There are complexities, as I understand the situation, in getting the food in. The matter has to be studied and worked out. We are able to airlift jeeps, trucks, and small tanks and drop them in by parachute. If we can do that with an airlift, consideration might be given to the feasibility of parachuting food to the people of this devastated area.

The Senator from South Dakota worked long and hard on a program which the Vice President, then a Member of this body, was a sponsor of—the food-for-peace program. In keeping with the spirit embodied in that program the Vice President issued a statement on this present situation. Mr. President, I ask unanimous consent to have printed in the RECORD a statement dealing with this situation which has been released by Vice President HUBERT H. HUMPHREY today.

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

STATEMENT BY VICE PRESIDENT HUBERT H. HUMPHREY, AUGUST 2, 1968, WASHINGTON, D.C.

Most Americans—and most of mankind—are shocked at the horrible spector of starvation and suffering by innocent men, women, and children in Nigeria.

Regardless of the political issue in dispute, the nations of the world should not stand by and permit the children and helpless adults of Biafra to die.

We hope the violence will cease. We hope the fighting will stop soon. But meanwhile the maximum amount of food and medicine must be made available for those in need in the minimum amount of time.

It is morally intolerable to have innocent children and adults starving because of a political dispute.

The United States has already cooperated with other governments and with private organizations to provide needed food and medicine. But all available evidence indicates that more must be done by all parties, public and private.

For our part we should reiterate our willingness to support the International Committee of the Red Cross with additional food, funds and equipment. We should also lend our support to any efforts of the United Nations to get food and medicine to those in need.

Mr. McGOVERN. I believe the Senator's point is well taken.

I frankly sympathize with the administration's caution and reluctance to be drawn into the conflict in any fashion, particularly one as difficult as this one.

However, as the letter indicates, assistance could be channeled entirely through the United Nations or private agencies such as the World Church Organization, Catholic Relief Services, or UNICEF, agencies already making valiant efforts with limited resources to deal with this problem. Then we could avoid problems that are of legitimate concern.

The Senator's point is well taken that if we find the logistical skill to drop weapons, we should be able to find a way to drop some of our abundant food when there is starvation, particularly starvation of the innocent. It is the infants, the children, who are the first victims of dietary deficiency. I appreciate very much the Senator's strong support.

EIGHT PERCENT COST-OF-LIVING ALLOWANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

Mr. MANSFIELD. Mr. President, on behalf, of, and at the request of, the distinguished Senator from Louisiana [Mr. LONG], chairman of the Committee on Finance, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16027.

The PRESIDING OFFICER laid before the Senate the message from the House of Representatives on H.R. 16027, as follows:

Resolved, That the House agree to amendments numbered 1 and 2 of the Senate to the bill (H.R. 16027) entitled "An Act to amend title 38, United States Code, to provide increases in rates of compensation for disabled veterans, and for other purposes."

Resolved, That the House disagree to the amendment of the Senate numbered 3 to the aforesaid bill.

Mr. MANSFIELD. Mr. President, this bill provides an 8-percent cost-of-living allowance for veterans with service-connected disabilities which are not totally disabling. Veterans who are totally disabled from service-connected causes are to receive a $100 a month increase in their benefit amounts.

These benefits passed the House and the Senate in identical form. The Senate added three amendments to the House bill. The House has agreed to two of them and has deleted the third. Let me describe them more fully.

The first Senate amendment terminated the $67 a month statutory benefit for arrested tuberculosis cases. We did this on a prospective basis so that veterans who are now receiving this allowance will not lose their benefits. The House agreed to the Senate amendment.

The second Senate amendment was also agreed to by the House. It provides relief to certain veterans in Tangipahoa Paris, La., who are being pressed by the Veterans' Administration for alleged overpayments made to them in the period 1958 to 1962 because of their participation in and on the farm training program which subsequent investigation showed was not properly qualified in that back period. This amendment will relieve those veterans who acted in good

faith in believing the school was properly qualified to train them.

The third Senate amendment was not agreed to by the House. It would have enacted one of the President's recommendations to encourage veterans to become teachers, policemen, or firemen in ghetto areas or other deprived areas. I am advised that the House felt that this Senate amendment needed further study; and for that reason, they preferred not to act on it at this time. I believe that this program of extra educational allowances for veterans who are willing to serve in needed occupations in deprived areas is something we should adopt; but if the House desires to study it further before acting on it, then it should have that opportunity.

I move that the Senate recede from its amendment No. 3.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the letter addressed to the distinguished chairman of the committee, the Senator from Louisiana Mr. LONG, from the chairman of the House Committee on Veterans' Affairs, the Honorable OLIN E. TEAGUE, be printed in the RECORD.

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

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., August 2, 1968.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: A few minutes ago on my motion the House returned to the Senate the bill H.R. 16027 which provides for an increase in the rates of service-connected disability payments to veterans.

My motion provided that the House concur in two of the three amendments added to the bill by the Senate. These two amendments involved payments for tuberculosis and covered a special case of on the farm training in the State of Louisiana.

The third Senate amendment was disagreed to by the House, and this provided for the establishment of the so-called VIPS program—Veterans in Public Service. The program sought to be authorized by Senate amendment 3 is an entirely new concept. We have always provided under the various G.I. Bills of Rights education allowances to enable a man to train for whatever field he desired and to pursue whatever course of action he wished to take after the completion of his training. The concept embodied in Senate amendment 3 provided for incentive payments while the veteran was undergoing training and after the completion of training if he would serve in a "deprived" area as a teacher, fireman or policeman. As you can see, this is a radical departure in the veterans' program. It rewards veterans not for their experience and contribution on active duty, but rather for specific activity and contribution on their return to civilian life.

The proposal in Senate amendment 3 has never been considered or reported by a Committee in the Senate or in the House, and I hope you will agree with me that a matter so far reaching warrants detailed consideration. It is for the above reasons that I asked the House to disagree with amendment 3, and I hope that the Senate will concur in this action and speed the compensation bill to the White House.

Sincerely yours,

OLIN E. TEAGUE,
Chairman.

TAKEOVER OF METROPOLITAN POLICE DEPARTMENT BY BLACK UNITED FRONT

Mr. BYRD of West Virginia. Mr. President, unfolding before our eyes right here in the Nation's Capital are the beginning phases of an apparent plan for a black nationalist revolution in the United States.

The latest manifestation of this plan occurred on July 29 when Bruce Terris, chairman of the District of Columbia's Democratic Central Committee demanded, on behalf of the entire Central Committee, the ouster of Chief of Police John B. Layton. Terris was quoted as saying that Chief Layton does not understand the Negro community in Washington and "every effort should be made to find a black police officer in this or another city who is capable of assuming this important position."

Terris also said that a proposal of the Black United Front for community control over police should be tried in two of the 14 police precincts in Washington, D.C. Terris added that the Reverend Channing E. Phillips, a leader in the Black United Front, had approved these statements.

What is the story behind this effort to dismiss Chief Layton, a professional in the field of law enforcement and a man dedicated to his profession? What is behind the proposal of the Black United Front for community control over the police?

For the full story, we need look no further than the activities of Stokely Carmichael, former national chairman of the black extremist Student Nonviolent Coordinating Committee—SNCC—and one of the leading advocates of black power.

Carmichael arrived in this city soon after the first of this year. Prior to that time he had been on a tour which began about 1 year ago, in July 1967, and included visits to Cuba, North Vietnam, Guinea, Tanzania, Syria, Egypt, Algeria, Sweden, France, and other countries. During this 5-month tour, Carmichael met with Cuban Premier Fidel Castro and other Communist leaders. In several public statements made during this tour, Carmichael praised the revolutionary aims of international communism, criticized the United States, and advocated a total black revolution in this country.

Soon after his arrival in Washington last January, Carmichael organized a secret meeting of approximately 100 leaders of Negro groups in this city for the purpose of forming the Black United Front, an umbrella organization. Attendance at this meeting, which was closed to the press, was limited to those invited by Carmichael. At this meeting, a board of conveners, or steering committee, was selected, with Carmichael as the temporary chairman. One of the members of this steering committee is Rev. Walter E. Fauntroy, vice chairman, District of Columbia City Council. At the conclusion of this meeting, which was held on January 9, 1968, Carmichael announced that any organization desiring to be included in the Black United Front had to mail a prospectus and program of the organization to SNCC headquarters in Washington by January 15.

In establishing the Black United Front, Carmichael was faithfully following a SNCC plan for a black nationalist revolution. This plan of action was contained in a speech made in November 1967, by James Forman, international director of SNCC. This speech was the subject of a featured article in the January 7, 1968, issue of the Worker, east coast Communist newspaper which was replaced by the Daily World in July 1968. In this speech, Forman counseled that Negroes must link all militants into a confederation for protection against the FBI and congressional committees, increase their reliance on resistance, form independent political organizations, establish "inner city" newspapers, and keep their plans secret. Carmichael's activities since his arrival in Washington in January 1968, give clear evidence that he is following this SNCC plan of action.

Carmichael appeared on Washington radio station WOL just 5 days after the meeting to form the Black United Front. Following the SNCC plan of action, he advocated during this broadcast a "black takeover" in Washington. He asserted that Negroes in Washington must take command of the instruments of power, such as the police department, the school system, and the welfare department. One week later, Carmichael stated over this same radio station that Washington was selected as a target city because black people are in the majority, but the institutions of power are controlled and operated by whites for the benefit of whites. Thus, Carmichael contended, Washington typifies the black-and-white crisis in America.

Some of the recent statements made by Carmichael, the guiding hand behind the Black United Front, give an insight into his plans for the United States. He has maintained that "violence is inevitable in this struggle for Negro liberation" and has urged Negroes in the United States to prepare for a "bloody revolution." He has said that "True liberation cannot be accomplished without violence" and that Negroes must develop an army to win the revolution.

At a press conference in Detroit, Mich., in June 1968, Carmichael said that the death of Senator Robert Kennedy had hastened "the bloody confrontation between blacks and whites." He added that there is nobody now who can placate Negro anger, so the inevitable confrontation between blacks and whites will take place sooner. He did not say when that might be, but did rule out the possibility of white alliances when the armed confrontation he anticipates does come.

On July 3, 1968, citizens of this country were shocked when the Black United Front passed a resolution terming the killing of a white Washington, D.C., policeman on July 2, 1968, "justifiable homicide." What is not generally known is that this resolution was the brainchild and product of the efforts of Stokely Carmichael. It was Carmichael who urged that the Black United Front publicly endorse as heroic the actions of those individuals charged with the slaying of the policeman.

What connection is there between the Black United Front, particularly Carmichael, and the current efforts to oust

Chief Layton, who has served with distinction in this capacity for almost 4 years and as an efficient law enforcement officer in the Metropolitan Police Department for more than 32 years?

During July 1968, the steering committee of the Black United Front appointed a special committee, which included Mr. Fauntroy and Stokely Carmichael, to explore what steps the community could take to exercise more control over the actions of the Metropolitan Police Department.

Fauntroy is the pastor of the New Bethel Baptist Church. At a meeting held at this church on July 17, 1968, the Black United Front approved a 2½-page document drawn up by the special committee. This document contains a five-point legislative program for neighborhood control of the police in the black community. This program includes:

First. Elimination of the police chief's advisory council and the precinct advisory councils.

Second. Establishment by public elections of Precinct Citizens Selection and Review Boards in the second, ninth, 10th, 11th, 12th, 13th, and 14th precincts. These precinct citizens boards will have power to determine the criteria for policemen in their respective precincts, receive and pass on applications from the Metropolitan Police Department, and act as a complaint and review board on all occurrences between the police and citizens in each precinct.

Third. Establishment of a citywide District of Columbia Police Personnel Board composed of the chairmen of the Precinct Citizens Selection and Review Boards. This board will recruit, hire, process, and approve all police applications. It would have the power of dismissal. The power of the police chief to waive criminal records of potential applicants will be delegated to this committee.

Fourth. Selection by each Precinct Citizens Selection and Review Board of the precinct police captain from a list submitted by the Civil Service Commission.

Fifth. Prohibition of all-white police patrols in the black community.

At this July 17 meeting, Carmichael admitted that this five-point program was designed to permit the black community to take control of the Metropolitan Police Department. He added that it was necessary to take over the police department because the first step in a revolution is the taking over of the military apparatus.

At a meeting of the Black United Front held on July 25, 1968, Carmichael stated that the color of the policeman working in the neighborhood was not important. The important thing is control of the police who work in the neighborhood.

Carmichael makes it perfectly clear that the effort to oust Chief Layton, who really should be commended for the manner in which he is performing a difficult task, and to substitute a black police officer is the opening phase of Carmichael and SNCC's "bloody revolution."

What could be expected of a police department controlled by the Black United Front, which is dominated by Carmichael? Something like a preview was presented when Mayor Carl B. Stokes of Cleveland banned all whites and substituted black community patrols and black policemen in an area in which three policemen were killed the previous night. Although no one was killed during the second night, there was considerable looting. The third night Mayor Stokes restored heavy patrols, and incidents dropped almost to normal.

It is inconceivable, perhaps, that Carmichael could get control of the Metropolitan Police Department. If he were to do so, we could look for looting, theft of weapons, stockpiling of ammunition, and other preparations among black extremists for the next, or bloody, phases of the black revolution.

But any such brazen effort to take over the control of the police department of this city will be beyond the law and without authority in the law.

Nonetheless, District and Federal officials must not suffer themselves to be unaware of what is occurring in this city, and all citizens, Negro and white alike, should be concerned regarding the increasing activities and statements on the part of elements in the city calculated to undermine and weaken and ultimately destroy the morale and the effectiveness of the Metropolitan Police Department.

FBI PREPARES REPORT ON BLACK MILITANTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "FBI Prepares Report on Black Militants," written by Drew Pearson, which was printed in the Washington Post for Wednesday, July 31, 1968.

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

FBI PREPARES REPORT ON BLACK MILITANTS

(By Drew Pearson)

The FBI has prepared a report on the underground black nationalist movement in the United States that may explain the sudden outbreak of violence in Cleveland. Under a Negro mayor, Carl Stokes, the city has been making great progress toward racial understanding. A handful of black nationalists began shooting police there last week who were merely towing away a parked car.

The report may also explain some of the moves by black militants in Washington.

Finally, it gives a key to the tremendous upsurge in the popularity of George Wallace, who represents a latent American fascism whose answer to Negro violence is white violence.

What the FBI has found in Washington is that black militants have worked out a plan to take over the Nation's Capital. The militants argue that Negroes are now in the majority and that given home rule they can take over the city.

At present, Washington is governed by a Negro mayor, Walter Washington, an able executive, who is supported by a city council, with five Negro and four white members. Mayor Washington is considered much too moderate by the black militants. They have worked out the following strategy, neighborhood by neighborhood.

First, they will try to persuade the moderates to become militant, and if they fail, then bury them with frustration and harassment. When the moderates hold meetings, the strategy is to break up the meetings or to be so unreasonable that the moderates will have to disassociate themselves from the meetings.

This was the explanation of the recent meeting to discuss neighborhood control of police, in an African Methodist Episcopal church where the black militants demanded that all whites leave. The whites present had been strong supporters of Negro progress. When they left, some moderate Negroes walked out with them.

Stokely Carmichael sat quietly in a back row of the meeting. He had been one of the architects of the new strategy. Another was Chuck Stone, former assistant to Rep. Adam Clayton Powell. Both militant and moderate Negroes are burnt up over the double standard of ethical conduct in Congress, whereby Powell, a Negro, was expelled while no action is taken against white Congressmen who misbehave.

This has caused far more resentment in the black world than Congressional leaders realize and appears to moderates to be a legitimate case against Congress.

Carmichael has been laying low following his subversive statements in foreign countries. He has been careful not to say anything publicly which would cause his arrest.

His operations, however, have been very carefully followed by the Justice Department, including some of his talks with the late Rev. Dr. Martin Luther King, Jr., who finally persuaded Carmichael to stay out of the poor people's march.

The Rev. Ralph David Abernathy seems more susceptible to Carmichael's persuasion than was Dr. King. Shortly before the start of the Poor People's march, Mr. Abernathy told the New York Times: " I love Stokely. He's a wonderful guy. I may disagree with individuals like him on strategy, but not on goals. All I know is that we will remain nonviolent."

Carmichael's real goal, however, is the overthrow of the United States government. He spelled this out last Aug. 18 in Hanoi at an Afro-American rally attended largely by North Vietnamese.

"We are not reformists," he said. "We do not seek to reform. We do not wish to be part of the U.S. government, of its system. We are revolutionaries. We seek to change the imperialist system of the United States. We will be satisfied with nothing less.

"We are comrades," he told the North Vietnamese, "because we seek to redeem humanity, because we seek to stop the greatest destroyer of humanity—the United States. When we succeed, and we will succeed, our blood, our lives would have been a little price to pay."

Probably Carmichael did not know that his words were picked up by powerful U.S. monitors. What he does know, however, is that his words in Hanoi cannot be used to prosecute him in the United States because the Justice Department can get no witnesses from Communist countries.

Back in the United States, Stokely is being very careful not to repeat these remarks.

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

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

THE SENTENCING OF TRUONG DINH DZU

Mr. PELL. Mr. President, I wish to associate myself with the remarks made on the floor of the Senate 2 days ago by

the Senator from Missouri [Mr. SYMINGTON], in which he was joined by the distinguished majority leader and by the Senator from Ohio [Mr. YOUNG], deploring the arrest and sentencing to 5 years at hard labor of Mr. Truong Dinh Dzu. Our distinguished Vice President [Mr. HUMPHREY] has also spoken out eloquently on the arrest of Mr. Dzu. Mr. Dzu was, of course, the runner-up in the South Vietnamese presidential election last September.

Mr. Dzu's crime was simple. In an interview with the UPI and with the Times of London in April, he advocated that the Government of South Vietnam seek negotiations with the National Liberation Front in order to bring about a coalition government in that unhappy land. At his trial, according to a report in the Washington Post, Mr. Dsu said:

I only expressed my ideas as a politician on how to put an end to this war. I only made constructive proposals. But I never had any activities harmful to the anti-communist spirit of the people and the armed forces.

As reported in the Washington Post, the judge of the military court replied:

As a citizen of the Republic of Vietnam, you have no right to dissent on the policy of the Government of the Republic of South Vietnam.

Mr. President, if we are fighting to defend a government which allows no right of dissent we are not fighting to defend a democratic government or a government which believes in the concepts on which we believe democracy to be based. I question, in fact, whether we are fighting for a government which deserves our support—support which has been measured in terms of over 25,000 Americans lives and tens upon tens of billions of dollars. If the same rules were applied in the United States as the Government of South Vietnam has applied—rules prohibiting dissent and the expression of ideas as to how to bring the war in Vietnam to an end—many of us in this body would be sentenced to hard labor, I among them. The sentence meted out to Mr. Dzu should be a source of grave concern to us all.

SOVIET PRESS DISTORTIONS OF REPORT ON THE SITUATION IN CZECHOSLAVAKIA

Mr. PELL. Mr. President, it has been brought to my attention that the July 28 issue of the Soviet newspaper, Pravda, reported:

The drama now being played out in Czechoslovakia not only has important political meaning, but in the final analysis, the Czechoslovak counter revolution may be far-reaching in the area of economics. The American Senator Pell already foresees the time when there will begin to develop in Czechoslovakia private enterprise on a scale large enough to threaten socialism.

It has also been brought to my attention that the July 27 issue of the other leading Soviet newspaper, Izvestia, in an article by M. Sturua, said:

The local press is permeated with reports on the visit of Senator Claiborne Pell to Czechoslovakia. Mr. Pell was in Prague during the forties in some diplomatic position; now he has visited Prague as a senator. After he returned to Washington, Pell presented some very curious recommendations. He proposed that a highly placed "negotiator" should be appointed to "coordinate" American-Czech financial relations. Judging from Pell's statements, it is quite clear what he is aiming at. He dreams of economically realining Czechoslovakia to the capitalist way and joining it to the West.

I hope, Mr. President, that the Soviet press is not always this inaccurate and does not always distort the news. Pravda and Izvestia have not only put words in my mouth—words that I never said and never would say—but have also chosen to ignore the words that I did say.

To correct the record for any Soviet readers of the CONGRESSIONAL RECORD—and I am sure that there are some in the Washington press and the diplomatic corps—let me state categorically that I did not say that I could foresee the time "when there will begin to develop in Czechoslovakia private enterprise on a scale large enough to threaten socialism." Quite the contrary. I said that it seemed generally recognized in Czechoslovakia that there were very definite limits to the present reform movement, one of which is that—and I now quote from my report to the Committee on Foreign Relations published only last week:

There can be no return to private ownership of the means of production and, thus, to a non-communist society.

As for the story by Mr. Sturua in Izvestia, perhaps Izvestia does not have available as accurate a Russian language translation of what I said as I have an English translation of what Mr. Sturua has said that I said. Mr. Sturua wrote that I had written that "a highly placed 'negotiator' should be appointed to 'coordinate' American-Czech financial relations" and that I was dreaming "of economically realining Czechoslovakia to the capitalist way and joining it to the West."

In fact, I did not recommend that a "negotiator" be appointed to coordinate American-Czech "financial relations" but that, if present negotiations do not yield results in the near future, a special Presidential "mediator" be appointed to examine the particular problem—and only the problem—of the claims of American citizens for compensation for property nationalized by Czechoslovakia.

Again, this point is made clearly in recommendation No. 1 of my report to the Foreign Relations Committee:

The United States should bend every effort to resolve the problem of the claims of American citizens for compensation for property nationalized by Czechoslovakia. A resolution of this problem would enable the problem of the return to Czechoslovakia of its gold seized by Nazi Germany also to be resolved. If the present stage in the negotiations does not yield results in the very near future, the President should appoint a special mediator to examine the problem and to consult with the claimants, and with Members of Congress, in order to reach a compromise acceptable to both American claimants and the Czechoslovak Government.

I will not go on, Mr. President, because I do not want to belabor the point that my observations on the situation in Czechoslovakia have not been accurately reported. It is, of course, not surprising that there has been no mention in the Soviet press of some of my remarks on other than economic questions, such as my concluding observation which I would like to repeat at this time:

The surrender of Czechoslovakia into Hitler's hands through the Munich agreement was the precursor to the Second World War. Czechoslovakia's conversion to communism in 1948 signaled the real beginning of the cold war. Now twenty years later, any attempt by the Soviet Union to use force to repress the efforts of Czechoslovakia's new leaders to reform the Communist system—to reform it, but not replace it—could revive the cold war and bring on a new ice age in Europe.

In conclusion, I thought it might be of some interest to insert in the RECORD the more objective news story of the same press conference written by Benjamin Welles and carried in the New York Times on July 14, 1968.

I ask unanimous consent to have the article printed in the RECORD.

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

MEDIATOR URGED IN UNITED STATES-CZECH RIFT—PELL BIDS JOHNSON ACT ON DEADLOCKED NEGOTIATIONS

(By Benjamin Welles)

WASHINGTON, July 13.—Senator Claiborne Pell called on President Johnson this week to name a high-level Federal mediator to coordinate and lend new impetus to long-deadlocked United States-Czechoslovakia financial negotiations. These concern Czech gold here in the United States and mutually blocked payments and assets.

The Rhode Island Democrat, a former Foreign Service officer who served in Czechoslovakia in the late nineteen-forties, had just returned from a six-day visit to that country. He said at a news conference here that Czechoslovak leaders had expressed confidence that they could continue without serious risk of Soviet interference the democratization begun last January.

"They're going to have to show results—more production, more productivity and lower prices," Senator Pell said. "They want to reform industry, to scrap the white-elephant plants built for political reasons and turn to a market economy, but for this they need credits."

U.S. MOST LIKELY SOURCE

He said that the United States was the most likely Western source of credits for Czechoslovakia if protracted deadlock over rival claims could be broken.

Another reason for Prague's need for foreign credits, Senator Pell said, was the politically popular but expensive move toward a federation in which Bohemia and Slovakia would each be largely self-ruling. This, he said, will result in a duplication of services in the two ethnically and historically distinct parts of the country.

Since the Communist takeover in Czechoslovakia in 1948, the United States, Britain and France have been holding in escrow $20.2-million worth of Czech gold whose return the Prague Government is demanding.

Britain and France are reported willing to return the gold but the United States insists that first its own citizens and corporations be reimbursed for losses said to total $72.6 million.

WANTS A MAN LIKE M'CLOY

"If we can get a top-level individual—someone of the prestige of John J. McCloy—named as Federal mediator, we can begin to get the claimants together and see if we can't work out some settlement to end the deadlock," Mr. Pell said. Mr. McCloy, former United States High Commissioner in occu-

pied Germany and chairman of the International Bank for Reconstruction and Development, has frequently served as a Presidential delegate for special tasks.

Mr. Pell's recent visit to Czechoslovakia was the first by any high United States official since the liberalization program began. He held interviews with leading Communist officials, with editors, academicians, journalists, and foreign observers.

Among the Communist officials were Frantisek Kriegel and Josef Smrkovsky, both members of the 11-man Presidium of the Communist party's Central Committee, Dr. Jiri Pelikan, chairman of the National Assembly's Foreign Relations Committee, and Dr. Jiri Hajek, the Foreign Minister.

SEVEN ISSUES CITED

United States sources said that there were seven outstanding issues awaiting resolution between the United States and Czechoslovakia. They are: the payment by the United States of approximately $5-million in accrued Social Security and similar benefits to residents of Czechoslovakia; United States-held Czech national municipal bonds; mutually blocked accounts and assets in each country; surplus American property worth $5-million for which payment by Czechoslovakia has not been received; United States property nationalized by the Czech authorities, the Czechoslovak gold, and the ending by the United States of Czechoslovakia's most-favored-nation trading status in 1951.

State Department sources expressed little sympathy for Senator Pell's proposal. "He'd do better if he'd do some missionary work among his colleagues on Capitol Hill," commented one official. "That's where the resistance to an agreement is coming from; not from here."

VIOLENCE ON TELEVISION

Mr. PELL. Mr. President, the President's new Commission on the Causes and Prevention of Violence is now beginning its work. I am sure that all Americans who have been witnesses to the horror of this past year will wish the Commission well.

But, Mr. President, there is also danger that we will feel that we have discharged our responsibilities and complacently wait for yet another report instead of doing something about those reports which we already have.

There is no one cause of violence, and certainly there is no sure cure. We do know that one major cause of unrest and violence in the streets is the existence of poverty and closed opportunity, the feeling that there is no justice in the law and no hope in the present condition of society.

I do not condone violence as a method of social change. But I can understand the temptation to violence if the situation referred to by Dr. Kenneth Clark, before the Commission on Civil Disorders, is permitted to continue. If I may quote his testimony, Dr. Clark, a distinguished psychologist and expert on the ghetto, said:

I read that report . . . of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of '35, the report of the investigating committee on the Harlem riot of '43, the report of the McCone Commission on the Watts riot.

I must again in candor say to you members of this Commission . . . it is a kind of Alice in Wonderland . . . with the same moving picture re-shown over and over again, the same analysis, the same recommendations, the same inaction.

I suggest, Mr. President, that we have sufficient knowledge of conditions in the ghetto to act upon them and that, if we fail to do so, no amount of studies and Commissions will stop the violence in the streets. I hope that the next session of the Congress will undertake as a matter of top priority, to enact the very excellent recommendations of the Commission on Civil Disorders.

Mr. President, I do not wish to anticipate the work of the new Commission on the Causes and Prevention of Violence, but I would suggest that there is one area in which we are in need of further study, and that is the effect of violence in the mass media, and particularly in television. There have been hearings and studies on this subject, but I believe the time has come for a study in depth of this question, which would lead to some recommendaitons as to the responsibility of the television media for the vast power it exercises.

Television has given us a vast national and international theater. It is a theater which can be filled with the worst of our culture, or one which can be filled with the best. We all remember the malevolent but effective use of mass media and propaganda in Nazi Germany, and the purposes of state for which they are now used in Soviet Russia. It is interesting to note too, that behind the Iron Curtain television sets are sold at a discount to encourage access to this propaganda forum for the government. Is it then merely idealistic to suggest that the vastly greater potential of our television should be used for benevolent purposes; to portray the noblest of man in all his complexity? Aristotle described the Greek theater as a vast catharsis of emotion. Certainly that catharsis did not eliminate violence and murder; but violence and murder had reality in human experience and human anguish—a reality which still has meaning 2,000 years later.

Rather far from Greek drama, I noticed in the New York Times the other morning an article describing experiments with mice which demonstrate that constant exposure to violence causes aggressive reaction. I do not suggest that we are a nation of mice or that exposure to violence turns all of us violent. Clearly it does not. Yet the course of violence in our Nation is such that all of us surely ask ourselves how many Lee Oswalds, how many Sirhan Sirhans, how many Bonnie and Clydes, how many young people with unstable personalities or limited intelligence may yet seek fame at the end of a gun because they have seen fame portrayed at the end of a gun?

How many children react as did the child of one mother who testified at a hearing that, when she told her small daughter her grandfather had died, the child asked who shot him?

Mr. President, I am sure that any poll which asked the question would find that most Americans consider our country a civilized nation. We provide special police to see that our children get to school safely; we have promoted driving schools for teenagers; we spend vast amounts of money in all manner of programs for child care and welfare. Nor is it that we are concerned solely with the bodily safety of our children. We were the pioneers in universal education, and education is the focal point of our efforts to lift children out of the ghetto.

Yet, alone of the western nations, we have no effective control over access to guns. Alone, or almost alone, of western nations, we exercise no control over what our children see on television.

Yet at the present rate of school attendance and television watching, by the time a child of 2 is 18, he will have watched over 17,000 hours of television, or better than 60 percent more time than he spent in the classroom.

Are we parents not negligent when we take an active concern in the quality of our schools but none in the quality of the television our children watch so long as it keeps them occupied?

And what of the children in the black ghettos, the children who live in what the Kerner Commission called an institutional vacuum? What do they see but a world of the white man, a world which has no approximation to their own but where, too often, the fastest gun gets the girl—or the gold. And does not the success of Walt Disney suggest that violence is not the only good box office with children?

I am not speaking here of censorship. I am suggesting that neither we, the audience, nor the executives of the television industry, have faced up to the fact that the power of television is such that it cannot evade greater responsibilities, that it cannot hide behind the pressures of advertisers and the lure of purely commercial considerations. We no longer apply the doctrine of caveat emptor to the hapless purchaser of tainted goods. Should television be permitted to slough off its responsibilities by saying, in effect, "caveat spectator"—let the watcher beware?

I do not decry television as wholly a "wasteland." I would be the first to congratulate the networks for substantial contributions such as the recent series on Black America, for generally excellent news coverage, for TV specials on various countries of the world, and on our ventures into space and under the sea.

But what we are talking about is not the best of television but the day-to-day programing, the cheapies, the serials, the low-cost and regrettably highly profitable exploitation of the human penchant for vicarious living in a world of mobsters, gunmen of the wild west, and similar nonheroes.

Mr. President, an article in the New York Times a few days ago was headed, "84 Killings Shown in 85½ TV Hours on the Three Networks."

The story reported a survey done by the Christian Science Monitor, undertaken after the assassination of Senator Kennedy. That survey of programing in prime evening hours and on Saturday morning recorded 372 acts of violence or threats of violence, including 162 on Saturday mornings when the audience includes a great many children. In the early evening the survey showed that there was a murder or killing once every 31 minutes.

Mr. President, the figures speak for themselves. What I find equally appalling

is the statement, in the same New York Times article that "all three networks declined to comment on the survey."

And a short while ago the government of Kenya banned one American TV show and shooting scenes in another in the belief that violence in TV programs was linked to a wave of armed gang raids.

Yet, we barely take notice when our major networks shrug off their responsibilities by declining to comment on the results of the Monitor's survey—or any other survey.

Mr. President, there is clearly a need, and now is the time for television to establish, and to enforce, codes and standards for the content of programs for children and programs shown in hours when children are watching television.

The National Association of Broadcasters has a code containing provisions dealing with the depiction of violence. All the major networks subscribe to the code. But the code's enforcement machinery operates only after the fact—after a program has been aired and a complaint received.

One official of the code enforcement office, when asked, could recall no specific instance in which sanctions were applied. This is not surprising, since it is known that the present so-called codes are more honored in the breach than in the observance. And even if they were observed, they are inadequate.

I would point out that in Great Britain the television industry undertakes, itself, to scrutinize all programs at all stages of production before air time, in accordance with a set of very specific standards of acceptability. And there, I might add, the rate of homicide per 100,000 of population is 0.7, compared to the United States rate of 5.1—more than seven times as great.

A British Independent Television Authority standard states that "great care should always be taken in the presentation of scenes in which easily acquired and dangerous weapons are used. It is a simple fact that guns and swords are not easily come by, while knives, bottles, bars, and bricks are. It is not good that children with a tendency to violence see them in frequent use." Unfortunately, in our country, guns are also easily come by and should not be seen in frequent use.

The British Independent Television Authority is now financing an extensive research program to inquire into the part played by television in "fostering attitudes with particular reference to the ways in which young peoples' moral concepts and attitudes develop." Part of the funds will be used to establish a university-based mass communications research center.

If I may cite another example, in Sweden—which is famous for its graphic portrayal of sex scenes in films—all films and all television programs are subject to review and approval of any scenes containing violence.

I do not think that our film industry has done all it might or all it ought to do about the content of films. But at least it is possible to establish and enforce an "adult only" admission policy on certain films. It is not so easy to control the television dial.

There will always be some senseless violence erupting from insanity in the common sense, if not the legal sense, of the word. I am not an advocate of collective guilt complexes. I do believe that, as citizens in a democracy, we have collective responsibilities; and, Mr. President, every time a student riddles a university campus with bullets, every time a derelict terrorizes innocent bystanders in a city park, every time a man with a gun and a distorted mind shoots a political leader, then every time all of us must look to our responsibilities as citizens. We are responsible for a society that enables such people to obtain guns so easily. And we are responsible—in that we have not demanded better—for their constant exposure to a television which portrays the possession and use of guns as a kind of gory glory symbol, a status symbol for the otherwise undistinguished.

We share, too, the responsibility that enables the television industry to blame the sponsors and the balance sheet, because all of us are the customers of those sponsors. Perhaps it is time for the forgotten American parent to engage in an economic boycott of the most offending sponsors.

Mr. President, control of scenes of violence is a relatively simple thing to do. Most countries are doing it. It is only for the networks to do it and for the rest of us to see to it that they do do it.

But there is another aspect of television to which I referred earlier and that is the question of what role it should play as a unifying force in our heterogeneous society. This vast national theater of television has been with us now for almost a generation.

Yet, in this day and time, our Nation is rent by divisive forces, by the gap between rich and poor, by the chasm between black and white, by increasing failure to understand or communicate about those things which divide us. With such a vast theater for human communication at our disposal, should not its failure to engender any sense of participation in the American adventure concern us?

By that I do not suggest that television should not portray the bad as well as the good, or cease to criticize that which is deserving of criticism. Certainly it is not the function of any of our information media to mold our society to the vision of any one person or group.

It is, however, unfortunate that the words "educational television" have acquired a somewhat distasteful connotation—a feeling that anything billed as educational is necessarily dull. This is an unhappy misconception, and I would like to take this opportunity to commend the work of National Educational Television and Channel 13 in New York. None of us would suggest that the tired housewife or businessman ought to be reading serious literature instead of relaxing with James Bond. The same applies to television. I also suggest, however, that many of the subjects now considered dull are so only because the best of our television writers and directors are engaged too seldom in giving dramatic life to them.

Audience reaction to programs such as those that have been produced by the National Geographic Society, among others, clearly indicate that exposure to the stage of the world need not be dull—and need not be poor box office.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. PELL. I am glad to yield to the distinguished Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, we have joined together in introducing Senate Resolution 302 that would call on the various media of public expression to examine themselves in terms of what effect they might have on an atmosphere that tends to encourage violence. And in the view of the Senator from Rhode Island and the others who joined in cosponsoring the resolution, we think that would be a beginning point for an honest-to-goodness self-analysis.

I am interrupting only because I agree with everything that has been said, but particularly the last statement.

We do not have to put on rosy glasses to view and listen to the television, a movie production, radio broadcast, or whatever it is.

What was the Academy awarding film this year? Was it, "Guess Who's Coming to Dinner," or "In The Heat of the Night"?

Mr. PELL. I do not recall.

Mr. WILLIAMS of New Jersey. These were great films, and they looked our society right in the eye, and truly reflected social problems, and yet they were not incendiary in terms of exciting through an escalation of violence.

Mr. PELL. I agree with the remarks of the Senator, and I commend him for the leadership he showed in introducing the resolution.

Mr. WILLIAMS of New Jersey. I thank the Senator.

Mr. PELL. Our space adventures need no added drama; but neither is drama lacking in the whole adventure of this past decade in all fields of science, in the explosion of drama and music and art, in successes of individual human beings in contributing to the betterment of our society. And all of us, rich and poor, black and white, urban and rural, are a part of this great adventure that is America in this time in history. Cannot television contribute something to a sense of common participation in that adventure? Is there not real drama in the forces in our society which have pioneered industrial and technological change and which have brought forth such prosperity?

We have, I believe, moved somewhat from the "wasteland." Television has been producing more of this kind of program. But need we be 20 years too late and 20 times too little?

I believe that one worthwhile accomplishment of this new Commission would be to come up with some recommendations which could serve as a focus for public opinion and for public pressure to demand that the television industry enforce codes which are not now enforced, to establish new and better standards, and to encourage their industry to use its best talent in the service of true drama.

I offer the suggestion that the television industry, and particularly the three

major networks, contribute the money for a research program to study the influence of television in developing attitudes, to establish a research center such as that being created in Great Britain under university auspices which will be independent of network influences.

But, most important of all, this Commission can make an important contribution by focusing public opinion and arousing public pressure to demand that the television industry begin now to police itself.

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

Mr. PELL. I yield.

Mr. LONG of Louisiana. It seems to me that the television industry is the real black sheep of all American industry. When you really get down to it, a man cannot sit there and look at TV all afternoon without their showing ads urging a person to smoke cigarettes. Everyone knows that if you are a pack-a-day man, you probably will die 10 years sooner.

Mr. PELL. Exactly.

Mr. LONG of Louisiana. You will get cancer. And if you smoke half a pack a day, you will get cancer and die 5 years sooner than otherwise. The Surgeon General's report indicates that if a man is just a regular smoker, he will probably not die of cancer because he will die of heart disease sooner.

In other words, if the cancer does not get you, the heart disease or the emphysema will kill you.

We have very fine, able people all over America, including in this body, who have suffered from those diseases because they smoked cigarettes.

I am willing for the TV people to make money. I would be willing to pay them to go out of business—and pay them a nice profit. But does not the Senator think it is a poor use of the information media, when people advertise something that is bad for health?

Mr. PELL. I agree with the Senator. It seems a shameful use of the public airwaves to advise people to find a pleasurable way of bringing on death at a sooner time.

I think many of the advertisements on how to avoid bad breath, or how to have shinier teeth, and things of that sort, are in very poor taste. It is very poor taste to bring them up on the floor of the Senate, but that is what these advertisements contain. I believe we should have some regulation in the industry.

Mr. LONG of Louisiana. It would not be much of a task for Congress to simply put a tax on aspirin tablets and use the money that is collected to help pay the expense of television, subsidize it if need be, and particularly subsidize it to put on something worth seeing—for instance, to advise drivers to be cautious.

I regret to say that my opponent for the Senate has been picked up three times on charges of driving while intoxicated, and he fell out of bed the other day and broke his leg.

Mr. PELL. Was he intoxicated?

Mr. LONG of Louisiana. I do not know. But he fell out of bed and broke his leg the other day. That is in addition to being picked up three times for driving while intoxicated.

It seems to me the TV people should not have advertisements for people to do things that are bad for their health, and they should not give publicity to things that are bad.

For example, you may turn on the television and hear somebody say his aspirin tablet is better. In fact, the Bayer Co. claims there is no better aspirin tablet than its product. And that is exactly right. There is none better and none worse. It is all exactly the same. It is all aspirin; that is all it is.

Then another fellow comes on and says his aspirin tablet has twice as much pain relievers as ordinary aspirin. That is because it is twice as big as the ordinary aspirin tablet.

Mr. PELL. It is like a cigarette. If you smoke twice as many cigarettes, it will speed up your death twice as much.

Mr. LONG of Louisiana. Someone advertises Bufferin. He says he has a buffered tablet. It gets into the bloodstream twice as fast. That is because he puts a little pinch of baking soda in it, approximately the same amount of baking soda and aspirin, and it gets into the bloodstream faster.

Some fellow says his aspirin tablet dissolves faster. That is because he did not make a tablet to begin with. He made a powder. If you make a tablet, it will take about a second to dissolve. But if you have a problem, just take a spoon and crack it up, and you get the same result the other fellow does.

Now, that is advertising a distinction without a difference, may I say to the Senator from Rhode Island, and it is information the public does not need to know. It is misleading; it is confusing. A person would be better off if he had not heard any of those advertisements and just bought aspirin, and whatever is cheapest would be the same thing.

Mr. PELL. And preferably under the generic name.

Mr. LONG of Louisiana. Yes. Because it is all the same thing, not a bit of difference between them. It is like buying sugar—mountain sugar, valley sugar, cane sugar, or beet sugar. It is all the same thing. It does not even taste different. They used to charge 10 cents more for cane sugar. That was a conspiracy, and I say that as one who represents a cane-sugar State. One cannot tell the difference, and it does exactly the same for you.

People are permitted to advertise on television things which hurt your health or misinform you or confuse you, and keep you from knowing what you can learn just as an ordinary citizen, as a person who can look at a label and read it. Read what it says on the bottle, and you will be better off than by hearing the ad.

Something should be done to clean up television and make those people quit confusing, misleading, and lying to the American public. We have this fine media, and it should be used to tell the truth and educate people.

Mr. PELL. I completely agree with the Senator.

Also, I think we have lost sight of the fact that they have access to the public domain and public property in the form of the airwaves and in using those airwaves—just as if we use public forests or public land—they have a responsibility. I do not believe they have lived up to this responsibility.

Mr. LONG of Louisiana. I think people sort of resent being taken for a ride, being misled, being the patsy for a confidence game. I think people would like to be told the truth.

The Senator recalls some time ago a television program called "The $64,000 Question." They would tell the man the answer to the question before the program occurred. He would sit there and think about matters, and they would play a lot of music to build up suspense and the drama. They told the man all the time what the answer was.

Mr. PELL. Did he not go to jail in the end?

Mr. LONG of Louisiana. I do not know. I think they put some of those people in jail, but not many. There are many people walking the streets who should be in the penitentiary for their part in that confusion. It was not that the public was deceived, necessarily, except that they advertised a product—I think the name was Revlon—that was not a bit better than any other product. The public would have been better to shop for a cheaper cosmetic, rather than to listen to all of that confusion, buy the product, and then find out they paid a higher price than it was necessary to pay.

The whole purpose of the program as far as I could see was to mislead the public and to take one's mind away from what was important, that is, the difference in two shades of face powder. The question was what color the person wanted her face to look when she put the powder on. That is all that was involved.

I recall one of the characters who was supposed to go on that program in connection with the category of history. He was supposed to go for the $64,000 question. His subject was to have been the history of the U.S. Senate. He called me and said he wanted John F. Kennedy to be his adviser. As the Senator from Rhode Island knows, inasmuch as he comes from a neighboring State, John F. Kennedy was an expert on the U.S. Senate. I talked about the matter with John Kennedy.

Mr. PELL. Did he not write that wonderful book "Profiles in Courage" which showed that the majority of people who vote their conscience vote themselves out of office?

Mr. LONG of Louisiana. The Senator is correct.

I spoke about this matter to then Senator Kennedy and I told him, "This man would like you to go on the program with him when he goes for the $64,000 question, and I think it would be nice publicity."

So the Senator from Massachusetts said he would think about it. When he called back he said that he hated to disappoint me, but even though this man was from Louisiana, he would not go on the program. He said, "Suppose they ask the man the question and he cannot answer a question about the Senate, and then suppose he asks my advice and I cannot answer the question. I would look like a fool. That would not help

me and I will not go on the program."

I called the man and he said, "I will answer the question for a certainty. I just wanted the candidate for President, John F. Kennedy, to help put some interest in the program."

I called John F. Kennedy and explained that to him and he said, "Thanks; no. The more I hear about it the less I think of it."

Then, the man called me from New York and asked me if John F. Kennedy would go on the program for the $64,000 question. He would promise that the man would win. He said I could be confident that the man would answer the question. I said, "How would you know?" He said, "I have worked with a number of these prospects for the $64,000 question and this man is as good a prospect as any of them."

In effect, what that man was saying was that they would tell the man the answer before they asked the question. He would go through the motions, thinking, meditating, and consulting with John F. Kennedy, and the drums would beat, and then this man would answer the question, as though John Kennedy had given him the assistance and consultation he needed, when all the time the man knew the answer.

Mr. President, that showed me that John F. Kennedy was qualified to be President because he refused to go on the program. I think he was right in refusing to go on the program.

Does the Senator agree that is misleading mischief to pull on the American public? Does it not treat adults as though they were children? Is it not a bad example for the young people to think that their mothers and fathers are not smart when they think that that fool knew the answer when, in fact, he had been told the answer beforehand?

Mr. PELL. The Senator is absolutely correct. But I understood that as a result of the scandals at that time this particular misuse of the television had been cleaned up.

Mr. LONG of Louisana. They made headway, but are they not still advertising cigarettes?

Mr. PELL. And face powder.

Mr. LONG of Louisiana. Do they not claim that a person has more sex potential if he smokes cigarettes than if he does not? Can the Senator give me any evidence that a man or a woman has more sex potential if he or she smokes cigarettes? I am told that is not true. However, look at the Salem advertisement in living color. One would think if he smoked cigarettes he would attract gorgeous women if he were 70 years of age. The Senator knows that is not true and that instead it will make him die sooner.

Mr. PELL. I agree.

If the industry fails to do so, then eventually an aroused public is going to demand that it be done by the Government. Perhaps the television networks should give some consideration to what would doubtless appear to them to be the lesser of two evils.

Such codes should, I believe, extend to the content of commercials as well as to program content. To cite the most obvious example, we spend millions of dollars on health programs; yet the power of the tobacco industry is such that they can—with impunity—sponsor endless commercials engaging in every artifice of psychology and suggestion to promote cigarette smoking which we know is a cause not only of cancer but of other ailments.

Such a theater would be a theater of the absurd—if it were not so permeated with the potential of tragedy.

I close, Mr. President, by commending to the television industry a comment of a fellow New Englander, Henry James:

> The anomalous fact is that the theatre, so called, can flourish in barbarism, but that any drama worth speaking of can develop but in the air of civilization.

This vast theater of television has flourished too long in barbarism and breathed too little the air of civilization.

THE MIDDLE EAST

Mr. PELL. Mr. President, one of the grave crises in the world is in the Middle East. A year after the United Nations cease-fire ended fighting between Israel and the Arab States, little or no progress toward permanent peace has been made. Egypt and other countries have been heavily rearmed by the Soviets—and Cairo radio talks now of a "fourth round."

It is time that we reexamined our policy toward this critically important part of the world. It is time that we took steps to guarantee the integrity of Israel, one of the few firmly democratic countries in the Middle East.

The current issue of Prevent World War III contains a valuable survey of the issues involved, in an article entitled "Mid-East Peace Now—or Possible World War III?"

The article quotes with approval one of the last speeches of the late Senator Robert F. Kennedy, in which he directed the attention of our country to this question, and declared that "the United States should stand ready to sell Israel the aircraft and other arms needed."

This publication is issued by the Society for the Prevention of World War III, a 25-year-old research and educational organization of whose board of directors my father, Herbert C. Pell, a former Member of the other body, was for some years a member. The society is located at 50 West 57 Street, New York, N.Y. I ask unanimous consent that the article be published in the RECORD.

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

MID-EAST PEACE NOW—OR POSSIBLE WORLD WAR III?

In the year since a United Nations cease-fire ended major fighting in the Six Day War between Israel and the Arabs, the outlook for permanent peace in the Middle East has not improved.

Two major sources of potential conflict continue to trouble the world: first, the enormous escalation of Soviet penetration into the Middle East; and second, the lack of progress toward a peace settlement in the struggle between the Arabs and Israel.

The most ominous indication of trouble is the increasing polarization of the region into areas of pro-Soviet and pro-Western orientation.

SOVIET PENETRATION

The record of overwhelming Russian support for the United Arab Republic, Syria and Iraq was obvious, even prior to last June. During the twelve months since, the Soviet campaign against Israel, Zionism, and Jews as a group, has increased in virulence and has even been "exported" into other Iron Curtain countries.

Soviet policy seeks a constantly increasing Russian presence throughout the Middle East—an old Russian objective, which the Czarists were never able to achieve. Moscow regards Israel and the United States as the prime obstacles to such expansionism. Both of them are denounced as "aggressive" and "imperialist" powers.

Almost any day's report of the official Moscow news output will confirm this appraisal. On the day that this was being written, for example, Foreign Minister Gromyko, as quoted in Tass, (1) attacked the presence of the U.S. Sixth Fleet in the Mediterranean, and (2) denounced Israel as a puppet of world imperialism. The Sixth Fleet, he said, "plays a special role in the implementation of aggressive imperialist plans . . . to hold and check the national liberation movement in the Middle East." Israel, he charged, "is only performing its role as a gendarme . . . trying to suppress the national liberation movement and eliminate the progressive regimes in a number of Arab states."

The facts of the matter, of course, are that Moscow has consistently strengthened her military and diplomatic support for Soviet client states in the Arab world, while at the same time pressuring Moscow-oriented rulers into increasingly anti-Israel, anti-American and anti-United Nations attitudes.

In practical terms, the USSR has increased its armament assistance for Egypt to the point where Nasser's military establishment probably holds a theoretical superiority over Israel in the ratio of about 4 to 1. This contrasts with a ratio of about 3 to 1 prior to last June.

The Russian re-arming of the Arabs has extended not only to air power and equipment for mechanized land warfare, but also to marine equipment. For example, the Soviets have lately supplied to Egypt 16 submarines, 18 missile crafts, 44 torpedo boats, 6 rocket assault vessels and a great assortment of other materiel for sea warfare.

Speaking at Cairo University on April 25, President Nasser said (quoting from the transcript of a Cairo broadcast intended for domestic listeners):

"Truly, I want to tell you, the Soviet Union has helped us to the maximum. We have made up for the arms we lost. . . . The Soviet Union gave us arms. We did not pay one single mil for these arms. . . . The Soviet Union sent us aircraft, tanks, and arms free of charge."

In the interim, America continues to restate her intention of supplying Israel in order to keep a balance—particulary in air power—but except for some anti-aircraft Hawk missiles no substantial new deliveries have been made: no "aircraft, tanks and arms" have arrived either "free of charge" or paid for. This stands in stark contrast to Soviet actions.

Israel is the only thoroughly Western-oriented country—and the only real democracy of any strength—in the Middle East. Although America has pledged to see that a military imbalance against Israel does not develop, such an imbalance has already become a fact. The time when we could hope for Middle East arms limitations agreements with the Soviets has passed, and the time when we should start delivering to Israel the long-requested supply of 50 Phantom jets is obviously at hand.

The great Russian military build-up in the Persian Gulf and the Gulf of Aden, plus the rapid enlargement of Soviet naval commitments in the Eastern Mediterranean, can

only be viewed as exceedingly alarming, by anyone who believes that the security of the world depends upon a policy of balanced coexistence between the Soviets and the West. The cause of peace cannot stand for an outbreak of new "wars of liberation" in the Middle East.

In United Nations diplomacy the same dangers have been apparent. Soviet policy has been to give complete support to Arab positions, and to obstruct any actions which might be regarded as mildly pro-Israel, or even neutral. Moscow and her allies have supported every possible resolution against Israel, and by a posture of threatened veto have made it impracticable for other powers to press complaints against the Arabs.

Thus, although the Palestine Liberation Organization (an official agency of the Arab League states) has continued to train guerrillas, and although El Fatah terrorists have been maintained and encouraged, the UN has taken no purposeful action against the repeated incursions of these forces across the cease-fire lines. Conversely, when Israel retaliated, a censure motion was voted.

It is meaningless to argue that the Arab actions were relatively small while the Israeli retaliation was larger and better organized, because the total effect of the hundreds of guerrilla incursions was obviously greater, although of less sensational news value.

The same syndrome was apparent again at the International Conference on Human Rights at Teheran, where Soviet allies plus the Arab bloc pushed through an anti-Israel vote, while at the same time the presiding officer censured the Israeli delegate for directing attention to extensive violations of human rights affecting Jews and other groups within the Soviet area.

In short, Soviet policy presents several simultaneous dangers to peace: it threatens the fragile detente between East and West, it encourages military adventurism by Nasser and his ilk, and it subverts the possibilities of even-handed diplomacy within the United Nations, on whose proper functioning peace hopes must in large part be built.

Much more than the future of Israel is involved in these considerations. The whole future existence of Middle East security, including the "Northern Tier" agreements with Turkey and Iran, is also jeopardized. If Moscow is able to "jump over" the CENTO line, and achieve not only political influence but actual military foot-holds in the Arab-Eastern Mediterranean area, the stability of all peace-keeping arrangements depending upon mutual security pledges will be broken down, so far as the Middle East is concerned.

THE PROBLEM OF ISRAEL'S SECURITY

The problem of security is radically different in the case of a small state surrounded by enormously greater areas and numbers of potential enemies, than is the case between more equally balanced parties.

As Foreign Minister Abba Eban has pointed out, the Arabs can lose a war and live to fight again, by merely retiring into their vast, well-populated and potentially wealthy homelands.

Israel, on the other hand, cannot afford to lose a single war: as a small state (the size of New Jersey), with only 2.6 million population, a single defeat might well mean the end of her existence.

The question as to how far Israel can rely upon security commitments and international peace-keeping machinery therefore becomes—for her—a matter of life and death. With the Arabs, the same question is seen only as a matter of delay.

Under these circumstances, the policy of "bilateralism" which the United States long pursued—that is, dealing separately with each state in the area—becomes just another name for no policy at all.

It is time for America to fix upon definite policies and goals in the Middle East, and enunciate them in such terms that everybody concerned will know that we intend to act precisely as we talk. In the confrontation with Soviet expansionism, America should make it clear that we will not retreat and that we will uphold the independence of friendly states. In relations with Israel, we should make it clear that we intend to preserve absolutely the potentialities necessary for her defense.

At all times we should seek agreements for limitation and reduction of arms—but pending the mutual implementation of such agreements, a policy of supporting our friends must be clearly and promptly carried out.

The continued expansion of Soviet sea power in the Eastern Mediterranean is not a hopeful augury. Admiral John S. McCain, Jr., Commander in Chief of US Naval Forces in Europe, recently drew a startling picture of Moscow's naval abilities to "leap frog all over the world and build a bridge of ships to areas and countries formerly inaccessible to the USSR." The Russian merchant and fishing fleet has been tremendously expanded, and the presence of a vastly increased number of Soviet war ships in the Mediterranean area indicates that their navy also seeks to become global in its operations.

The question whether this build-up will imperil the precarious peace of the world remains to be answered—but it is clear that American interests in the Eastern Mediterranean have already been challenged in the most overt fashion. The urgent need for adequate and timely assistance to our allies and friends is thus again underscored.

NASSER MORE ANTI-AMERICAN

As the Russian build-up progresses, the attitude of Arab dictators such as President Nasser becomes more and more openly anti-American. Speaking at a peasants' rally at Al-Mansurah, April 18, Nasser declared a new crusade against Israel, Britain, the United States and "imperialism." "In 1967, US imperialism enabled Zionism to take possession of the remaining part of Jerusalem and helped Israel to implement a serious plot," he shouted, and in the next minute proclaimed anew his fealty to Moscow.

It is pointless for the Western world to look for any early friendship from Egypt, Syria or Iraq—just as pointless as it would be to look for a quick settlement of all major outstanding differences with the Soviet Union. The peace of the world must be based upon recognition of these facts, and upon the preservation of at least a balance of power until more permanent bases of peace can be devised.

DIRECT NEGOTIATION THE ONLY ANSWER

After three major wars in the Middle East, the United States is now determined to stand for a permanent peace based on actual agreements negotiated between the Arab states and Israel, rather than settling for another temporary respite. We continue to follow the policy laid down by President Johnson in his statement of June 19, 1967, when he said:

"Clearly the parties to the conflict must be the parties to the peace. Sooner or later it is they who must make a settlement in the area."

Reaffirming this position in an address on May 16, Assistant Secretary of State Lucius D. Battle added:

"Many countries, including our own, are determined to seek this time a lasting peace . . . but the optimism in the immediate aftermath of the war has been tempered by certain hard realities."

ARAB INTRANSIGENCE THE PROBLEM

The "hard realities" are, of course, the fact that the Arabs are now talking about a "fourth round" instead of about making treaties, while Soviet penetration into the area supports them in their intransigence. There are plenty of examples of the Arab view:

"We should not rely on a political solution. What was taken by force must be returned by force," declared President Nasser in a March 13, 1968, address.

"Terrorist raids will increase. Egypt will determine the time for attack"—wrote the official Egyptian paper Al Ahram on March 22.

And on March 17, the official "Voice of the Arabs" declared over Radio Cairo:

"The real problem of Palestine is Israel's existence. As long as there is Zionist presence even in a small part of the land, the occupation continues. The important thing is to eliminate the Israeli occupation, and there is no difference between territories conquered recently and those occupied in the past."

All this is not much different from typical Arab declarations a year ago, at the beginning of the war, when Jordan's official Radio Amman called upon its listeners in these words:

"O Arabs, wherever you are, hit everywhere and hit till the last. The end of Israel is in your hands."

There is not even a disposition to give lip service to the excessively moderate requests of the United Nations for settlement. "The Security Council Resolution on Middle East Crisis Wrote the Darkest Page in the History of the United Nations," blared a headline across the front page of the official New York publication of the Palestine Liberation Organization, in March of this year.

Lest anyone dismiss such statements as "mere propaganda," we remind our readers that the official map of "The Arab World"—as currently distributed by the Arab Information Offices in New York and many other cities—continues to show Israel only as "Israeli Occupied Territory of Palestine."

Here then is the heart of the question: Will the United States and the Free World stand firm behind the call for real peace negotiations between Israel and the Arab countries? Or will we again permit a postponement, with the inevitable result of a "fourth round"—this time with immensely strengthened Soviet participation and the imminent danger of a global conflict?

THE QUESTION OF BORDER RAIDS

If the present uneasy status quo is to be preserved long enough to lead to any kind of future peace agreements, certain dangers must be recognized, and guarded against.

The continued series of border incursions by Arab guerrillas is perhaps the most unsettling of all these local factors.

Shortly after last year's cease-fire, the executive body of the Palestine Liberation Organization (PLO) met in Cairo and declared its intention of pursuing a policy of guerrilla fighting to the extreme.

Only last month, the PLO publication *in the United States* carried this front-page headline: "Hail to the Fidayeen, the Freedom Fighters." The fact that the PLO—an agency exclusively dedicated to ending the existence of Israel and establishing an Arab state in Palestine—has continued to exist at all, and to operate with the official blessing and financial support of the Arab League states, is in itself ominous, and is clearly in violation of the UN cease-fire resolutions. The fact that it maintains an office in New York, where it openly boasts of its activities, a year after the cease-fire, is an alarming indication of Arab intransigence and American laxity.

UNRWA resources and food meanwhile continue to be used, in some refugee camps, to sustain the personnel who make up these guerrilla bands. The United States has several times protested against this situation—but to no avail. A glaring example is that of Karameh, a refugee camp which was in fact being used as a base for El Fatah and PLO bands, and which thus became the center for

Israeli retaliation. But how about the original fault which was committed when UNRWA allowed its facilities to be taken over by terrorists?

If this situation is not promptly corrected, the United States should—as we suggested in the previous issue of this publication—put its UNRWA allocations on a conditional month to month basis, as the only available means of forcing troublemakers out of communities where the bills for food and shelter are mostly paid for by taxpayers in this country.

If Arab states themselves refuse to limit the actions of PLO's Fidayeen and the El Fatah groups, the United Nations ought certainly to take cognizance of this danger to peace. The trouble, however, is that the United Nations has two standards for dealing with Middle Eastern affairs, as we have pointed out above. Indeed, one can think of no greater departure from diplomatic protocol than the action of one of the Arab delegates in attacking Senator Robert Kennedy and Governor Nelson Rockefeller for attending a Jewish religious service in New York. Whenever Israeli delegates have attempted to direct UN attention to the sad state of Jews in Arab countries, they have been ruled out of order; yet, no one took notice of flagrant violations of protocol, when committed by Arabs. If the UN is to function as a real organ of world peace, it must begin to function with even-handed justice.

ONE HOPEFUL ASPECT

Meanwhile, substantial evidence of the ultimate possibility of peace has been developed by the Israelis themselves, in their administration of Jerusalem, the West Bank and the Gaza Strip. Although Jews were substantially excluded from Jerusalem during the twenty years of Jordanian occupation, Israel has made shrines in that city openly accessible to pilgrims of all religions. Although for twenty years Jordan failed to pay compensation to the custodians of Christian shrines in Jerusalem, growing out of damage done there during the 1948 fighting, Israel has already arranged payment of $1.4 million in claims ensuing from the 1967 war.

The American position has been to say that the status of Jerusalem remained unsettled in 1948. According to the State Department's international lawyers, the Old City never "belonged" to Jordan, but was "administered" by the Jordanian government for twenty years. The Israelis seem to have introduced an entirely new approach, based upon recognition of international rights of access, and we believe that now is the time to recognize the permanent presence of Israel in Jerusalem.

There are other issues still to be settled—among them, the need for viable and defendable boundaries between all parties involved. These and similar matters can only be taken up at a peace table—and our objectives should be to get the parties to such a table quickly.

Former President Dwight D. Eisenhower, writing in the June 1968 READER'S DIGEST, correctly points out that real peace in the Middle East depends upon building close economic relationships among the countries of the area, so that the advantages of each may help all. To this end, he proposes an extensive project for using nuclear power to operate water desalting plants, the production of which could equal more than double the average daily flow of the Jordan.

Nuclear power could reduce the cost of desalinization to one-sixth the present expense of such production, and in addition to water these plants would produce great quantities of electricity, which would bring to the Middle East "vast new complexes of industries, just as it has to other parts of the world." The entire program could be administered by the International Atomic Energy Agency of the United Nations.

"I can think of no scientific success that would equal this in its boon to mankind," the former President writes. Because the opportunities which such a development could bring would be so great, "the hostile states of the Middle East simply cannot afford to withhold their cooperation," General Eisenhower predicts.

It is along these lines, certainly, that we must look for a hopeful and peaceful future in the Middle East.

Meanwhile, lest there be any misunderstanding in the Soviet Union or anywhere else, all four of the leading 1968 candidates for the Presidency of the United States have declared their support for the principle of early Arab-Israeli negotiations, their devotion to an American commitment to the preservation of Israel, and their resolve to see friendship between the United States and all the peoples of the Middle East. This should go far toward resolving any doubts as to our future course.

The immediate key to the problem, however, was stated by the late Senator Robert F. Kennedy, in one of his very last speeches before his assassination, when he said:

"We cannot—and will not—permit the Soviet Union to achieve an imbalance in the Middle East. We can and will fully assist Israel—with arms if necessary—to meet this threat of massive Soviet build-ups."

To that end, Senator Kennedy said, *"the United States should stand ready to sell Israel jet aircraft and the other arms needed."* That is clearly the most urgent action for America.

Israel's request for 50 new Phantom jets makes the question immediate. A Congressional Resolution calling for the quick delivery of these planes already bears the signatures of 66 Representatives (22 of them added within the past fortnight alone). With such a clear indication of public support at hand, steps to meet Israel's urgent need should be taken, and taken at once.

Vague promises by leaders that they will not "let Israel be defenseless" do not deter the Russians from sending more and more sophisticated arms to the Arabs, accompanied by thousands of Soviet technicians and "advisors"—but American action in matching the Soviets weapon for weapon, in supplies to Israel, will prove to Moscow our determination to deter or prevent a new explosion, which might trigger World War III; and it might also encourage the Arabs to a final realization that it is hopeless to wait indefinitely before coming to terms with Israel—as they are required to do, under the clearly stated provisions of UN resolutions.

AUTHORIZATION FOR INSERTIONS IN THE RECORD FOLLOWING ADJOURNMENT UNTIL SEPTEMBER 4, 1968

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that Members of the Senate may be permitted to make insertions in the RECORD following the adjournment until September 4.

As authorized by the Joint Committee on Printing, the CONGRESSIONAL RECORD is scheduled for printing August 8, 15, 22, and 29. Copy for printing in the Extensions of Remarks shall be submitted to the Government Printing Office or the CONGRESSIONAL RECORD clerk in the Capitol.

This order shall not apply to any subject matter which may have occurred, or to any speech delivered, after August 2, 1968.

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

SENATE JOINT RESOLUTIONS 198 AND 199—THE INTRODUCTION OF JOINT RESOLUTIONS TO PROVIDE FOR THE STRIKING OF A GOLD MEDAL FOR JIMMY DURANTE AND GEORGE JESSEL

Mr. WILLIAMS of New Jersey. Mr. President, I think it appropriate at this time, particularly after the discussion led by the Senator from Rhode Island [Mr. PELL] as to the contribution possibly being made by the TV media to violence, to introduce two resolutions at this time to strike medals for two men who have contributed nothing but pleasure not only to our society and the United States of America but also throughout the world.

Thus, I introduce two resolutions, for appropriate reference. One to strike a gold medal in honor of America's foremost entertainer, Jimmy Durante.

Jimmy Durante is more than a great entertainer; he is a great humanitarian and an outstanding American. For over half a century Jimmy Durante has been presenting his particular and unique talent to audiences on the stage, motion pictures, radio, and television. The American people have responded by making him without a doubt the most beloved man in show business.

Jimmy Durante was born in New York City February 10, 1893. He first worked in his father's barber shop. At the age of 17 he was a piano player on Coney Island. He organized his own five-piece band in 1916. He opened Club Durante with Eddie Jackson and Lou Clayton as partners. They later formed the comedy team of Clayton, Jackson, and Durante. He made his Broadway debut at Loew's State Theater in 1927. He had numerous Broadway musical hits and motion pictures during the thirties. He began in radio and had his own radio show until 1950 when he entered TV with his show the All Star Revue. He received the Peabody Award for radio-television performance in 1951.

Mr. President, I should like our country to show its appreciation to this great American by the presentation by the President of this gold medal.

Mr. LONG of Louisiana. Mr. President, will the Senator from New Jersey yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. LONG of Louisiana. Would the Senator explain to me what kind of medal he has in mind? Is this a decoration, or a medal of appreciation?

Mr. WILLIAMS of New Jersey. It would be the same kind of medal authorized by the Committee on Banking and Currency, and passed by the Senate, for Danny Kaye, Bob Hope, and Walt Disney—those who contributed to the wholesomeness of life in America, not only for our people and our servicemen abroad, but also for people throughout the world.

Mr. LONG of Louisiana. I am not on the committee, but I think Jimmy Durante should have such a medal. He is a great American. What committee would have jurisdiction?

Mr. WILLIAMS of New Jersey. The Committee on Banking and Currency.

Mr. LONG of Louisiana. It occurs to me that perhaps if the Senator would discuss that now with Members on the other side of the aisle—although they

are sparse at this moment—and he might be able to clear it for immediate consideration and call it up and get it passed. Does the Senator insist that it go to committee?

Mr. WILLIAMS of New Jersey. I am a member of the Committee on Banking and Currency. The chairman of that committee, of course, is the Senator from Alabama [Mr. SPARKMAN] who, I think, would want to be a part of the passage of a resolution for such a medal for our great friend Jimmy Durante.

Mr. LONG of Louisiana. Can the Senator assure me, if the resolution is sent to the committee, that it will get to the floor of the Senate and will not be buried, or lost? I should like to vote for a gold medal for Jimmy Durante.

Mr. WILLIAMS of New Jersey. Just keep talking Senator. It makes our RECORD all the better. Let me say that in the waning hours of this session, with so many of our colleagues necessarily absent——

Mr. PELL. Not listening attentively? [Laughter.]

Mr. WILLIAMS of New Jersey. Probably listening to someone in Miami.

I appreciate the help of the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. In view of the extreme absenteeism on the minority side of the aisle, I suppose I will permit it to go to committee, but I want to assure the Senator that if he can get it back out of committee, it will have my support, because I think Jimmy Durante is one of our great Americans. He has done as much as any person alive to bring happiness to people.

So far as I know, he has never intentionally brought discomfort, misery, or heartache to anyone. He has brightened the lives of everyone in this country, so far as I know.

I think Jimmy is one of the greatest assets we have.

I admire and appreciate what the Senator from New Jersey is doing, that he would try to achieve this award for Jimmy Durante. People of that sort give so much and demand so little back from life that it should be recognized. I applaud the Senator from New Jersey for introducing the resolution.

Mr. WILLIAMS of New Jersey. I certainly appreciate those wise comments of my good friend, the Senator from Louisiana and, of course, I do agree with him.

Mr. LONG of Louisiana. It has not been my privilege to know men such as Bob Hope, Red Skelton, or Danny Kaye, as well as it has been my privilege to know Jimmy Durante. But I believe that those men have been properly recognized; have they not?

Mr. WILLIAMS of New Jersey. They have. And Jimmy Durante certainly fits the great mold that these other men fit.

Mr. LONG of Louisiana. I have no doubt that this will be done, and I hope that the Senate can move expeditiously to adopt the resolution, because Jimmy Durante is somewhat advanced in years now, and it would be fine if someone like him could receive bouquets while living.

Mr. WILLIAMS of New Jersey. Yes. While Jimmy Durante is advanced numerically in years, I stood with him for 4 hours at Arlington Cemetery as we waited for the funeral services for our late colleague, Senator Robert F. Kennedy, and he is hale and hearty, even though he is, I imagine, 72 or 73 years old now.

Mr. LONG of Louisiana. He is still young in heart.

Mr. WILLIAMS of New Jersey. Yes, he certainly is.

Mr. President, the other resolution I introduce for appropriate reference is one to provide for the striking of a gold medal in honor of America's "Toastmaster General," George Jessel.

At his best—

Wrote Brooks Atkinson—

Jessel is a master entertainer. If there ever was a man born for the stage, it is Mrs. Jessel's comic and sentimental son Georgie, who can make an audience sit back and enjoy itself. Add skill and experience to magnetism and enthusiasm, and you have in George Jessel, a great theater performer.

George Jessel, showman, songwriter, dramatist, and producer, was born to Joseph and Charlotte Jessel in 1898. His father told him at the age of 7, "You'll never be an actor while I live." At 9, a year after his father's death, he was singing in the Imperial Theater in Harlem with Walter Winchell.

As a child, he went on vaudeville tours with Gus Edwards and Eddie Cantor, acted in a talking picture of Thomas Edison, and performed at the Victoria Palace in London.

When he was too old for "kid stuff," he developed his comic vaudeville routine and starred in the "Jazz Singer." He produced both Broadway musical shows and motion pictures, "The Dolly Sisters," "Dancing in the Dark," and more.

Jessel had a spontaneous humor and skill which made him a much-desired master of ceremonies. He acted as the official toastmaster to Mayor James Walker and became an official toastmaster of New York.

Mr. President, I should like our country to show its appreciation to this great entertainer by the presentation by the President of this gold medal.

Mr. President, the colloquy just had between the Senator from Louisiana and myself with regard to Jimmy Durante applies equally to George Jessel.

Mr. LONG of Louisiana. Mr. President, it seems to me that somewhere along the line, it would be well for someone to undertake to provide for the RECORD the amount of income, after taxes, that these men have provided to entertain for free. So many times they entertain in good causes for nothing. Men of this sort have gone into the war zones many times. I know that, because I have been privileged on occasion, as a fighting man in World War II, to come back from battle and hear that one of these men was putting on a show somewhere for 15,000 or 20,000 soldiers, all sitting on the ground, and these men would entertain them, at no income for themselves, only an assumption of risk. Yet they were happy simply to entertain these men without pay. They have rendered many millions of dollars' worth of free services to their fellow man.

Mr. WILLIAMS of New Jersey. I have an idea—perhaps it is selfish, and I wonder whether it will work out—that when we go to the committee with the resolutions—as the Senator has suggested they will be referred to the Committee on Banking and Currency—perhaps we should hold a hearing and invite Jimmy Durante and George Jessel to come in. We would certainly be entertained and enlightened by two magnificently wise men who happen to be entertainers.

Mr. LONG of Louisiana. May I suggest that those men would not advocate that the resolutions be adopted, but after the Senate had voted for them, or after the committee had ordered the resolutions to be reported favorably, perhaps both of them would like to appear to express their gratitude that they had been recognized—as they should be—and on that occasion perhaps they would like to answer a few questions that Senators might wish to ask them.

I am a great admirer of Jimmy Durante. I think he is one of America's greatest entertainers of all time.

Mr. WILLIAMS of New Jersey. May I ask the distinguished majority whip—perhaps the announcement has been made—when the Senate will reconvene? Is it September 2?

Mr. LONG of Louisiana. September 4.

Mr. WILLIAMS of New Jersey. Is there any speculation as to how long we will remain in session?

Mr. LONG of Louisiana. I heard the majority leader said it could be the rest of the year, but he could not really predict. As far as I am concerned, if the Senator wants to be here until January, he is welcome. I am going home. But we will be here for some time after we convene, and we will have occasion to consider other matters. So I hope this matter would receive the attention of the committee. It should be voted on.

In fact, if the Senator cannot get the Banking and Currency Committee to act, I happen to be chairman of a committee that does act. We have a way of moving bills. If some other committee will not do something about it, our committee will. If action is not taken, I suggest that the Senator prepare the matter in the form of an amendment and we can put it on a tax bill.

Mr. WILLIAMS of New Jersey. I have never had so much hope for any measure as I do for these two resolutions, because of the Senator from Louisiana's attitude.

The PRESIDING OFFICER. The joint resolutions will be received and appropriately referred.

The joint resolution (S.J. Res. 198) authorizing the issuance of a gold medal to George Jessel, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The joint resolution (S.J. Res. 199) authorizing the issuance of a gold medal to Jimmy Durante, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. LONG of Louisiana. 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. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 5233) for the relief of Mrs. Sophie Michalowska.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 805) providing for adjournment of the House from Friday, August 2, 1968, until 12 o'clock meridian, Wednesday, September 4, 1968.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3638) to provide indemnity payments to dairy farmers.

STEEL HIKES ARE WRONG

Mr. MORSE. Mr. President, the price increases announced by some steel producers are more dangerous perhaps, than most Members realize. The steel price increases are the largest increases in 10 full years.

The price hike will involve an increase in prices of at least $600 million. By the time that $600 million increase gets passed on to the consumer through the various levels of the marketplace, the cost will amount to well over a billion dollars.

Mr. President, it is not as if the steel industry were a sick industry, an industry that was having difficulty attracting capital. Quite the contrary, steel industry earnings during the second quarter were extremely high. Now, under the guise of increased costs due to a new labor contract, steel executives are trying to parlay a higher cost into higher profits. In doing so, they are serving neither the national interest nor their own.

I wish to go on record today, before our recess period, in condemnation of the senseless actions taken by several leading American steel producers. It seems to me that if these prices are not rescinded, this Congress ought to look into the full story of these increases, and follow such an investigation with appropriate recommendations to protect the American public in the future from such arbitrary action.

Mr. President, I have been aware of the problems of the steel industry for a great many years. When I was on the War Labor Board we handled both the big steel case and the little steel case in that war-torn era. That caused us to go into an analysis of the costs to produce steel, into their labor policies and their pricing policies. The interesting pattern has been one of constant repetition on the part of the steel companies. When they come out with a new collective bargaining unit, usually as the result of a threatened strike, they invariably increased their prices beyond any allegation they had to increase their prices because of the additional labor costs.

No one is quarreling with the policy of the steel companies to make adjustments in prices to meet increased labor costs, but they always—invariably—go far beyond that. They usually do what they are doing in this instance.

Bethlehem Steel has had an across-the-board price increase, promulgated in the last few days, more than twice the amount necessary to meet the extra labor cost produced by the new labor agreement. Whom do they think they are fooling?

This is simply a case where they want to put profits above the public interest. They have the patriotic duty, in this period of threatened inflation, not to increase their profits 1 cent above the amount necessary to take care of the increased labor costs produced by the new collective-bargaining agreement.

Instead of that, they are increasing it twice that amount. That is what ought to be prevented.

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

Mr. MORSE. I yield.

Mr. LONG of Louisiana. Mr. President, I am sure the Senator recalls that some years ago, it created great consternation and uproar in business and industry when John F. Kennedy was notified of a price increase of this sort, and he demanded a grand jury investigation of whether a conspiracy was involved.

Mr. MORSE. I do.

Mr. LONG of Louisiana. The Senator well knows that this pattern is altogether too familiar; that when industry grants a wage increase, they usually make a tremendous price increase, usually about 3 to 1 over what is necessary to offset the wage increase.

Then they sit back arrogantly and say, "This is necessary to meet competition," and so forth; but they all advance their prices together. The Senator knows they could not get away with those price increases if all their competitors were not doing the same thing.

Mr. MORSE. Of course.

Mr. LONG of Louisiana. It is a conspiracy. These big price increases geared to wage increases are usually conspiracies. When John F. Kennedy called their hands, they backed off and did not raise their prices.

Mr. MORSE. That is right.

Mr. LONG of Louisiana. I believe, if I remember correctly, they backed off and took just enough of a price increase to cover the wage increase. That is not what they are doing now. This is a conspiracy; there is no question about that in my mind. I must plead guilty to being ignorant of the facts, but the truth is that what they are doing is raising them all at one time. They have done it many times in the past.

Can the Senator state what company if any, is holding out against this price increase?

Mr. MORSE. The information I have had in the last hour is that there will be a price increase all down the line. Some of them are going to hide behind selective price increases, but they are going to have so many selections among their products that it will amount, in effect, to a general price increase.

Of course, if they use the gimmick of selective price increases, they can take certain products and increase the prices of those substantially, so the income for the company as a whole would be the same as with an across-the-board increase of a certain percentage for all their products.

I do not know whom they think they are fooling by this gimmick of a selective price increase.

I know whereof the Senator from Louisiana speaks, but I know something else. I know of the record of the Senator from Louisiana while the two of us have served here in the Senate. He has had the courage to stand up to them again and again, against the powerful combines in this country; and also, when labor has been wrong, he has had the courage to stand up and speak up to protect the public interest, as he is doing this afternoon.

We hear a great deal in our country these days about crime in the streets. The Senator from Louisiana and I, and our fellow Senators, recognize that it is probably the major domestic issue in the country today. But, Mr. President, there are other ways to hold up the public besides the use of guns. The steel industry is committing a crime on the streets of America by this price holdup, at the very hour we speak, for this is truly a form of holdup of the American consumers, because they are not only going to get these price increases, but it is almost axiomatic that as steel goes, so goes the Nation. We have used that statement over and over again, throughout the years, in our discussions of the economic policies of the steel industry in relationship to the economic policies of the country generally.

We are not only going to have the steel increases, but this is going to be the inducement and the encouragement for a general price increase all along the line.

Can the Senator not hear the alibis, allegations, and rationalizations of one industry after another, saying, "Well, we are upping our repair costs of machinery and automobiles," for example, "because of the increase in the steel prices?"

But not only that. Then we are going to find that the grocer, while he does not sell steel, is nevertheless going to say, "I am confronted with an increase in costs as a result of the inflationary spiral, so I will have to increase the price of bread and other food products."

Once we let an industry like the steel industry get by with this holdup, then we are going to be held up by price increases all through our economy.

I agree with the Senator from Louisiana, and I commend him again for his courage in standing up here this afternoon and being counted against this shocking increase in steel prices.

I said yesterday we ought to have a Senate investigation. I say now that the Senate ought to go to work now, conduct the investigation, and bring out the facts of the conspiracy to which the Senator from Louisiana has referred.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield further, here we are, on the eve of the Republican National Convention, and we see the be-

ginning of a whole series of price increases. I was one of those who voted against that big tax increase.

Mr. MORSE. So did I.

Mr. LONG of Louisiana. The Senator voted against it also.

It is my firm belief that there are a lot of places we could save a lot of money, which had not been properly explored. One of them was the foreign aid field. I know how the Senator from Oregon tried to cut down waste in the foreign aid program.

The biggest single potential saving, however, would be through reducing interest rates. If we could stabilize the dollar, and cut interest rates, let us say, from 8 percent down to 4 percent, we could stop this thing of people having to pay twice as much for interest as they pay for their homes by the time they get through paying them out.

If I had found that my vote was required to pass the tax increase, I would have insisted on talking to Mr. Martin. He claims to be above politics, no matter whose witness he is. But if the Senator wants to go and address the New York economic group, or the American Bankers Association, they are willing to bring the house down to cheer for him.

On the national debt, this double-duty interest rate they are giving to that alone accounts for almost as much money as the tax increase. We were supposed to get some reduction in interest rates when the tax bill passed. I believe, in fact, that if some of us had played hard to get, had gone along and played the game and said, "We will not vote with you unless we get some reduction in interest rates," we might have prevailed.

May I suggest to our friends who are at this moment absent from the Chamber, so they can read it in the RECORD, particularly those on the Republican side of the aisle, where the Senator from Oregon once had a seat as one of the senior Members, that they take this matter and consider the record as they draft their platform.

As always they will say they are going to do what John Kennedy promised and did not do, what Lyndon Johnson promised and did not do, that they are going to cut these interest rates down, and be for the poor little fellow who owes all that money, the taxpayer, and fight for him on reducing these interest rates.

I would also bring this to the attention of the Democratic Party. In my opinion, the Democratic Party may very well nominate HUBERT HUMPHREY. If it does not, it will nominate GENE MCCARTHY. I personally would like to see HUMPHREY get the nomination, but I think either one of those men would do what they could to help people get lower interest rates, and would not put the interests of the members of this Board, who favor the vested interests, over the interests of the multitude of little people who have to pay their life savings out in interest rates, and, when they buy a home, have to pay three times as much in interest as they pay for the home.

It was once my privilege to have a fine, young, colored man working for me. His mother died, and he borrowed the money to give her a decent funeral. He has been paying on that debt for 10 years. He has paid the principal out in interest three times over, and owes more money than he did to begin with, because of the distorted interest rates.

If someone wants to help the rank and file people and help the little fellow get by, we could reduce those interest rates.

As the Senator so well knows, the public debt is only part of it. The public and private debt combined is roughly $1,700,000,000,000. Put two points on those interest rates—just 2 percent. They are at least two points too high. And two points multiplied by $1,700,000,000,000, if I calculate it correctly, works out to be $34 billion a year. That is the tribute that the poor pay for the benefit of the rich.

Why do things like that happen in a democracy? They happen because when we vote for a social security bill or a public welfare bill to help the poor, how many campaign contributions do we get? How many campaign contributions did the Senator get in return for his votes for such measures? The Senator just recently ran for office. I will bet that he did not have five people who benefited from his votes contribute to his campaign.

Mr. MORSE. The Senator is completely right.

Mr. LONG of Louisiana. So much of this mischief is built in by way of campaigns. It is the wealthy who contribute to finance the campaigns. It is the richer people who put up the money. About half of them are moneylenders, and about half of the remainder are interested in monopoly.

The Senator has voted against private patents on Government research. It is a fantastic waste of money. Somebody is able to take a private patent on public research and charge 100 times the cost.

I have worked on this, and so has the distinguished Senator from Oregon. I would think that when the Republicans get busy on their convention, they would do very well if they would take a look at these two issues. Both of them involve corruption—interest rates that are ridiculous and private patents on Government research.

The reason why we cannot do much about it is, is the way the campaigns are financed. The wealthy people finance them and put the money up. And they expect to be paid in ways in which they will not be embarrassed on the payoff.

If the Republicans want to do something to clean up the Government and correct what is wrong with it, I would urge that they consider doing something about private patents on Government research and something about high-interest rates and something about the way the campaigns are financed.

I will bet that they will not get as many votes in that Republican Convention to clean up that kind of corruption as they got on the Senate floor. Can the Senator recall how they voted when we tried to do something about those three matters? As I recall on those three issues, they were unanimous.

The Senator referred to the steel industry. I would refer to the "s-t-e-a-l" industry. They always seem to be the boys who really like to do business. I suggest that they take a look at these issues.

I cannot recall any of them voting against them.

Mr. MORSE. Not a one.

Mr. LONG of Louisiana. I refer to high-interest rates and private patents on Government research and the money that is going to finance campaigns. It should be made so that an honorable man seeking office would not become beholden to the money barons. That party holds a unanimous record. Nobody ever backed up or ran. They all stood up like men to be counted.

I suggest that it would be well for that party when they hold that convention to think about these matters and give a unanimous vote for high interest rates and monopoly power and the financing of the campaign by the money barons for whoever goes to the White House. That has been one of the things they have been consistent on.

Does not the Senator think it would be appropriate that they put in the party platform that they are in favor of the rich having it all of their way on this side of heaven, and on the other side if they can arrange to make a deal with the man topside?

Mr. MORSE. Mr. President, that would be very appropriate from the standpoint of public interest and very inappropriate from the standpoint of Republican philosophy.

Mr. President, it has been a great privilege for me to join the Senator time after time as he has led the fight on the issues he has raised and the remarks he has made.

I thank the Senator very much.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield further, they put a plank in their platform about the drug industry. The Senator well knows that some of us have been trying to do something about this thing of being charged anywhere from 50 to 100 times too much for the drugs that one buys.

I am told that some of our Republican friends that had joined that solid party phalanx to protect the drug monopolists have now told them they cannot be counted on from now until after the next election to vote on a bill. They have asked to be forgiven if they defect.

I would think that they should put a plank in the platform.

Mr. MORSE. That is the test.

Mr. LONG of Louisiana. They should say: "We are in favor of charging you 100 times the cost of production for drugs. We voted that way, and we do not intend to change."

The public could then know that is a fact, and I know that the drug manufacturers would contribute large amounts of money in advertising for the Republican side of the issue.

What benefit do the Democrats get from coming in and telling the truth? We could tell them that we do not think they should be charged 100 times the cost of production for these drugs.

As a matter of fact, the Senator will recall that I made a speech some time back saying that the five big companies that caused the poor people all over the world to pay $60 for drugs that were worth 50 cents should be prosecuted. They had a deal working in the Justice Department to drop the charges.

The Senator may recall that they prosecuted these boys and found them guilty in New York City. The Pfizer Co. is now appealing. The Pfizer Co. took a poll. And I could not for the life of me see why they wanted to take the poll. They took the poll in New York City. The poll said that 100 percent of all adult males agreed that the drug companies were robbing the public.

They have presented the results of that poll as evidence that the case should be tried somewhere else. They contend that poll would prove that they could not get a fair trial in New York City because everybody was prejudiced and that 100 percent of all adult males in New York thought they were robbing the public. But they did not tell the full result of the polls. The polls indicated that 100 percent of all adult males thought they were paying four times too much. And what Pfizer got convicted on was a conspiracy to charge them 100 times too much.

The polls indicated that the public was ignorant in the right direction. They did not know how much more they were being charged than they thought they were.

And in my judgment, that poll was poor public relations. I do not see why they should take a poll to prove that everybody in New York City thought they were crooks. However, they proved that 100 percent.

I think our good friends on the Republican side of the aisle should do something to put themselves on record that they are in favor of this kind of mischief. We could vote on it and perhaps get some drugs for the public at a reasonable price.

Mr. MORSE. Mr. President, one of the great legislative records made on the floor during my many years in the Senate has been the record of the Senator from Louisiana in his fight to protect the poor people in this country from drug gouging.

The drug companies have a very bad drug habit, and that is the shocking overuse of inflated prices on their products. That certainly should be brought into control.

We have made some progress, but not enough.

I want the Senator to know that if I am back in January, he can count on me to stand, as always, shoulder to shoulder with him in the fight he makes to try to bring the drug companies under reasonable price controls in this country, because that is what we will have to do in order to stop this price gouging by the drug companies.

Mr. LONG of Louisiana. Mr. President, I thank the Senator. I have known the Senator for 20 years in the Senate. And while from time to time I have crossed swords with the Senator, I am frequently on his side. The Senator is an able advocate and a very difficult man to contend with because of his tremendous ability and brilliant mind. But he has never taken a position that I could quarrel about for a moment on the issues of high interest rates and monopoly. On those issues and, in fact, on all other issues that have to do with the little people, the working folks, the Senator has never been lacking. He has never, in the 20 years I have observed him, backed off a half inch in his devotion to the interests of those who work very hard for what little they get.

Mr. MORSE. The Senator is kind. I refer to him out of his presence as in his presence—as one of my biased friends. And a biased friend is one who stands with you even when he disagrees with you. The Senator from Louisiana has always done that.

Mr. LONG of Louisiana. The Senator from Oregon is like the Senator from Louisiana in the respect that we are very prejudiced in favor of what we believe in.

STRAWBERRY IMPORTS

Mr. MORSE. Mr. President, on June 25, a very responsible constituent of mine, Mr. Robert E. Ward, was a witness before the House Ways and Means Committee. Mr. Ward is the assistant general manager of United Flav-R-Pac Growers, a grower-owned processing cooperative with plants in Gresham, Newberg, and Salem, Oreg.

He testified in behalf of the California strawberry industry, including growers, processors and shippers. His testimony presents a convincing argument and statistical data showing that U.S. strawberry growers and processors need the help of Congress in limiting excessive imports of strawberries, both fresh and processed.

Mr. President, the chief area from which we get unfair competition in regard to these imports is from our neighbor to the south, Mexico. In our last two parliamentary conferences with our Mexican congressional counterparts, we raised this matter—the U.S. delegation—and we had been given hope that they might take some necessary administrative steps to eliminate some of the justifiable charges we made. To date, they have not done so. I hope they will do so without very much further delay.

This strawberry season is practically over. I hope that between now and the next season, our Mexican neighbors will carry out what we understood was their good faith and intention to try to at least lessen the basis for misunderstanding between our two countries on this issue.

I believe that the material I shall ask to be printed in the RECORD—the testimony of Mr. Ward—will be of great help to Members of Congress. Also, I hope it will be called to the attention of at least the leaders of our parliamentary colleagues in Mexico, and I intend to send reprints of it to them.

I ask unanimous consent that Mr. Ward's testimony be printed at this point in the RECORD.

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

TESTIMONY BY ROBERT E. WARD BEFORE THE WAYS AND MEANS COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, JUNE 25, 1968

Mr. Chairman and members of the Committee, my name is Robert E. Ward. I am Assistant General Manager of United Flav-R-Pac Growers, a grower-owned processing co-operative with plants in Gresham, Newberg and Salem, Oregon. I am presenting this testimony in behalf of the California strawberry industry including growers, processors, and shippers; Northwest Canners and Freezers Association, a trade association of fruit and vegetable processing companies located in Oregon, Washington and Idaho; The Oregon Strawberry Council, representing the strawberry growers of the State of Oregon; and growers and packers in the states of Michigan and Tennessee. These growers and processors represent approximately 95% of the national pack of frozen and canned strawberries. In the three Pacific Coast states, where the largest percent of processed strawberries are handled, there are approximately 2,000 growers whose primary market is provided by processors. You will note in Table I that strawberries are grown commercially and are important to growers in 28 states.

This processing strawberry production represents approximately a 35 million dollar income to growers, and 3.8 million dollars to workers in processing plants. It is a significant part of both farm and processing diversification which is already seasonal and marginal. A major factor causing depression in these important industries is the increasingly large imports of frozen strawberries, principally from Mexico, and the potential for further growth in imports and disruption of dometic marketing. U.S. strawberry growers and processors need your assistance in limiting *excessive* imports if they are to continue in this business.

During the most recent 5-year period average total disappearance was somewhat less than during the previous five years, which measured against the substantial increase in population, indicates a declining per capita consumption. In the absence of market expansion potential, there is little or no room in the domestic market for a large volume of imports of this product, and any increase in such volume must be regarded as a replacement of domestic production, to the detriment of all segments of the domestic industry.

The U.S. grower over-produced strawberries in the period of 1956 to 1959 and then adjusted his planting to correspond with the market demand and a fair return. The success of this self-help program of acreage reduction was short-lived due to the beginning of a rapidly expanding strawberry industry in Mexico. Imports from Mexico moved from 14.2 million pounds or 5.3 percent of U.S. disappearance in 1959 to a high of 82.8 million pounds or 31.5 percent of U.S. disappearance in 1966. The 1966 imports of 82.8 million pounds was a 60 percent increase over the previous year. This has upset a balance needed by U.S. growers to keep producing strawberries economically.

Many growers and processors are small operators who have been able to compete effectively in normal domestic marketing, but are most severely affected when the supply is inflated by imported product and prices are depressed.

U.S. growers are unable to compete successfully in the domestic market with frozen strawberries produced in Mexico. The reasons are simple. Strawberry growing and processing has a very high requirement for labor, ingredients and supplies. Labor costs in Mexico, both on the farm and in the plant, are less than 10 percent of such costs in the United States. Mexican sugar prices are about 53 percent, and 30-pound containers are roughly 94 percent of current prices in the United States.

The direct result of these and other similar advantages has been the extremely rapid growth of a fledgling industry in Mexico based almost entirely on an export market, principally in the United States. Canada has also become an important export outlet for this production, and this export volume has almost completely replaced that formerly enjoyed by U.S. exporters.

The U.S. strawberry industry is not subsidized nor is it asking for a subsidy. It has made every effort to help itself, but it cannot control imports. The import duty has been lowered from 35 to 14% which encourages imports. Representatives of U.S. processors and growers met with Mexican processors and growers in 1963 and the Mexicans agreed to limit imports to quantities that would not unduly upset the balance of the U.S. market. However, this voluntary approach was not successful and imports continued to rise sharply.

This situation has resulted in instability in the American market, and uncertainty among growers.

This industry realizes that the U.S. must share its markets, but proposes that this share be limited to a formula based on a moving 5-year average of annual disappearance. The average disappearance in the U.S. for the most recent 5-year period, 1962–63 through 1967–68 is 273 million pounds. During this same period imports of frozen strawberries from Mexico has average 56.3 million pounds. In the light of these figures an annual quota of 20% for frozen strawberry imports would be reasonable (including fruit pastes and fruit pulps.)

We suggest that a quota of, say, 20% of annual domestic disappearance of frozen strawberries be established for imports, based upon the average disappearance for the last 5 marketing years. This sort of formula would enable foreign exporters to take advantage of increasing markets in the U.S. or conversely, it would hold them to reasonable levels in a declining market. [See Tables II and III].

The market prices of Mexican imports in Table III also reflect the growing problems of the U.S. strawberry growers and producers. These prices run 1 to 5 cents per pound below the U.S. market.

U.S. growers are faced with increasing demands for higher wages and benefits for farm labor. The grower is generally in favor of these increases, but grower returns are not sufficient to provide needed dollars without a higher market price.

Low prices of uncontrolled imported strawberries are a major factor in suppressing grower prices and the wages he can pay.

U.S. growers are being squeezed by rising costs of equipment and supplies as well as labor, plus demands from consumers for lower prices. This system will not work. U.S. citizens *can afford* products grown by U.S. growers.

We feel that H.R. 9071 using 20% of the 5-year average disappearance of the U.S. market gives ample room for imports and a healthy domestic market.

TABLE I.—STRAWBERRIES: ACREAGE AND INDICATED PRODUCTION, BY SEASON AND STATE, 1968 WITH COMPARISONS

Crop and State	Acreage: Harvested 1962–66	Acreage: Harvested 1967	Acreage: For harvest 1968	Production (1,000 pounds): Average 1962–66	Production (1,000 pounds): 1967	Production (1,000 pounds): Indicated 1968
Strawberries: [1]						
Winter	2,380	2,000	1,800	20,906	17,600	14,400
Spring: California	9,080	8,000	8,500	212,978	208,800	238,000
Early Spring	5,660	4,400	3,800	16,460	13,280	11,200
Mid-Spring:						
Illinois	1,700	1,500	1,500	4,136	4,050	3,600
Missouri	1,040	800	750	2,567	2,080	1,950
Maryland	870	800	750	2,856	2,320	3,750
Virginia	2,000	1,400	1,300	5,408	4,200	3,900
North Carolina	2,040	2,000	1,900	5,736	4,200	6,650
Kentucky	1,380	1,000	900	3,888	3,000	2,340
Tennessee	4,040	2,400	1,700	10,087	6,720	4,250
Alabama	730	650	600	1,662	1,300	1,140
Arkansas	3,880	2,600	2,300	9,057	7,800	5,750
Oklahoma	1,160	900	900	2,886	3,600	3,600
Group total	19,120	14,050	12,600	48,880	39,270	36,930
Strawberries [1]—Continued						
Late Spring:						
Maine	360	350	320	1,109	1,155	960
Massachusetts	370	370	350	1,385	1,591	1,330
Connecticut	360	350	300	1,079	1,050	990
New York	2,780	2,400	2,100	9,660	6,480	6,720
New Jersey	2,520	2,400	2,500	11,840	9,120	11,000
Pennsylvania	1,540	1,800	1,800	4,934	5,040	5,040
Ohio	1,760	1,500	1,600	4,894	4,800	3,840
Indiana	1,200	1,100	1,300	3,756	4,620	5,850
Michigan	7,560	6,800	5,900	33,098	29,240	23,600
Wisconsin	1,920	1,900	1,900	5,000	4,940	3,990
Washington	6,180	5,600	5,300	42,004	35,840	34,450
Oregon	13,400	14,000	12,300	83,740	95,200	81,180
Group total	40,060	38,570	35,670	202,914	199,076	178,950
All States	76,300	67,020	62,370	502,138	478,026	479,480

[1] Includes processing.

Source: U.S. Department of Agriculture, Statistical Reporting Service, Sacramento, Calif.

TABLE II.—STRAWBERRIES (FROZEN): U.S. SUPPLY AND DISAPPEARANCE, SEASONS 1942–43 TO 1966–67

[In millions of pounds]

Season (May–April)	Beginning stocks (May 1)	Pack	Imports	Total supply	Disappearance	Ending stocks (Apr. 30)
1942–43	25.9	63.8	0.1	89.8	74.4	15.4
1943–44	15.4	29.8	.1	45.3	33.8	11.5
1944–45	11.5	34.8	.4	46.7	34.0	12.7
1945–46	12.7	36.9	.2	49.8	33.0	16.8
1946–47	16.8	78.1	.1	95.0	77.3	17.7
1947–48	17.7	109.0	.2	126.9	111.0	15.9
1948–49	15.9	160.1	.8	176.8	140.4	36.4
1949–50	36.4	107.6	1.6	145.6	134.5	11.1
1950–51	11.1	192.7	3.6	207.4	156.8	50.6
1951–52	50.6	157.7	6.6	214.9	173.4	41.5
1952–53	41.5	200.3	5.4	247.2	201.8	45.4
1953–54	45.4	226.0	7.4	278.8	227.3	51.5
1954–55	51.5	221.4	8.9	281.8	241.2	40.6
1955–56	40.6	273.0	12.0	325.6	260.6	65.0
1956–57	65.0	312.3	12.3	389.6	287.3	102.3
1957–58	102.3	259.3	13.7	375.3	291.1	84.2
1958–59	84.2	261.5	16.3	362.0	273.3	88.7
1959–60	88.7	248.2	15.0	351.9	267.3	84.6
1960–61	84.6	217.5	33.5	335.6	246.1	89.5
1961–62	89.5	222.7	29.0	341.2	264.6	76.6
1962–63	76.6	234.6	34.5	345.7	266.3	79.4
1963–64	79.4	234.4	40.7	354.5	292.9	61.6
1964–65	61.6	252.6	42.9	357.1	272.4	84.7
1965–66	84.7	191.6	74.6	350.9	264.1	86.8
1966–67	86.8	213.3	76.5	376.6	269.3	107.3

Source: Annual reports of Foreign Agricultural Service, Agricultural Estimates Division, SRS, and National Association of Frozen Food Packers.

TABLE III.—STRAWBERRIES (FROZEN): IMPORTS FROM MEXICO; AVERAGE PRICES, UNITED STATES AND MEXICAN PRODUCT, YEARS 1957–67

Calendar year	Mexico imports (million pounds)	Average f.o.b. monthly price quotations (cents per pound): California	Northwest	Mexico
1957	13.8	16.0	18.2	16.0
1958	14.4	17.0	18.0	17.0
1959	14.2	19.5	20.7	18.5
1960	24.9	20.2	20.5	19.0
1961	29.9	18.0	20.5	17.0
1962	32.3	17.0	19.0	17.0
1963	34.6	17.7	19.5	17.7
1964	39.7	20.5	20.7	19.0
1965	51.8	23.2	24.2	23.0
1966	82.8	23.7	25.0	20.0
1967	72.7	23.0	22.5	18.0
1968	[1] 44.3			

[1] Preliminary, through June 2.

Source: Mexico imports, U.S. Bureau of Census; California and Pacific Northwest price quotations, Quick Frozen Foods (monthly); Mexico prices, New York Journal of Commerce.

GUN CONTROL LEGISLATION

Mr. MORSE. Mr. President, in the Portland Oregonian of June 17, 1968, was published a letter to the editor from Mr. Jim Winton of Cherry Grove, Oreg., dealing with the gun control issue.

I think Mr. Winton's views are very deserving of a reading by the Senate, and therefore, I ask unanimous consent to have his letter printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. In the same issue of the Oregonian was published a column by Mr. C. Norman Senior entitled, "Canada Favors Strong Gun Controls."

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

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

CANADA FAVORS STRONG GUN CONTROLS

(By C. Norman Senior)

VICTORIA, B.C.—Tightening of already stiff Canadian laws for the control of firearms, long in the works at Ottawa, suddenly attained top priority following the assassination of Sen. Robert Kennedy. For several days news of the American tragedy completely overshadowed our own national election, then but three weeks ahead. Popular horror, shock and grief found official expression in the order lowering flags to half mast, a tribute normally reserved for deceased chiefs of state.

Political campaign committees demanded unprecedented security measures from the

police for party chiefs. During the Sunday evening television debate by the four national leaders the public was excluded from Ottawa's Parliament Hill, a precaution more drastic than attended the Queen's visit. Prime Minister Trudeau on his "main-streeting" strolls through thronged shopping malls was thenceforward surrounded by a generous corps of security guards.

Although it is exactly 100 years since Canada's only political assassination, a few clumsy bombings and other deplorable demonstrations deny Canadians the right to make smug comparisons. Our authorities, well aware that psychopathic resentment of authority is not confined to one nation, were quick to profit by American experience. A glance at the Canadian situation may likewise yield possible suggestions helpful to others.

Canadians' first spontaneous reaction was overwhelming endorsement of President Johnson's demand for prompt legislative action curbing arms distribution. Simultaneously candidates in the Canadian election competed in the eloquence of their insistence that long incubating amendments to the Criminal Code be proceeded with at once.

Canadians are often amazed at the wide prevalence of hand guns in the homes and cars of their American friends. Canadian disinterest in possession of such weapons is not just due to restrictive legislation. They are not at all convinced by American protestations that such weapons are necessary for self defense. The pistol is not regarded as a defensive weapon.

President Kennedy was surrounded by a small army of men thus armed when he was shot down. It is assumed also that his brother's volunteer bodyguard was similarly equipped. But the robber or the assassin gives no time for the "defensive" weapon to be deployed. That he may be brought down afterwards in vengence does nothing for the original victim.

Nor are Canadians much impressed when American friends proudly assert that the United States Constitution gives every citizen the right "to keep and bear arms." History records that the American Bill of Rights was a modification of an earlier document wrested by the British Parliament from King William III in 1689. That bill (now absorbed into basic Canadian law) restrains the King from levying taxes or maintaining an army "without the consent of Parliament." It states also that "subjects . . . have arms for their defense . . . as allowed by law."

Supremacy of the people's Parliament was preserved. In Canada Parliament has acted. Possession of hand guns without a police permit has been made a crime. Furthermore, conditions for granting a permit are both strict and strictly enforced.

The American Bill of Rights on the contrary begins: "Congress shall enact no law . . ." contravening its provisions which include this clause: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

Two points in this document impress Canadians. The nation's democratically-elected Congress is debarred the right to act on a matter of the highest importance. Secondly, it was not the personal safety of the individual that inspired the authors of the legislation, but the right of "the people" collectively to safeguard the state.

American tourists who have their revolvers sequestered at the border are aware of the strict Canadian law. And in looking the other way few Canadians believe any American life will be endangered if law-abiding San Franciscans heed Mayor Alioto's appeal to deposit their small arms with the authorities.

EXHIBIT 1

ONE MORE LAW

To the Editor: The anti-gun group, including Sen. Tydings, Sen. Dodd and several others, are kicking around a figure of around 85 per cent of the people being in favor of their particular type of gun control legislation. I doubt that figure very much, but I will give them one figure they never use.

There are an estimated 20,000 federal, state and local laws already in effect that can be invoked in their respective localities to control misuse of firearms. Few of these laws are invoked.

In Portland a couple of weeks ago a judge gave 12 years to a man who robbed a store and fired several shots at passers-by who tried to prevent his escape. This was his second conviction for armed robbery. Oregon law says "—mandatory life sentence for armed robbery unless the judge has reason to be lenient." That's mandatory?

The robbery was in flagrant violation of Section 902 of the Federal Firearms Act. "—unlawful—for any person convicted of a crime of violence to be in possession of a firearm." Was any effort made to prosecute the culprit in a federal court? Nope.

Oregon and the rest of the nation need only one more law relating to firearms. That is a law with teeth against the criminal use of firearms: A mandatory minimum sentence for committing a felony with a firearm, this in addition to the sentence for the crime itself, armed robbery, assault with a deadly weapon, etc.

Such a bill would get the full support of more than 90 per cent of all the people and 100 per cent of every sportsman group in the United States including the "powerful gun lobby", the National Rifle Association. Such have been introduced in Congress, but the "anti-gun" group would not support them.

JIM WINTON.

CHERRY GROVE.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 4, 1968

Mr. LONG of Louisiana. Mr. President, House Concurrent Resolution 805 has been agreed to, has it not?

The PRESIDING OFFICER. It has.

Mr. LONG of Louisiana. I move, in accordance with the provisions of House Concurrent Resolution 805, as amended, that the Senate stand in adjournment until 12 noon on Wednesday, September 4, 1968.

The motion was agreed to; and (at 5 o'clock and 3 minutes p.m.) the Senate adjourned, in accordance with the provisions of House Concurrent Resolution 805, as amended, until Wednesday, September 4, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, August 2, 1968:

DEPARTMENT OF THE INTERIOR

Clarence F. Pautake, of Washington, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, vice Stanley A. Cain.

THE JUDICIARY

David Stahl of Pennsylvania to be U.S. circuit judge, Third Circuit, vice a new position created under Public Law 90–347 approved June 18. 1968.

William J. Holloway, Jr., of Oklahoma, to be U.S. circuit court judge, 10th Circuit, vice a new position created under Public Law 90–347 approved June 18, 1968.

Lawrence Gubow, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice Wade H. McCree, Jr., elevated.

David G. Bress, of the District of Columbia, to be U.S. district judge for the District of Columbia, vice Joseph C. McGarraghy.

Samuel B. Sterrett, of Maryland, to be a judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1958, vice John Gregory Bruce, retired.

George R. Gallagher of Maryland to be associate judge of the District of Columbia Court of Appeals for the term of 10 years, vice a new position created under Public Law 90–178 approved December 8, 1967.

Raymond H. Lapin, of California, to be President of the Federal National Mortgage Association.

CONFIRMATIONS

Executive nominations confirmed by the Senate, August 2, 1968:

DEPARTMENT OF COMMERCE

Joseph W. Bartlett, of Massachusetts, to be Under Secretary of Commerce.

Frederick Simpich, of the District of Columbia, to be General Counsel of the Department of Commerce.

CIVIL AERONAUTICS BOARD

John H. Crooker, Jr., of the District of Columbia, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1974.

INTERSTATE COMMERCE COMMISSION

Kenneth H. Tuggle, of Kentucky, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1975.

Wallace R. Burke, of Connecticut, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1974.

U.S. DISTRICT JUDGE

James L. Latchum, of Delaware, to be U.S. district judge for the district of Delaware.

FEDERAL POWER COMMISSION

John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1973.

NATIONAL MEDIATION BOARD

Francis A. O'Neill, Jr., of New York, to be a member of the National Mediation Board for the term expiring July 1, 1971.

U.S. ARMY

The following-named officers, under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Beverley Evans Powell, O20237, U.S. Army.

Maj. Gen. Michael Shannon Davison, O22051, U.S. Army.

Lt. Gen. John William Bowen, O18904, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 3962.

U.S. NAVY

Rear Adm. David C. Richardson, U.S. Navy, and Rear Adm. James W. O'Grady, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Frederick L. Ashworth, U.S. Navy, for appointment to the grade of vice admiral on the retired list, in accordance with the provisions of title 10, United States Code, section 5233.

Vice Adm. John T. Hayward, U.S. Navy, for appointment to the grade of vice admiral

on the retired list, in accordance with title 10, United States Code, section 5233.

Rear Adm. Richard G. Colbert, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Elmo R. Zumwalt, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

Robert G. Owens, Jr.	John R. Chaisson
Earl E. Anderson	Oscar F. Peatross
Michael P. Ryan	Edwin B. Wheeler

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

Robert F. Conley	Samuel Jaskilka
Fred E. Haynes, Jr.	Kenneth J. Houghton
Lawrence F. Snoddy, Jr.	Joseph C. Fegan, Jr.
	Leslie E. Brown
Ross T. Dwyer, Jr.	Jay W. Hubbard

IN THE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The nominations beginning Robert J. Barday, to be lieutenant (junior grade), and ending James P. Travers, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 25, 1968.

IN THE COAST GUARD

The nominations beginning Alan F. Miller, to be lieutenant commander, and ending W. S. McClure, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 24, 1968.

IN THE AIR FORCE

The nominations beginning Raymond R. Flowers, Jr., to be 1st lieutenant, and ending Robert J. Wubker, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 25, 1968.

IN THE NAVY

The nominations beginning Rodger L. Alspach, to be captain, and ending John F. Wurzel, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 25, 1968.

HOUSE OF REPRESENTATIVES—*Friday, August 2, 1968*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the Lord, for he is good; for His mercy endureth forever.—Psalm 107: 1.

Eternal God, our Father, as we bring to a close this portion of the 90th Congress and look forward to a recess of a few weeks we turn again to Thee in prayer, as we have every day of this year, to acknowledge our dependence upon Thee and to offer unto Thee the devotion of our hearts. Thou hast been wonderfully good to us and our spirits rejoice, our minds give thanks, and our hearts take courage.

We thank Thee for the high privilege which has been ours to walk together and to work together in the service of our beloved country. We pray that our efforts may strengthen our Nation, improve the moral fiber of our people, increase law and order in our land, and meet the needs of all our citizens.

Now may the Lord bless us and keep us and return us with new vigor, new strength, and new enthusiasm on September 4.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks.

The message announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16361) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 18785. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18785) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIBLE, Mr. RUSSELL, Mr. ELLENDER, Mr. MANSFIELD, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. HAYDEN, Mr. SYMINGTON, Mr. YOUNG of North Dakota, and Mr. KUCHEL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15147) entitled "An act to amend the Immigration and Nationality Act to provide for the naturalization of persons who have served in combat areas in active-duty service in the Armed Forces of the United States, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EASTLAND, Mr. MCCLELLAN, and Mr. DIRKSEN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 191. Joint resolution authorizing erection of a statue of Benito Pablo Juarez on public grounds in the District of Columbia; and

S.J. Res. 197. Joint resolution to correct certain references in section 4(i) of the act entitled "An act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes," approved May 7, 1968.

THE CRISIS OF THE NATION'S AIRPORTS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, it is no secret that the Nation's airports face a congestion crisis that is fast approaching a catastrophe.

Mr. Speaker, it is entirely appropriate that the House acted yesterday during the consideration of the Department of Transportation conference report to exempt air traffic controllers from pending personnel cutbacks. But this is an emergency measure which can only stave off the likelihood of disaster. Unless more fundamental action is taken, particularly with respect to the lengthening of runways and the building of new airports, our air transportation system faces the danger of collapse.

Mr. Speaker, legislation has been introduced in both the House and the other body to place the burden of financing new airport construction more fairly on increased user charges.

I would like to commend West Virginia's senior Senator, JENNINGS RANDOLPH, for his persistant efforts and his initiative in drafting such legislation. His bill, S. 3641, favorably reported by the Senate Commerce Committee, is deserving of strong support to meet this crisis before it overtakes us. I have introduced identical legislation, H.R. 19203, and other Members have sponsored similar legislation.

Mr. Speaker, I am disturbed that this legislation apparently will not pass in the current session, which simply means that the airport crisis is going to get worse. The conference report on the Department of Transportation bill included only $30 million for fiscal 1970 rather than $65 million for fiscal year 1969. To begin with, the sum of $65 million is inadequate and does not scratch the surface of the airport needs of the future. To cut this small amount over 100 percent seems to me to be sheer folly in the face of the stark facts of the crisis. It is true that Federal aid to airport funding is 1 year in advance—thus the $65 million is for the fiscal year 1969 and only $30 million for the fiscal year 1970. The purpose of forward funding