THE ATOM AND TRANQUILLITY

HON. HOWARD H. BAKER, JR.

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. BAKER. Mr. President, on December 12, last year the Senate passed Senate Resolution 155, stating its sense that the construction of nuclear desalting plants in the Middle East would promote objectives in the highest interest of the United States and materially aid the prospects for a durable peace in that war-weary corner of the world. That resolution was sponsored by 53 Members of this body, men of all political persuasions.

A specific proposal for the construction and operation of such plants has been made by General Eisenhower and former AEC Chairman Lewis L. Strauss. As a result of the Senate resolution, a detailed feasibility study is now underway under the auspices of the AEC. And both major and national political parties have endorsed the concept of nuclear desalting in the Middle East in their 1968 platforms.

Mr. President, on September 5, the Albuquerque Tribune lent its editorial support to this proposal. 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:

THE ATOM AND TRANQUILITY

In one short sentence of their long-winded national platform, the Democrats joined the Republicans in supporting one of the most imaginative and promising projects for peace and prosperity in the Middle East.

The Chicago platform says:

"We support efforts to raise the living standard throughout the Middle East, including desalinization and regional irrigation projects which cut across state frontiers."

Thus both political parties have now endorsed the Strauss-Eisenhower plan for U.S. aid in the construction of immense nuclear-fired plants that would produce sweet water from the sea for irrigation and power for the joint benefit of the Arabs and Israel.

These plants would be the heart of great agricultural-commercial developments in the expectation that in economic co-operation lies the way to peace. We believe this is the road to follow.

Senate and State Department backing of the plan already has been given. The U.S. Atomic Energy Commission now is making its studies. These must not be delayed.

Adm. Lewis Strauss, former Chairman of the Atomic Energy Commission and originator with General Eisenhower of the proposal, is no starry-eyed dreamer.

With the nationwide support the project now has, contesting groups in the Middle East would help themselves and the world by beginning the negotiations that could make this plan a shining reality.

Such peaceful use of the split atom could unite the nations that so continuously threaten the peace.

A PROGRESS REPORT ON THE HONEY IMPORT BILL

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. HALL. Mr. Speaker, the September 1968 issue of the American Bee Journal includes an excellent analysis of the honey import bill by my friend and colleague, Congressman JAMES SMITH, of Oklahoma. I insert the article at this point in the RECORD:

A PROGRESS REPORT ON THE HONEY IMPORT BILL

(By Congressman JAMES V. SMITH, Fourth District of Oklahoma)

I thought that I should report to members of the American Beekeeping Federation concerning the present status of the honey import bill, H.R. 10677, which I originated in the House of Representatives on behalf of the honey producers.

The Ways and Means Committee recently held omnibus hearings on all import legislation which has been introduced in the House of Representatives during the 90th Congress which, of course, included the bill affecting honey and honey products. At this time the Committee has not reported out any legislation favorably and, since the House is rushing for adjournment, it appears that this legislation will probably be held over until the 91st Congress.

It is my opinion that the Committee has not found reason to act quickly on this legislation because of several reasons but notably due to the total opposition which this bill has faced from the U.S. Tariff Commission. The Commission has reported its findings to the Committee in which it goes into considerable detail as to the reasons for the Commission's opposition. Primarily the Commission is opposed to the bill because they state that the enactment of this bill would contravene a U.S. commitment under the General Agreement of Tariffs and Trade not to impose a duty higher than 1 cent per pound on honey. The imposition of a quota on honey and honey products would also contravene a commitment under Article XI of the GATT not to impose quotas on such products, according to the Commission.

Further, the Commission sets forth to the Committee that, under Section 22 of the Agricultural Adjustment Act, there are procedures whereby the President may impose a fee up to 50 percent or a quota on imports of honey or honey products should imports thereof come in under such conditions and in such quantities as to render, or tend to render ineffective, or materially interfere with the price support program with respect to honey. It does not appear that the Secretary of Agriculture has ever requested the President to initiate an investigation under Section 22.

As well, we have received considerable opposition from the American Bakers' Association who state to the Committee that they could conceive of no justification for any tariff on imported honey, much less the imposition of a quota. The Association takes the position that, according to government statistics, annual imports of honey for the years 1963 through 1966 were less than 8 million pounds, or less than 3 percent of our domestic annual production of 280 million pounds. The Association, however, admits to the Committee that Mexico and Argentina are the source of some 95 percent of the imported honey which their industry consumes.

It appears to me that beekeepers of this country are receiving tremendous opposition to their proposal which is going to be offset by additional hard legislative work on my part and other Congressmen, to be able to realize the enactment of this legislation. The mood of Congress at this time is not to disallow importations into this country of any product even though restrictions can be justified, as in the case of the beekeepers, whereby the importation of these products are causing serious economic results among honey producers.

Please be assured that I will continue to do everything in my power to cause the realization of this legislation, and I think the rightness of this legislation should have some merit as we proceed through the legislative channels of the House.

(EDITOR'S NOTE: Of course, this was written before the adjournment of the 90th Congress. This article points out clearly the tremendous opposition to this bill, which should emphasize the real need for honey producers to write their representatives urging them to support H.R. 10677.)

SENATE—*Friday, September 27, 1968*

(Legislative day of Tuesday, September 24, 1968)

The Senate met in executive session at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

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

Our Father God, may Thy truth make us free—free from pride and prejudice and from all the ugly sins of disposition that doth so easily beset us.

Lift us above the mud and scum of mere things to the holiness of Thy beauty so that the common tasks, and the trivial round may be edged with crimson and gold.

This day in our fellowship and in our service, let us put into the fugitive fragments of every day such quality of work as shall make us unashamed when the day is over and all the days are gone.

Heal the divisions which shorten the arm of our national might as we stand at this crossroads of history. Make us tall enough for these testing days.

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

SUPREME COURT OF THE UNITED STATES

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

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

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

The bill clerk proceeded to call the roll.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

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

Mr. MANSFIELD. Mr. President, if no Senator desires to speak tomorrow, Saturday, on the pending business of taking up the nomination of Mr. Justice Fortas, it is the intention of the leadership, on that basis, to have the Senate go over until Monday. But if any Senator wishes to speak tomorrow on the pending matter, the leadership will be most happy to accommodate him or them and call a session for tomorrow. We do not wish to abridge the right of anyone to speak; and I make these remarks for that reason.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. I would certainly want to reserve the right to speak tomorrow.

Mr. MANSFIELD. I hope the Senator understands fully the point I am making.

Mr. STENNIS. I thought the Senator had finished that point.

Mr. MANSFIELD. If any Senator does not wish to speak tomorrow, it is my intention to file the cloture motion today. If a Senator wishes to speak tomorrow, we will be glad to call the Senate into session so that those who desire to do so on tomorrow may be given the opportunity to speak.

The only reason I make the statement, I would say to the distinguished Senator from Mississippi, is that I should like to put the Senate on notice that if no one is to speak tomorrow, it is the intention to file the cloture motion today, so that we would not be in session tomorrow. The intervening day would be Monday, and 1 hour after convening on Tuesday the vote on the motion for cloture would take place. If, however, there are Members who wish to speak tomorrow, the Senate will be in session for that purpose and the cloture motion will be filed tomorrow.

So this is just an explanatory statement which I wish to make at this time.

Mr. STENNIS. Will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I thank the Senator, and it is very commendable of him to inform the Members of the Senate.

However, for the time being, I should like to reserve the right to speak tomorrow. I do not know what the situation will be today, but later in the day, and before very long, I shall try to advise the leader as to the situation.

Mr. MANSFIELD. That is fair enough.

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

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. I had planned, perhaps, to speak somewhat briefly this afternoon. But if we are going to be in session tomorrow, I may defer my remarks until tomorrow. If I do not get the opportunity to speak this afternoon on the pending motion, I should like to speak tomorrow.

As I understand, it is a question of the vote on the cloture motion being on Monday or Tuesday.

Mr. MANSFIELD. No, definitely it will be Tuesday, regardless. But if we do not meet tomorrow, I would file the cloture motion today. If we meet tomorrow, I would have to file it tomorrow because of the one intervening day requirement.

Mr. McCLELLAN. That is what I was most concerned about, that the vote on the cloture motion would be on Tuesday rather than Monday.

Mr. MANSFIELD. That is correct.

Mr. McCLELLAN. I do not know whether the distinguished leader would be prepared at this time to give an indication of proceeding beyond that date with respect to a second cloture motion, in the event that should become necessary. At the moment, I think in terms primarily of my own commitments, I should like to discuss the matter with the Senator.

Mr. MANSFIELD. I shall be happy to make a statement at this time which will encompass my feelings on the matter.

Much will depend on the outcome of the vote on Tuesday next. It is my present intention to move at least for a second vote on cloture, but that decision will not be finalized until we see what the results are on the first vote.

Mr. McCLELLAN. I can appreciate that.

Mr. MANSFIELD. And I do not intend to keep the Senate in session all year, I say to the distinguished Senator from Arkansas.

Mr. McCLELLAN. I thank the distinguished leader, and I certainly commend him for that decision and that assurance.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. It is my understanding that the Senator from Montana has decided to file a cloture motion either today or tomorrow.

Mr. MANSFIELD. Yes; depending on whether or not the Senate is to be in session tomorrow.

Mr. STENNIS. I shall confer as soon as I can with the Senator from Montana, which will be within the hour.

Mr. MANSFIELD. Mr. President, I shall leave at the desk the cloture motion, so that Senators will be aware of what the procedural situation is at the present time, and I would hope that not later than 3 o'clock this afternoon it might be possible to inform the Senate as to whether or not there will be a session tomorrow.

I thank the Senate for its consideration and courtesy.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may speak on an extraneous matter for 5 minutes.

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

THE RESIGNATION OF GEORGE W. BALL AS AMBASSADOR TO THE UNITED NATIONS

Mr. ALLOTT. Mr. President, in 1962 I had the honor to be a delegate to the United Nations, by virtue of an appointment by President John F. Kennedy.

My experience in that capacity has, I think, provided a little unusual knowledge and insight in the matter which I propose to discuss briefly for a few minutes.

Never in the history of the country have we seen such a disintegration of an administration as we have been witnessing in the past few months, with people leaving Cabinet posts to enter political campaigns, leaving Cabinet posts to enter private life and lucrative jobs, and people deserting the ship one after another. But the matter which came to our attention yesterday is one which must shock every American, and it ties in particularly to the situation which we face now with regard to the pending nomination. We have all been aware of this game of political and musical chairs that has been going on.

I have in my hand an article from a wire service that states:

> Hubert Humphrey said last night he would be "very much moved" by the foreign policy advice of George Ball, who quit the United Nations to join the Vice President's campaign.

Mr. President, it must come as a shock to the American people that the man who resigned yesterday to join Mr. HUMPHREY's political campaign was confirmed by the Senate only the day before, so we have probably the shortest ambassadorship in history; a man confirmed by the Senate one day, who left the ambassadorship to the United Nations the next day to join a political campaign. From the text of these wires, it appears that he may achieve even a greater role in Mr. HUMPHREY's campaign.

I would say this to Mr. HUMPHREY. A man who will desert the ship as rapidly as Mr. Ball deserted it will desert Mr. HUMPHREY down the road just as fast it suits his occasion and needs.

But I am shocked by things beyond this political chicanery. Here we are involved in the United Nations where we are facing more critical problems than at any time in history. We have the Vietnam issue, and the continuing efforts to arrive at some understanding with the North Vietnamese in Paris. At the same time we have the Secretary General of the U.N., who should be removed, recommending that the United States should disarm and leave ourselves at the mercy of the North Vietnamese in Vietnam. We have the Near East situation, and everyone who can read knows that this is one of the most explosive situations in the entire world. And, of course, we have the grave crisis precipitated by Russian barbarism in Czechoslovakia.

We have numerous other matters before the United Nations which are a vital importance to this country.

So at this hour, at this moment, 24 hours after the Senate has confirmed this man, the President and the Secretary of State are faced with this resignation so that Mr. Ball can go out on the political campaign trail, presumably with the idea that he will be the Secretary of State at the end of the campaign.

To put the matter in ordinary everyday street language, what this amounts to is exactly like the captain or quarterback of a football team, who sees his

team lined up on the field, ready for the kickoff, and at that moment, at that very moment, walks over to his coach and says, "Coach, I am sorry. I am quitting."

At a time when we needed help, at a time when we needed leadership in the United Nations, at a time when we need strong and knowledgeable men, at a time when we need men of loyalty, loyalty to the President and loyalty to the Secretary of State, but most of all loyalty to the American people, this man has such a small concept of his job that he can quit it and, for all practical purposes, leave the first post leaderless because no matter what the qualifications of the new Ambassador may be he cannot step into a job like that, considering the mammoth problems he faces, and do the job we would like to have him do in the United Nations.

I think this is one of the most shocking pieces of political chicanery that has come down the turnpike during my political life. I hope others will speak out, because we should let Mr. Ball know not just what Republicans and Democrats think about it, but what all of the American people think about his abandonment of his duties and his loyalties at such a critical time in American history.

I yield the floor.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1461) making continuing appropriations for the fiscal year 1969, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 945) to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution in which it requested the concurrence of the Senate:

H.R. 19831. A bill to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds; and

H.J. Res. 1459. Joint resolution recognizing the significant part which Harry S. Truman played in the creation of the United Nations.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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.)

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may speak out of order.

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

The Senator from Montana is recognized.

RESIGNATION OF GEORGE W. BALL, AMBASSADOR TO THE UNITED NATIONS, AND NOMINATION OF J. RUSSELL WIGGINS

Mr. MANSFIELD. Mr. President, I must say that I was surprised, as were many other Senators, at the sudden resignation of Ambassador George W. Ball as chief of the U.S. delegation to the United Nations, and our Ambassador to that organization, but that is his privilege. The President did notify the leadership yesterday morning, and the ranking members of the Committee on Foreign Relations as to what was going to occur on yesterday afternoon respecting this matter.

There is a bright lining to this decision, though, in the man of outstanding quality whose name the President has forwarded to the Senate as a successor to Ambassador Ball. Most Senators in this Chamber, I am sure, know or know of Mr. J. Russell Wiggins; know of his splendid integrity and ability, and know him as a man of wide knowledge and understanding—a man who, because of his background, will not go "cold," so to speak, into the new post which he is about to assume.

I can think of no better man at this time than Mr. Wiggins to take over the vacancy which has been caused by the resignation of Mr. Ball. I look forward, in the months ahead, to the highest quality of representation on the part of Mr. Wiggins in his capacity as chairman of the U.S. delegation to the United Nations and as our Ambassador to that body. The President could not have made a better and wiser choice than the choice he has made in Mr. J. Russell Wiggins.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. HANSEN. Mr. President, I rise to speak on the subject which is foremost in the minds and in the consciences of all of us here in the Senate today. My remarks today will be of a frankly personal nature, even though this may run counter to some of the traditions of Senate debate. I say that they will be personal for several reasons. The first of these reasons stems from the fact that some of the leading newspapers in the country and some of the supporters of the nomination of Abe Fortas to the Chief Justiceship have repeatedly expressed the fear that debate on the Senate floor on this extremely complex issue will become an ugly debate and a debate which does not become the dignity of either the principal personalities involved or the Senate of the United States.

I wish to meet this expressed fear, and I hope that it is not intended as a self-fulfilling prophesy, by stating at the outset that I do not intend to hide behind empty phrases, hollow cliches, or thinly veiled insinuations in the debate which is sure to envelop us here in the Senate in the coming days. I intend to express myself as clearly and as simply as possible and I believe that a statement of personal views at the outset is best suited to this purpose.

Second, while there are many issues involved in this debate, I believe that one of the paramount issues facing the Senate turns on the question of human judgment. We will be discussing the judgment of the President of the United States and certain actions he has taken pursuant to that judgment. We will be discussing the judgment of the nominee in question. And in so doing, we will be expressing our own personal judgment as Members of the Senate. All of us are made up of like frailties. All of us are subject to like imperfections. But one of the principal confrontations in this entire debate will center around the judgment of the President of the United States and the judgment of Mr. Abe Fortas, as pitted against the judgment of duly elected Senators who are doing their utmost to fulfill the constitutional requirement of advising and consenting to the express wishes of our Chief Executive.

I do not know Justice Abe Fortas. I have never met him. I have, however, read everything that I could obtain on the life and views of this remarkable man since his name was placed in nomination by the President.

From what I have read, there can be little doubt in my mind that he is a man who is professionally qualified to sit on the Supreme Court of the United States. His abilities as a lawyer are legend. His expertise in legal analysis is unquestioned. His acute intelligence and intellectual honesty cannot be impugned. But above all these qualities, it appears that Mr. Fortas is a man of intense loyalty to both his friends and companions and to a set of ideological principles to which he has subscribed. It is this loyalty which makes the difficult task of the Senate in advising and consenting all the more bewildering and complex.

I believe, from what I can read that his sense of loyalty to friend and cause has been the real reason for the dramatic errors in judgment on the part of Mr. Fortas which the Senate is being called upon to review today. The unswerving personal loyalty of Mr. Fortas to the now President of the United States and to the controversial programs, policies, and philosophies of this administration, gives focus to this entire debate and

gives cause for the rejection of this nomination.

It is this loyalty which dramatizes a fundamental shift in the form of government as practiced by the present administration. This administration, more than any other in the history of this Republic, has sought to personalize the power of Federal Government and has sought to reduce the participatory nature of our entire constitutional system.

The checks and balances which were so carefully established by the inspired framers of the Constitution have been blurred, confused, weakened, and brought into disrespect by the President of the United States and this administration. The power of the Congress has been deliberately diminished and the Supreme Court, principally through the activities of Justice Fortas, has been brought into questionable repute.

Actions, practices, and relationships between the President of the United States and Justice Fortas, only recently revealed, point up the close interrelationships between certain business interests and the highest political office of the land. To tolerate the linking of these interests with the Supreme Court of the United States threatens the very fabric of our democracy.

Justice Oliver Wendell Holmes once described the atmosphere of the Supreme Court during its deliberations on cases brought before it as being like the quiet in the center of the storm. Senate investigations have revealed that a member of that Court, namely, Justice Fortas, has moved out of the quiet of that sanctified storm center on numerous occassions and has participated to an unknown degree in the political decision-making processes surrounding events and political crises of unparalleled importance to this country.

Mr. Justice Fortas, apparently at the direct personal request of the President of the United States, has involved himself in events leading to the suppression of horrifying race riots, to legislative action following a tragic political assassination, to the enunciation of social and political programs of this present administration in the state of the Union message of the President of the United States, and to the suppression of criticism of an unpopular war that more than any other single thing has divided and disrupted our country and brought fear and distrust to our citizens.

The storm center of proper judicial deliberations, as described by Justice Oliver Wendell Holmes, is too demanding to leave any room or cause for members of the Supreme Court to exercise their views or their talent in the greater political arena of this country. The President of the United States is certainly entitled to the advice, counsel, sympathy, and support of the best minds and institutions in this country in meeting the fantastic crises which buffet our National Government.

But there is one exception to this license which I believe all Americans would like to see granted to their elected President. That exception excludes the Supreme Court and its members from qualifying as susceptible to the call of the President.

Mr. Justice Fortas revealed to the Senate Judiciary Committee, after persistent probing by diligent committee members, that he had indeed called a former business associate who had been critical of administration policies and pronouncements concerning our national involvement in the war in Vietnam.

We will recall now that other members of the Supreme Court; namely, Justice Stewart and Justice Douglas, have repeatedly expressed the view that the conscription of our young men to fight in this war does raise questions which are justifiable and which should be heard by the Supreme Court. Some citizens in this country have been bending every effort to bring the Vietnam war issue before the Supreme Court and I ask the Senate now: Is it irrelevant to our constitutional government and to the separation of powers that a member of the Supreme Court serves as a spokesman for a questionable war? Of course that is not irrelevant.

The next question to be asked and a question which I regret was not asked by the Senate Judiciary Committee in its investigation of Mr. Justice Fortas, is whether or not Mr. Justice Fortas would see fit to disqualify himself from the Bench if the Vietnam war issue were brought before the Court. Is it proper that the President of the United States called upon his loyal supporter Abe Fortas to defend a tragic war which has been mismanaged, inexpertly explained, and for which national justification has been sought after the fact? I think not.

Finally, Mr. President, I would like to call attention to the business interests of the President of the United States and of Mr. Abe Fortas. In February of 1968, the Ripon Forum published an excellent article entitled "The SMIC Boondoggle." That article was placed in the CONGRESSIONAL RECORD on September 17, 1968, by Senator GRIFFIN. The Ripon Forum summarizes this article as follows:

> SMIC stands for the Southwestern Military Industrial Complex or to put it more personally, the friends of L.B.J. Funny thing: since Lyndon became President stock prices of SMIC firms have soared; Texas has increased its defense contracts by 460%; and old SMIC stalwarts like Abe Fortas and Ed Clark have had appointments that enable them to keep an eye on their business interests while serving our country.

Under the heading of "Conflict of Interest," this article describes the new style of administration as practiced by President Johnson. I read this portion of this article for the edification of all Senators:

> The Clark appointment is not—with all its crassness atypical. Another Johnson advisor, Justice Fortas, served as director of various SMIC-related corporations. Before ascending to the Supreme Court, Justice Fortas was part of the highly successful New Deal law firm of Arnold, Fortas and Porter, a Washington firm specializing in lobbying and tax law. He defended Johnson—subsequent to the Texas Senatorial election of 1948—against charges of election fraud in a case taken to the United States Supreme Court. In 1963 he undertook the defense of Bobby Baker, another chore presumably of the utmost political importance to Mr. Johnson.
>
> Fortas, then, is more than simply a "Johnson advisor"; he is a trusted political ally. So when Fortas acted as the President's envoy in settling the details of the Dominican crisis, he carried with him at least the aura of Johnson's personal endorsement.
>
> It is therefore particularly distressing that at the time of the Dominican mission Fortas was a member of the Board of Directors of the SuCrest Corporation, a major purchaser of Dominican sugar. That Johnson sent him into so obviously compromising a situation is evident of the President's almost incredible insensitivity to the issues raised by conflict of interest.
>
> Fortas and Clark are merely representative personalities. Throughout the last 30 years, people who have played ball with Johnson have found that he plays ball with them. As President, he has elevated this habit into a new style of administration, "cronyism," in the furtherance of which public spending is distributed like private largesse.
>
> Clever exploitation of political power for personal gain has, of course, many precedents in American history. But this ought not obscure the effects of the Johnson-SMIC combine on America and the future course of its foreign policy. The recent trends described above are not simply a matter of mink or vicuna coats. A powerful segment of the national leadership, perhaps including the President himself, is deriving enormous economic benefits from the prolongation of the war in Asia. The result is a conflict of interest of grave proportions and worldwide significance.
>
> When President Eisenhower left office, he indicated the inherent danger in the relationship between government and the defense industry, and he has noted that a rapid expansion of military spending tends to undermine democratic institutions, much as the influence of Congress has been reduced in the past four and a half years.
>
> It need hardly be added that the reelection of Lyndon Johnson in 1968 will increase the influence of SMIC in the White House and cause a commensurate loss in independent judgment in the formulation and execution of American foreign policy. Surely, Mr. Johnson's cronyism will be and should be an issue in the coming campaign.

Mr. President, Mr. Johnson's cronyism has become an issue in the coming campaign, and it is Mr. Johnson who has made it an issue. His nomination of Abe Fortas to the Chief Justiceship of the Supreme Court of the United States has crystalized serious questions concerning the conduct of his administration.

Within the past several days, other evidence has been brought to light by none other than Ralph Nader, a courageous young crusader for consumer interests. In an interview between a representative of Playboy magazine and Mr. Nader, Mr. Nader outlines a practice of lobbying that apparently has become commonplace on the Washington scene. Mr. Nader says, in part:

> But you also have the wealthy Wall Street-Washington law firms that represent the huge corporations, and here the ethical problems become really acute. . . . Now, you've got to remember that whenever a major industry gets into *real* trouble, it doesn't go to its trade association or to its house counsel, but to these Washington-Wall Street firms that are staffed by men who have served in government, who have penetrated the interstices of power and who are thus eminently qualified to mediate and resolve problems—who are, in short, masters of preconflict resolution, or the art of settling prob-

lems in the back room before they burst into the public limelight and generate democratizing pressures that cannot be controlled. In this case, the Tobacco Institute, the industry spokesman, enlisted a number of top Washington law firms, the most important of which were Arnold, Fortas and Porter—of which Abe Fortas, now a Supreme Court Justice and a longtime friend of L.B.J., was a senior partner—and Covington & Burling, led by Thomas Austern, a veteran lawyer and backslapping Washington contact man. These lawyers, with the occasional help of Mr. Fortas, met daily to plot a strategy that would decide the government's public policy on a major health problem for years to come, and they lobbied relentlessly with Congressmen, bringing to bear all their influence and all the economic power of the tobacco industry.

I ask unanimous consent, Mr. President, that the relevant portions of the article from Playboy magazine, for October 1968, be printed in the RECORD at this point.

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

PLAYBOY. Who are the "lobbyist-lawyers" you criticize for persuading Congress to go easy on corporate crime?

NADER. First of all, let me explain that there are two basic strata in the legal profession in this country. On the one hand, you have a majority of lone lawyers who work with poor or middle-class clients; you can have serious ethical problems with this type of lawyer in the accident, estate or loan area, but the abuses generally affect only individual clients who are exploited in one way or another. This is the more petty type of legal chicanery, which, while it must be corrected, does not create a legitimizing legal framework for itself. But you also have the wealthy Wall Street-Washington law firms that represent the huge corporations, and here the ethical problems become really acute. The worst problem is at the top, not the bottom; the legal profession, like a fish, rots from the head down. My interest, consequently, is primarily focused on these megalaw firms, because they are among the strongest power brokers in our society, particularly between industry and Government; and they are also the least understood power elite in the nation.

These law firms, as the legal agents of the large corporations, are involved directly in preserving and extending corporate exploitation of the consumer, often under Government protection via laws they draft. Such lawyers have abdicated or distorted their legal ethics and their responsibility to the public interest for million-dollar retainers. The behavior of these firms is particularly irresponsible because they also set the ethical tone for the little lawyer who works with individual clients; as he gazes up at the Olympian peaks of the Wall Street-Washington law firms and witnesses the squalid bluechip cavorting of the country's best-paid and most respected lawyers, it's inevitable that he will want his slice of the pie, too. After all, he'll say to himself, if they're rewarded with $500,000 homes and invitations to the White House, why shouldn't he, in his own little practice, emulate their example? And so the whole sordid ethical code of these large firms filters down the line and helps create the same kind of operational atmosphere for other lawyers.

PLAYBOY. What specific unethical acts do you claim these large law firms commit?

NADER. Let me give you two examples. And let me stress at the outset that their activities, while profoundly unethical, are rarely illegal; they stay within the strict letter of the law—which they or their predecessors often helped write. As a case in point, let's take the cigarette-labeling legislation that passed Congress in 1965. Here you had a question of great and lasting significance for public health: What should Congress do, if anything, in the light of the Surgeon General's report on the health hazards of smoking? There was a considerable demand, voiced by public and echoed in Congress, that strict legislation be passed, warning the consumer of the dangers of smoking and initiating antismoking campaigns and research for safer cigarettes on a large scale. As this controversy got under way, the tobacco industry began marshaling its forces in Washington through its lobby, the Tobacco Institute, headed by ex-Senator Earle C. Clements, which mobilized legal support for the industry.

Now, you've got to remember that whenever a major industry gets into *real* trouble, it doesn't go to its trade association or its house counsel, but to these Washington-Wall Street firms that are staffed by men who have served in Government, who have penetrated the interstices of power and who are thus eminently qualified to mediate and resolve problems—who are, in short, masters of preconflict resolution, or the art of settling problems in the back room before they burst into the public limelight and generate democratizing pressure that cannot be controlled. In this case, the Tobacco Institute, the industry spokesman, enlisted a number of top Washington law firms, the most important of which were Arnold, Fortas & Porter—at which Abe Fortas, now a Supreme Court Justice and a longtime friend of L. B. J., was a senior partner—and Covington & Burling, led by Thomas Austern, a veteran lawyer and backslapping Washington contact man. These lawyers, with the occasional help of Mr. Fortas, met daily to plot a strategy that would decide the Government's public policy on a major health problem for years to come, and they lobbied relentlessly with Congressmen, bringing to bear all their influence and all the economic power of the tobacco industry.

What was the result? Congress passed a Cigarette Labeling Bill—spearheaded by Dixiecrat legislators from tobacco states—that was completely without teeth; a bill, in fact, that the tobacco industry had desired desperately and which fulfilled its every corporate need. The bill did three major things for the industry. First, by requiring that each cigarette pack be labeled on the side with the message "Smoking may be hazardous to your health," it put the smoker on notice and gave the industry a persuasive defense against potential liability suits. Now they can say to the plaintiff in court, "Since we warned you before you assumed the risk, we are absolved of all responsibility." Let me add parenthetically that even the wording of this warning was weak: "Smoking *may* be hazardous to your health," instead of, as the Surgeon General's report and every other serious study demonstrates, "Smoking *is* dangerous to your health." The second boon the bill gave the industry was that it headed off the states from taking any action to protect consumers from smoking hazards at least until 1969. This was very important to industry, because legislators in New York State, under the leadership of state senator Edward Spino, were on the verge of passing very tough legislation against cigarette advertising, and a number of other states seemed ready to follow New York's lead. So the bill gave the industry a five-year breathing space, during which time its products could continue to be sold while innovations such as the 100-millimeter cigarette could be introduced. The third thing the bill did for the industry was to preclude the Federal Trade Commission, which had just issued some stringent proposed rules concerning cigarette advertising, from acting in any way again, at least until 1969. So this bill, which many naive citizens viewed as a blow to the tobacco industry, actually constituted a Congressional surrender to the industry. And who were the architects of this remarkable tour de force? Washington corporate attorneys who listen to after-dinner pontifications about lawyers' being the soul and conscience of society.

Let me give you just one more example of this type of thing. One of the smallest but most powerful Washington law firms, which is also most adept at defeating the public interest, was Clifford & Miller, headed by the redoubtable Clark Clifford, friend of Presidents and presently our Secretary of Defense. As a result of the conviction of General Electric, Westinghouse, Allis-Chalmers and other companies for violation of the antitrust act by collusive long-term price-fixing, which was designed to maintain high wholesale prices for GE's and other corporations' electrical equipment, a number of municipalities and other customers demanded repayment of overcharges. After a good deal of grumbling, the companies agreed to pay out about $500,000,000 in punitive damages. Prior to most of these settlements, GE called in Clark Clifford, who knows his way around Washington, and asked him to use his considerable influence to persuade the Internal Revenue Service to rule that the money GE and the other culpable companies had to pay out in damages was tax-deductible. After some persuasive representation by Clifford, believe it or not, the IRS ruled just that—which meant that the punitive damages GE and its price-fixing partners paid out as restitution for their own criminal activities were written off as "ordinary and necessary" business expenses; and as a result, the amounts were offset against profits and the Federal Government got 50 percent less in tax payments from the electrical companies involved—a difference ultimately underwritten by the American taxpayer. So Clark Clifford saved GE over $100,000,000; even a one-percent fee for such services would amount to $1,000,000. This is the kind of leverage—and incentive—these top Washington lawyers have. Even if the public interest is sacrificed in the process, no criticism is leveled at these attorneys.

PLAYBOY. How do the top corporation lawyers gain such influence?

NADER. By skillfully coordinating the influence of their corporate client with their own personal influence in Washington. They have done this in many ways, but the most important factor has been their ability to curry Presidential or Cabinet-level favor—by helping the President, for example, get business support for his tax legislation and balance-of-payments policies, by lobbying in Congress for his legislative programs, by working for the party organization and raising campaign funds, by setting up key task-force advisory committees, by persuading prominent businessmen to accept high-level Government appointments and by frequently assisting the Chief Executive and other high officials on a wide range of ticklish policy matters. Now, all of these nonremunerative "public services," of course, have an implict *quid pro quo*. The lawyer is repaid with special early access to Government information that will be of use to his corporate clients on rulings, regulations, licensing or quotas; or the Government will take a stand favorably disposed to a particular economic interest represented by such a lawyer; or a Federal agency will delay in acting contrary to that economic interest.

PLAYBOY. Wouldn't lawyers such as Clifford and Fortas answer you with the argument that they are only serving their client and that in a free society everyone has a right to legal representation?

NADER. No one questions a company's or an industry's right to legal representation. It's *how* they're represented, and for what purpose, that is the issue. If there were law firms on the other side to represent the consumer, to make secret information public, to engage in meticulous advocacy, to expose pay-offs and other undesirable practices, then lawyers like Clark Gifford would not be such influential industry lobbyists.

There's nothing reprehensible or unethical, for example, about a criminal lawyer representing a crime chieftain, because his efforts are countered and the public protected by the district attorney's office, the police and the whole prosecuting machinery of the state. There are, unfortunately, no such countervailing forces in Washington.

It has to be driven home to the American people that the relationship between big business and these top law firms is not a normal attorney-client one but a partnership extending far beyond the court process into legislation, administration, political and diplomatic lobbying, business investments and directorships. The American people must know how much power these lawyers have and how that power is frequently exercised to the public detriment. During the 1966 auto-safety battle in Congress, for example, the four U.S. auto companies hired attorney Lloyd Cutler to represent them. Cutler had the special task of preventing the law from including criminal penalties for willful and knowing violations that would endanger human life. Somehow, he persuaded Congress that criminal sanctions for such acts as knowingly putting defective vehicles on the market and not recalling them, watering down or adulterating brake fluids, etc., would be punitive, unnecessary and impossible to enforce. Before Congress caved in to Cutler, who applied a good deal of pressure, Senator Vance Hartke, who had introduced the criminal-sanctions provision, asked why there was such desperate lobbying by the auto industry to forestall a sanction that would apply only to knowing and willful violations of the law and not to structural flaws or failure to innovate safety improvements. He didn't get an answer. Did Mr. Cutler have an ethical and professional responsibility to consider the human and social effects of his services? Did he appreciate the fact that he was exempting from criminal penalties not only his four auto-company clients but also thousands of suppliers and distributors whose integrity Mr. Cutler might not so easily vouch for? Apparently, he lost little sleep over this dilemma.

Mr. HANSEN. Mr. President, this country and its political institutions are being threatened by minorities on the left and minorities on the right as it has never been threatened before. The appeal of George Wallace, a demagogue and spoiler of Democratic institutions and principles, can no longer be ignored.

Pious mumblings by certain apologists that a sustained battle over the confirmation of Abe Fortas to the Chief Justiceship of the Supreme Court are predicated on an effort to irresponsibly discredit and demean the stature of the Court are as unrealistic as they are condescending. The stature of the Court has been demeaned already by the monumentally poor judgment displayed by the President of the United States and by Justice Fortas since his ascension to a seat on the Supreme Court.

The George Wallaces of this country, as much as we might denounce them, and I here denounce him, are not tilting at windmills when they raise fear and suspicion over the posture of the Supreme Court. But the Supreme Court will not be reformed and the administration of our Federal Government will not be reformed by the insinuations and panderings to fear and ignorance from the likes of George Wallace.

The role of the Supreme Court in our national life and the functioning of the executive branch of the Federal administration can and should be reformed from within our two great political parties. A nomination of Justice Abe Fortas to be Chief Justice of the Supreme Court is a tragedy at this time in our national history. It is a tragedy for the Supreme Court itself which has been discredited and brought under the cloud of suspicion among our Nation's citizens. It is a tragedy for the President of the United States, who in the closing days of his administration has chosen to stake his personal pride, prestige, and power on the confirmation of this nomination. It is a tragedy for the President because the nomination will not be confirmed by the Senate in the 90th Congress.

Lastly, it is a personal tragedy for Mr. Abe Fortas. A man of great ability, great compassion for the rights of individual citizens and minorities, a man who has labored unstintingly throughout his life for the causes and the persons to whom he has committed his loyalty, has now been thrust into the eye of public scrutiny, debate, and controversy. It is doubly a tragedy for Mr. Fortas because he undoubtedly served at the will and call of the Chief Executive and Commander in Chief to whom he believed he owed a personal loyalty. But that does not excuse. It does not excuse the President for his misjudgment, the Justice for his impropriety, or the Senate from its solemn responsibility to correct a matter which is obviously wrong.

I call upon the President of the United States to withdraw the nomination of Abe Fortas to the Chief Justiceship, and I call upon Mr. Fortas to resign his seat on the Supreme Court immediately. The evidence brought to light on this matter so far is justification enough for both of these requests. And how much more evidence is there? We have just seen the tip of the iceberg. The Senate Judiciary Committee hearings were halted prematurely. What lies beneath the surface?

STATEMENT ON THE PUERTO RICAN CONNECTIONS OF ABE FORTAS

Mr. President, I would like to discuss with the Senate for a few moments a matter which reflects on the judicial propriety shown by Associate Justice Abe Fortas.

In pursuing this discussion, I want to make it clear that I speak as a nonlawyer on this subject. But I speak as a Senator who is deeply concerned, as a layman and citizen, in what appears to be a clear instance where a Justice has brought himself to the consideration of a case, tainted with a bias which was bound to affect his decisionmaking capability.

We know that Mr. Justice Fortas served as Under Secretary of the Interior from 1942 to 1946. According to his testimony before the Senate Judiciary Committee, one of his responsibilities was "supervision of the Division of Territories, which had its own chief." In this capacity, Justice Fortas had an intimate part to play in the creation of the Commonwealth of Puerto Rico and in its later development and relationship with the U.S. Government.

According to an article written by Marquis Childs, appearing in the Washington Post on May 22, 1946, Abe Fortas left the Department of the Interior in 1946 and "within a few days he had accepted a $12,000 retainer to represent the Government of Puerto Rico in this country."

I shall read this article, entitled "Law Industry," by Marquis Childs, because it is short, and relevant to our discussion here.

One of President Truman's recurring complaints is that he finds it more and more difficult to recruit able men for public office. Boom-time prosperity is luring them into private business.

Younger men have left the Government in droves. One goal is in the law industry here in Washington. It is fast becoming nothing less than that—an "industry," with office space so scarce that houses are being remodeled and suites of offices rented even before the plaster is dry.

One of the recent recruits to the law industry is Abe Fortas, who was Undersecretary of the Interior for nearly four years. A few days after he left the Department of the Interior to join partnership with trust-buster Thurman Arnold, Fortas accepted a $12,000 retainer to represent the Government of Puerto Rico in this country.

A press release issued by the Office of Puerto Rico—a recent creation of the Territory's Gov. Rexford G. Tugwell—declared that Fortas would represent his important new client "in all future proceedings before the United States Supreme Court, the United States Circuit Court in Boston and agencies of the Federal Government." This announcement touched off a dispute which may affect the entire law industry in Washington.

It so happens that Puerto Rican legal matters in this country have been ably handled by the Department of the Interior and the Department of Justice at no cost to the government of Puerto Rico. In the past three years, 18 cases have been briefed and argued by Justice and Interior. Of the cases in which decisions have been rendered, only one was lost.

Therefore, Solicitor Warner W. Gardner of the Interior Department was considerably surprised by the announcement of Fortas' retainer. Gardner promptly called on Tugwell to explain just what the relationship was.

In the course of his letter to Tugwell, he quoted at length from a letter that Fortas had written less than a year before on this very same subject. Because it has so much bearing on the whole question of the propriety of those who leave the Government to take cases in which they have had a previous interest, the Fortas letter is worth quoting.

"I believe," said Fortas when, as Undersecretary in charge of territorial affairs he wrote to Tugwell to protest against the same kind of arrangement, "that continuing representation of a Government or a governmental agency by private attorneys is unsound and unwise. I know that, from time to time, governmental agencies must and should retain private counsel on specific matters in order to assist Government counsel. But except for such specialized assistance, governments and governmental agencies should, in my opinion, be represented by lawyers who are public officials. In my opinion, it is neither seemly nor appropriate for governmental agencies to be represented by counsel who are not regularly constituted public officials."

Fortas went on to say that such a relationship "is apt to lead to embarrassment, regardless of the unimpeachable character of the private attorneys who might be concerned." "In the event," he said, "that the private lawyers obtained law business from private sources which involved dealing with the Government, it is obvious that the situation would be embarrassing for both the lawyers and the Government."

That was good counsel. The interweaving of private and public business is dubious. No matter how good the intentions, the public customarily gets the short end of the bargain.

When New Dealers such as Fortas leave the Government, they do not mean to surrender

their convictions or their objectives. They are convinced that they can help the cause of liberalism and at the same time make more money than the Government can pay them.

The prototype, of course, is Thomas G. Corcoran, who was so close to the New Deal and President Roosevelt. Leaving the Government, he went into a private law office and his fabulous fees are part of the Washington legend. His old friends in the Government gave invaluable aid.

The Washington law industry is taking on oppressive size. While former New Dealers flourish, the really big money goes to the old established firms, some of which have opened branch offices here. A dozen proposals before Congress would increase the legal barriers that the Government must face in doing its job. That means more fees, and the public finally foots the bill.

We learn from the article that—

A press release was issued by the Office of Puerto Rico—a recent creation of the Territory's Governor, Rexford G. Tugwell—declaring that Fortas would represent his important new client "in all future proceedings before the United States Supreme Court, the United States Circuit Court in Boston, and agencies of the Federal Government."

Justice Fortas was confirmed for his seat on the Court by the Senate on August 11, 1965, and he took his oath of office and seat on October 4, 1965. On June 13, 1966, the Supreme Court handed down the case of Katzenbach, Attorney General, et al. against Morgan et ux, which concerned the 1965 Voting Rights Act passed only a year before by Congress. In that act, persons who were literate in Spanish, if evidenced by completion of the sixth grade in a Puerto Rican school, are eligible to vote, thus abrogating the New York requirement. The majority of the Court held that Congress has the power under section 5 of the 14th amendment to prohibit the English literacy requirement of the State of New York. The State of New York was prevented from exercising its judgment on requirements for electors by a contrary finding of the Congress. Justice Harlan dissented, being joined by Justice Potter Stewart.

Several plaintiffs were involved in this series of cases, but all in substance represented a class of citizens of Puerto Rican background living in the continental United States. As Justice Harlan presented in his dissent, section 4(e) of the 1965 Voting Rights Act applied principally to the Puerto Rican situation:

Although the statute is framed in general terms, so far as has been shown it applies in actual effect only to citizens of Puerto Rican background, and the Court so treats it.

I do not propose to go into the merits or demerits of the majority finding by the Supreme Court in the Katzenbach against Morgan cases. But of great relevance to our discussion and debate here in the Senate is the propriety of Justice Fortas in participating in this decision. We learn from Justice Harlan's dissent, at page 669, footnote 9:

There were no committee hearings or reports referring to this section, which was introduced from the floor during debate on the full Voting Rights Act. See 111 Con. Rec. 11027, 15666, 16234.

We also learn that Rafael Hernandez Colon, Attorney General, argued the cause and filed a brief for the Commonwealth of Puerto Rico, as amicus curiae, urging reversal in these cases.

Further, we learn that Abe Fortas' former law firm, according to his own testimony at page 178 of the Judiciary Committee hearings, continues its relationship, as far as Justice Fortas is aware, in the capacity of private counsel to the Commonwealth of Puerto Rico to this very day.

And, finally, we learn that, on July 25, 1966, Abe Fortas, as Associate Justice of the Supreme Court of the United States delivered a speech during the celebration of Constitution Day in San Juan, Puerto Rico. The uniqueness of this speech lies not in its substance, but in the circumstances surrounding its deliverance. In the words of Justice Fortas, he said to the people of Puerto Rico:

I come to you today—on this great occasion—as the representative of the President of the United States.

The speech which was delivered by Justice Fortas was considered by many Puerto Rican citizens to reflect a strong partisan view in support of the present regime in Puerto Rico. Being unfamiliar with the political situation in Puerto Rico at the present time, I would be unqualified to reflect on that judgment. I can only attest to the fact that exception to the speech was taken by certain opponents of the reigning majority in Puerto Rico at the present time. It was felt by these Puerto Rican citizens that Justice Fortas had entered into the forbidden political field of status and had voiced a partisan opinion. These citizens feel that the status question is still a lively issue involving basic constitutional questions which someday are likely to reach the Supreme Court.

In light of the Katzenbach against Morgan case and the participation of Justice Fortas with the majority of the Court in the disposal of that case, it appears that the concerns of Puerto Rican citizens regarding the judicial review of constitutional questions are well founded.

There are many deeply disturbing questions which come to mind on this matter at this time. Perhaps most disturbing of all is the fact that the Senate Judiciary Committee has closed its hearings and a full disclosure of potential judicial impropriety may never be made. Nevertheless, I believe it is relevant to ask whether the law firm of Arnold and Porter participated in any way in either the passage of the 1965 Voting Rights Act in Congress or in the preparation of briefs and arguments for the Commonwealth of Puerto Rico in its amicus curiae appearance before the Supreme Court in the Katzenbach against Morgan cases. Answers to these questions appear to me indispensible before the Senate can make a judgment on whether or not Justice Fortas was qualified to participate in the Katzenbach against Morgan cases. Judicial impropriety is a major issue before the Senate at this time. Should Justice Fortas have disqualified himself from sitting in judgment on these cases affecting a class of citizens and a Government with whom he had had a longstanding and complex relationship?

Here, again, I believe we have seen the tip of the iceberg. What lies beneath the surface?

Judicial propriety is a major issue before us. The Chief Justice and Associate Justices of the Supreme Court must be as far above suspicion as Caesar's wife.

I believe that qualification of Justice Fortas for participation in the cases involving the voting rights of Puerto Rican citizens can be seriously doubted at the present time. What other cases are there where a similar disqualification may exist?

We are obviously dealing with the life of an extraordinary man. He did not come to the Supreme Court as an empty vessel. And it is asking too much of him as a human being to expect him to sit in judgment on cases as an empty vessel. The problem which he faces and which we face in making a judgment on his confirmation is not that he has had inadequate experience in the complicated issues which may face the Court, but that he has had too much experience. The problem for him and for us, is not that he has not seen the fire of public issues and been seared in the heat of political and ideological controversy. No, the problem is that he has seen and heard and advocated and committed his extraordinary talent, and, indeed, his life, to too many of these controversies.

So, despite the extraordinary abilities of this man, and the extraordinary experience that he has had during his lifetime, I believe that it is only right for his sake, for the sake of the Supreme Court, and for the sake of the proper functioning of the Government of the United States, that this proud and sensitive man resign from his seat on the Supreme Court immediately.

Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, sometime later today—if not today, tomorrow if we have a session on tomorrow—I shall address myself at least briefly to the pending business, the motion to take up the nomination of Mr. Justice Fortas to be Chief Justice of the United States.

At this time, however, I shall address myself to a different situation, one that I believe is of grave importance to the security of this Nation. At least, it has some ramifications in that respect. It is a problem that has become very serious, and unless it is solved, it can have an impact on the defense posture of this Nation.

THE F–111

Mr. McCLELLAN. Mr. President, on last Monday, September 23, another F–111 airplane crashed at Nellis Air Force Base, Nev. This was an F–111A, the Air Force tactical bomber version of the famous TFX—the super wonder plane—authored by the former Secretary of Defense, Mr. Robert S. McNamara. As we know, it was erroneously and extravagantly claimed that this plane, the TFX series, would serve many purposes and be able to perform a multitude of military missions for both the Air Force and the Navy.

Full information on this most recent crash—the second TFX plane lost this month—is not yet available. The cause—

why this plane crashed—is still unknown; and in view of its complete destruction, it may be quite a long time, if ever, before the cause can be determined.

Fortunately, however, according to press reports, the two pilots ejected and parachuted to the ground. One of the pilots, I understand, received some injuries, but the other escaped unharmed.

Mr. President (Mr. PELL in the chair), this brings to eight the number of F–111A aircraft that have been lost or totally destroyed in crashes. In addition, two out of six of the total F–111B's, the Navy version of this plane, that have been flight tested have crashed and are total losses. Thus at least, 10 out of about 100 of these planes that have been built, tested, and flown have crashed and been lost. This poor performance, which has taken the lives of nine pilots and permanently disabled another, further fortifies grave doubts that have arisen and have long been entertained about the technological and engineering soundness of this TFX series of airplanes.

The clearly established inadequacy of the Navy version caused Congress this year wisely to withhold appropriations for the further procurement of any additional F–111B's. However, Congress is in the process of appropriating money for the Navy to proceed with research and development of a suitable substitute and replacement for the faulty and combat-ineffective F–111B.

I do not recall at the moment the amount of money in the defense appropriation bill for this research which has the purpose of enabling the Department of Defense to pursue the objective of developing a plane to take the place of the F–111B, which has proved to be an untrustworthy weapon. Years of effort failed to produce a TFX for the Navy which could be made to operate safely and to carry out the required naval combat missions which it was represented that it would be able to perform at the time the contract for procurement was let.

Also, in the Department of Defense appropriation bill, Congress is providing this year more than $1⅓ billion for further research, development, and procurement of a number of F–111A's and other Air Force versions of the TFX plane. This is being done in the hope and expectation that the Air Force TFX can yet be developed into a safe, reliable, and effective military weapon. But after 6 years of research and development, construction, and testing, we still are not reassured, even with the spending of more money, that the Air Force tactical version, the F–111A, and the other types of F–111's being produced for the Air Force will be made safe and effective combat weapons.

We hope that they can be made into reliable weapons because of the billions of dollars involved in this program. No one wants the program to fail. There is too much involved with respect to the security of our country, our military power and strength, and our defense posture for us to be without this type of weapon when it is anticipated that it may be needed.

I think it is already known, Mr. President, beyond any peradventure of doubt that it will never be the weapon for which we contracted, and the weapon which we bought. Let us hope, however, that an effective aircraft can at least be salvaged from this program.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. McCLELLAN. I yield.

Mr. STENNIS. Mr. President, I wish to repeat what I said before about the very fine service to the Nation's military strength which the Senator from Arkansas [Mr. MCCLELLAN] has rendered in connection with the TFX matter. It was testimony developed by the Senator from Arkansas that gave us such confidence in the Committee on Armed Services this year in the authorization bill concerning our final judgment with reference to the Navy version of the TFX when we took it out of the bill. That was in January or February, or perhaps March, when the bill was marked up. Later, that position prevailed in the Senate and the House.

The Senator stated that he hopes a weapon will come out of all this.

Mr. McCLELLAN. That is, at least in the Air Force version.

Mr. STENNIS. I was going to say that the Senator was referring to the Air Force version.

Mr. McCLELLAN. Surely.

Mr. STENNIS. The Air Force version still has the possibility of developing into an effective weapon. I do not want to discredit it, but it has not proved itself yet.

Mr. McCLELLAN. It is far from it, after 6 years of development. Again, I wish to say—and I have no reservation in saying this—that I hope we are able to salvage something and make an effective weapon of it, but I think we know it will never be the weapon promised. I think we know that already.

Mr. STENNIS. Yes; but I know the Senator is still hopeful, I know I am, because of the need for it. There is an interim need involved, and it is the only thing we have in that field; and if it should be totally deficient so that it cannot overcome these defects, we would have a great void. I would like to see some of the money redeemed that has been spent.

Mr. McCLELLAN. Yes. I am sure the Senator knows that at all times in the Committee on Appropriations I have advocated giving the Department of Defense every dollar it requested for the Air Force plane.

Mr. STENNIS. Yes. The Senator is correct.

Mr. McCLELLAN. I have not advocated withholding $1 from the Department of Defense that it said it needed to develop the plane. Long before we made the determination, I had very strong misgivings about the Navy plane. I did not think it would work, and I did not think they could perfect it or make of it an effective weapon, and I so stated. I think that has been proven subsequently, and that my judgment was sound.

However, we have so much at stake and the need may be so great when the time comes that I am concerned and hopeful that we will get a good weapon some day in the Air Force version of the TFX.

Mr. STENNIS. There have been other instances where we have had trouble, as we are having now in this instance, where it was possible to overcome the difficulties and make a real weapon.

I join with the Senator in being hopeful. The Senator not only supported the money for the Air Force version, but he also has supported providing enough money, and he has given fair treatment in connection with the Navy version.

Mr. McCLELLAN. What I objected to, and the only thing I objected to, was providing money to procure it before it had been demonstrated that it would be a weapon that would add strength to our military arsenal. I did not want us to buy a weapon that was going to be ineffective, thereby throwing away billions of dollars.

Mr. STENNIS. I thank the Senator for yielding.

Mr. McCLELLAN. But, Mr. President, the number and frequency of failures and crashes of the various models of the TFX are, indeed, serious and are greatly discouraging. Six years of research, development, and construction—of concerted, intense, and expensive effort—have gone into the production of this weapon. The results obviously are most unsatisfactory and disappointing. This program needs major improvements that will convincingly demonstrate that we can and that we will, without further undue or unnecessary delay, be able to get the technological and engineering defects out of this plane and make a weapon of it that will meet the performance standards and specifications in the procurement contract. I do not think it will ever measure up to that, but perhaps it will approach the requirements sufficiently to be a suitable plane.

The research and development failure to produce the F–111B as an adequate weapon to meet the needs of the Navy in the early 1970's will undoubtedly detract from our naval strength and defense posture at that time. This will leave a gap in our naval arsenal that must be filled at the earliest possible date. We certainly must do everything we can to prevent a similar gap from occurring in our Air Force arsenal. If the F–111A plane cannot be improved—if it cannot be perfected and made safe—so as to measure up to the weaponry performance that is required and for which it was designed, then we need to make that determination with all deliberate speed and move to the development and procurement of a replacement for it.

This TFX procurement program was inaugurated to provide weapons to meet a potential threat to our national security—an eventuality for which we felt we must be prepared. The danger that necessitated this TFX program has not vanished. It is still with us.

It will be remembered that in March of this year the first F–111A's were sent to Southeast Asia for "combat trials" as they were called. "The F–111A Goes to War" blazed the headlines on front pages of the press. Within 4 weeks, while flying a total of only 50 missions, three of the eight planes that were sent to Vietnam were lost. I do not understand that any of these plane were shot down by the

enemy. They were lost because of defects in the plane or errors by the pilots flying them, and not from action of the enemy.

Because of this heavy loss, the planes in Vietnam have been withdrawn from further combat for the past 5 months and now are grounded while efforts are being made to ascertain the causes of these crashes and to determine whether the defects in this weapon can be remedied. The answer to this is urgent. The present dilemma must be resolved as soon as possible.

Mr. President, I wish to make clear, most emphatically, that nothing I have said here today is in any way critical of our present Secretary of Defense, Mr. Clark Clifford, nor is it intended to reflect upon his administration of that office. He inherited this problem, and I have every confidence that he is trying, in good faith and with great diligence, to solve it.

Every fault and blame associated with the failures that have attended this procurement program from its inception are definitely attributable to the decisions and administration of his predecessor.

Mr. President, so that the record may be clear on this matter, I ask unanimous consent to have printed in the RECORD a table showing the dates of crashes and the types of planes which have been lost and the causes of the crashes insofar as they have been ascertained or reasonably determined.

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

F–111 CRASHES

Date	Ship	Location	Purpose of flight	Cause
Jan. 9, 1967	USAF No. 9	Edwards AFB	Training	Engine stalls on landing approach; wings in wrong position.
Apr. 21, 1967	Navy No. 4	Long Island	Test	Engine stalls on takeoff when translating cowls were closed.
Oct. 19, 1967	USAF No. 18	Fort Worth	do	Structural failure of speed brake.
Jan. 3, 1968	USAF No. 19	Edwards AFB	do	Weapons bay gun caused fire.
Mar. 28, 1968	USAF production airplane	Southeast Asia	Combat	Unknown; plane never recovered.
Mar. 30, 1968	do	do	do	Unknown; control lost due to jamming by sealant tube or to broken actuator rod.
Apr. 22, 1968	do	do	do	Unknown; plane never recovered.
May 8, 1968	do	Las Vegas	Training	Lost control when hydraulic actuator rod came apart.
Sept. 11, 1968	Navy No. 2	Los Angeles	(Phoenix missile) testing	Failure in the control system; rudder hard-over indicated via radio, pilot and aircraft not recovered.
Sept. 23, 1968	USAF production airplane	Las Vegas	Training	Unknown; plane crashed on landing approach.

Note: Air Force planes, 8 lost out of approximately 90 produced to date; Navy planes, 2 lost out of 6 produced.

Mr. McCLELLAN. Mr. President, again I point out that the table of F–111 crashes covers only 10 airplanes. I notice the press refers to the last plane as being the 11th and not the 10th plane lost. The reason for the disparity is that the table makes no reference to an F–111A aircraft which was damaged in a landing accident.

I ask unanimous consent to have printed in the RECORD an article published in the New York Times for September 25, and an article published in the Washington Post for September 24, on this subject.

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

[From the New York Times, Sept. 25, 1968]

AIR FORCE TEMPORARILY HALTS ALL FLIGHTS OF F–111

(By Richard Witkin)

The Air Force ordered a temporary halt to all F–111 flights yesterday after a crash Monday at a base in Las Vegas.

It was the second time this year that flights of the $6.9-million swing-wing plane, a focus of bitter dispute since its inception, had to be stopped pending a search for accident causes.

Monday's crash was the second this month and the 11th since the plane began flying. The two pilots saved their lives by triggering the escape capsule, but one suffered back injuries.

Even before yesterday's order, the almost 100 F–111's in service, including five stationed in Thailand for Vietnam combat duty, had been severely restricted in the type of flying they could do.

This restriction was ordered early this month when a test sample of a critical piece of F–111 structure cracked during a rigorous test at the San Diego plant of the manufacturer, the General Dynamics Corporation.

The Thailand-based planes have not been flying combat missions since the first halt in flying May 9. They had been on the verge of doing so when the test rig cracked in San Diego.

Monday's trouble developed, the Air Force disclosed, when the plane was at a 300-foot altitude, a mile from the runway, on a landing approach to Nellis Air Force Base.

The plane "began a slow pull-up maneuver" and the pilots, one an Australian flight lieutenant, "were unable to maintain aircraft control."

After the pilots ejected, the plane crashed 250 feet short of the landing strip. The announcement concluded by saying:

"The Air Force is temporarily restricting F–111 aircraft from flying pending further investigation of this accident."

The term "grounding" is used only when the cause of trouble is believed to be known and planes are to be kept down until specified repairs or design "fixes" can be made.

The presence of an Australian aboard the plane that crashed Monday appeared almost certain to produce a new uproar in that country.

Only last week, in the wake of news about the structure that cracked during a ground test, opposition members of the Australian House vehemently questioned the wisdom of going ahead with acceptance of the rest of Australia's $300-million order for 24 F–111's, including spare parts and ground equipment.

Defense Minister Allen Fairhal, who came to General Dynamics' Fort Worth plant the beginning of this month to accept the first and only Australian F–111 that has been delivered so far, acknowledged that the structural failure "could be quite a serious matter."

But he added quickly that it could be a simple matter and that he still had complete confidence that the problems would be overcome.

There is no apparent pattern to the technical troubles that have beset the F–111 so far. But the establishing of a pattern has been severely handicapped by the fact that several of the downed planes, including the three that crashed on combat sorties from Thailand, have not been found.

Superficially, at least, the swing-wing feature, one of the boldest departures in a highly advanced design, has been one of the least troublesome items.

The purpose of the swing-wing is to give the plane the best possible flight characteristics, both at very slow speeds and at top speeds of up to 1,650 miles an hour.

During take-off and landing, therefore, when slow speeds are desired, the wings are positioned almost straight out from the fuselage. They are pivoted sharply backward in flight for supersonic speeds.

So far as is known, none of the 11 accidents has been caused by a mechanical malfunction of the swing-wing mechanism, although one was caused when the pilot inadvertently moved the wings back instead of forward during a landing approach.

Pilots who have flown the plane have been highly pleased by the way the mechanism works, noting particularly the minimum changes in the balance of the plane.

Still, there is deep concern in the Air Force, at the moment, as a result of the crack encountered in the recent ground test.

The crack occurred in the structural part that connects the wings to the rest of the plant. It is a 3,000-pound steel part known as a "carry through fitting." It runs across the center of the plane and has pivots at either end to which the movable wings are attached.

When the Air Force announced on Sept. 6 that the crack had occurred and that some high-stress F–111 maneuvers had been banned pending an inquiry, it said a basic defect in the "carry through fitting" itself had been ruled out.

Officials said they were 90 per cent sure that the crack had been caused by improper bolting of an aluminum plate on the fitting's rear surface.

It was hoped that the 10 per cent of doubt would be cleared up, and any necessary "fixes" decided on, by last week. But reliable sources said yesterday that the trouble had still not been pinpointed.

If it proves necessary to strengthen or alter the bolt insertions, the cost could be big and delays in resuming unrestricted F–111 flights could be considerable. On each F–111, there are 30 bolts for each of 10 aluminum plates, or 300 bolts in all. The plate where the crack occurred was designed to cover a hollowed-out area in the fitting, in which jet fuel could be carried.

The dispute over the F–111 began almost from the day when, in the fall of 1962, Robert S. McNamara, then Secretary of Defense, ordered that it be built by General Dynamics. In doing so, he overruled the unanimous recommendation of top uniformed officers that it be built by the Boeing Company.

Also at the heart of the dispute were the objections of the Air Force and the Navy to the idea that essentially a single plane be built to perform missions for both services.

By the time that test versions of the Air Force and Navy planes, which did have some differences began accumulating significant

flight time, costs of both had soared and so had the weights.

The overweight problem was particularly serious for the Navy because it had the problem of operating from carriers.

[From the Washington (D.C.) Post, Sept. 24, 1968]

PILOTS SAFE AS F–111A CRASHES

NELLIS AFB, NEV., Sept. 23.—A swing-wing F–111A crashed and exploded into flames today as it attempted to land at Nellis Air Force Base, the major pilot training facility for the controversial $6 million fighter-bomber.

The two pilots ejected safely and escaped injury. They were Lt. John M. Nash of the U.S. Navy and Flight Lt. Neal Pollock, an Australian military trainee.

An Air Force spokesman said that the plane was returning from a routine training flight when it plummeted to the ground about 100 yards short of the runway.

Some 20 F–111A's are based at Nellis where crews undergo training for the Air Force. A number of pilots from Australia also are assigned to the training program to prepare for the delivery of about two dozen F–111A's to Australia by the U.S. Government.

There have been eight previous major accidents involving the F–111A. Three crashed in Southeast Asia. On Sept. 11 an F–111B, the Navy version of the Air Force fighter-bomber crashed at sea.

At one time the F–111A was grounded by the military because of the rash of crashes. They still have not returned to combat.

Mr. McCLELLAN. Mr. President, I emphasize that I am not opposed to this airplane program. I want the plane to meet success as a weapon, but I do not want this country to continue pouring money into it if it is determined to be a hopeless proposition, and if it is going to turn out as has the Navy version.

I have confidence that we have the engineering talent, the technology, skill, and judgment to make that determination. I also have faith that the present administration and the Department of Defense will make that determination and then we can know whether we must start all over again, as we are going to have to do with respect to the Navy plane, or whether we can move with all possible speed to make this plane the weapon we had hoped it would be, a weapon to add to the strength of our military forces.

Mr. STENNIS. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. STENNIS. I repeat, the Senator from Arkansas has made a real contribution in bringing before the Senate and the Nation the facts, as well as his good judgment, on this troublesome but highly important matter. I know that he will continue to follow in this field.

Mr. McCLELLAN. I thank my friend. We work together on the Appropriations Committee. I think we all feel this way about it. It was, in the beginning, as my distinguished friend knows, not popular to challenge the judgment of the Secretary of Defense. As chairman of the Permanent Subcommittee on Investigations, I did not relish the responsibility that fell upon me in this matter. There was certainly nothing pleasant about it. But there are times when we have enough information, and a conviction that is compelling, that we must accept such responsibility and try to perform the duty that devolves upon us.

I thank my good friend again for his complimentary references to the efforts of the Senator from Arkansas.

Mr. President, I yield the floor.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

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

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

Mr. ERVIN. Mr. President——

Mr. MANSFIELD. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. ERVIN. I yield.

ORDER FOR RECESS TO 10 A.M. MONDAY

Mr. MANSFIELD. Mr. President, I would like at this time, once again, to call the attention of the Senate to the situation which faces the leadership with reference to a possible meeting on Saturday. I have received no notice yet from any Member of the Senate that he intends to speak tomorrow. I would like to ask the distinguished Senator from Mississippi [Mr. STENNIS] at this time what his thoughts are on the question.

Mr. STENNIS. Mr. President, I am prepared to answer the leader. Earlier in the day, when the leader raised this question, I had in mind that I had a speech that I was expecting to make today, and I knew of perhaps other Senators. But we have made a survey now of the situation. As the Senator from Mississippi understands, a great part of Monday will be devoted to this subject matter, and I believe we will come in at 10 o'clock.

Mr. MANSFIELD. Ten o'clock.

Mr. STENNIS. Several more Senators want to speak, but, I think, so far as the immediate situation on cloture is concerned, that would be time enough to make those speeches, especially in view of the fact that so many Members of the Senate really need to be away tomorrow in connection with their campaigns. So if it is agreeable, that is our desire, and we would not insist on a session tomorrow.

Mr. MANSFIELD. Mr. President, I appreciate the consideration which the distinguished Senator from Mississippi has given to the statement of the joint leadership.

At this time, Mr. President, with the permission of the Senator from North Carolina [Mr. ERVIN], I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock Monday morning next.

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

Does the majority leader request that when the Senate recesses today, it recess in executive session?

Mr. MANSFIELD. Yes.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, as the matter has been passed over several times, I ask unanimous consent that toward the shank of today there be a period of 1 hour for transaction of routine morning business, with a limitation of 3 minutes on statements.

Mr. RUSSELL. Mr. President, reserving the right to object, does the Senator intend to take up any legislative business in that period?

Mr. MANSFIELD. If there are conference reports—and I know of none—and remarks, insertions, and the like. I had thought it might be possible to take up the continuing resolution, which was passed by the House yesterday and reported by the Appropriations Committee this morning, but I have been requested not to take it up.

Mr. RUSSELL. So the Senator has not any intention at the present time to take up legislative matters?

Mr. MANSFIELD. No. Would the Senator object to taking up unobjected to items on the calendar?

Mr. RUSSELL. I have no objection to any specific matter on the calendar, but I am getting concerned about the Department of Defense appropriation bill, since no emergent items in that bill will be passed in action on the continuing resolution. I would hope such business could be held up until we are assured that dependents of men fighting in Vietnam will not have to forgo their subsistence, and I use the word "subsistence" advisedly, because those in the lower grades do receive merely subsistence.

Mr. MANSFIELD. The Senator has a valid point. I am willing to state that there will be none.

Mr. WILLIAMS of Delaware. Mr. President, in line with what the Senator has said, I have canvassed this side and Senators here have agreed to cut their speeches down and carry them over. I think some Senators may find it desirable just to incorporate them in the RECORD. With the understanding that we will come in at 10 o'clock on Monday to give us more time, they have agreed to hold them over and not ask that the Senate come in tomorrow.

Mr. MANSFIELD. I thank the Senator for his understanding and cooperation.

Mr. STENNIS. Mr. President, if the Senator will yield further, I do not want to seem selfish about this, but the time today will be taken, and I hope I can have at least 2 hours on Monday——

ORDER FOR RECOGNITION OF SENATOR STENNIS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Mississippi [Mr. STENNIS] be recognized for 2 hours on Monday.

Mr. WILLIAMS of Delaware. Mr. President, that is satisfactory. I mentioned that to Senators on this side. They understand there will be at least 2 hours set aside for the Senator from Mississippi. He has been most cooperative, and we certainly agree to that request.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. Without objection, the request that the Senator from Mississippi be granted 2 hours on Monday is agreed to.

Without objection, the request for the transaction of routine morning business later today is agreed to.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, as long as we have the question of the Saturday session straightened out, I ask that the cloture motion be read at this time so that the Senate can be on notice. It is my intention to send telegrams out immediately to all Democratic Senators, regardless of their positions, requesting them to be in attendance in the Senate at 10 o'clock Tuesday next for the purpose of voting on the cloture motion which will be read shortly.

I would hope that if some of those telegrams go to offices of Senators, the office staffs of those Senators will make it a primary point to get in touch with the Senators so that they will be notified and be back here, if at all possible. I would hope, further, that none of these telegrams would be "buried" in any "recess," so that they will not be made available to Senators themselves.

The PRESIDING OFFICER. Does the Senator from North Carolina yield for that purpose?

Mr. ERVIN. Yes.

The PRESIDING OFFICER. The cloture motion will be read.

The assistant legislative clerk read the cloture motion, as follows:

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending motion to proceed to the consideration of Abe Fortas, of Tennessee, to be Chief Justice of the United States.

PHILIP A. HART.
MIKE MANSFIELD.
CLAIBORNE PELL.
BIRCH BAYH.
MARK O. HATFIELD.
JOSEPH M. MONTOYA.
GALE W. MCGEE.
FRANK E. MOSS.
QUENTIN BURDICK.
CHAS. GOODELL.
EDWARD W. BROOKE.
JENNINGS RANDOLPH.
WALTER F. MONDALE.
JACOB K. JAVITS.
CHARLES H. PERCY.
JOSEPH D. TYDINGS.
WARREN G. MAGNUSON.
STEPHEN M. YOUNG.
LEE METCALF.
HARRISON WILLIAMS.
THOMAS H. KUCHEL.
WILLIAM PROXMIRE.
CLIFFORD P. CASE.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the cloture motion lie at the desk for the remainder of the day, for other Senators who may wish to do so to sign it.

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

Mr. MANSFIELD. I thank the Senator from North Carolina for his usual unfailing courtesy.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, the good and wise men who fashioned the Constitution had earth's most magnificent dream.

They dreamed they could enshrine the fundamentals of the government they desired to establish and the liberties of the people they wished to secure in the Constitution, and safely entrust the interpretation of that instrument according to its true intent to a Supreme Court composed of mere men.

They knew that some dreams come true and others vanish, and that whether their dream would share the one fate or the other would depend on whether the men chosen to serve as Supreme Court Justices would be able and willing to lay aside their own notions and interpret the Constitution according to its true intent.

They did three things to make their dream come true.

They decreed that Supreme Court Justices should be carefully chosen. To this end, they provided that no man should be elevated to the Supreme Court until his qualifications for the office had been twice scrutinized and approved, once by the President and again by the Senate.

They undertook to free Supreme Court Justices from all personal, political, and economic ambitions, fears, and pressures which harass the occupants of other public offices by stipulating that they should hold office for life and receive for their service a compensation which no authority on earth could reduce.

They undertook to impose upon each Supreme Court Justice a personal obligation to interpret the Constitution according to its true intent by requiring him to take an oath or make an affirmation to support the Constitution.

It is no exaggeration to say that the existence of constitutional government in America hinges upon the capacity and willingness of a majority of the Supreme Court Justices to interpret the Constitution according to its true intent. In consequence, no more awesome responsibility rests upon any Senator than that of determining to his own satisfaction whether or not a presidential nominee to the Supreme Court possesses this capacity and this willingness.

In expressing my views concerning the President's nomination of Justice Fortas to be Chief Justice of the United States, I shall ignore these words of advice reputedly spoken by Mark Twain:

Truth is precious; use it sparingly.

I shall tell some fundamental truths about the Constitution and some tragic truths about the Supreme Court as it is now constituted. Moreover, I shall state with candor the basis for my sincere conviction that the elevation of Justice Fortas to the office of Chief Justice of the United States would bode little good for constitutional government in the United States.

I love the Constitution. I know that apart from its faithful observance by Congress, the President, and the Supreme Court, neither our country nor any single human being within its borders has any security against anarchy or tyranny.

Let us recur to the dream of the Founding Fathers.

If we are to understand why the Founding Fathers had this dream and how they undertook to make it a reality, we must know what was in their minds and hearts, and analyze their handiwork in the light of such knowledge.

The Founding Fathers had suffered many wrongs at the hands of a centralized and distant government, whose arbitrary actions they were powerless to check or restrain. Their tragic experience had implanted in their minds a fear of centralized and distant government and instilled in their hearts a love of freedom.

To them, freedom was not an intellectual abstraction, or an empty word to adorn an oration upon an occasion of patriotic rejoicing. It was an intensely practical reality, which was capable of concrete enjoyment in a multitude of ways in daily life. It meant the power to determine one's own actions and live one's own life free from governmental tyranny. As a consequence, it is not surprising that the Founding Fathers stated in its preamble that they wrote the Constitution to preserve the blessings of liberty for themselves and their posterity.

The Founding Fathers did not rely solely upon the practical wisdom gained by them from their own experience in framing the Constitution. They were profound students of history. As such, they were well versed in the heartbreaking lesson taught by the story of man's fight against governmental tyranny in all generations and in all lands for the simple right to govern himself and live in freedom. This lesson is epitomized in these words of Woodrow Wilson:

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.

The Founding Fathers were also familiar with the political philosophy of Thomas Hobbes, John Locke, and Baron Montesquieu. They accepted as an absolute verity the aphorism of Hobbes that "freedom is political power divided into small fragments." Indeed, one of their number, James Madison, elaborated upon it in this way:

The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, few, or many, and whether heredity, self-appointed or elective, may justly be pronounced the very definition of tyranny.

Like Locke, they knew that no man is free if he is subject to the inconstant, un-

certain, unknown, and arbitrary will of other men; and like Daniel Webster, they knew that "whatever government is not a government of laws is a despotism, let it be called what it may."

The Founding Fathers had meditated much upon their own experience, history, and political philosophy, and had discovered this shocking but everlasting truth: Nothing short of tyranny can put an end to the insatiable hunger of government for power; and in its ardor to expand and multiply its power, government will extinguish the right of men to govern themselves and live in freedom, unless it is restrained from so doing by basic law which it alone can neither repeal nor amend.

For these reasons, the world has never known any other group of men as well qualified as the Founding Fathers to write a constitution for a nation dedicated to the proposition that its people are entitled to govern themselves and live in freedom.

What has been said makes it plain that the Founding Fathers purposed in their minds and hearts to create a nation which would be ruled by the dictates of laws rather than the wills of men and in which the people would have the right to control government and live in freedom. To this end, they wrote a constitution, which they intended to last for an indefinite time and constitute "a law for rulers and people" alike at all times and under all circumstances (*Ex Parte Milligan*, 4 Wall. 2, 18 L. ed. 281). This constitution became effective as the supreme law of the land upon its subsequent ratification by the States.

The Founding Fathers set out in the Constitution the fundamentals of the Government they desired to establish and the liberties of the people they wished to secure. Their chief object in so doing was to put these fundamentals and these liberties beyond the reach of impatient public officials, temporary majorities, and the varying tides of public opinion and desire (*Ex Parte Milligan*, 4 Wall. 2, 18 L. ed. 281; *South Carolina* v. *United States*, 199 U.S. 437; 50 L. ed. 261; Thomas M. Cooley's "Constitutional Limitations").

They undertook to further this object by inserting in article VI the requirement that all legislators, all executive officers, and all judges, Federal and State, "shall be bound by oath or affirmation to support this Constitution." By this requirement, the Founding Fathers clearly meant to impose upon all occupants of Federal and State offices the absolute obligation to perform their official duties in conformity with the intent of those who framed and ratified the Constitution as expressed in that instrument (*Gibbons* v. *Ogden*, 9 Wheat. 1, 6 L. ed. 23; *Ex Parte Bain*, 121 U.S. 1, 30 L. ed. 849; *Lake County* v. *Rollins*, 130 U.S. 662, 32 L. ed. 1060).

The Founding Fathers knew, however, that "useful alterations" of the Constitution would "be suggested by experience." Consequently, they made provision for amendment in one way, and one way only; that is, by the concurrence of Congress and the States as set forth in article V (James Madison: The Federalist, No. 43).

Since the Constitution is a written instrument, its meaning does not change, unless its wording is altered by an amendment adopted in the manner prescribed by article V (*South Carolina* v. *United States*, 199 U.S. 437, 50 L. ed. 437). Those who assert the contrary merely seek ostensible reasons to justify disobedience to the Constitution's commands and evasion of its prohibitions.

These considerations moved Judge Thomas M. Cooley to declare in his great work on Constitutional Limitations that "a court or a legislature 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."

Let us consider what additional things the Constitution does to make the Federal Government a government of laws and not of men, and to secure to the people the right to control such government and live in freedom.

First. The Constitution divides the powers of government between the Federal Government and the States by delegating enumerated powers to the former and reserving all remaining powers to the latter. By so doing, the Constitution enables the Federal Government to perform its limited functions as a central government, and leaves to the States the authority to regulate their internal affairs. This division of powers has inestimable values for a country as big in area and population as the United States. It lessens the danger of tyranny inherent in concentrating power in a distant government, and recognizes the truth that "local processes of law are an essential part of any government conducted by the people." Manifestly, "no national authority, however benevolent, that governs" 200 million people in 50 States "can be as closely in touch with those who are governed as the local authorities in the several States and their subdivisions." (*Bute* v. *Illinois*, 333 U.S. 640, 92 L. ed. 986). This division of the powers of government inspired Chief Justice Chase to make this terse and accurate analysis of our organic law:

> The Constitution, in all its provisions, looks to an indestructible union composed of indestructible states. (*Texas* v. *White*, 7 Wall, 700, 19 L. ed. 227).

Second. The Constitution distributes all the powers delegated by it to the Federal Government to the legislative, executive, and the judicial departments of that Government to prevent "the accumulation of all powers in the same hands."—James Madison: The Federalist, No. 47. In so doing, it vests the power to make laws in Congress, the power to enforce laws in the President, and the power to interpret laws in the Supreme Court and such inferior courts as Congress might establish.

Third. The Constitution limits the powers of the Federal and State Governments in various ways. For example, it forbids them to pass bills of attainder and ex post facto laws, or to deprive any person of life, liberty, or property without due process of law.

Fourth. The Constitution secures to each person specific liberties, which he is entitled to assert against government itself. For example, it secures to him the right to freedom of speech and religion, the right to earn his livelihood in any lawful calling, the right to acquire, use and dispose of property, and the right to do such things and enter into such contracts as may be necessary to the exercise of the liberties secured to him.

Fifth. The Constitution confers upon the people the direct power to elect Senators and Representatives and the indirect power to select the President. But neither the States nor the people have anything to do with the appointment of Supreme Court Justices or other Federal judges, although such Justices and judges have power to adjudicate their rights and responsibilities under the Constitution and the laws. Such Justices and judges are nominated by the President and confirmed by the Senate, and for this reason are independent of the States and the people.

Sixth. The Constitution establishes the principle that in all cases involving the interpretation of the Constitution, the Supreme Court has final authority, and its interpretation is binding on Congress, the President, the States, and the people. This is an awesome authority because upon its proper exercise hangs the existence of constitutional government in the United States.

Seventh. The Founding Fathers were acutely aware of this, and took strong measures for men bent on establishing a republic to induce Supreme Court Justices to decide cases in accordance with the Constitution and to use its provisions as the sole tests for determining the validity of congressional, Presidential, and State action. To this end, they undertook to make the Justices independent of Congress and the President and immune to State and political pressures by providing in the Constitution itself that they are to hold their offices for life and receive for their services a compensation which cannot be diminished.

Eighth. The power to interpret the Constitution, which is assigned to the Supreme Court, and the power to amend the Constitution, which is vested in the Congress and the States acting concurrently, are vastly different. 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. Justice Cardozo put the distinction between the two powers tersely when he said:

> We are not at liberty to revise while professing to construe (*Sun Printing and Publishing Ass'n* v. *Remington Paper and Power Co.*, 235 N.Y. 338, 139 N.E. 470)

Justice Sutherland elaborated upon the distinction in this way:

> The judicial function is that of interpretation: it does not include the power of amendment under the guise of interpretation. To miss the point of difference between the two is to miss all that the phrase "supreme law of the land" stands for and to convert what was intended as inescapable and enduring mandates into mere moral reflections (*West Coast Hotel Co.* v. *Parrish*, 300 U.S. 379, 404, 81 L. ed. 703, 715)

Ninth. Since it is a judicial tribunal, the Supreme Court acts as the inter-

preter 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. For these reasons, the Supreme Court is obligated to interpret the Constitution according to its language and history.

The Founding Fathers did not put their sole reliance in these things to keep Congress and the President in bounds. They incorporated in the Constitution a system of checks and balances to deter them from improvident and unconstitutional behavior. But 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.

Chief Justice Harlan F. Stone had this omission in mind when he stated this truth concerning Supreme Court Justices:

> While unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our exercise of power is our own sense of self restraint (*US. v. Butler*, 297 U.S. 1).

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 by giving them 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"—Hamilton: The Federalist, Nos. 78, 81.

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.

I have discussed in detail the sound doctrine that self-restraint on the part of judges is an essential ingredient of the judicial process in a government of laws.

This inquiry naturally arises: Why is this so? This inquiry is especially pertinent at a time when judicial activists declare by their actions, if not by their words, that it is permissible for them to revise or update the Constitution according to their personal notions while they are professing merely to interpret it.

Justice Benjamin N. Cardozo answered this inquiry tersely and conclusively in his illuminating book on the "Nature of the Judicial Process." In demolishing the basic premise of judicial activists that the judge is always privileged to substitute his individual sense of justice for rules of law, Justice Cardozo said:

> That might result in a benevolent despotism if the judges were benevolent men. It would put an end to the reign of law.

What has been said makes this obvious: The Founding Fathers intended that the Constitution should operate as an enduring instrument of government whose meaning could not be changed except by an amendment made by Congress and the States in conformity with article V. The contention to the contrary is necessarily founded on the assumption that George Washington and the other good and wise men who fashioned the Constitution were mendacious nitwits who did not mean what they said.

Chief Justice Marshall undertook to entomb this contention forever in his great opinion in *Gibbons* v. *Ogden*, 22 U.S. 1. He declared in that case:

> The enlightened patriots who framed our Constitution and the people who ratified it must be understood . . . to have intended what they said.

Since the true meaning of a provision of the Constitution always remains the same unless it is altered by an amendment under article V, it should receive a consistent interpretation, and not be held to mean one thing at one time and another thing at another time, even though circumstances may have so changed as to make a different rule seem desirable.

Chief Justice Edward Douglas White, one of the ablest lawyers and wisest Justices ever to grace the Supreme Court Bench, made some sage comments on this subject in his famous dissenting opinion in *Pollock* v. *Farmers' Loan and Trust Co.*, 157 U.S. 429, 651–652. 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 peradventure 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.

In ending this phase of my remarks, I emphasize that precedents set by the Supreme Court on constitutional questions were tenable when made 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.

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.

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 these judicial offices.

The task at hand compels me to tell the truth about the Supreme Court.

I know it is not popular in some quarters to tell the truth about the Supreme Court. 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 zeroes 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 of the Supreme Court 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 Supreme Court Justices, or to make mental obeisance to their aberrations or usurpations. Americans 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 truly 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 who has spent much of his energy and days in the administration of justice as a practicing lawyer, and trial and appellate judge, I have the abiding conviction that "tyranny on the bench is as objectionable as tyranny on the throne," and that my loyalty to the Constitution requires me to oppose it.

I do not enjoy expressing my disapproval of actions of the Supreme Court. My father, who practiced law at the North Carolina bar for 65 years, taught me at an early age to venerate the Supreme Court. One of the most treasured memories acquired by me as a small boy is that of the day he took me to the old Supreme Court Chamber, showed me the busts of great jurists of the past, and said to me in a tone of 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 them the superscription, "Not justice under law, but justice according to the personal notions of the temporary occupants of this building."

In saying this, I am not a lone voice crying in the wilderness. I call the attention of the Senate to what the late Justice Robert H. Jackson said of the Court of which he was then a member in his concurring opinion in *Brown* v. *Allen* (344 U.S. 643).

I quote Justice Jackson's word:

> 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.

Supreme Court Justices, judges of Federal courts inferior to the Supreme Court, State judges, lawyers, and journalists have charged that during recent years a majority of the Supreme Court has repeatedly rendered decisions incompatible with the language and the history of the Constitution.

I wish to call to the attention of the Senate a resolution which was adopted by the chief justices of the States of Alabama, Arizona, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and Wyoming, at Pasadena, Calif., on August 23, 1958.

This resolution is an astounding document without precedent in the annals of our country. The 36 State chief justices who adopted it loved the Constitution and were qualified by legal learning and judicial experience to appraise aright what the judicial activists on the Supreme Court are doing to the system of government that instrument was ordained to establish. In this resolution, these State chief justices cited many recent decisions of the Supreme Court inconsistent with the powers allotted or reserved by the Constitution to the States, and implored the Supreme Court to "exercise one of the greatest of all judicial powers—the power of judicial self-restraint—by recognizing and giving effect to the difference between that which, on the one hand, the Constitution may prescribe or permit, and that which, on the other, a majority of the Supreme Court, as from time to time constituted, may deem desirable or undesirable, to the end that our system of federalism may continue to function with and through the preservation of local self-government."

Let me read excerpts from the resolution as it appears on pages 432 and 433 of the hearings on the nomination under present scrutiny:

> "DOUBT" IN RECENT DECISIONS
>
> It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast. We find first that, in constitutional cases, unanimous decisions are comparative rarities and that multiple opinions, concurring or dissenting, are common occurrences.
>
> We find next that divisions in result on a 5-to-4 basis are quite frequent. We find further that, on some occasions, a majority of the Court cannot be mustered in support of any one opinion and that the result of a given case may come from the divergent views of individual Justices who happen to unite on one outcome or the other of the case before the Court.
>
> We further find that the Court does not accord finality to its own determinations of constitutional questions, or for that matter of others. We concede that a slavish adherence to *stare decisis* could at times have unfortunate consequences; but it seems strange that under a constitutional doctrine which requires all others to recognize the Supreme Court's rulings on constitutional questions as binding adjudications of the meaning and application of the Constitution, the Court itself has so frequently overturned its own decisions thereon, after the lapse of periods varying from 1 year to 75, or even 95 years. See the tables appended to Mr. Justice Douglas's address on *"Stare Decisis,"* 49 Columbia Law Review 735, 756–758.
>
> The Constitution expressly sets up its own procedures for amendment, slow or cumbersome though they may be.
>
> These frequent differences and occasional overrulings of prior decisions in constitutional cases cause us grave concern as to whether individual views of the members of the Court as from time to time constituted, or of a majority thereof, as to what is wise or desirable do not unconsciously override more dispassionate consideration of what is

or is not constitutionally warranted. We believe that the latter is the correct approach, and we have no doubt that every member of the Supreme Court intends to adhere to that approach, and believes that he does so.

It is our earnest hope, which we respectfully express, that that great Court exercise to the full its power of judicial self-restraint by adhering firmly to its tremendous, strictly judicial powers and by eschewing, so far as possible, the exercise of essentially legislative powers when it is called upon to decide questions involving the validity of State action, whether it deems such action wise or unwise. The value of our system of federalism, and of local self-government in local matters which it embodies, should be kept firmly in mind, as we believe it was by those who framed our Constitution.

At times the Supreme Court manifests, or seems to manifest, an impatience with the slow workings of our federal system. That impatience may extend to an unwillingness to wait for Congress to make clear its intention to exercise the powers conferred upon it under the Constitution, or the extent to which it undertakes to exercise them, and it may extend to the slow processes of amending the Constitution which that instrument provides.

The words of Elihu Root on the opposite side of the problem, asserted at a time when demands were current for recall of judges and judicial decisions, bear repeating: "If the people of our country yield to impatience which would destroy the system that alone makes effective these great impersonal rules and preserves our constitutional government, rather than endure the temporary inconvenience of pursuing regulated methods of changing the law, we shall not be reforming. We shall not be making progress, but shall be exhibiting that lack of self-control which enables great bodies of men to abide the slow process of orderly government rather than to break down the barriers of order when they are struck by the impulse of the moment." Quoted in 31 "Boston University Law Review" 43.

We believe that what Mr. Root said is sound doctrine to be followed toward the Constitution, the Supreme Court and its interpretation of the Consitution. Surely, it is no less incumbent upon the Supreme Court, on its part, to be equally restrained and to be as sure as is humanly possible that it is adhering to the fundamentals of the Constitution with regard to the distribution of powers and the separation of powers, and with regard to the limitations of judicial power which are implicit in such separation and distribution, and that it is not merely giving effect to what it may deem desirable.

We may expect the question as to what can be accomplished by the report of this Committee or by resolutions adopted in conformity with it. Most certainly some will say that nothing expressed here would deter a member or group of members of an independent judiciary from pursuing a planned course.

Let us grant that this may be true The value of a firm statement by us lies in the fact that we speak as members of all the State appellate courts with a background of many years' experience in the determination of thousands of cases of all kinds Surely there are those who will respect a declaration of what we believe.

And it just could be true that our statement might serve as an encouragement to those members of an independent judiciary who now or in the future may in their conscience adhere to views more consistent with our own.

Before passing from this phase of my remarks, I invite the attention of the Senate to two books: "The Bill of Rights," which was authored by the late Judge Learned Hand, one of America's wisest jurists of all times, and "States' Rights, the Law of the Land," which was written by my good friend, Charles J. Bloch, one of America's most knowledgeable authorities on the Constitution. These books reveal in graphic fashion how judicial activism is converting the government of laws the Constitution was ordained to establish into a government of judicial activists.

Judge Hand asserted, in essence, in the "Bill of Rights" that the Supreme Court had converted itself into a "third legislative chamber" which had actually usurped the power to legislate in violation of the Constitution creating it; and that if there is to be a "third legislative chamber" to write new laws, its members ought to be chosen by the people and not attain their offices by lifetime appointments which, in effect, make them "a bevy of platonic guardians."

I venture to suggest that any Supreme Court Justice who prefers to amend the Constitution and make laws rather than interpret them ought to lay aside his judicial robes, enter the political arena by seeking election to the Senate or House of Representatives, and thus give the people from whom all the just powers of government are derived an opportunity to declare by their votes whether they approve or disapprove his proposals for remaking our governmental and legal institutions and our society in his own image.

The tragic truth is that in recent years the Supreme Court has repeatedly usurped and exercised the power of the Congress and the States to amend the Constitution while professing to interpret it.

On some occasions it has encroached upon the constitutional powers of the Congress as the Nation's legislative body. On other occasions it has stretched the legislative powers of Congress far beyond their constitutional limits. On occasions too numerous to mention, it has struck down State action and State legislation in areas clearly committed by the Constitution to the States and on other occasions it has undertaken to rob private persons of basic freedoms.

In so doing, the Supreme Court has overruled, repudiated, or ignored many precedents of earlier years. Its prodigality in overruling previous decisions prompted one of its recent members, the late Justice Owen J. Roberts, to make this comment in his dissenting opinion in *Smith* v. *Allwright*, 321 U.S. 649, 669:

> The reason for my concern is that the instant decision overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only.

Activist Supreme Court Justices attempt to justify their action in attributing new meanings to the Constitution in these ways:

First. Supreme Court decisions are binding on all persons except Supreme Court Justices. The reason for this distinction is that Supreme Court Justices must be free to consider and decide anew all constitutional questions coming before the Court. Otherwise, the Constitution will be frozen in the pattern which one generation gave it, and government will be seriously handicapped, notwithstanding the powers granted by the Constitution to the United States and the powers allotted or reserved by that instrument to the States extend into the illimitable future. Since the doctrine of stare decisis; that is, the principle that judges stand by the decisions of their own courts, would handicap Supreme Court Justices in considering and deciding anew all constitutional questions, the doctrine has become obsolete and must be disregarded, despite the fact that such a course of action will rob constitutional interpretations of their continuity and stability and leave public officials and people without meaningful constitutional rules to govern their conduct.

Second. The due process clauses of the fifth and 14th amendments empower Supreme Court Justices to strike down as unconstitutional any Federal or State laws or procedures which do not comport with their undefined notions of decency, fairness, or fundamental justice.

Third. As the majority opinion in *Harper* v. *Virginia State Board of Elections*, 383 U.S. 663, states:

> Notions of what constitutes equal treatment for purposes of the Equal Protection Clause do change.

When the "notions" of Supreme Court Justices change, the meanings of constitutional provisions change accordingly.

One comment on the Harper case seems to be appropriate. If the Constitution is to change its meaning to match the fluctuating notions of Supreme Court Justices, America is in for an uncertain constitutional future. This is true because the dictionary says that notions are "more or less general, vague, or imperfect conceptions or ideas."

When he delivered the Carpentier Lectures at Columbia University Law School in March of this year, Justice Black described judicial activists aright, made some trenchant remarks on their misuse of the due process clauses of the fifth and 14th amendments, the equal protection of the laws clause of the 14th amendment, and other constitutional provisions as vehicles for imposing their personal wills upon the American people; and stated with clarity the obligation which the Constitution imposes upon Supreme Court Justices. I quote his observations on these subjects:

> First. During the course of the lectures I shall discuss specifically "judicial activism," "judicial restraint," "due process of law" and First Amendment rights. In all that I say I shall emphasize my reasons for believing * * * that the courts should always try faithfully to follow the true meaning of the Constitution and other laws as actually written, leaving to Congress changes in its statutes, and leaving the problem of adapting the Constitution to meet new needs to constitutional amendments approved by the people under constitutional procedures.
>
> Second. When I get to the other meaning of "judicial activist," however, namely, one who believes he should interpret the Constitution and statutes according to his own belief of what they ought to prescribe instead of what they do, I tell you at once I am not in that group. The courts are given power to interpret the Constitution and laws,

which means to explain and expound, not to alter, amend or remake. Judges take an oath to support the Constitution as it is, not as they think it should be. I cannot subscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power to "adapt the Constitution to new times." The soft phrases used to claim that power for judges have siren-like appeal. For one who has a legitimate power to interpret there is at first a certain persuasive note in the constant repetition to him that in explaining a Constitution meant for the ages he should not stick to its old 18th century words but substitute others to make the Constitution best serve the current generation. And there is a certain appeal in the argument that the dead should not control the living. But adherence to the Constitution as written does not mean we are controlled by the dead. It means we are controlled by the Constitution, truly a living document. For it contains within itself a lasting recognition that it should be changed to meet new demands, new conditions, new times. It provides the means to achieve these changes through the amendment process in Article V.

Third. I think these historical events graphically illustrate the kind of awareness of past English practices which led to the adoption of our Constitution with its Bill of Rights' safeguards against excessive legislative, executive or judicial power.

Judges may also abuse power, of course, not because they are corrupt, but because of a completely honest belief that unless they do act the Nation will suffer disaster. Unfortunately such honest belief too often reflects nothing more than an all-too-common human hostility to change. Other judges, with an equally honest belief that changes are absolutely imperative, take it upon themselves to make changes which Congress alone has legislative power to make. Thus, for the reasons that I have been discussing I strongly believe that the public welfare demands that constitutional cases must be decided according to the terms of our Constitution itself and not according to the judges' views of fairness, reasonableness or justice. This will be discussed in greater detail in my lecture on due process. Because of my ultimate faith in the people and their representatives, I have no fear of constitutional amendments properly adopted, but I do fear the rewriting of the Constitution by judges under the guise of interpretation.

Fourth. In the past a majority of Supreme Court Justices have on occasion used the Due Process Clause to strike down federal and state laws which these Justices found to be "unreasonable," "arbitrary," "capricious" or "contrary to a fundamental sense of civilized justice." The clause has also been used to hold laws, trials and conduct unconstitutional which are "unfair," "shock the conscience," and "offend the community's sense of fair play and decency."

Since, as I expressed in my first lecture, the cornerstone of my constitutional faith is a basic belief that our written Constitution was designed to prevent putting too much uncontrollable power in the hands of any one or more public officials, I cannot subscribe to such a loose interpretation of due process which in effect allows judges, and particularly Justices of the United States Supreme Court, to hold unconstitutional laws they do not like. For what else is the meaning of "unreasonable," "arbitrary" or "capricious"—what sort of limitations or restrictions do these phrases put on the power of judges? What, for example, do the phrases "shock the conscience" or "offend the community's sense of fair play and decency" mean to you? I submit that these expressions impose no limitations or restrictions whatever on judges, but leave them completely free to decide constitutional questions on the basis of their own policy judgments. I deeply fear for our constitutional system of government when life-appointed judges can strike down a law passed by Congress or a state legislature with no more justification than that the judges believe the law is "unreasonable."

Fifth. This use of the Due Process Clause has been so thoroughly discredited that the Court has recently been less willing to use it. But now there is creeping into Court opinions a willingness to hold laws unconstitutional on the same "shock the conscience" basis by invoking equal protection (*Hood* v. *DuMond*, 336 U.S. 535, 562–564, particularly note 14; *Harper* v. *Va. Bd. of Elections*, 383 U.S. 663) or some other clause. Obviously the equal protection clause is no more appropriately used for a shock-the-conscience test than the Due Process Clause. The Constitution simply does not give judges any such boundless power.

Sixth. I believe strongly that judges are restrained by the Constitution, and that changes in that basic charter should be made by the people and their representatives and not by judges.

Seventh. Of course I realize "that it is *a constitution* we are expounding." But this does not mean that in order to obtain results thought to be desirable at the time, judges may rewrite our basic charter of government under the guise of interpreting it.

Eighth. Let me say in closing that it may be that those who wrote the Constitution would have done better to provide the federal courts with the power to substitute their choice of constitutional values for the choice made by the Constitution itself. Even were I able to agree that this is true, however, I still could not accept it consistently with my oath to support the Constitution. That oath means to me that I should support the Constitution as written, not as revised by the Supreme Court from time to time. And I am content to accept the Constitution as written until the people change it in the way its provisions prescribe.

This ends the quotations from Justice Black's lectures.

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:

> 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.

I shall not undertake at this time to enumerate or analyze all of the cases in which the Supreme Court as now constituted has usurped and exercised the power of Congress and the States to amend the Constitution while preferring to interpret it, or encroached upon the constitutional domain of the Congress as the national legislative body, or stretched the legislative powers of Congress beyond their constitutional limit, or struck down State action and legislation in areas clearly committed by the Constitution to the States or robbed private persons of basic freedoms. Subsequently, however, I will call the attention of the Senate to some of these cases in which Justice Fortas has participated during his 3 years' service as an Associate Justice.

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.

Complete candor compels the identification of the judicial activists now serving on the Supreme Court. While some other justices may on occasion follow Homer's bad example and nod, the judicial activists now occupying the Supreme Court bench are Chief Justice Warren, and Justices Douglas, Brennan, Fortas, and Marshall.

It would not better the constitutional ideology of the Supreme Court a bit if the Senate should accede to the proposals of the President that Mr. Fortas be made Chief Justice in place of Mr. Warren, and that Judge Homer Thornberry, of the U.S. Courts of Appeals for the Fifth Circuit, be made an Associate Justice in place of Mr. Fortas. This is so because his opinions in *United States of America* v. *the State of Texas* (252 Fed. Supp. 234), and other cases show that Judge Thornberry is likewise at heart a judicial activist.

In closing this phase of my remarks, I wish to comment on the cliches of those who champion or seek to justify judicial activism. They assert with glibness that the Constitution is a living document which the Court must interpret with flexibility.

When they say the Constitution is a living document, they really mean that the Constitution is dead, and that activist Justices as its executors may dispose of its remains as they please. I make an additional observation on this subject: If the Constitution is, indeed, a living document, its words are binding on those who pledge themselves by oath or affirmation to support it.

What of the cliche that the Supreme Court should interpret the Constitution with flexibility? If those who employ this cliche meant by it that a provision of the Constitution should be interpreted with liberality to accomplish its intended purpose, they would find me in hearty agreement with them. But they do not employ the cliche to mean this. On the contrary, they use the cliche to mean that the Supreme Court should bend the words of a constitutional provision to one side or the other to accomplish an object the provision does not sanction. Hence, they use the cliche to thwart what the Founding Fathers had in mind when they fashioned the Constitution.

The genius of the Constitution is this: The grants of power it makes and the limitations it imposes are inflexible, but the powers it grants extend into the future and are exercisable on all occasions by the departments in which they are vested. In consequence, Congress may change at any time the laws governing any matter the Constitution commits to the Federal Government. Like observa-

ions apply to the powers the Constitution allots or reserves to the States.

Moreover, Congress and the States may amend the Constitution at any time by the methods prescribed by article V.

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 that 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.

It is well to remember that George Washington was President of the Convention which drafted the Constitution and knew what was in the hearts and minds of those who framed it.

Sixth. 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 now apply what I have said to the pending question: Should the Senate consider the President's nomination of Justice Fortas for the post of Chief Justice of the United States? I respectfully submit that the Senate should refuse to do so for these two reasons:

First. The Senate has no legal authority to advise and consent to the President's proposal that Mr. Fortas be appointed Chief Justice in place of Chief Justice Warren because the latter has not retired from "regular active service" as Chief Justice as required by the applicable statute.

Second. Even if it had the legal authority to act, the Senate should refuse to advise and consent to Mr. Fortas' nomination for reasons disclosed by the hearing record and the nominee's 3-year service as Associate Justice.

Let me elaborate upon these reasons in their numerical order.

Chief Justice Warren has certainly not retired within the meaning of the statute, which is found in section 371 of title 28 of the United States Code. Indeed, he stated, in substance, in a press conference called by him, that he would not retire unless Mr. Fortas is confirmed as his successor.

The joint decision of the Chief Justice and the President that the Chief Justice's resignation is to be effective on the confirmation of his successor by the Senate has attempted to change, subtly but importantly, the constitutional function of the Senate. Whereas, in the past, the Senate considered the qualifications of the nominee against the demands of the office, now, in practical effect, the Senate is also choosing between the incumbent and his successor. Two questions implicit in this controversy are: Which Chief Justice is to be preferred—Mr. Fortas or Mr. Warren? Is a court with Mr. Warren and Mr. Fortas to be preferred over a court with Mr. Fortas and Mr. Thornberry? Such questions have not been involved in Supreme Court nominations in the past, and they should not be involved now.

The communications between Chief Justice Warren and the President set forth in the hearing record make it clear that the Senate must either take Mr. Fortas or keep Mr. Warren as Chief Justice. This is unprecedented in the history of the Supreme Court appointments.

As a result of the arrangement between the President and Chief Justice Warren, the Senate has only two choices to make. It must take Mr. Fortas or keep Mr. Warren as Chief Justice. As a consequence, the Senate is denied the right even to contemplate that there is a possibility the people of the United States might have the benefit of the services as Chief Justice of one of the thousands of other lawyers or Federal or State judges throughout the United States, who have manifested their ability and willingness to accept the Constitution as the rule for their government.

These communications also make it obvious that Chief Justice Warren and the President are professing to act under the statute governing the retirement of Supreme Court Justices. This statute, which is found in section 371 of title 28 of the United States Code, makes it plain that the President and the Senate do not have the power to appoint a successor to a Supreme Court Justice until he "retires," and that a Supreme Court Justice does not retire unless he "retires from regular active service" as a Supreme Court Justice. Section 371 reads as follows:

> § 371. Resignation or retirement for age.
>
> (a) Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of seventy years and after serving at least ten years continously or otherwise shall, during the remainder of his lifetime, continue to receive the salary which he was receiving when he resigned.
>
> (b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise, or after attaining the age of sixty-five years and after serving at least fifteen years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office. The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires. As amended Oct. 31, 1951, c. 655, § 39, 65 Stat. 724; Feb. 10, 1954, c. 6, § 4(a), 68 Stat. 12.

This statute makes it plain that the President cannot appoint, by and with the advice of the Senate, a successor to a Justice unless such Justice retires, and that a Justice does not retire unless, in the words of the statute, he retires "from regular active service" as such Justice. The exchange of communications between the President and Chief Justice Warren and press dispatches make it obvious that Chief Justice Warren has not retired, but, on the contrary, is performing regular active service as Chief Justice of the United States, and does not intend to retire unless Mr. Fortas is confirmed as his successor.

Surely, an act of Congress, which has been enacted into law by Congress and signed into law by the President, ought to be binding on the President, on the Chief Justice of the United States, and on the Senate.

To be sure, the Senate has sometimes confirmed the nominations of judges of inferior Federal courts in cases where their predecessors announced their purpose to retire when their successors were qualified, but in no case has the retiring judge attempted to dictate to the Senate his choice of a successor. At any rate, none of this alters in any degree the words of the act of Congress. Murders and larceny have been committed in all generations, but such precedents have not made murder meritorious and larceny legal.

Also, it should be mentioned that there

is no validity whatever to the claim that the Chief Justice must remain an active member of the Court until his successor has qualified in order to provide for continuity in his office. Title 28, section 3, of the United States Code, provides:

> Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the Associate Justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified.

Thus, Justice Black, with his many years on the Court, would certainly be able to handle the chores of the office of Chief Justice until a new Chief Justice is confirmed by the Senate.

Mr. President, I assert, with all the emphasis at my command, that the Senate should respect a law the Senate assisted the House in enacting, which specifies in plain language that the President and the Senate cannot appoint a successor to a judge who retires until the judge who has allegedly retired has retired from regular active service as such judge.

I wish to discuss at this time the overriding reason why I believe the Senate should not consider the nomination of Mr. Fortas to be Chief Justice of the United States or to confirm such nomination in the event it should take such question up for consideration.

No matter what other gifts or attainments one may possess, he is not qualified to be a Supreme Court Justice unless he is both able and willing to subject himself to the self-restraint which enables him to accept the Constitution as the rule for the government of his judicial action and makes him refrain from attempting to revise or update that instrument according to his personal views as to what is desirable when he undertakes to interpret it.

I again invite attention to a quotation from an opinion by Chief Justice Stone, which I mentioned earlier in my remarks.

I do this because Chief Justice Stone certainly had this truth in mind when he affirmed in *United States* v. *Butler*, 297 U.S. 1, 78–79, that—

> While unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint.

Some men possess the ability and the willingness to exercise self-restraint in judicial offices; others do not. The reason for this is revealed by some illuminating observations of Daniel Webster. He said:

> Good intentions will always be pleaded for every assumption of authority. 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.

It is impossible to overstate the crucial importance of the requirement that a Supreme Court Justice be both able and willing to exercise self-restraint in his judicial labors. If he lacks either the ability or the willingness to do so, he cannot and will not support the Constitution, no matter how much he may proclaim his love for it.

If it is to determine whether Mr. Fortas is able and willing to accept the Constitution as the rule for the Government of his judicial action, the Senate must consider and answer these questions: Why was the Constitution written? Do the words of the Constitution have fixed and unchanging meanings? What obligation does the Constitution impose upon a Supreme Court Justice? Will Mr. Fortas perform this obligation if he is elevated to the post of Chief Justice?

First. Why was the Constitution written?

While the framers of the Constitution undertook to answer this question in its preamble, the most telling answer to it is to be found in the opinion which Justice Davis wrote for the Supreme Court in its most courageous decision of all times, *Ex Parte Milligan* (71 U.S. 1).

After alluding to the struggle of Englishmen against tyranny for freedom and the right of self-government and declaring that—

> The founders of our Government were familiar with that struggle and secured in a written Constitution every right which the people had wrested from power during a contest of ages.

Justice Davis declared:

> Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

Second. Do the words of the Constitution have fixed and unchanging meanings?

The answer to this question is explicit in article VI, which declares that the Constitution shall be the supreme law of the land, and article V, which authorizes Congress and States acting in combination to alter its meaning.

It is manifest that the Constitution cannot operate as the supreme law of the land unless its meaning is fixed, that is, established; and unless its meaning is unchanging, that is, stable.

Chief Justice Marshall rightly affirmed in *Marbury* v. *Madison* (1 Cranch 137, 175), that the principles of the Constitution "are designed to be permanent"; and Justice Brewer rightly declared in *South Carolina* v. *United States* (199 U.S. 437, 448) that—

> The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted, it means now.

I quote in full what Justice Brewer said on this subject in South Carolina against United States:

> The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now. Being a grant of powers to a government its language is general, and as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable. This in no manner abridges the fact of its changeless nature and meaning. 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. As said by Mr. Chief Justice Taney in *Dred Scott* v. *Sandford*, 19 How. 393, 426:
>
> "It is not only the same in words, but the same in meaning, and delegates the same powers to the Government, and reserves and secures the same rights and privileges to the citizens; and as long as it continues to exist in its present form, it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day."
>
> It must also be remembered that the framers of the Constitution were not mere visionaries, toying with speculations or theories, but practical men, dealing with the facts of political life as they understood them, putting into form the government they were creating, and prescribing in language clear and intelligible the powers that government was to take. Mr. Chief Justice Marshall, in *Gibbons* v. *Ogden*, 9 Wheat. 1, 188, well declared:
>
> "As men whose intentions require no concealment, generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said."
>
> One other fact must be borne in mind, and that is that in interpreting the Constitution we must have recourse to the common law. As said by Mr. Justice Mathews in *Smith* v. *Alabama*, 124 U.S. 465, 478:
>
> "The interpretation of the Constitution of the United States is necessarily influenced by the fact that its provisions are framed in the language of the English common law, and are to be read in the light of its history."
>
> And by Mr. Justice Gray in *United States* v. *Wong Kim Ark*, 169 U.S. 649, 654:
>
> "In this, as in other respects, it must be interpreted in the light of the common law, the principles and history of which were familiarly known to the framers of the Constitution. *Minor* v. *Happersett*, 21 Wall. 162; *Ex parte Wilson*, 114 U.S. 417, 422; *Boyd* v. *United States*, 116 U.S. 616, 624, 625; *Smith* v. *Alabama*, 124 U.S. 465. The language of the Constitution, as has been well said, could not be understood without reference to the common law. 1 Kent Com. 336; Bradley, Jr., in *Moore* v. *United States*, 91 U.S. 270, 274."
>
> To determine the extent of the grants of power we must, therefore, place ourselves in the position of the men who framed and adopted the Constitution, and inquire what they must have understood to be the meaning and scope of those grants.

Third. What obligation does the Constitution impose upon a Supreme Court Justice?

The answer to this question is explicit in article VI, which prescribes that Supreme Court Justices "shall be bound by oath or affirmation to support this Constitution."

The task of Supreme Court Justices is to interpret the Constitution and the laws, not to amend them. Their oath or affirmation to support the Constitution obligates them to accept that instrument as the rule for their government. If they fail to do so, they make the Constitution a "solemn mockery"—Marbury against Madison; and "abrogate the judicial character of the Supreme Court"—Scott against Sandford.

As Chief Justice Marshall so well declared in *Gibsons* v. *Ogden* (9 Wheat. 1, 188):

> As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said.

By this statement, Chief Justice Marshall makes it as clear as the noonday sun in a cloudless sky that the task of the Supreme Court as the interpreter of the Constitution is simply to ascertain and give effect to the intent of those who framed and ratified it. If the constitutional provision at issue is plain, the Court must gather the intent solely from its language; but if the constitutional provision at issue 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.

There is no substance to the philosophy of judicial activism that Supreme Justices are at liberty to revise or update the Constitution while professing to interpret it. Indeed, this philosophy is utterly repugnant to the objective of a written constitution. As Justice Frankfurter declared in *Ullman* v. *United States* (350 U.S. 422, 428):

> Nothing new can be put into the Constitution except through the amendatory process. Nothing old can be taken out without the same process.

Indeed, all that can be soundly said on this subject was stated in indisputable fashion by Chief Justice John Marshall in Marbury against Madison. I read from pages 179 and 180 of the original report in that case:

> From these, and many other selections which might be made, it is apparent, that the framers of the constitution contemplated that instrument as a rule for the government of courts, as well as of the legislature. Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner, to their conduct in their official character. How immoral to impose it on them, if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support?
>
> The oath of office, too, imposed by the legislature, is completely demonstrative of the legislative opinion on this subject. It is in these words: "I do solemnly swear, that I will administer justice, without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as ————, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States." Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? if it is closed upon him, and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime.
>
> It is also not entirely unworthy of observation, that in declaring what shall be the supreme law of the land, the constitution itself is first mentioned; and not the laws of the United States, generally, but those only which shall be made in pursuance of the constitution, have that rank.
>
> Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument.

It necessarily follows that Judge Cooley was right when he asserted 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.

Fourth. Will Mr. Fortas perform the obligation the Constitution imposes on a Supreme Court Justice if he is elevated to the post of Chief Justice?

The issue whether Mr. Fortas will support the Constitution if he becomes Chief Justice must be determined by his words and his deeds. His words and deeds make it manifest that he is either not able or not willing to perform this obligation.

In the very nature of things, he cannot support the Constitution if he believes, as he asserts, that it has no fixed and unchanging meaning and that the Supreme Court is at liberty to remake it.

Let us consider his words. On one occasion after becoming Associate Justice, Mr. Fortas made this assertion to the Virginia Trial Lawyers Association:

> The great invention of the Supreme Court by the framers of the Constitution makes change possible with some degree of care.

And on another occasion, March 20, 1968, he made this statement to an audience at American University:

> But the words of the Constitution were not written with a meaning that persists for all time. Words are not static symbols. Words may be carved in impervious granite, but the words themselves are as impermanent as the hand that carved them. They reflect light and shadow, they are modified by rain and sun, they are subject to the changes that a restless life brings upon them. So the specific meaning of the words of the Constitution has not been fixed and unchanging. They never will be fixed and unchanging. The Constitution is not static. But the changes in those words—changes in the meaning of those words—have not, as one might think, been arbitrary or haphazard.

When Justice Fortas wrote his dissenting opinion in *Fortson* v. *Morris* (385 U.S. 231, 247–249), he said:

> Much water has gone under the bridge since the late 1700's and early 1800's. Our understanding and conception of the rights guaranteed to the people by the "stately admonitions" of the Fourteenth Amendment have deepened, and have resulted in a series of decisions, enriching the quality of our democracy, which certainly do not codify State's rights, governmental theories or conceptions of human liberties as they existed in 1824, the date when Georgia adopted its present system of choosing a Governor. * * * This Court's apportionment and voting rights decisions soundly reflect a deepening conception, in keeping with the development of our social, ethical, and religious understanding, of the meaning of our great constitutional guaranties. As such, they have reinvigorated our national political life at its roots so that it may continue its growth to realization of the full stature of our constitutional ideal.

These words exemplify the semantic eloquence of Justice Fortas. But they fail to bring any comfort to those of us who believe that the American people have a right to be governed by the certain and constant precepts of the Constitution rather than by the arbitrary, inconstant, and uncertain personal views of the activist Supreme Court Justices. This is so because what they actually mean is this: As the water flows under the bridge and the ink flows from the pen of the judicial activist, the Constitution automatically amends itself to conform to what the judicial activist conceives to be his deepened social, ethical, and religious understanding, notwithstanding the phraseology of the Constitution has not been changed by Congress, and the States by an amendment conforming to article V.

These words and other words of Justice Fortas justify this prophecy made by Dr. Alfred Avins in the autumn 1968 issue, page 8, of Ideas:

> It can safely be predicted that a Fortas Court would be an identical twin to a Warren Court. The United States Constitution would enjoy a quiet repose in a judicial antique shop while the Court wandered off into new pastures. For a government of laws and not of men, this is a chilling thought.

His statements put Mr. Fortas among the judicial activists who regard the Constitution as something in the nature of a quivering legal aspen leaf, whose meaning trembles and changes when sitting Supreme Court Justices waiver in mind and new Supreme Court Justices ascend the Bench.

After reading these words of Justice Fortas, I wonder why George Washington, Benjamin Franklin, James Madison, Alexander Hamilton, and the other good and wise men who framed the Constitution put provisions in that document requiring Supreme Court Judges to take oaths to support a Constitution whose words Justice Fortas says have no fixed meaning, and specifying that the Constitution can be amended, that is, changed in meaning, only by the joint action of Congress and the States.

Let us consider his deeds.

His deeds as an Associate Justice are even more emphatic. They make it obvious that he is one of the judicial activists now serving on the Supreme Court who toy with the Constitution as if it were their personal plaything instead of the precious inheritance of all Americans. I recount a few of these deeds.

Mr. Fortas joined in the 5-to-4 decisions in *Miranda* v. *Arizona* (384 U.S. 436); *United States* v. *Wade* (388 U.S. 218); *Gilbert* v. *California* (388 U.S. 263); and *Stovall* v. *Denno* (388 U.S. 293), which create artificial rules of evidence for all criminal trials in Federal and State courts. These newly created rules are repugnant to the words and history of the fifth and sixth amendments upon which they are allegedly based, and permit multitudes of mur-

derers, rapists, burglars, robbers, and thieves to go unwhipped of justice. In the final analysis, these decisions rest on the strange assumption that society needs little protection against criminals, but criminals need much protection against law-enforcement officers.

Mr. President, I submit that this is no time for Justice Fortas and his associates on the Supreme Court bench to be inventing new and artificial rules of evidence, contrary to the words and the history of the Constitution, which result in many criminals going unwhipped of justice. I say this because crime is rising and rampant in our country.

In yesterday's issue of the Washington Evening Star, I saw a photograph of a house of God which stands almost in the shadow of this Capitol. As the photograph showed, a sign erected in front of this house of God stated that it was necessary to close the doors when services were not in progress, to keep thieves from stealing the possessions of God from the house of God.

As I say, Mr. President, I think it is time to be strengthening the laws against crime, instead of inventing new and artificial rules of evidence contrary to the words and history of the Constitution, and placing handcuffs upon prosecuting attorneys and law-enforcement officers.

Mr. President, Mr. Fortas joined in the 6-to-2 decision in *United States* v. *Robel* (U.S. 358), and the 5-to-4 decision in *Keyishian* v. *Board of Regents* (385 U.S. 589), which adjudge that the first amendment right of association confers upon Communists a constitutional right to work in defense industries vital to our national security, of which they cannot be deprived by Congress, and a constitutional right to teach in the schools of the States, of which they cannot be deprived by the legislatures of the States. Mr. Fortas joins in these decisions notwithstanding he admits in his booklet on "Dissent and Civil Disobedience" that "the Communist Party is devoted to overthrowing the Government of the United States by force and violence."

Mr. Fortas joined in the 7-to-2 decision in *Katzenbach* v. *Morgan* (384 U.S. 641), in which the Court adjudges that the fifth section of the 14th amendment empowers Congress to supplant a nondiscriminatory State voting qualification with a newly created Federal voting qualification, notwithstanding the State voting qualification is in complete harmony with the 14th amendment, and notwithstanding articles I and II and the 10th and 17th amendments vest the power to prescribe voting qualifications in the States and deny it to the Congress. This decision illustrates judicial activism in its most virulent form.

Mr. Fortas joined in the 6-to-3 decision in *Amalgamated Food Employees* v. *Logan Plaza* (20 L. ed. 603), which holds that by virtue of the freedom of speech clause of the first amendment union pickets now enjoy a constitutional right to invade the private property of a businessman against his will for the purpose of urging his customers not to deal with him, and that no Federal or State court in the land can grant the businessman any protection against such invasion of his private property. This decision converts a trespass of great antiquity into a new judge-made right, and is inconsistent with the law of private property which has prevailed in Anglo-American jurisdictions for hundreds of years. To be sure, the decision does indicate the attitude of mind exhibited by Mr. Fortas and four other Justices in their 5-to-4 decision in *National Labor Relations Board* v. *Allis-Chalmers Manufacturing Company* (U.S. 175), which nullifies the clearly expressed purpose of Congress set out in section 7 of the Taft-Hartley Act that those who labor in American industry should be free to refrain from participating in strikes or other concerted union activities.

Mr. Fortas joined in the 6-to-3 decision in *Memoirs* v. *Massachusetts* (383 U.S. 413), the 7-to-2 decision in *Redrup* v. *New York* (386 U.S. 767); and the 5-to-4 decision in *Katner* v. *California* (383 U.S. 422), which hold that States and municipalities are constitutionally impotent under the freedom of speech and press clauses of the first amendment and the due process clause of the 14th amendment to enact effective legislation prohibiting the peddling of pornography for filthy lucre, no matter how licentious such pornography may be, unless they can prove the nebulous proposition that the pornography is "utterly without redeeming social value."

There are many other cases which illustrate Mr. Fortas' conviction that the words of the Constitution have no fixed and unchanging meaning, and that the Supreme Court is at liberty to remake that instrument at will.

These things mean little or nothing to those who would as soon have our country ruled by the arbitrary, inconstant, and uncertain wills of Supreme Court Justices as by the certain and constant precepts of the Constitution. But they mean everything to those of us who love the Constitution and believe it evil to twist its precepts out of shape even to accomplish ends which may be desirable.

If desirable ends are not attainable under the Constitution as written, they should be attained in a forthright manner by an amendment under article V and not by judicial alchemy which transmutes words into things they do not say. Otherwise the Constitution is a meaningless scrap of paper.

I oppose the elevation of Mr. Fortas to the high office of Chief Justice of the United States. I do so because I love the Constitution and believe tyranny on the bench to be as objectionable as tyranny on the throne.

Mr. President, I yield the floor.

(The following colloquy occurred during the delivery of Mr. ERVIN's address, and is printed here at the conclusion of Mr. ERVIN's address by unanimous consent.)

Mr. CURTIS. Mr. President, will the Senator from North Carolina yield for one or two questions?

Mr. ERVIN. I am delighted to yield to my good friend the distinguished Senator from Nebraska.

Mr. CURTIS. I am very much interested in having the response of the distinguished Senator from North Carolina because he is one of the outstanding lawyers, not only of this body but also throughout the land, and he is well grounded in the Constitution.

Does the Senator from North Carolina regard the role of the Senate in the placing of someone on the Supreme Court, whether it be a Justice or as Chief Justice, as something more than mere acquiescence to the fact that the Executive has sent down the name of someone trained in the law and who may be personally known to him?

Mr. ERVIN. Before I answer the question, I should like to thank my good friend from Nebraska for the compliment he has paid me, especially when he himself is a distinguished lawyer and a constitutional scholar.

My answer to the question is that perhaps the most solemn duty that devolves upon a Member of the Senate is that of determining for himself the qualifications of one who is nominated by the President for the office of Chief Justice of the United States or for the office of Associate Justice of the United States.

I say that because the very continuance and existence of constitutional government in the United States depends upon the faithful observance of the principles of the Constitution by the Supreme Court of the United States.

It is incumbent upon a Senator, in determining whether he shall vote to confirm a nominee for the Supreme Court, be he a nominee for Chief Justice of the United States or an Associate Justice, carefully to analyze all of his qualifications.

Among those qualifications are personal integrity and legal learning; but there is a third qualification which is just as indispensable, if not really more important, and that is whether the nominee is both able and willing to interpret the Constitution according to the intent of those who framed it and ratified it. If a man is unable or unwilling to assign to a provision of the Constitution a meaning which is consistent with its language and its history, he is totally unfit to be a Supreme Court Justice, no matter what his integrity may be and no matter what his learning may be.

Mr. CURTIS. The Senator from North Carolina regards, then, the role of the Senate as a coequal part in the selection process, and not merely to perform a pro forma ratification or certification as to the abstract academic qualifications of whomever the President might select?

Mr. ERVIN. In my honest judgment, a Senator is derelict in the performance of his constitutional obligation as a Senator if he votes to confirm a nominee for the Supreme Court simply because he has been named by the President of the United States, whoever that President may be.

Mr. CURTIS. The people generally, and the press and others, rightfully refer to a President's Cabinet as his Cabinet. We talk about President Roosevelt's Cabinet; we talk about President Kennedy's Cabinet; we talk about President Eisenhower's Cabinet; we talk about President Johnson's Cabinet. In the Senate's ratification of members to serve in the Cabinet, or the executive branch generally, what we are doing there is to ratify and confirm helpers for the President. Is that not true?

Mr. ERVIN. That is true.

Mr. CURTIS. And we should give great weight to his wishes and conform to his views?

Mr. ERVIN. That is right, because fundamentally we are confirming the nomination of officials who are, in a very peculiar sense, to be advisers to the President and perform duties in the President's executive position.

Mr. CURTIS. And they serve for a limited time and then go out of office?

Mr. ERVIN. That is correct.

Mr. CURTIS. Now, with the Supreme Court, instead of ratifying someone as a helper to the President, are we not participating with the President in selecting someone for a third, independent branch of the Government that passes on acts of both the legislative and the executive?

Mr. ERVIN. I am certainly in full agreement with the answer implicit in the question of the Senator from Nebraska. The members of the Supreme Court, who hold office for life, have the most sacred obligation to interpret the Constitution according to its true intent; and the fundamental conception is that they shall be independent of the President, and independent of the Congress, and independent of every other power on earth save and except the Constitution, which they are sworn to uphold.

Mr. CURTIS. Is it not true that the advice and consent of the Senate as to the finest lawyer, the greatest citizen, the most devoted man to our institutions and our Constitution would be of no effect unless the President nominated him?

Mr. ERVIN. That is true.

Mr. CURTIS. Likewise, the President is not vested with the sole power to name the judiciary?

Mr. ERVIN. That is true; and I think that the Founding Fathers recognized the gravity of the solemn obligation which would be imposed upon members of the Supreme Court to interpret the Constitution correctly, and not according to their own personal notions. So they made it obvious that they intended that every serious consideration should be given to the selection of Supreme Court Justices, and for that reason they provided those qualifications in every respect should be scrutinized twice, once by the President and the second time by the Senate.

I think perhaps, if one can infer that the Founding Fathers made any distinction about which of those scrutinies was most important, they probably regarded the scrutiny of a judge's qualifications by the Senate as the most important, because the President is one human being, and naturally all of us wish to do well by our friends. They recognized, as Alexander Hamilton recognized in the Federalist Papers, that sometimes men would be appointed as judges because of their friendship and relationship to the President.

So I think the Constitution requires the duties of the Senate's advice and consent to judicial appointments because it recognizes that it would be very unlikely that all the Members of the Senate would be friends of the nominees, and in consequence they would be able to give a nominee the impartial scrutiny which is necessary if we are to have capable Supreme Court judges.

Mr. CURTIS. Would not the Senator from North Carolina say that the doctrine of the separation of powers enunciated in the Constitution and the doctrine of a totally independent judiciary is so ingrained in the American people, and has been down through the years, that it is totally unheard of to refer to the Court as the President's Court or as the Congress' Court?

Mr. ERVIN. There is no question about that, because the Constitution clearly contemplates that the power to make law, which is vested in the Congress, and the power to execute the laws, which is vested in the President, and the power to interpret the laws, which is vested in the Supreme Court, are separate and distinct powers and must forever be kept separate and apart from each other.

Mr. CURTIS. And is it not true that the humblest citizen in the land, with perhaps the least opportunity for educational advantages, may not be able to articulate very well, but he knows that, intentionally or accidentally or ill-advisedly, if either the Congress or the President intrudes upon his rights, there is a third, independent branch that can step in and help him? Is that not true?

Mr. ERVIN. Yes; and the Constitution was very carefully framed with the idea that the Supreme Court, above all the judicial tribunals, would safeguard and protect the basic freedoms of all Americans even against the most drastic assaults upon those freedoms by the other two branches of Government.

Mr. CURTIS. And it is the opinion of the distinguished Senator from North Carolina that there could be a government of limited powers without a judiciary that is totally independent?

Mr. ERVIN. The Senator from Nebraska could not possibly be more sound in his belief than that expressed in the obvious answer to the question.

Mr. CURTIS. I thank the Senator.

Mr. ERVIN. I would like to say to the Senator from Nebraska that there was a most interesting exchange of letters in the first days of our Republic that bears on the first question the distinguished Senator from Nebraska put to the Senator from North Carolina. It happened that a war was raging in Europe, and President Washington requested Thomas Jefferson, who was his Secretary of State, to convey to Chief Justice John Jay, of the Supreme Court, the request of President Washington that the Supreme Court should advise President Washington in respect to the matter of that raging war in the hope that we might be able to escape involvement in it.

Pursuant to the commission given him by President Washington, Thomas Jefferson, as Secretary of State, wrote a letter to Chief Justice John Jay informing him that the President was in need of their advice on this important subject, and asked Justice Jay, in effect, to convene the Supreme Court, which was then in adjournment, and give President Washington advice with relation to the war that was then in progress.

Chief Justice John Jay summoned the Supreme Court to meet, and later he conveyed their response to President Washington's request in a letter to Thomas Jefferson, the Secretary of State.

He pointed out in that letter that, owing to the differences between the duties and the powers of the executive branch of the Government and the Supreme Court, the members of the Supreme Court thought it would be improper for them to undertake to advise President Washington in respect to a matter which belonged within the executive branch of the Government; and they pointed out in that letter the distinction between Supreme Court Justices and members of the Cabinet, and suggested to Thomas Jefferson, the Secretary of State, that President Washington should look to the heads of the departments—that is the constitutional term for members of the Cabinet—for advice on matters which fell within the domain of the executive branch of the Government.

Mr. CURTIS. If the Senator will yield further, I should like to ask him this: The junior Senator from Nebraska feels that there are many unanswered questions in the record of the hearings, which is available to the Members of the Senate, due to Mr. Fortas' refusal to return and provide the committee with information, Mr. Barr's declining to appear, and Mr. Pierson's declining to attend. There is nothing in the record that throws any light on the financial arrangement, and how it was set up, in reference to the series of lectures at the American University. We do not know what Mr. Porter said, if anything, to the donors. We do not know what was in the minds of the donors. We do not know whether those donors were regular contributors to the American University. The whole transaction might be without blemish, but we do not know.

My question is this: Does the Senator feel that, with the many unanswered questions, and especially in the light of the refusal of Mr. Fortas to respond to the committee's request to appear again, and of the other two members of the executive branch declining to appear, that, on the basis of the record we have, with all those unanswered questions, we are ready to vote to take up the serious question of this appointment?

Mr. ERVIN. I certainly think that the Senate should not take up consideration of the appointment, for the reasons so well stated by the distinguished Senator from Nebraska. I have also stated that I did not think that we ought to take up the appointment because the statute clearly contemplates that a successor cannot be appointed to a sitting Justice, under the retirement statute, until that sitting Justice actually retires, and that he does not actually retire until he withdraws from regular active service.

I will also say that to my mind, as the Senator from Nebraska stated in substance, evidence was produced before the committee after Justice Fortas had originally appeared, indicating that Justice Fortas' action as a confidential adviser to the President had been more extensive than Justice Fortas admitted at the time of his original appearance before the committee. When he was requested to appear to clear up these matters, one of them being whether or not he had actually participated in the writing of

the President's 1966 state of the Union message, he declined to do so.

I think he should have come back, because he had evidently forgotten that that had ever occurred, at the time of his first appearance, for he made a statement which excluded evidence of that character from his testimony about his relations with the President.

When that question arose, not only was Mr. Justice Fortas invited to come back to clear up the question, but also the Secretary of Defense, Mr. Clark Clifford, and Mr. W. DeVier Pierson, the White House counsel. All three of those gentlemen declined to appear, invoking what they called executive privilege, though Mr. Clifford did write a letter to the committee, in which he stated that on a number of occasions, both before and after Mr. Fortas' appointment to the Supreme Court, he had been present at the White House when Mr. Fortas had conferred with the President, largely upon the subject of Vietnam.

It was rather noticeable that Mr. Clifford made no reference in his letter to the testimony which had been produced before the committee indicating that after Richard Goodwin had allegedly written or assisted in writing the state of the Union message in 1966, the message was turned over to Secretary Clark Clifford, who was then a practicing lawyer, and to Mr. Justice Fortas for revision.

As the Senator from Nebraska, a distinguished trial lawyer, knows, there is an old rule of evidence at the common law that where a charge is made about one, under circumstances where, if it is untrue, he would naturally deny it, if he fails to deny it he thereby admits, impliedly, by his silence, that the charge is true.

That is the only inference I can draw concerning the failure of Mr. Justice Fortas to return to the committee the information about the state of the Union message, and the silence of Secretary Clark Clifford with respect to the same matter.

Mr. CURTIS. But is it true that the record does reflect an admission on the part of Mr. Fortas that he conferred and perhaps advised with the Chief Executive on matters relating to the Vietnam war?

Mr. ERVIN. Yes; he stated that on his first appearance. He also stated on his first appearance that he had some connection—his testimony being somewhat indefinite—with the action which the President took with respect to the riots in Detroit.

Mr. CURTIS. Yes; now, on the subject of the Vietnam war, is it not entirely possible that a case may come before the Supreme Court in the near future questioning the legality of the Vietnam war?

Mr. ERVIN. As I judge from the press, two cases of that kind have already arisen as a result of orders signed by Associate Justice Douglas which, in effect, stay the sending of certain reservists who have been called into active service to Vietnam.

Mr. CURTIS. How about matters arising out of the Detroit riots? Were there not questions involved there concerning the matter of Presidential power?

Mr. ERVIN. I think there is no question but that a number of cases could arise out of those riots, in one form or another.

Mr. CURTIS. A question of Presidential power might be involved?

Mr. ERVIN. Yes.

Mr. CURTIS. A question of Federal power might be involved?

Mr. ERVIN. That is true.

Mr. CURTIS. A question of military power might be raised by the riots?

Mr. ERVIN. There is no question about that.

Mr. CURTIS. And a question of State power to act?

Mr. ERVIN. That is correct, because this is peculiarly a situation which falls within what one might call the twilight zone between the power of the Federal Government, on the one hand, and the power of the State government on the other.

Mr. CURTIS. And, arising out of these things, it is conceivable that a case involving the entire range of criminal offenses and the whole range of civil rights might arise out of the events which occurred in that Detroit riot; is that not true?

Mr. ERVIN. There is no question about that, because, under recent decisions of the Supreme Court extending the power of the Supreme Court over criminal trials, both in Federal and State courts, it is possible that a multitude of cases of criminal nature may come before the Court for resolution as a result of those riots.

Mr. CURTIS. Mr. President, so that the RECORD may truly reflect the situation, is it not true that the Detroit riots occurred in 1967?

Mr. ERVIN. That is my recollection.

Mr. CURTIS. And in what year was Mr. Fortas elevated to the Supreme Court?

Mr. ERVIN. He became a member of the Supreme Court in the fall of 1965, if my recollection serves me right.

The senior Senator from Florida reminds me that it was on August 11, 1965, that he formally became a member of the Supreme Court.

Mr. CURTIS. The role and powers of the Federal Government in that instance were enunciated in a statement of the President of the United States.

Mr. ERVIN. The Senator is correct.

Mr. CURTIS. If those powers were ever questioned and Mr. Justice Fortas does not disqualify himself, the matter will come before a court presided over by a man who was, in part, the architect of the Federal position.

Mr. ERVIN. The Senator is correct. It was for that reason that I stated to Mr. Justice Fortas in the hearings before the Judiciary Committee that I thought it was highly improper for a Supreme Court Justice to advise the President concerning any matter of governmental policy. By so doing, a Supreme Court Justice disables himself in either one or two ways. He either disables himself to act in an impartial manner in the case of litigants before the Court, or his advice to the President requires him to deprive the litigants in that case of the benefit of his views, because he would have to recuse himself.

Mr. CURTIS. Mr. President, does the Senator from North Carolina agree with the Senator from Nebraska that certainly there is no implication that either the President of the United States or Mr. Justice Fortas wanted to do wrong or to violate any code of ethics? Apparently they were fast friends of many years and had great confidence in each other, and it happened, but with no intent to violate any of the proper procedures?

Mr. ERVIN. The Senator is correct. I would like to call the attention of the distinguished Senator from Nebraska to the fact that after he had retired from the Supreme Court bench, the late Justice Owen J. Roberts made a public address in which he stated that no member of the Supreme Court, in his judgment, ought to undertake any extrajudicial duties of any kind. He stated that he had succumbed to the temptation to do so on two occasions, and that he felt that he had made a serious mistake which affected his own personal welfare and that of the Court. And he advised that no Justice of the Supreme Court should ever undertake any extrajudicial duties.

He also made what I think is a very significant statement to the effect that no Associate Justice of the Supreme Court should ever be nominated to be Chief Justice. While he did not state the basis for that statement, I think the only inference to draw from it is that an Associate Justice can entertain an ambition to be appointed Chief Justice of the United States by the President. He is likely in that event to sacrifice to some extent his judgment and opinions to those of the President.

I think that is human nature. I do not care how good a man he is.

Mr. CURTIS. I would agree very much with the statement of the distinguished Senator.

I want to impress upon the record that we are dealing with broad, fundamental principles involving the separation of powers, and in no sense are we raising these points in any way to besmear or harm the good name of either the Chief Executive or Mr. Justice Fortas.

Mr. ERVIN. That is true. It is for these fundamental principles that I have based my opposition to Mr. Justice Fortas. I do so on the following two grounds:

First, there is no vacancy to be filled.

Second, Justice Fortas, in my judgment, is a judicial activist, and by reason of that, if confirmed as Chief Justice, he would add to the Constitution things that are not in it and would subtract from the Constitution things that are in it.

I think he will do that with the best of intentions.

Daniel Webster said that the Constitution was written to protect men against men of good intentions.

Today, the principal litigant before the Supreme Court of the United States is the Government of the United States. And many of the cases which come before the Supreme Court, even in cases where the Government is not a litigant, are cases which involve the validity, the scope, or the significance of the policies

of the executive branch of the Government which have been enacted into law.

For this reason, no Justice of the Supreme Court should undertake to advise the executive branch of the Government with respect to policies of the executive branch of the Government, or the action of the executive branch of the Government, because they are likely to appear before the Court and either require him to act impartially or recuse himself.

Mr. CURTIS. In that connection, it is no doubt true that the Solicitor General of the United States makes more appearances before the Supreme Court than any other one lawyer in the land.

Mr. ERVIN. The Senator is correct. And, as the Senator from Nebraska knows, the Solicitor General of the United States is the advocate before the Supreme Court of the executive branch of the Federal Government.

Mr. CURTIS. The great magnitude of cases where the powers and the actions of the Federal Government are being weighed in which the Government is not a direct party, as the distinguished Senator has pointed out, constitute a great portion of the matters coming before the Supreme Court.

Mr. ERVIN. That is undoubtedly correct.

Mr. CURTIS. Mr. President, I thank the distinguished Senator from North Carolina. He has rendered a great service. I hope that if we are called upon to take up the nomination that the hearings will be opened and these many questions will be answered before we are asked to proceed with the matter.

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

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

Mr. ERVIN. Mr. President, I am delighted to yield to the distinguished Senator from Michigan..

Mr. HART. Mr. President, actually the exchange between the Senator from North Carolina and the Senator from Nebraska intrigued me. I know that those who are seeking to bring this matter to a vote should not say anything at this time. However, it is hard to resist. It is a delight to hear the able lecture that the distinguished Senator is conducting.

Mr. ERVIN. I reciprocate the remarks of the Senator from Michigan.

Mr. HART. Mr. President, the Senator from North Carolina and the Senator from Nebraska agreed that it would be unwise and undesirable to permit an Associate Justice to be elevated to Chief Justice. And, as I understood it, the reason was that there might be ambition to advance which might influence the judgment and opinions of an Associate Justice. And, in a fashion, I have no quarrel with that.

I rise only to question those who are always lecturing us that one should have prior judicial experience on any court before his name is sent to the Senate. If there is validity to the concern that the Senator from Nebraska and the Senator from North Carolina have voiced, does it not reach to the whole proposition, because a man who is an Associate Justice has relatively limited further goals? Somebody who is an appellate Federal judge or a district judge or a judge of a State supreme court clearly has the ambition at least to become an Associate Justice of the Supreme Court of the United States, and I think the logic applies equally to both.

Mr. ERVIN. I say to the Senator from Michigan that until I read the speech which the late Justice Owen J. Roberts made subsequent to his retirement from the bench, I had always been inclined to assume that it would be a good thing to promote an Associate Justice to the position of Chief Justice. But after reading that speech and reflecting on the matter, I believe it is a mistake. I believe it is a mistake because I think there is a temptation to an Associate Justice, to aid the President, because the President is the only man on the face of the earth who can nominate him for the office of Chief Justice in the event a vacancy arises.

I admit that I naturally have some very strict views on the relationship of a Justice with reference to his service and public activity because of an experience in North Carolina. During Reconstruction we had a Chief Justice who was an able judge, but who became a convert of the Republican Party, and he made some political speeches. A number of Democratic lawyers signed a statement which appeared in the press, criticizing the Chief Justice for forsaking the judicial field and entering the political arena; and the Chief Justice undertook to attach some of those lawyers for contempt of court, and we had quite a hassle in North Carolina about the matter.

In my early days, I recall my father telling me about those events and also making a statement which I accepted because I thought it was a pretty good instruction—that when a man became a judge, he should be like the fellow who entered through the portals of Dante's inferno, where it said, "Abandon hope, all ye who enter here."

Justice Roberts stated in that speech, in substance, that a Supreme Court Justice should abandon all further hope of political advancement or anything of that sort, and even hope of judicial advancement.

Mr. HART. I am not expressing an opinion by my question as to whether it is wise or unwise to restrict the list of possible Federal court appointees to those who have had prior judicial experience. But I do know that there are many who suggest that is the source to which the President should look for judicial nominees. I suggest that they should read the concern voiced by Senator ERVIN and Senator CURTIS with reference to the possibility that sitting judges will at least unconsciously have their opinions and decisions influenced by the possibility that they might be invited to enter the Supreme Court. That was the only reason I rose.

Mr. ERVIN. I believe it is an interesting question and a very important question. Generally, I believe it is very good for a man to be put on the Supreme Court of the United States who has had judicial experience at either the Federal or the State level. Frankly, I voted for Justice Fortas' confirmation when he was nominated to be an Associate Justice in 1965. At that time, he had had no judicial service, and he had not participated in the making of any judicial opinions. I am frank to state that the words he has spoken since he became Associate Justice and the official judicial actions taken as Associate Justice have convinced me that it would be very unwise for the Senate to confirm him for the office of Chief Justice.

Unfortunately, some people who have judicial service do not acquire or are not able or willing to exercise the self-restraint which makes it possible for them to accept the Constitution as the rule for their Government, as Chief Justice Marshall declared, in Marbury against Madison, they should.

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

Mr. ERVIN. I am glad to yield to the distinguished Senator from California.

Mr. MURPHY. I have just been handed an item from the AP wire that seems germane to the discussion. It is a cause of further concern to me, since we have been dealing with matters of judges, justice, courts, legal procedures, jurisprudence, and the rest. I suggest that the distinguished Senator might wish to comment on this, if he has not already seen it. It is a further indication of some of the pitfalls and complexities which have crept into our system, and I may say that it is a cause of further worry to me.

This item from the Associated Press has just been taken from the ticker:

A Texas lawyer has asked the Federal court to halt the Senate filibuster against the appointment of Abe Fortas as Chief Justice of the Supreme Court.

Robert E. Looney, Houston, in a suit filed in the U.S. District Court, said the attempt to block the appointment is unconstitutional because the Senate already confirmed Fortas a Supreme Court Justice.

I go on to quote the distinguished lawyer, Robert E. Looney:

"Once confirmed, always confirm" is the doctrine Looney asked the Court to uphold. He said no further Senate action is needed to elevate a sitting Supreme Court Associate Justice to the job of Chief Justice.

Looney named Senator STROM THURMOND, R, S.C., and Senator JAMES O. EASTLAND, D, Miss., as chief defendants in his suit but asked the list should include all Senators who take part in the filibuster.

In his long, rambling brief, Looney accused the Senate opponents of Fortas of "proceeding with a desperate, reckless ferocity and hunger for political acquisition that bodes our Nation no good."

Looney has other ideas about the law. I do not think he has been here; I think he has been in Houston.

I quote further:

By the manner in which they are proceeding, he said, and by the earlier actions of the Judiciary Committee, including the showing of obscene movies to criticize a Supreme Court's decision, the opponents are also undermining respect for law and order.

Mr. Looney has a remarkable approach. That name fascinates me—"Looney."

"If the defendants are allowed to continue in their unlawful reckless and irresponsible efforts to block the appointment," Looney said, "what is left of the respect, confidence and sense of security held by our citizenry for our courts and our laws will be destroyed."

Looney also said the charge of "cronyism" used to describe Fortas' relationship with President Johnson was wrongfully used by the defendants. He said "It is the highest

medal of personal achievement and excellence in a man's profession and in his personal integrity to be the close friend, confidant, and sometimes intellectual sounding board of probably the greatest President in the history of our nation."

Looney asked the court to schedule a hearing at the earliest possible time for the purpose of determining whether a temporary restraining order should be issued to stop the filibuster.

I would be glad to hear the comments of the distinguished Senator from North Carolina with respect to Mr. Looney.

Mr. ERVIN. I may not have the benefit of all the facts, but I infer from what the distinguished Senator from California read that Mr. Looney is both the lawyer and the plaintiff in the case. If so, it is a perfect illustration that when a man is his own lawyer, he has a fool for his client.

Mr. MURPHY. I thank the distinguished Senator.

Mr. ERVIN. I would also say, although he did not make me a defendant in the case, that if Mr. Looney, instead of writing such an amusing complaint, had read a little law he would have discovered that under the law, the office of Chief Justice is separate from the office of Associate Justice, and whereas Mr. Fortas has been confirmed as Associate Justice he never has been confirmed as Chief Justice. Furthermore, if Mr. Looney had read a little of the history of the United States he would find that the two Associate Justices who were appointed Chief Justices by the President; that is, Associate Justice Edward Douglas White and Associate Justice Harlan F. Stone, had their nominations submitted to the Senate by the President and the Senate proceeded to confirm them, recognizing the office of Associate Justice and Chief Justice are separate offices.

Mr. HART. Mr. President, will the Senator from North Carolina yield to me so that I may make a brief comment?

Mr. ERVIN. Mr. President, without losing my right to the floor, I yield to the Senator from Michigan.

Mr. HART. Mr. President, very early in the development of this issue someone told me that there was no need for the Senate to advise and consent that an Associate Justice be made Chief Justice; that this could be done by executive action. I confessed at that time that I did not know if it were possible, but that I felt it was very desirable that the Senate assert the right to advise and either consent or disagree on the nomination.

I consequently share the views expressed by the Senator from North Carolina. I would quarrel with Mr. Looney's concept of what is going on here, if I heard the Senator from California correctly. Mr. Looney alleges that the opponents to the Fortas nomination are proceeding recklessly. My quarrel is that they are not permitting us to proceed at all.

Mr. MURPHY. Mr. President, if the Senator will yield to me, I suggest that perhaps he should get in touch with Mr. Looney, for starters, and explain to him what we are doing here.

Inasmuch as I am not a lawyer, I would not presume to disagree with my distinguished and esteemed friend from Michigan. However, as far as I am concerned, I think that there has been a great deal of ground covered here and a great deal of progress made. I certainly heard a great deal more about this matter than I knew when I made a statement before the names of the nominees were sent up. I thought it would be a bad idea as a matter of policy for the appointments to be made at this particular time when we are nearing the day when the people of this Nation—and this Government belongs to the people—will have a chance to elect a new government. I thought it would be prudent, wise, and considerate, particularly under the conditions, that these appointments be left to the judgment and the choice of the new Government which properly should reflect the feelings of the electorate, the people in control of this Government.

I think the discussions I have listened to have been most persuasive and most interesting and enlightening. I cannot agree with my distinguished friend from Michigan. I cannot wait to hear more from my friend, the distinguished Senator from North Carolina, who is a fine constitutional lawyer, and many other Senators. In addition, I have a speech that I have gone to some length to prepare which may approach the problem from a little different point. I think the healthiest way to proceed in this great body is through discussion and dialog.

I have been listening since I have been in the Senate and I have found that the more extended the discussion, the more intelligent the final solution becomes. That has been one of the great purposes of this body.

I have enjoyed the discussion and I believe I have benefited by it, and that I have learned a little about the law. After reading this report on Mr. Looney I am tempted to take a short course in the law. Who knows, I might still graduate from something, for I am running out of time.

Mr. HART. If the Senator will yield to me further, I would like to express a few thoughts with respect to the validity of rule XXII, and make one comment about Mr. Looney. I think it goes to a more serious point.

If I heard the Senator from California correctly, Mr. Looney suggested the unconstitutionality of the action of those who are delaying the opportunity to bring the name before the Senate for discussion. I am not sure I agree with Mr. Looney's suggestion that there is anything unconstitutional.

I wish to get to a point he does raise in my mind, and perhaps it is entirely different than what has been raised in the pleadings in that action. There is a troublesome element. It goes not so much to the question of getting ourselves into a position where we can advise and either consent or reject a particular nomination.

The Constitution is very clear that with respect to treaties, the affirmative vote of two-thirds of this body is required before action can be had. Some five other matters require affirmative two-thirds votes. I think there are no other constitutional requirements for a vote by two-thirds of the Senate.

The clear constitutional implication is that a majority may act in all but the half dozen numerated areas. These past days the question before us is whether we shall proceed to consider the nomination of Mr. Fortas. This is not one of the areas where the Constitution requires a two-thirds vote. I have had the feeling, of course, that a majority of Senators are prepared to proceed. I have no idea what the decision will be after the question comes before us, as to whether the Senate would consent or not. But the Senate adopted, long years ago, and more recently with some modifications, has maintained a rule that permits a third of us to prevent the majority from acting. If a minority will not permit a vote, then it takes two-thirds before we can discharge what I think is a constitutional responsibility, a responsibility to advise on whether to consent or to reject.

I do not know whether that troubles Mr. Looney, but it troubles me. I have a suspicion that young people around the country who wonder why this system seems to sputter and putter and run off the rails periodically will find it very difficult not to see in this further reason for lessening of respect for the operation of, as they put it, "the establishment." If it becomes clear that "the establishment" has written rules for itself which deny the majority the ability to act—would not those young critics of the establishment be further convinced the system is off the rails?

I think that goes far beyond the question of whether we will be permitted to consider Mr. Justice Fortas' nomination or not; it goes to rule XXII and its validity. That is the difficulty I have, at least, in trying to make it clear to those who wonder about the effectiveness of our system and the reason for that kind of inhibiting rule.

I know that the able senior Senator from New Jersey who is here, and I have joined at the opening of every new Congress in an effort to at least trim back that rule which gives a minority such overriding control on very vital questions.

Mr. MURPHY. Mr. President, will the Senator from North Carolina yield me a few moments, for one or two remarks in response?

Mr. ERVIN. I am glad to yield to the Senator from California, provided that I do not lose my right to the floor.

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

Mr. MURPHY. I thank the Senator from North Carolina.

Of course, I am not surprised, and I know the great concern of the distinguished Senator from Michigan with regard to youth. But "youth" is a broad term. Lately, it has seemed to me that, as in so many other instances, in this new and complex society of ours, the emphasis is placed improperly.

For instance, we saw youths in Chicago who would be in disagreement with the Senator from Michigan because they certainly were not interested in majority rule. They were interested in imposing the will of the few on the question of the unfortunate——

Mr. HART. They did not operate under a rule XXII. They just shouted. That is the point I seek to make. Rule XXII is dressed in very attractive garb, with

all the emoluments of "the establishment." But it has the very same effect; it prevents the majority acting. Yippies can cluster in the gallery of a meeting room and by yelling prevent the majority at the meeting from acting. And whether it is by yelling or rule XXII, the result is about the same—a minority prevents decision by the majority.

Mr. MURPHY. Fortunately, this body does not operate as they did in Grant Park across from the hotels in Chicago. But I am in agreement on majority rule. When I first had the great privilege of joining this body, I had some misgivings about rule XXII. I listened on many occasions to all the arguments as to why rule XXII should be changed. I also listened to all the arguments why rule XXII is a very good safeguard.

I do not know the origin of the rule. I do not know when it came into being or who was responsible for it. But, having gone over it, and read all I could on it, I have concluded that rule XXII may in the past have done more good for the welfare of the people of this great Nation than it did harm.

That is why, on several occasions, I have joined those who opposed changing rule XXII. I shall continue to oppose any change in rule XXII until better arguments or some other conditions are shown to me that changing rule XXII will be for the benefit of the general welfare of the people of this great Nation who, I continue to say, in the final analysis, control and own this Government.

I thank my distingushed colleague from North Carolina for permitting me to inject this information into the RECORD. I thought it was interesting.

I also thank my distinguished colleague from Michigan for his patience with me in trying to explain the things which I remember well.

Mr. ERVIN. Let me say to the Senator from Michigan that the difference between Mr. Looney and the Senator from Michigan is this: Mr. Looney wants an injunction to have this stopped, and the Senator from Michigan wants a writ of mandamus.

Mr. HART. I want the roll called so that we will be in a position to take up the name of Abe Fortas.

Mr. CASE. Mr. President, will the Senator from North Carolina yield me 1 minute, without losing his right to the floor?

Mr. ERVIN. Mr. President, I am glad to yield to the Senator from New Jersey with that understanding.

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

Mr. CASE. I am in complete support of the Senator from Michigan that there is very good reason why rule XXII should be changed. Many reasons have already been advanced. I suggest, for the consideration of my beloved colleague from California, but not at this time, because at this time rule XXII and the current issues are so inextricably interwoven in people's minds, including his own, that it is an almost absolute rule in politics that if a certain tactic is available, it must be used.

In the interest of our friends from the South in many matters in regard to civil rights, they are forced to use delaying tactics, which the rules permit, only because the rules permit them. I am sure that it goes against their own inclination, on many occasions, and their better judgment.

This rule is a bad rule. It permits the perpetuation of injustice. It should be changed. It should not be available so that a man need not be subject to the pressure to use it.

I hope very much that before too many new Congresses and sessions of the Senate have gone by that we shall have accomplished a better revision than the pitifully small improvement we have made during the 14 years since I came to the Senate.

I thank my colleague from North Carolina for yielding to me.

Mr. ERVIN. Mr. President, I think that rule XXII is perfectly constitutional. The Constitution provides that each House may determine the rules of its proceedings. The Senate adopted rule XXII in pursuance of that constitutional authority. I think rule XXII is very wise. It does two good things. It protects a minority which thinks it is right against the tyranny of the majority. That is very desirable. Majorities need no protection. It is only minorities which need protection.

Second, it gives me an opportunity to enlighten Members of the Senate who are so foolish as not to accept my sound views on all questions. The only thing about rule XXII that does not work right is that its use does not get Senators in the Chamber to listen to me, many times.

Rule XXII is needed. It tends to expand the ability of the minority to convert an erroneous majority to its views.

It is a wise and enlightened process and should be treated with great veneration by all men.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. ERVIN. Mr. President, I am glad to yield, with the understanding that I will not lose my right to the floor.

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

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator for yielding. I do not rise to defend a filibuster, because I firmly believe that as long as Senators are seeking the floor to speak on the issue before the Senate—and are addressing themselves to that issue without resort to dilatory tactics, then we do not have a filibuster. That is precisely the situation here at this time. Many Senators who have something to say on the issue before the Senate have not yet had an opportunity to take the floor. Thus, we do not have to defend a filibuster for we do not have a filibuster.

Mr. President, I would like to quote from a speech made by a very distinguished American on this particular subject. That American, once a member of this body, gave a speech which reads in part as follows:

When we speak of majorities in the Senate—based solely on the numerical division of the Members—we speak in hollow terms. The Senate was conceived as a body of equals, with each of the States in the Union equally represented. Majority rule obviously did not underlie this concept. Here was a forum in which minorities—minorities of populations or minorities of ideas—could stand on equal footing with the most overpowering majority.

Under this system, the 15 million people of New York have no more votes in the Senate than the 110,000 people in Nevada. Does that imply any intent for the majority to reign supreme here? Certainly not; the implication is clearly contrary to the principle of the resolution sought to be brought before us—

At that time there was a resolution before the Senate seeking to amend rule XXII—

It would be folly to yield to New York the power to shut off the voice of Nevada; it would be a greater travesty upon justice to permit Nevada to invoke cloture against New York.

* * * * *

I sincerely believe that the right of unlimited debate in the Senate is an essential safeguard against potential total supremacy of the executive branch.

A man elevated to the office of the Presidency has virtually unlimited powers of influence over his countrymen. His own personality is a force of great impact upon all the people of the Nation and, in fact, upon the people of the world. Add to those powers directly all those less-conspicuous powers of his aides, his administrative agencies, and the multitude of channels which feel his influence, and you have a force no other representative government has ever entrusted for long to one man.

If on occasion you grant to this titular head of government the further intoxicant of an overwhelming majority of loyal supporters in the legislative branch, then, Mr. President, you have a force well-nigh irresistible. The distinctions between executive and legislative are difficult to preserve under such circumstances; mere memorandums become laws, and laws become mere memorandums.

In such a situation, which, happily, is more hypothetical than historical, the entire theory of our governmental system of checks and balances dissolves and evaporates. There is no one to check and no one to balance, unless and except the remaining minority has the prospect of holding each decision up to lengthy and thorough inspection here on the Senate floor.

In another part of the speech, this distinguished American added:

There is no such thing as a "reasonable limit" on free speech.

Mr. President, I ask unanimous consent that the full speech to which I am referring be printed in the RECORD. It is particularly noteworthy that this speech was given by none other than Senator Lyndon B. Johnson on the Senate floor on March 9, 1949.

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

EXCERPTS FROM SPEECH BY SENATOR LYNDON B. JOHNSON, GIVEN ON MARCH 9, 1949, IN OPPOSITION TO A SENATE RESOLUTION PROVIDING FOR A TWO-THIRDS CLOTURE RULE

In this debate, however, we are asked to choose between the freedom to enact laws hastily and the freedom to speak. For me, this is no choice. I cannot embrace any freedom which demands, as the terms for its existence, the imprisonment of another and more precious freedom.

* * * * *

There is no such thing as a "reasonable limit" on free speech. Good intentions, gentle reforms, and reasonable limits have destroyed more freedoms than evil forces could ever do, and I fear that danger now. As a distinguished Senator from Missouri, Senator Reed, once said: "Cloture means the

granting of a power. Whenever you grant a power, you must assume that the power will be exercised. So when we discuss this proposed rule, we must do so in the light not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm."

* * * * *

When I say minority, I do not limit the term to mean only the South. A peculiar and passing interlude in history has vested the defense of the filibuster in the South, but only temporarily. The filibuster is not a Southern creation; it belongs to all the Nation, and to all the minorities—racial, religious, political, economic, or otherwise—which make up this Nation. I can foresee unlimited situations in which some of the minority groups, which have for 10 years agitated so earnestly for the filibuster's abolition, would want, and would use if they could, the filibuster to defend their rights.

* * * * *

In this country, a majority may govern, but it does not rule. The genius of our constitutional and representative government is the multitude of safeguards provided to protect minority interests. On the legislative level, where the laws are written, the House of Representatives was so designed by the architects of our Constitution that virtually every valid sectional or local interest would, at least, have a guardian here to scrutinize each law which might be enacted. But those guardians, in most instances, have little time and few opportunities to give voice to their thoughts on the floor for the benefit of their own constituents, their colleagues, or the people of this country.

The citadel of this carefully planned protection of minority rights is the Senate. Here, Members must be somewhat older in years than in the House, their term of office is deliberately less abrupt. As the House is designed to provide a reflection of the mood of the moment, the Senate is meant to reflect the continuity of the past—to preserve the delicate balance of justice between the majority's whims and the minority's rights.

* * * * *

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* * * * *

Checks and balances, as I interpret the theory, imply that the authors of our form of government were not so worried about good legislation being delayed as they were about bad legislation being delayed not at all. I believe it was their thought that the minority, no matter how small numerically, might always have something to say that the momentary majority should hear. The right to check and balance was not granted to the majority, because a majority rarely seeks control over itself. Those rights were conceived and installed in the Constitution solely as safeguards for minorities.

Examine the branches of our Government, examine the struggles and conflicts of philosophy, and this is evident: The distinction between our form of government and totalitarian government is the distinction between the executive and legislative branches.

* * * * *

If we fall prey to this trend here in the Senate, then the legislative branch of Government will surrender its most effective guarantee of a check on itself and a balance against the executive branch. For unlimited debate is a check on rash action within the legislative channels and a balance against abuses in the executive branch. Furthermore, we will be surrendering this guarantee at a time in our history when all evidence indicates a greater need to preserve and encourage the right to criticize and challenge mass opinion.

* * * * *

So, Mr. President, it is my conviction that the right of unlimited debate here in the Senate is an essential safeguard for the public's right to full information on all legislative decisions; second, as a safeguard against the deliberate or accidental destruction of the distinctions between the legislative and other branches of government; third, as a safeguard for Members here—both majority and minority—against rash, impetuous action, or action predicated on incomplete or inaccurate information.

* * * * *

Our predecessors here—the great names of American political history—were keenly aware of the responsibilities resting upon their decisions. They made no effort to dismiss their duties in great haste. They weighed a man's convictions, not by the clock, but, rather, by what he had to say.

Read through the transcripts of the Senate's proceedings when giants like Webster, Calhoun, and Clay stood here. No official record was kept of the length of time they spoke, as measured in hours and minutes; but we find, if we look, that a speech by Webster, back in 1830, filled 30 pages of the Journal; John C. Calhoun's last speech on slavery in 1850 was 22 pages long; Henry Clay, speaking on the compromise of 1850, expressed his firm convictions for 26 pages. Perhaps styles of oratory have changed in freedoms; and the inability or unwillingness of men to utilize their freedom does not justify taking of it from them.

The freedoms we enjoy today are not freedoms of our own making. Through all the long history of civilizations preceding ours, mankind's highest aspiration has been for greater freedom. It was not until this Union of States was formed a little more than a century and a half ago that freedom found a sanctuary. I do not propose to tear down that sanctuary now, in the name of haste, because I believe the freedom to speak—the freedom of unlimited debate somewhere in our lawmaking process—is the keystone of all other freedoms.

* * * * *

Look back at the governments of history. The senior Senator from Texas, Mr. Connally, a few days ago very appropriately referred to debates in the Roman Forum. Rome enjoyed its greatest progress, its greatest era of achievement during the days when great orators could stand in the forum and speak with freedom. When, in irritation, the Caesars and their partisans removed that freedom, Rome began fading as an influence in the world; and the way was paved for a long succession of arbitrary monarchs and dictators. The right of unlimited debate in the Senate of France was lost in 1814, a victim of cloture—and there followed a century and longer, of internal confusion and strife. In England, the House of Commons gave up its right to unlimited debate in 1888. That nation has produced some great Prime Ministers since—men who had the privilege, as well as the talent, to speak thoroughly and forcefully, but it would be difficult for any Member of the Senate to name any lengthy list of members of Parliament who have inspired their countrymen with arguments advanced on the floor of the House of Commons since 1888.

I am no historian, but as I have studied the history of governments gone before us, I have been impressed by the fact that the freedom of unlimited debate in legislative chambers has been given up many times by members themselves who were irritated or frustrated by a minority. But so far as I have found, once that freedom was yielded, it has never been returned. If we now give up this freedom in the Senate, I, for one, do not expect to live to see its return. For that reason, I cannot and I will not join hands with those who seek to throw this freedom out the window now.

* * * * *

If, Mr. President, I were given a choice, if I should have the opportunity to send into the countries behind the Iron Curtain one freedom and only one, I know what my choice would be. I would send to those lands the very freedom we are attempting to disown here in the Senate. I would send to those nations the right of unlimited debate in their legislative chambers. It would go as merely a seed but the harvest would be bountiful; for by planting in their system this bit of freedom we would see all freedoms grow, as they have never grown before on the soils of eastern Europe.

* * * * *

This freedom we debate, Mr. President, is fundamental and indispensable. It stands as the fountainhead of all our freedoms. If we now, in haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities. I do not want my name listed as one of those who took this freedom away from the world when the world most needed it.

Mr. HART. Mr. President, will the Senator from North Carolina yield to me so I may comment?

Mr. ERVIN. I yield, without losing the floor.

Mr. HART. Senator Johnson was wrong twice in that speech. He was wrong when he spoke of the unlimited power of the Presidency and probably would agree on that. And he was wrong on rule XXII, and the concept of "unlimited debate." My first vote in the Senate, in January 1959, was against my

then majority leader, Senator Johnson, on the change of rule XXII.

Mr. ERVIN. Let me first comment on what the Senator from Michigan [Mr. GRIFFIN] has said. Robert M. LaFollette, the elder, who was a great liberal, said, in substance, that whenever the Senate abolished the right of unlimited debate, it would at that moment sound the death knell of liberty.

The President may have changed his mind since he was in the Senate. Whether he is wiser today or more foolish today than he was then, I will not say, but I always recall that when I came to the Senate, back in June 1954, he gave me some instructions to the effect that I should never vote for cloture. I have followed his precept and his example during my course of duty in the Senate. I think I learned that lesson perfectly, because once a man stands on the floor of the Senate and honestly presses his views, views he conscientiously entertains, and seeks to persuade me or any other Senator of the error of our ways, I am going to give him the right to speak, if I can.

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

Mr. ERVIN. I yield.

Mr. McCLELLAN. As I understand the Senator, he referred to the Miranda decision.

Mr. ERVIN. Yes.

Mr. McCLELLAN. Am I correct—I am sure I am, and I think this RECORD should reflect it over and over—that in order to obtain the conclusion reached, the effect of the Miranda decision was to overrule three previous decisions of the Supreme Court involving the identical issue with respect to whether the Constitution required that warnings be given to the accused—warnings such as were required, I might say, for the first time by the Miranda decision?

Mr. ERVIN. Yes. Those warnings were invented for the first time on the 13th day of June 1966, which indicates to my mind that after all, there is something in the old superstition that 13 is an unlucky number.

Mr. McCLELLAN. It was an unlucky day for the forces of justice, and it certainly was a tragedy for law and order in this country.

Mr. ERVIN. The Senator is absolutely correct. The Miranda case not only overruled the cases which held that warnings were not required to be given, but as a matter of fact it overruled literally hundreds of Federal and State decisions holding that voluntary confessions were admissible in evidence as evidence of the guilt of the accused.

Mr. McCLELLAN. The first case directly on that issue decided by the Supreme Court, as I recall, was the case of Wilson against United States, decided in 1896—the year I was born, incidentally. That decision was later reaffirmed and cited approvingly where the same issue arose again in another case, in 1912. The third time it was directly before the U.S. Supreme Court was as late as 1958.

So from 1896 through 1912 to 1958, the Court uniformly held that these warnings were not required.

Mr. ERVIN. The Senator is correct.

Mr. McCLELLAN. As I recall, 24 Supreme Court Justices participated in those three decisions, and counting the four dissenting Justices in the Miranda case makes a total of 28 Justices of the Supreme Court, who have held contrary to the five Justices who issued the majority opinion in the Miranda case. The Court in the Miranda case has made a new rule, and a change in procedure, to favor criminals at a time when crime is on the rise in this country with a momentum never before experienced.

Mr. ERVIN. Yes; the decision in the Miranda case, which became the majority decision only by the vote of Mr. Justice Fortas, entirely ignores the fact that society and the victims of crime are just as much entitled to justice as the accused.

Mr. McCLELLAN. As I interpret the decision, the consequence has been to trample upon the rights of a victim to be safe and secure, and to deny the prosecution the use of the evidence of the criminal act when the suspect voluntarily confesses, when a prescribed fourfold warning was given.

Mr. ERVIN. That is correct. As a result of the decision, according to evidence taken before the Subcommittee on Crimes and Criminal Procedures of the Committee on the Judiciary, headed by the distinguished Senator from Arkansas [Mr. MCCLELLAN], hundreds and hundreds of self-confessed murderers, rapists, arsonists, burglars, thieves, and other criminals have gone entirely unwhipped of justice.

Mr. McCLELLAN. Many of them continue to roam the streets today pursuing the nefarious crimes for which they should be in jail.

I thank the Senator from North Carolina.

(This marks the end of the colloquy which occurred during Mr. ERVIN's address and which was ordered to be printed at this point in the RECORD.)

VIETNAM—A RENEWED PROPOSAL FOR PEACE

Mr. SYMINGTON. Mr. President, a year ago next week I had just returned from Vietnam—a trip which included visiting the Far East, Middle East, and Europe—specifically Japan, Hong Kong, South Vietnam, Laos, Thailand, Israel, Greece, Italy, and Great Britain.

At that time I said on the floor of the Senate:

> In Vietnam the pot has boiled over. In other countries where we have binding commitments, however, the water also is becoming very warm indeed.

That prediction has now turned out to be correct.

At that time also, October 3 last, I said:

> The resources of any country, even those of the United States, are not inexhaustible; and therefore these developments in the Middle East and Europe should also be considered as we in turn consider future policies incident to Vietnam.
>
> I have presented for many months my conviction that the United States is overcommitted and overextended. We need a great deal of money to handle all these commitments along with our growing problems at home, and we do not want to jeopardize the integrity of the dollar.
>
> In addition, and most important, is the matter of American lives. In this latter connection, the campaign here to cease air attacks against North Vietnam is receiving full attention in the other countries. But all civilian and military people abroad with whom I discussed this matter warn that another cessation of the raids against North Vietnam would guarantee additional casualties in South Vietnam (13,500 Americans have already been killed, 85,000 wounded).

That was 1 year ago. Today the casualties are 28,211 killed, and 176,456 wounded.

Last March 31 the administration announced that North Vietnam would not be attacked above the 20th parallel, despite the fact that over 90 percent of all military targets in North Vietnam are above that parallel.

As a result, the bombing of North Vietnam we are doing today is nearly all form, with little substance. It might as well be a cessation.

In that address a year ago, I also suggested:

> Instead of only another cessation in the air attacks against North Vietnam, therefore, I propose that this Government announce, as of a certain date, the cessation of all (offensive) military action in South Vietnam as well as over North Vietnam; also announce that there will be no reinforcements into the theater.
>
> The Government would announce that these policies were being undertaken "in earnest hope" that their adoption would result in prompt and meaningful negotiations in the interest of a just peace.
>
> At the same time the United States should also announce that, if after this cessation of all military action in South Vietnam, as well as North Vietnam, the North Vietnamese and Viet Cong nevertheless continued hostilities, then the United States would feel free to pursue this war in any manner of its own choosing.
>
> It would appear that the political objectives of the United States have now been achieved through the creation, by means of free elections, of the present Saigon Government, and the military objectives of this Government have never included the invasion of North Vietnam, or the occupation of Hanoi, or the taking over of the Government of North Vietnam.
>
> Concurrently with the above proposed announcement of United States policy, the Government of South Vietnam should announce its willingness to negotiate with anybody, and offer amnesty to members of the Viet Cong.

That was a year ago. Since these observations, our casualties have more than doubled, additional tensions, such as the *Pueblo*, have developed in the Far East, and things are not exactly quiet in the Middle East and Europe.

And 30 billion additional dollars which might have gone into worthwhile domestic and international programs have instead gone down the drain.

What is there to show for this high cost in lives and treasure except further loss in the political, military, and economic prestige of the United States?

I therefore renew the recommendation I made a year ago. Not one word of it need be changed.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. McCLELLAN. Mr. President, I had

fervently hoped that the pending business would never reach the Senate for debate. I still hope that the pending motion before the Senate, to take up the nomination of Mr. Justice Fortas to be Chief Justice of the United States, will not be agreed to.

I had hoped that this matter, with its disagreeable contents, might pass us by, and that we would not be compelled to meet what is to me obviously our responsibility to consider and deal with this nomination.

I believe this nomination never should have been made. It is an unfortunate nomination. It is one that creates division. It is provocative and is causing concern in an area where deep concern, doubt, and lack of confidence already exist.

Procedurally, of course, the pending motion is the usual, and conforms in every way with the rules and with the established practice of the Senate. Under normal circumstances, in the normal course of Senate functions and procedures, this motion would be quite proper, and the leadership not only would be fully justified but also would be obliged to take the initiative to bring this issue before the Senate.

Mr. President, normal and routine circumstances with respect to the pending business do not now prevail. Instead, present in the consideration of this nomination are unique and extraordinary circumstances of such compelling force that they cannot be disregarded or shunted aside. Some of these circumstances are unpleasant. I do not relish either the opportunity or the necessity to talk about them.

As I have indicated, it is regrettable that this issue has reached the Senate floor for debate. Some of these circumstances are both unpleasant and unprecedented, and when placed in their proper perspective and carefully considered, they clearly suggest the wisdom of making disposition of this nomination without long and thorough debate.

But if what these circumstances suggest as a wise course to pursue is not pursued—and so far it has not been—then we would have no alternative except to engage in thorough and possibly long debate. These circumstances also dictate the prudence of disposing of this issue before confirmation of the nominee actually becomes the pending business of the Senate.

It seems to me that there are many sound and persuasive reasons why the pending motion should be rejected.

I presume to discuss only a few of those reasons this afternoon. In fact, Mr. President, it is really my purpose to make a preliminary and comparatively brief argument with respect to my position and to explain my opposition to this nomination.

As I have said, this is an unwise and most unfortunate appointment. Therefore, while my remarks today may be more or less in general terms and brief, at a later date, if a wiser course is not followed and the confirmation of this nominee is still insisted upon, I propose to go into greater detail and be more thorough and explicit in my reasons for opposing this confirmation.

I think now it is quite apparent to everyone that it was an unwise and unfortunate decision on the part of the President to send this nomination to us. It should never have been sent to us, for it surely must have been known at the time—and I say this, Mr. President, in kindness, and with all due courtesy and deference—that this nomination would be highly controversial and provocative and that it would likely precipitate a bruising and grueling battle of debate and contention which is now shaping up in this body.

Mr. President, in the light of developments thus far and considering what is almost certain to transpire if the Senate is forced to consider it, this nomination should now be promptly withdrawn. In saying that I am being kind to the nominee and I do not intend to reflect upon him or to condemn him. I think it is for his welfare and I think it would be a wise course of action and ultimately a favor to him. Yes, I say that in kindness and not as an enemy. I say it in a spirit of friendship.

Mr. Justice Fortas, in my judgment, out of proper deference to the President, to his colleagues, and to the High Court upon which he now serves, should immediately ask the President to withdraw his name

I know that it is unlikely that course of action will be taken. I know that in all probability my views could not persuade or induce that action to be taken, but I want to suggest that obstinate insistence that the Senate confirm this nominee can only produce a regrettably prolonged, grueling, and bitter debate, which means a confrontation that will most likely inflict wounds and suffering that should be avoided.

This battle is being joined in the consideration of the pending motion to make the question of the confirmation of this nomination the pending business of the Senate. If that battle is prolonged by the opposing forces, and it most likely will be, I am constrained to predict that some of the unhappy consequences will be, first, and I regret to say this, a further diminution in the personal and official popularity of the President.

I know I am speaking frankly, and I believe in doing so, I am more of a friend than those who might be invited to consider these remarks, and be critical of them. Second, Mr. President, if this debate is continued for a long period of time, serious injury to the Democratic Party and its candidates for President and Vice President in the coming election will result. I do not want to do anything to injure them. But like other Senators, I face a duty, if action is insisted upon by the sponsors and by the promoters of this nomination.

Next, Mr. President, worst of all the long debate on this issue, the things which will be said here, the facts which will be discussed here, and the records that will be examined and presented here will further impair public confidence in the Supreme Court.

Mr. President, I need not remind you that public confidence in the Supreme Court today, according to all the polls and commentaries, is at it's lowest level during the 20th century. There is a reason for that. It is not just a happenstance. Millions of Americans would not be concerned and the polls would not reflect the rapid decline in public confidence in this great institution, if public confidence in the Court had not diminished.

I say that, and I am supported by the polls. The Gallup poll is a national poll and has a pretty good reputation—one of the best, perhaps. In July 1967, according to the Gallup poll, 46 percent of the people rated the Court unfavorably. In the latest poll, in July of this year, made by the same pollster, 53 percent of the people rated the Court unfavorably.

Another national poll shows a decline during the past year and shows that the rate dropped by a much larger percentage. Again, there is some reason for that.

But that reason is not found in this body. The blame cannot attach to the Senate for the decline in the confidence of the people in the Supreme Court of this land, because of those who write their smear editorials and impugn the motives of this body when it deals with one of the most vital issues that can come before it and that issue is the integrity, the dignity, the prestige, the respect, and the image of the Supreme Court of this land. We must deliberate at great length when a nomination comes before us with the controversial and provocative attachments or tendencies which are associated with this one.

Mr. President, this body has a constitutional duty to try to make certain that it does not place its stamp of approval upon those causes, or to promote those who aspire to be in a judicial position and who, by their decisions, however sincere they may be, have followed a philosophy and embarked on a course that is causing a lack of confidence on the part of the American people in the Supreme Court as an institution.

Yes, Mr. President, this body has a duty to inquire further into the nomination than merely to determine the nominee's legal and professional capacity. There is more involved, and if we go no further, when there are suggestions of other factors and lack of qualities which should be weighed and considered, if we go no further and do not go into these matters and weigh them, we would be derelict in our duties and, by acquiescence, contribute to what is happening in this country today. I cannot be a party to it.

Mr. President, worst of all, it will impair the public confidence in the Supreme Court. Yes, it could well tarnish the image of the Court and leave ugly scars that only time, and possibly a very, very long time, can remove.

What I have just spoken on, Mr. President, is not reckless speculation. These are surely possibilities, and I believe they are strong and imminent probabilities. They should be weighed on the scales of reason and practicality before the Senate travels down that road leading to confirmation.

Whether it should be weighed, whether we are coerced into traveling that road, or whether we do it on our own volition,

we cannot escape the responsibility for taking those matters into account.

The pending motion poses a great issue at a crucial period in the history and life of the Supreme Court of the United States as an institute of justice under law.

This nomination raises questions that involve much more than the professional qualifications of the nominee. It raises questions of propriety of conduct which, if practiced, can only detract from respect and public esteem and confidence that the Court must maintain if it is to survive as now constituted and as a cherished, revered, and trusted institution of Government.

Mr. President, this decline in public confidence in the Supreme Court must be checked. It cannot continue. It must be checked and reversed and started in the other direction.

I know it is said there is no power to reach the Court except by impeachment; and that is true. But there are both the power and the duty here on our part, as representatives of the people of the sovereign States of this Nation, to let this record reflect the purpose of this body to do its full duty in weighing all these matters before giving its stamp of approval to elevating one whose decisions have contributed to the very problem that I am discussing.

Mr. HART. Mr. President, will the Senator yield for just a comment?

Mr. McCLELLAN. I am always delighted to yield to my good friend from Michigan.

Mr. HART. Does not the Senator recognize that, although he may think we are wrong, there are a great many of us who regard it our duty and the duty of the Senate in this matter to act; to let the roll be called and let the majority decide whether we shall bring the nomination up? Only then we can discuss the nomination of Abe Fortas on the merits. Then our duty, as we see it, will be to act; to call the roll on the proposition: Do we consent to the nomination or do we not?

Does not the Senator understand that there are many of us who have interpreted that course as our duty; who believe a judicial nomination should be on the merits?

Mr. McCLELLAN. I do understand the Senator's position. I assure him every deference and accord him every privilege that I take unto myself. What I am trying to make the Senator understand, is that many of us disagree with him. Many of us believe this nomination should not be here. We believe it is unfortunate, and we believe it could be more than unfortunate if it remains here. We are required to go through the processes that the distinguished Senator feels we should not go through. I say that as a friend to the parties involved. I feel it deeply, and I regret it. The sooner the nomination can be withdrawn, the better it will be for everybody—for the Justice who is involved, the President, the party, the Senate, and the Nation.

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

Mr. McCLELLAN. I yield for a question, if I do not lose the floor.

Mr. HANSEN. I would like to make the observation that in this country we are dedicated to the principle that the majority shall rule, and yet I would be not true to myself and my conscience if I were not to observe at this time that the majority is not always right.

I heard the distinguished senior Senator from Arkansas speak very eloquently and forcefully this morning on another matter, the TFX. I recall very clearly how much of a minority he found himself in at that time when he first spoke out against the contracts being granted by the Government of the United States, and against the position that was taken by most of the prominent people in the executive department of the Government. He found himself quite alone, and yet, by exercising the right that he is exercising here this afternoon, in speaking out, in exposing and laying bare his conscience and his convictions, it seems to me he served a most useful and valuable public service.

I would suggest to my distinguished and cherished friend from Michigan that that is precisely what those of us who have spoken so far and those who have not yet been accorded the privilege of speaking out yet want to do. We want to be certain we have that right.

We may not be in the majority, but I suggest the people of the United States have already expressed their opinion on this matter. They have already shown, by their decline in respect for the Supreme Court of the United States, as they judge and evaluate its decisions, that the Court does not reflect the feelings of the majority of the people in this country.

So I would like to compliment my very distinguished friend from Arkansas for the great public service I think he is rendering the country and the Senate this afternoon. No one has studied more diligently the ramifications involved in these nominations than has my distinguished friend from Arkansas.

It seems to me that what we are really trying to do is be certain that the Senate of the United States and the people of this country shall make a judgment only when they have all of the facts before them as we are able to develop them. It is in that spirit that I want to express my appreciation to the Senator from Arkansas for the contribution he is making.

Mr. McCLELLAN. I thank my distinguished friend from Wyoming. I appreciate his comments.

May I say that on Monday of this week I addressed a group of my constituents, the Little Rock Advertising Club, at Little Rock. They were very interested in this matter. It is one of the most prominent issues now being discussed throughout the country. The Senator mentioned the TFX. I said to my people down there, with regard to the pending nomination, that the nomination posed a vital issue, one in which personal pride, stubbornness, and official obstinacy—if that develops—should be subordinated and should give way to the national interest.

I pointed out that obstinacy, egotism, stubbornness, and pride could do great harm, and I cited the TFX as an example. There was never any legitimate excuse for that issue to be forced. All they had to do was to submit the reasons, but they were obstinate: "Who dares to challenge us?"

There are some things that are bigger than an individual's personal pride, his stubbornness, and his obstinacy. This nomination should not be here, as I said before. It was bound to have been quite obvious that it would be highly controversial and provocative. Not only that, but since it has come before us, here is a record that justifies this controversy more than even then. Each day, it seems to me, material facts are becoming available not only to reinforce the opposition of the nomination, but to give compelling reasons to the proponets and to the source of the appointment that the nomination should be withdrawn.

Mr. President, I yield to the distinguished Senator from Mississippi, without losing my right to the floor.

Mr. STENNIS. Mr. President, before the Senator from Arkansas leaves the subject he is discussing; namely, confidence in the Court and the prestige and image of the Court being injured, I may say that I do not believe that any Senator is more qualified to express himself on the subject, in sincerity, in experience, and with an idea of responsibility to the Senate and to the country, than is the Senator from Arkansas.

The Senator handled a very delicate subject in a meaningful way. I wish the Senator were mistaken when he says that the prestige of and the public confidence in the Court are at issue. I wish the Senator were mistaken in that, but I think he is correct; and the issue must be met, as the Senator is meeting it.

I believe that the great pity here is not that we are discussing this matter on the motion to take up. The pity is that there are not more Senators present to hear us.

It was my good fortune to attend a law school where the entire faculty, men of considerable prestige and great ability, all emphasized the prestige, the importance, and the competence of the U.S. Supreme Court. That belief was instilled in me. They meant it, and I accepted their views 100 percent. I remember, a few years after that, the proposal to, as it was called, "pack" the Supreme Court. I remember their reaction to that proposal, and I remember mine; and I remember the bill being killed.

But I think the idea lived on, and it has existed among some of the members of the Court ever since—the idea of rewriting or recasting, or whatever term one wishes to use, the Constitution of the United States. And little by little, case by case, at intervals, that is what has been done; and there has never been a chance to really bring that practice into review here in this forum until now. I think it is very fortunate that the circumstance arose, and I am glad for the Senator to discuss it. I believe that bringing this matter out in discussion may be the beginning of the restoration of more confidence in the Supreme Court and the enhancement of its prestige; and that is the Senator's purpose, I am sure.

Mr. McCLELLAN. Let us hope good will ultimately come from it.

Mr. STENNIS. Yes. We must get at this thing.

Mr. McCLELLAN. Sometimes we must endure pain or unpleasantness, in order to reverse a trend. Sometimes we must deny ourselves something we have an appetite for, if health is to be restored.

Here we have a condition where there must be some restoration. It cannot continue to go down as it is going today. Something has to be done.

Yes, I remember. It is not pleasant. What we are doing here, what I am doing now, almost makes me sick at heart to have to do it.

I will say something here that I do not think I have ever said in this body before. We spoke of the TFX. Does the Senator realize that when I started that investigation, I did not want to do it? It became my duty. I did not initiate it. Another Senator initiated it.

Mr. STENNIS. That is correct.

Mr. McCLELLAN. Another Senator wanted to investigate it. He felt that a wrong had been done. I did not do it on my own.

When I began that investigation, the Senator will remember that I had the President of the United States on the other side, the Vice President of the United States on the other side, the Attorney General on the other side, and that great intellectual giant who could do no wrong, the then Secretary of Defense, on the other side. I had most of the press, the liberal press particularly, saying Mr. McNamara could do no wrong, and asking me, in effect, "Who are you to dare to challenge that giant brain?"

I had some members of my own committee who had grave doubts about the wisdom of such an investigation. Many times I wished that that cup would pass from me, that I would not have to do it.

Oh, I could have avoided it. I could avoid this. I could go fishing. I could remain silent, and say nothing, and let my silence acquiesce.

But I did not come to the U.S. Senate to be a nonentity. I did not come here to avoid my responsibilities. And I am no more courageous than dozens of my colleagues, perhaps all of them. I make no special claim about that.

There comes a time in public affairs when men who have positions of responsibility have to grit their teeth and resolve to carry on in the course that their conscience dictates to them is right; and if they do not do that, or when they fail to do it, great injury may occur.

I think, Mr. President, and I say it without reservations, that already great harm has come from this nomination. Enough has already happened. I think the nomination should be withdrawn.

I have no hesitancy in saying that the issues involved here are of such gravity, as I said a moment ago, that personal pride, stubbornness, and official arrogance should be subordinated to and give way to the national interest and the public welfare. I know many are asking in their hearts today, both for and against this nomination, both in the Senate and outside of it, "What is the way out? What is the best thing to do under the circumstances regarding this issue?"

I was quite interested yesterday, and somewhat pleased, when I read the editorial in the Washington Evening Star entitled "The Fortas Impasse." It is dated Thursday, September 26, 1968. I shall not read all of it, but I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

THE FORTAS IMPASSE

The Senate has now opened debate on the nomination of Abe Fortas as chief justice of the United States. There is no indication that those who oppose Fortas have softened their determination to block the appointment by any means available.

If there has been any change, the opposition has hardened. The Senate is now debating whether or not even to consider the nomination. That argument may drag along for five days. Then, assuming that the senators decide to tackle the real question, a prolonged discussion—more commonly known as a filibuster—could run for two weeks before an attempt would be made to cut off the argument with a cloture vote.

Our position, from the beginning of the controversy, has been that the filibuster should not be employed to block the nomination; that the appointment should be voted on by the Senate without delay, and that Fortas should be accepted or rejected solely on the basis of his qualifications. Parliamentary gamesmanship and overheated election year politics should play no part in a decision of such overriding national importance. Although certain revelations concerning some of Fortas' extracurricular activities have shaken our confidence in the outcome, we still believe that the best interests of the country would have been served if the question had come promptly and cleanly to a vote.

But it is now abundantly clear that the vote will not be prompt and that the intervening debate will not be clean. Instead, the work of the Senate will come to a standstill at least until the middle of October. And during that period, an associate justice of the Supreme Court—and the court itself—will be subjected to an all-out, no-holds-barred attack.

Neither of these prospects is really acceptable. The backlogged legislation cannot wait. The court is already held in such questionable public esteem that a bitter, politically-inspired attack in the Senate could seriously undermine public confidence in the judicial branch of government. And in the end, should Fortas win confirmation, his position as chief justice would be so seriously compromised as to make his tenure in office a prolonged personal agony.

Under the circumstances, we regretfully conclude that the interests of Justice Fortas, the court and the nation make it necessary to find a way out of the existing impasse. The Senate should cut the knot by some such stratagem as a motion to recommit the nomination or a resolution that no vacancy exists on the court. Failing that, President Johnson should seriously consider withdrawing the Fortas nomination.

Mr. McCLELLAN. I shall read a part of it. As we all know, the Washington Star, as a matter of editorial policy, has supported this nomination. I have no quarrel with them about that. I can understand that, to many, the first impression would be to want to support it.

Who would not? He had already been confirmed to the position he now holds as Associate Justice, and one would normally think, "All right, just confirm him." I have no quarrel with anyone who has different views from mine.

But this newspaper, which has supported the nominee, after weighing the conditions—the very things I am talking about—came to this conclusion, comparable to the opinion I am expressing today.

Listen:

But it is now abundantly clear that the vote will not be prompt—

That is what I have tried to point out—

and that the intervening debate will not be clean.

They may call it unclean. Perhaps it may be. I hope it does not become unclean, but I hope we can keep it factual. Who can object to that?

Does anybody object to discussing the facts here and arguing them and applying them to reason and logic and right or wrong? No.

The editorial goes on to say:

Instead, the work of the Senate will come to a standstill at least until the middle of October.

They say we are to blame. They say we can quit talking and vote today. Again, I said before that I could remain silent and acquiesce in something that I think is a great harm and wrong. I am not going to do it. I do not mean that boastfully. I am not constituted that way. I cannot do it.

I do not think that any other Senator should do it if he has a deep conviction. I make no apology. I simply appeal to the sources that can prevent it and should prevent it. I do not stand alone.

I know that the Senator from Mississippi and I are referred to, along with other Senators from our section of the country, as bigots by some of the oversophisticated editorial writers and columnists.

Calling me names or calling the Senator from Mississippi names does not change reality. It does not dethrone truth. Nor do those kind of tactics commend themselves to the esteem of those who profess to believe in free speech and open debate.

Such tactics reflect upon those who use them. However much those tactics are employed, I do not propose to be deterred from what I conceive to be my duty, because I do not stand alone, nor does the small group of opponents from the South stand alone. Nor are they now a little handful.

Those Senators in opposition constitute a double handful. Our number is growing because ours is the right position.

I continue to read from the editorial:

And during that period, an Associate Justice of the Supreme—and the Court itself—will be subjected to an all-out, no-holds-barred attack.

I question that it will be a no-holds-barred attack. I do concede that in regard to decisions in which this nominee has participated, there will be debate. And if that is attack, that is attack.

Since when has the Supreme Court become so sacrosanct that one cannot disagree with it and comment upon their disagreement? We have not reached that point in America yet. We still have some liberty.

The editorial continues:

Neither of these prospects is really acceptable. The backlogged legislation cannot wait. The Court is already held in such questionable public esteem—

I did not say that. Listen to that point. The supporters of this nomination say:

The Court is already held in such questionable public esteem that—

And this was before the nomination reached the Senate floor. I have been talking about that. It is not the fault of the Senate. The Court has only itself to blame. We do not have to go beyond it to find the source and the cause.

The editorial reads:

The court is already held in such questionable public esteem that a bitter, politically-inspired attack in the Senate could seriously undermine public confidence in the judicial branch of government.

If the Court is right and if what it has done is correct and if the Court is above reproach in what it has done and if these decisions are sound and constitutional, I challenge any Member of the Senate speaking on the other side of this measure to shatter the truth of this statement. The truth of the statement would still prevail.

However, if the Court is wrong—and I think they are wrong in some decisions—they may not be able to stand the spotlight of examination and truth. It will be debated, but not in a willful or vicious manner. It will be done in a manner relating to the duty of a Senator representing the people of a sovereign State.

The editorial continues:

And in the end, should Fortas win nomination, his position as Chief Justice would be so seriously compromised as to make his tenure in office a prolonged personal agony.

That is not an opponent speaking. That is a supporter who has a strong, persuasive influence in the profession of news dissemination.

Some days ago I had my staff prepare a motion to recommit with instructions to the Judiciary Committee to withhold further action on this nomination until it was determined that a vacancy exists. And I shall talk about that a little later. But here is what is recommended by one who sees substantially what I see as to what the consequences will be.

I am sure they speak as a friend of the nominee. I am sure they speak as a friend of the President. I hope I can be considered in that same category, because I have no vindictiveness here. I will not get credit for it in some quarters. However, who cares as long as one is right? I have not received credit before, and neither have other Senators when they speak on the floor conscientiously and with dedication to a conviction they possess. Who cares whether one gets credit for it? It is a duty to be performed. And if I do my duty as I see it, I have no need to worry about receiving credit. I have not worried about any criticisms that have come my way in the past, and I shall not do so now.

The editorial continues:

Under the circumstances, we regretfully conclude that the interests of Justice Fortas, the Court and the Nation make it necessary to find a way out of the existing impasse.

I did not say that. I said something of that order today, but I did not say this. Someone else said it.

I thought of it. I made some preparation for this. I have talked about it to others, but I have not spoken about it here yet.

The editorial continues:

The Senate should cut the knot by some such stratagem as a motion to recommit the nomination or a resolution that no vacancy exists on the Court. Failing that, President Johnson should seriously consider withdrawing the Fortas nomination.

I believe the latter should come first. In view of what has developed and what the facts are and the circumstances that now prevail, I believe that the President should now withdraw this nomination.

I repeat: I believe Mr. Justice Fortas should request the President to withdraw his name, and this should be done now, before more harm is done.

Yes, Mr. President, as we know, this is delaying some business of the Committee on the Judiciary, and we will not be able to process the other nominations. I use this just as an illustration. I do not know what is pending in other committees. I have not gone into that. But 13 nominations are pending in the Committee on the Judiciary: U.S. district judge, Associate Justice of the Supreme Court, member of the Civil Rights Commission, U.S. circuit judge for the third circuit, U.S. district judge for the District of Columbia, Administrator of Law Enforcement Assistance and two associate administrators, U.S. attorney in Texas, U.S. marshal in North Carolina, U.S. circuit judge for the District of Columbia, U.S. district judge for the northern district of Georgia, and U.S. attorney for the district of Connecticut.

Other nominations may be submitted. But the ones I have enumerated are being delayed. Action by the committee is necessarily deferred while this debate continues.

In order to make the motion to bring up this matter, we had to defer the Defense appropriation bill—a $71 to $72 billion appropriation to carry on the defense of this country. Another appropriation bill was reported today, for foreign aid, and that also must be deferred. How many more bills must wait?

We are in an election year. I am not involved. But many other Members of this body are campaigning and need to be in their home State, and Congress can adjourn within a week after this matter is disposed of. But this issue has to be forced. Again I say, Mr. President, it is most unfortunate, and harm is being done.

I ask unanimous consent that a list of nominations pending in the Committee on the Judiciary, to which I have referred, be printed at this point in the RECORD.

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

MEMORANDUM TO SENATOR M'CLELLAN ON PENDING NOMINATIONS BEFORE THE SENATE JUDICIARY COMMITTEE

Name	Position	Subcommittee	Hearing
Cecil F. Poole (California)	U.S. district judge, northern district of California		
Homer Thornberry (Texas)	Associate Justice of the Supreme Court	Full committee	Yes.
Maurice B. Mitchell (Colorado)	Member of the Commission on Civil Rights	Ervin, chairman; McClellan, Long, Kennedy, Bayh, Smathers, Hruska, Fong, and Thurmond.	No.
David Stahl (Pennsylvania)	U.S. circuit judge, 3d circuit	Eastland, chairman; McClellan and Hruska	Oct. 2, 1968.
David G. Bress (District of Columbia)	U.S. district judge for the District of Columbia	do	Sept. 12, 1968.
Patrick V. Murphy (New York)	Administrator, law enforcement assistance	McClellan, chairman; Ervin, Hart, Eastland, Kennedy, Hruska, Scott, and Thurmond.	
Ralph G. H. Siu (Hawaii)	Associate Administrator, law enforcement assistance	do	
Wesley A. Pomeroy (California)	do	do	
Morton L. Susman (Texas)	U.S. attorney, southern district of Texas		
J. Paul Teal, Jr. (North Carolina)	U.S. marshal for western district of North Carolina		
Harold B. Sanders, Jr. (Texas)	U.S. circuit judge, District of Columbia	Eastland, chairman; McClellan and Hruska	Oct. 2, 1968.
Albert J. Henderson, Jr. (Georgia)	U.S. district judge, northern district of Georgia	do	Do.
Jon O. Newman (Connecticut)	U.S. attorney, district of Connecticut	do	

Mr. McCLELLAN. If someone inquires, "Why can you not move on these things?" the answer is, "Here, in this body, we are proceeding with something else"—something that, in my judgment, should be dispensed with.

Mr. President, the first question that should be decided—I referred to it a moment ago in my statement—is the question of a motion to recommit. The editorial referred to it as a resolution of this body declaring that no vacancy exists. I am willing to go either route. If it is the judgment of this body that we should adopt a resolution declaring that there is no vacancy, and I believe this body would be justified in doing so, it would be a correct finding of fact. If we decide that should be the course that wisdom dictates, to recommit with instructions to the Committee on the Judiciary to make a determination as to whether a vacancy exists and then to report to the Senate—whichever course, in the judgment of the Senate, is wise and best—I would be glad to accept it and would wholeheartedly cooperate.

Mr. President, does a vacancy exist? I believe that question must be settled before we vote on this nomination. If it does not exist, we would be establishing a dangerous precedent, and I shall state why. Hereafter, any member of the Court

or any official of this Government appointed by the President and confirmed by this body can submit his resignation contingent—not to take effect, but contingent—upon his successor being nominated and confirmed. That can have strings to it—"If you nominate and confirm the man I want for my successor." And the whole proceeding in connection with this nomination smacks of just that sort of arrangement.

Why do I say that? In the first place, Chief Justice Warren, on June 13, wired the President:

MY DEAR MR. PRESIDENT: Pursuant to the provisions of 28 U.S.C. Section 371(B), I hereby advise you of my—

Retirement? No. He did not say "of my retirement." He said:

intention to retire as Chief Justice of the United States effective at your pleasure.

That was a telegram. Then what happened? On the same day he wrote a letter. I suppose it is all right to send a telegram and a letter about the same matter. I have no quarrel about that. The distance between the White House and the Supreme Court is approximately a mile. He said in the letter:

MY DEAR MR. PRESIDENT: In connection with my retirement letter of today—

I suppose he means his telegram. I believe the first one was a letter instead of a telegram.

MY DEAR MR. PRESIDENT: In connection with my retirement letter of today, I desire to state my reason for doing so at this time.

Listen to this reason. He had a reason for doing it. He knew best what that reason was. He stated the reason. It was a valid reason. He had made that determination. I know of no charge having been made, no formal charge that this reason existed. He made the determination voluntarily, of his own volition, and acted accordingly:

I desire to state my reason for doing so at this time.

I want you to know that it is not—

He states what are not the reasons—

because of reasons of health or on account of any personal or associational problems, but solely because of age.

Well, if it was a good reason on the 13th of June, that reason increases in force and persuasion by every passing day. If age was the reason, then there is more reason now. There is more of the same reason now than there was then.

I have been advised that I am in as good physical condition as a person of my age has any right to expect.

We are all glad of that. We are all gratified that it is not a health problem. I say that with all sincerity.

My associations on the Court have been cordial and satisfying in every respect, and I have enjoyed each day of the 15 years I have been here.

So it is not dissatisfaction.

The problem of age, however, is one that no man can combat, and, therefore, all eventually must bow to it. I have continuously been in the public service for more than 50 years. When I entered the public service, 150 million of our 200 million were not yet born.

The letter goes on to say:

I, therefore, conceive it to be my duty to give way to someone who will have more years ahead of him to cope with the problems which will come to the Court.

Another statement voluntarily made, of his own volition, and which emanated from the decision he made. He said it is his duty.

I need not read any more of that letter.

(At this point, Mr. MURPHY assumed the chair.)

Mr. ERVIN. Mr. President, will the Senator yield on that point?

Mr. McCLELLAN. I yield to the Senator. I simply wish to put this matter in its proper perspective without taking anything out of context.

Mr. ERVIN. I wish to ask the Senator from Arkansas if he is aware of the fact that the Court of Claims decided in the case of Wilson against United States that the power to resign or retire from judicial office is a power which belongs to the judge alone and not the President, and it may be without the acceptance of the President.

Mr. McCLELLAN. The Senator examined that decision, I am sure. I am not familiar with it, but we do know the President has no power to remove. He cannot say, "Get out." He cannot say, "I am tired of you. I do not think you are doing right. Your decisions do not always please me." He cannot say, "Give me your resignation." The President has no such power. The Senator from North Carolina is correct because only the man himself can make the decision and take action to bring about his retirement. I do not think the President has to accept the retirement. I think he could retire even without the acceptance of the President.

I have been handed a copy of the decision in the case to which the Senator referred, which states:

If a judge wishes to resign he, of course, may do so whether the President wants him to or not.

I recall the case now. I have read it. To tell the truth, we have so much material here and there are so many things that can be said and discussed that are absolutely pertinent to the issue, that are relative to thorough debate that one cannot retain it all.

The case further states:

On the other hand, neither the President nor anyone else has the legal right to force him to resign.

Let us see what the President said.

It is with deepest regret that I learn of your desire to retire—

It is not retirement. Had he given a date and fixed a date it would be a retirement effective as of a date—

that I learn of your desire to retire, knowing how much the Nation has benefited from your service as Chief Justice. However, in deference to your wishes, I will seek a replacement to fill the vacancy in the Office of Chief Justice that will be occasioned when you depart.

The word "retired" can be used there because he is not going to depart until he retires. It is synonymous with retirement.

"When you" retire and "depart." I have thought I was going to do things and changed my mind. As we go a little further I think the facts bear out that there is a retirement "if" and then the letter relates the if. I do not think I need to read much further—

when you depart. With your agreement, I will accept your decision to retire effective at such time as your successor is qualified.

Mr. President, that is very indefinite. He has not retired yet and it has not been accepted because there has been no successor qualified. He has to pass through these portals with the sanction, approval, and confirmation of this body before he is qualified to take the oath.

So he is not out of office; he is still in office. He has not retired and until he retires there is no vacancy. We have no vacancy.

I have before me an article from the Charlotte Observer dated August 25, 1968. My recollection is that the Charlotte Observer is a rather liberal newspaper. I wish to ask the distinguished Senator from North Carolina whether it is rather liberal. I am sure they support this nomination.

Mr. ERVIN. I would say it is liberal in the modern acceptance of that very much used term.

Mr. McCLELLAN. Whether they are liberal or conservative, let us see what they said. I am certain they would not publish a falsehood. The article states:

HELENA, MONT.—Chief Justice Earl Warren, whose retirement from the Supreme Court has become ensnarled in a Senate fight over a successor, says he may still be presiding over the high court when it opens its new year in October.

But Warren predicted the Senate eventually will approve Justice Abe Fortas to take his place rather than keep him.

I am sure this article appeared in other newspapers.

I did not know we had a choice here. Keep him? He is retired. There is a vacancy. Or is there? If. The entire connotation of the retirement is "If you can get Mr. Justice Fortas confirmed and qualified." If. Then he goes further.

Warren told a college luncheon here, "I'm very much afraid I'm going to have to open up that Court in October."

I am persuaded at the moment that he is entirely right about that, that his judgment in that respect is infallible.

Then follows:

"Those people in Washington who have refused to approve the nomination are not trying to keep me."

In other words, he is saying that we do not want him.

Why do we have to keep him if he is retired? If his age compels retirement, if his age dictates he should get out, if his age makes it his duty to retire, as he says, why do we keep him?

Reading on:

"Between accepting Fortas and keeping me, they are going to take Abe Fortas."

Why, Mr. President? When did circumstances ever before in the history of this Nation create a situation where the Senate had such two poor alternatives? I do not recall it.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. ERVIN. I invite the attention of the Senator from Arkansas to the statement taken from the 1967 Corpus Juris Secundum, pages 228 and 229, which appears on page 30 of the hearings, as follows:

> A resignation to take effect at a future date may be withdrawn before such date, even though it has been accepted, and even against the will of the body to which it is tendered, and which has accepted it, and it has been held that a resignation which is both contingent and prospective may be withdrawn before the occurrence of the specified contingency, notwithstanding a purported acceptance.

Does that not mean that Chief Justice Warren has not retired at all?

Mr. McCLELLAN. If he can get Fortas appointed, I am confident that he will fix a date and depart. Unless that is done, I have every reason to suspect that if that does not happen, he has no intention of retiring now.

Mr. ERVIN. Another statement which appears on page 31 of the hearings—67 Corpus Juris, is as follows:

> A statement by an officer that he contemplates a resignation or that his statement may be regarded as a resignation under a certain contingency which does not occur is without effect.

Now, do not those principles of law show that Chief Justice Warren has not retired at all?

Mr. McCLELLAN. The story I just read shows that he is going to open the Court.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that under the statutes embodied in title 28, section 371, subsection (d), of the United States Code, it provides that the President by the advice and consent of the Senate can appoint a successor to a Justice who retires, that a Justice does not retire unless he retires from regular active service as a Justice?

Mr. McCLELLAN. That is correct.

Mr. ERVIN. Would the Senator from Arkansas tell me what authority of law the President has to appoint and the Senate has to confirm a Justice successor to another Justice who has not retired?

Mr. McCLELLAN. I do not know that there is any authority to do that. There are only nine positions on the Supreme Court, and only one Chief Justice position. There are no vacancies at the present.

Mr. ERVIN. I should like to say to the Senator that if the President can appoint a successor to a Justice who has not retired, then he can appoint successors to all Justices who have not retired, and he can do that without a time limit. He could, if the Senate were so foolish as to confirm them, have all the positions on the Supreme Court foreclosed for 25 or 30 years depending on the life and number and different ranks he has had confirmed.

Mr. McCLELLAN. May I say, how many men are there on the Court? Some three or four members of the Court, who might exercise the same wisdom that prompted the Chief Justice to submit his letter of intention to retire, might likewise do the same, and we could have three or four more nominations up here with the same contingency. It is not improbable. If this one works, why not do it again? It would be a nice and pleasant pastime for the appointing authority. The whole thing smacks just a bit of collusion. There is an attempt, it seems to me, to coerce: "Give us what we want or Justice Warren will go back on the bench." In my judgment, that is beneath the dignity of these high positions. I say that seriously. I think that everyone, every lawyer, every jurist in this country would agree with that, if that is a fact.

The Senator says it is a fact. I say that these facts justify in every way our present discussion.

I would also point out that Congress enacted the statute which has been codified as 28, United States Code, annotated, section 315, as follows:

> Whenever the chief justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the associate justice next in precedence who is able to act until such difficulty is removed or another chief justice is appointed and duly qualified.

Well, if he retires and there is not a confirmation, the Court would not be without an Acting Chief Justice. Congress has provided that the next in rank would step up and act as Chief Justice until the vacancy is filled. Well, there is nothing new about having an acting official. We have done it all the time. Cabinet members retire, various officers of the agencies retire and appointments are made. Presidents give careful consideration to applicants.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. McCLELLAN. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator recall that Chief Justice Warren was the successor to Chief Justice Frederick M. Vinson, and that Chief Justice Frederick M. Vinson died in office and that the office of Chief Justice was vacant for some days and some weeks before Chief Justice Warren was appointed and qualified?

Mr. McCLELLAN. I recall that very well. I do not recall the length of time, but I do recall it, because I served with the distinguished Chief Justice, Mr. Vinson, in the House of Representatives from 1935 to 1938. I knew him and admired him and remember his passing. It was very sad, and we felt we had lost a great man. I had great respect for him.

When Justice Warren was appointed, I thought possibly it was a great appointment. I never dreamed that he would have established or ingrained into the Court's proceedings and into its deliberations what is now known as the Warren philosophy. I did not know that it would work and operate to bring about a change in the interpretation of the Constitution.

Mr. ERVIN. I will ask the Senator from Arkansas if the Supreme Court of the United States did not continue to operate during the period that elapsed between the death of Chief Justice Frederick M. Vinson and the date of qualification of Chief Justice Warren.

Mr. McCLELLAN. I think that is correct.

Mr. ERVIN. Therefore, there is no substance to the assertion that it is necessary for Chief Justice Warren to remain in office until his successor is qualified; is there?

Mr. McCLELLAN. Of course not; but when the vacancy actually occurs, when he retires, when he steps down, there should be expeditious handling of the matter. The position should be filled, because we should try to have at all times, subject to unavoidable, brief intervals, a court composed of nine of the ablest men, ablest lawyers and jurists, in our land. That is what we should strive for and what is desirable.

Mr. ERVIN. I believe the Senator from Arkansas will agree with me that the Court should be filled with nine men who would, as Chief Justice Marshall decleared in Marbury against Madison, accept the Constitution as the rule for the governing of their judicial actions.

Mr. McCLELLAN. Yes. I simply cannot agree with the philosophy that often predominates in this Court—that "the Constitution is whatever they decide it is." I do not agree with that. That is why I cannot understand the Miranda case and other decisions. From the founding of this Government on down, able jurists, Justice Oliver Wendell Holmes among others, held that such warnings as Miranda dictates were not required. What changed? Not a word was changed in the Constitution; not a comma was inserted; not a period was extracted. It was as it always had been with respect to this issue. What changed? Only a court, five members of whom, including this nominee, refused to follow precedent and confirm or ratify what had become and had been the law of the land since this Government was founded. Why the departure?

These are things I do not understand; and they carry with them a signal, a warning of danger, if the trend is not stopped.

What was the necessity for it? Nobody benefited from it—no one except the criminal element in this country—and the public interest and public safety and the innocent victims have suffered.

Mr. ERVIN. I would like to ask the Senator from Arkansas if they did not base the majority decision—that is, the 5-to-4 decision—in the Miranda case upon the words of the Constitution which say, "No person shall be compelled in any criminal case to be a witness against himself."

Mr. McCLELLAN. Yes; and, of course, that clause of the Constitution was involved in all of the other three decisions that the Court had passed on. Nothing had changed.

Mr. ERVIN. I would like to ask the Senator from Arkansas if he can comprehend how any judges who are willing to give to the simple words of the English language their plain meaning can possibly say that words which provide that "no person shall be compelled in any criminal case to be a witness against himself" can have any possible application to a voluntary confession made by the accused in the custody of an officer when no court is in session and no case is being tried.

Mr. McCLELLAN. Until there is a charge, there is no case.

There must be a case against someone to sustain that position. There is no case against someone until there is a charge against someone. As long as an officer is investigating and trying to get information as to who committed the crime, there is no case. There may be a potential case. Unless a case is finally and formally presented, there is no criminal case. We could argue about that a long time. The Court went on a tangent and so held, whereas before that, 24 justices had held otherwise.

We hear much about precedents. Some say there is no precedent here, I think this kind of supposed retirement shatters all precedent. But let me say this about precedent. Those who have overruled precedent and refused to follow precedent and refused to respect and honor decisions of the Court before them, interpreting the Constitution, where the safety of society and the rights of individuals are involved, do not come here with a very good reasoning when they argue, "Well, to do that you violate precedent."

Mr. ERVIN. I would like to ask the Senator from Arkansas if there were any precedents for the Miranda case.

Mr. McCLELLAN. There was no precedent; quite the contrary.

Mr. ERVIN. The President is quoted in the press as having said that there is no precedent for insisting on the right of unlimited debate where a nomination to the Supreme Court is involved.

Mr. McCLELLAN. No one has ever questioned the right to do it under the rules of the Senate, and they cannot question it now.

Mr. ERVIN. I want to ask the Senator from Arkansas if there is any precedent for a President saying to the Senate, in effect, that "You can take the man I designate"—that is, Mr. Fortas—"or you can keep the incumbent, Mr. Warren, as the Chief Justice."

Mr. McCLELLAN. There is no precedent for that. Let me make this statement, and I do it considerately and conscientiously. This seems to be an arrangement. "If the arrangement works, Chief Justice Warren retires. If it does not work, he is still in office. You are going to put up with Mr. Warren or you are going to take Mr. Fortas."

Mr. President, that is an unhappy choice. If the Chief Justice has reached the age where duty dictates that he retire, he should say it. He presents to us an unhappy choice.

Talk about a filibuster. Every time we decide to make a concerted fight here, on the basis of conviction, it is a filibuster. We are just getting started. We have not begun to scratch the surface of the logical, relevant, pertinent, and compelling arguments in this matter. I said in the beginning that prolonged and thorough debate would develop a situation here, which would not be a happy one.

I am saying again and again, "Spare this body this unpleasant duty. Withdraw this name. It is controversial; it is provocative, especially under these circumstances."

Mr. President, I am not just talking here for information. If the facts that are in the record that is before the Committee on the Judiciary, and the documents that it has received as exhibits in the hearings on this nomination, were brought to the floor of the Senate and exhibited, it would have to be done in secret session. Why, Mr. President? Because some of them that were involved in cases that went to the Supreme Court, upon which Justice Fortas participated and rendered per curiam decisions, are so indecent and so degrading that they cannot be shown to this gallery.

Yet today those documents, those degrading films, those indecent films, pictures, books, and articles, have been given judicial sanction and made legitimate in interstate commerce for sale, to pollute the moral and social backbone of this Nation. They have been made legal, Mr. President. You can now walk down to newsstands in a number of cities, put down your $1 and get a magazine of two dozen pages, with two dozen pictures not one of which any Senator would dare hold up in his hand here and show to this audience.

Yet that class of pictures and material has been legalized, in effect, because this Court, Justice Fortas participating, rendered per curiam decisions—which means "We do not reveal why, we just reverse the conviction."

This material was weighed, seized, and considered as evidence on charges of crime against a defendant, and the defendant was found guilty; and some of the language used by the Court in describing this material, some of the language used by the trial judge in writing his opinion about it, is not fit to be repeated here in these remarks. It is in the record of the hearings. I shall not repeat it, but on page 295 of the printed record of the hearings is shown what a judge said about these movie films that you can go and buy for $10 or $15 apiece. You would not show them, and you would not sit and observe them, in mixed company. You would blush if you were in a dark room by yourself. Yet such has Supreme Court sanction. No reason was given by the court for their approval.

The proponents argue, "There could have been four or five reasons why they reversed the conviction." Yes, there could have been. But were there? And if there was a different reason, other than holding that they were not obscene, that they were the right kind of literature, of which the laws and the Constitution did not prohibit dissemination, why did they not say what they held, and give their reason for reversal?

Mr. President, I say without any reservation that as a result of these decisions, today this country is flooded with pornographic literature, films, pictures, and magazines, and the situation is growing worse.

I see in the chair as Presiding Officer the distinguished Senator from California [Mr. MURPHY]. He knows better than I the truth of what I am saying today. He lives out there with it. He experiences it.

He knows what has happened in the last 2 years to law and order in the California communities where this pornographic material is available, and these films are peddled, and you can walk in and see them for a dollar or a dollar and a half. He knows what the conditions are. The sheriff of his county will tell you that crime has risen, in some respects, 500 percent in that area during the last 2 years.

That is what is happening. Those are the consequences.

Are we bigots? That is what some would call us, if we stand here and try to protect and defend common decency and morality in American social life.

Are we? Mr. President, I say to you this nomination should be withdrawn. We should not be compelled to make a long, prolonged, and thorough discussion of these issues. What is on the surface is enough. I challenge anybody to read the record, to look at the films, to look at the material, to look at what this judge said who tried the case, and then tell me that one who votes summarily to reverse a conviction on it, without explanation, sanctioning it, giving it judicial sanction, does not promote obscenity and filth. Do you know what the purveyors of pornography are doing now? They are advertising these films, and this pornographic literature, with this statement. I hold a copy of an advertisement in my hand. These advertisements are appearing in many cities. In Florida, specifically Miami, Fla., from the September 14 issue of the Miami News; I quote an advertisement:

Exclusive—

Big words, headlines:

Supreme Court Ruling.

Then it says:

100 percent complete nudity no longer obscene.

A Supreme Court holding.

I say to the Senate, in view of the pictures I have seen, in view of the exhibits now on file with the Committee on the Judiciary, the publishers are fully justified in publishing this advertisement, and they are not exaggerating.

I say that, and certain Senators would tell me that we should be silent, not say anything, not debate it. Mr. President, I do not think that anyone who has seen these pictures, or who would dare see them, will stand up here and try to justify it, except to say, "Well, maybe they decided it on some other basis."

Well, maybe they did, but I say to the Senate, the American people have got a right to know what reason the Court used as a basis for its opinion. The consequences are reprehensible. They are destructive. They are vile. They will do great damage to the social structure of this Nation.

Yes, I say it, and I say these things without reservation and without fear of successful contradiction.

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

Mr. McCLELLAN. I yield.

Mr. RUSSELL. Mr. President, I have not seen these films. I have heard them described a number of times, and according to any old-fashioned idea of obscenity, they certainly appear to have reached the zenith of obscenity.

I understand that these decisions struck down a number of State laws.

Mr. McCLELLAN. Yes, they strike down State laws.

Mr. STENNIS. Eighteen.

Mr. RUSSELL. I know they did in my State.

Mr. McCLELLAN. They did in my State, in a case involving an article in a magazine, or a book or booklet.

Mr. RUSSELL. Our State Supreme Court upheld our law but it was appealed and also struck down by the Supreme Court.

Mr. McCLELLAN. The Court struck it down with a per curiam decision and did not say what was wrong.

Mr. RUSSELL. The Court makes no attempt to protect minors.

Mr. McCLELLAN. The Court suggests that there is a different standard between minors and adults. Apparently they deal with it by saying, "Well, you cannot protect grownups. They have a right to do what they want to. You can pass a law to protect minors."

I do not think, however, that anyone can deny that we cannot protect the youth of this land if we legalize this, even though we prohibit the sale of such material to minors. They will get it, and the Senator knows they will get it today with the looseness and permissiveness and lawlessness in this Nation. The Senator knows they will get it. And they are getting it.

Mr. RUSSELL. It seems to me from an advertisement of the nature that the Senator read that it would be impossible to restrict the showing of those films to adults. There would not be any way on earth to protect minors and to prevent them from seeing the films to the same degree that adults can.

Mr. McCLELLAN. I do not think that they can protect the youth. I agree with the Senator.

However, I say that to legalize this filth is to support and sustain the attack that these filth manufacturers are making by the pornographic commercialization that is going on throughout this country. We cannot sustain and maintain the character of this Nation if we demoralize and immoralize the youth of this country.

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

Mr. McCLELLAN. I yield.

Mr. STENNIS. Mr. President, I thank the Senator for yielding. Going back to the reasons given, as I understand, these cases, in effect, nullify the State law in some 10 or 12 cases—some east of the Mississippi River, some west of the Mississippi River, and some up as far as New York State.

Mr. McCLELLAN. The Senator is correct. One film that came out in New York is called "Flaming Creatures." And, brother, that is an understatement.

It makes one sick to look at it. It is despicable. Depraved acts are displayed in the film.

Mr. STENNIS. Will the Senator tell us the period of time in which some of these cases were decided? Did they not accumulate in the Court, and were not quite a few decisions rendered in 1966?

Mr. McCLELLAN. The Senator is correct. The decisions were rendered in 1966 and 1967, a great many of them. I think that in 1966 alone, as I recall it, there were 26 decisions. Twenty-two opinions were reversals. As I have said, many of these films were filth.

Mr. STENNIS. The cases to which the Senator refers were convictions or they would not have been in the Court.

Mr. McCLELLAN. The Senator is correct.

Mr. STENNIS. Twenty-two out of 26 convictions were reversed?

Mr. McCLELLAN. The Senator is correct. I think one of them was not reversed. As I recall, he voted for reversal, but I am not sure. We will check that out.

I had not intended to go into this in detail today, because I say again that if this issue is going to be thoroughly debated—if that is what they want—I do not think that they should come here and say that Mr. Fortas is a great legal scholar and a great judge. I do not think that is the way we should discharge our responsibility.

These things must be delved into, and if they insist that this matter be debated and that the Senate act formally and confirm or not confirm the nomination, the things must be gone into.

They may call it a filibuster or whatever they care to call it. I do not care what they call it. However, there are men in the Senate who have a conviction in depth concerning the inequity of this thing. Those men do not propose to remain silent.

Mr. STENNIS. Are those films available so that they can be seen by any Senator who wishes to view them for his own information?

Mr. McCLELLAN. Some of them are available. Some of them were made exhibits. The two films that the judge talked about—where the language he used was not too bad because he kept it as nice as he could to depict and describe the pictures as he saw them—are there, as I recall, as exhibits. They can be seen by Senators.

As I recall it, "Flaming Creatures" is an exhibit and can be seen. I do not have a member of the staff present to advise me on that. However, I believe that I am correct.

There are dozens of these magazines showing what I have described, and they are there as exhibits.

We had testimony that as a consequence of these decisions, the area is flooded with these pornographic materials.

Mr. STENNIS. The Senator has covered that, and I am glad to know that they are available. I think they should be available. And if one sees his duty as I do, it is his duty at least to view some of those films and thereby get a clear picture of what has been done in those 22 cases.

Mr. McCLELLAN. I assume that any Senator can arrange to see them. However, if they are to be shown here—and let the record reflect that they were shown and that Senators viewed them with an idea of knowing exactly what was involved—then I must say to my distinguished friend, the Senator from Mississippi, that we will have to move to go into secret session and clear the galleries. We could not sit in here—I would not—and watch those pictures run with a mixed audience in the galleries.

Even if it were not a mixed audience, we would want this room to be dark. That is the character of these pictures.

Mr. STENNIS. Would the Senator develop a little more in detail the method of disposition the Court used as to these cases, or most of them, as to whether they gave an opinion? The Senator said that in one of the California cases, I believe, the trial judge gave a written opinion and the Senator did not care to put that opinion in the record because the description used such foul language—and it had to be foul—to describe the film. However, did the Court give any reasons?

Mr. McCLELLAN. Mr. President, 17 out of 22 cases were reversed during the 1966 term. They were reversed on per curiam opinions. No reason was given. That includes the films about which I have talked and particularly the film in the Schackman case. That is the film the judge viewed in the trial of the case and made his finding and inserted it in the record.

Mr. STENNIS. Mr. President, how did Mr. Fortas vote on that decision?

Mr. McCLELLAN. He joined in the per curiam opinion to reverse the conviction.

Mr. ERVIN. It was a 5-to-4 decision.

Mr. McCLELLAN. The Senator is correct.

Mr. President, I had not intended to go into this aspect of the case today. These things will be brought to the attention of the Senate. We are trying to get them fully documented so as to show the place and time and to get a complete record.

I have other material that I could read about it.

Mr. STENNIS. The Senator has rendered a great service in bringing this material to the attention of the Senate.

Mr. McCLELLAN. Mr. President, this gives an illustration of the seriousness of the matter. I think it behooves each Senator to explore and examine the matter thoroughly and come to his own conclusions.

Mr. STENNIS. Mr. President, I have seen one of the films and I agree. I think it is a Senator's duty to look at the films.

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

Mr. McCLELLAN. I yield.

Mr. MURPHY. Mr. President, there is one very important point to make in this matter. It has been covered very well by my distinguished colleague, the Senator from Arkansas. But I think it is of extreme importance that the decision on the matter of morals, the matter of public acceptance, the matter of what is decent and acceptable is made by the people in the community.

In setting up our system of government, the Founding Fathers made certain that the wishes of the people should pertain in all matters. On this basis, we have a most important process, which is the jury trial. In many of these cases there had been a jury trial, and the jury had found that these were pornographic—these films, these books, these photographs. The jury found without question that they were pornographic. Then this was taken to the next court, then to the next court; and in a majority of cases to the Supreme Court of the State. In each case, it was judged to be pornographic.

Mr. McCLELLAN. All the way up.

Mr. MURPHY. All the way up.

Mr. McCLELLAN. Not in one case, but in 2 dozen or more.

Mr. MURPHY. Finally, it went to the Supreme Court, and by a 5-to-4 decision

in most cases—I believe in all cases, if I recall correctly——

Mr. McCLELLAN. I believe there was an exception, because some members of the Court held that one case was moot.

Mr. MURPHY. The Senator is correct. But the reversal reversed every State court down the line and down to a trial by jury at the outset.

Mr. McCLELLAN. The Court overruled the jury.

Mr. MURPHY. And this is the thing that I believe is of extreme importance.

Mr. McCLELLAN. The Court cited no error in the trial. The Court cited no error in the proceedings. It simply per curiam summarily reversed the conviction.

Mr. MURPHY. I believe it is important to note that the trial by jury; the next step, the high court; the next step, the higher court; and, finally, the supreme court of the State were overruled summarily by a 5-to-4 decision.

There is something wrong with this process if that is posisble.

Mr. McCLELLAN. As I recall, in the county of Los Angeles, in the State of California, one can hardly get a court to issue a warrant today. They simply are taking the position, "What is the use? It will not be sustained." And it is difficult to get anyone to try to prosecute.

Mr. MURPHY. The sheriff of Los Angeles County, which I believe is the largest sheriff's area in the world—he has the responsibility for 54 good-sized communities—Sheriff Peter Pitchess, who is a former member of the Federal Bureau of Investigation, a man of high esteem, a leader in the community and well respected, invited me and two other gentlemen to come to his office so he would have a chance to tell us what was happening, to show us what the results were, and to explain to us what the results were as it spreads across the country. This is how I first came to knowledge of these motion pictures and the situation of the magazines, the printed matter, and the photographs that can be bought by anyone. The concentration started in an area between Hollywood and Beverly Hills. One can walk into a bar, buy a glass of beer, and stand there and look at this pure, unadulterated filth—nothing artistic, nothing to recommend. Pure pornography is the way judges describe it.

The sheriff's men go to try to stop this, and they are told that this show, this obscenity in extreme, is protected by the Constitution of the United States, protected by the decision of the Supreme Court.

I have been around; I have seen everything three times; but I was so shocked at this that I found it unbelievable. And I am certain that the Members of this distinguished body who have not seen these things cannot imagine what we are talking about.

I have been informed that the Supreme Court subpenaed some of these films. Whether the members of the Court looked at the films, I do not know. But if they did not view the films and made this judgment, I believe they did a very dangerous thing. I think they may be flying blind in this instance. If they did view the films and made this judgment, I do not know what we will have to do in order to remedy this situation, because this is not just vulgarity—this is the worst possible use of film that I have ever seen or could imagine.

I hope all Members of the Senate, before they make this most important decision—which they will be obliged to make—have an opportunity to really know what we are talking about and really understand the process, the steps, and what has been overthrown by the decision of this Court on a 5-to-4—very uncertain—reversal of the decisions of the State courts.

I thank the distinguished Senator from Arkansas for yielding.

Mr. McCLELLAN. I thank the distinguished Senator from California. I appreciate very much his contribution.

I am familiar with the situation in California because of testimony we have received and from exhibits that were brought from California, which have been filed with the committee. I know that the conditions there are very unsatisfactory.

Mr. President, I have not concluded my remarks. There are subjects and issues involved, particularly the extrajudicial activities of the nominee, to which I have not even referred and which I have not discussed in any particular this afternoon, but which I shall discuss if we are compelled to continue this debate.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial entitled "New Chief Justice," published in the Arkansas Democrat of June 26, 1968.

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

(See exhibit 1.)

Mr. McCLELLAN. I invite special attention to the last paragraph of this editorial.

Mr. President, it is my earnest hope—and I express it with the full depth of my capacity for conviction and sincerity—that this nomination will now be withdrawn.

Now, if it is not withdrawn, the leadership of this body should promptly offer a resolution or a motion of recommittal that will dispose of the nomination, so far as concerns any further consideration of it under the present circumstances.

We were just talking about court decisions relating to pornography. Senators will recall that a few days ago, when the Senate was debating the gun-control bill, unexpectedly in the course of the debate, like a clap of thunder out of a clear sky, the minority leader submitted an amendment, sent it to the desk, and had it read and printed. As I recall, the majority leader commended the minority leader for doing so, and gave his support to the proposal. It was an amendment to deny to the Supreme Court the right to hear obscenity cases on appeal from the judgment of any State court. Some of us raised the question as to whether the gun-control bill was the proper vehicle for such legislation and said that if it were to be made a vehicle for stripping the Supreme Court of the jurisdiction that it now enjoys, there were some other areas in which some of us thought the jurisdiction might well be curbed. As a result, the next day that amendment was withdrawn and was subsequently introduced as a bill, S. 4058. I ask unanimous consent that the bill be printed in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. Determinations of fact

"In every criminal action arising under this chapter or under any other statute of the United States determination of the question whether any article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy shall be made by the jury, without comment by the court upon the weight of the evidence relevant to that question, unless the defendant has waived trial by jury."

(b) The section analysis of that chapter is amended by inserting at the end thereof the following new item:

"1466. Determinations of fact.".

SEC. 2. (a) Title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 176.—ACTIONS INVOLVING OBSCENITY

"Sec.
"3001. Judicial review.
"§ 3001. Judicial review

"(a) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obsecene, lewd, lascivious, indecent, vile, or filthy."

"(b) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy."

(b) The analysis of title 28, United States Code, preceding part I thereof is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity____ 3001".

(c) The chapter analysis of part VI, title 28, United States Code, is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity____ 3001".

Mr. McCLELLAN. Mr. President, the bill provides for stripping the Supreme Court of its jurisdiction over obscenity cases. Perhaps I am wrong, but I do not recall that Congress has ever stripped the Supreme Court of jurisdiction of anything it has given the Court heretofore. Has it? I know of no instance. Talk about precedent: This is a precedent. Why? Because the leadership of this body, our distinguished leaders on both sides of the aisle, sensed the terrible conditions that prevail and concluded, I am certain, that the time has come for Congress to act and take away from the

Supreme Court the jurisdiction to consider the filthy cases of pornography that the Court has been reversing and sanctioning.

Oh, Mr. President, I never dreamed—I hear some who say, "I had a dream," but I did not have such a dream—that the day would come when the decisions of the Supreme Court would cause the leaders of this body to rise up in indignation and demand by legislation that they be stripped of jurisdiction and power to pass on the decency of literature and films being peddled and commercialized by smut manufacturers of this country. But it happened; it is here; it is a fact.

Mr. President, this nomination should be withdrawn. I hope I do not have to speak on this matter again. The sooner the nomination is withdrawn, the better.

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

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. I wish to ask the distinguished Senator from Arkansas this question. Rather than to withdraw from the Court jurisdiction to hear cases involving pornography, filth, and smut, would it not be better to put men on that Court to hear the cases who have better judgment?

Mr. McCLELLAN. I agree with the Senator but we do not have the appointing power. However, we are asked to elevate, to promote, and to give our approval and sanction to one who is partly responsible, at least one-fifth responsible, for the conditions which I just described which prompted the introduction of the bill I referred to.

I thank the distinguished Senator.

Mr. President, I understand a conference report is to be considered. With that in mind I yield the floor, because I have said enough unless there is a prolonged debate, and if those who favor the nomination want a prolonged debate there is much more that can be said in many areas that have not been touched on.

EXHIBIT 1

[From the Arkansas Democrat, June 26, 1968]

NEW CHIEF JUSTICE

Republican Senators Thurmond, Tower and Griffin are indulging themselves in wishful thinking if they believe that (1) Lyndon Johnson is going to wait on the new President to appoint a chief justice and (2) that they could block his appointment if he doesn't.

LBJ may be a lame duck but he hasn't lost his quack. Why should he, with six months to go? If you were he and took the pride in the social changes effected by the court, wouldn't you make the appointment to replace the retiring Earl Warren?

From the point of view of those who would like to see more interpretation and less creation of laws by the court, we are of the opinion that we might come out better with a Johnson appointment. Since he isn't running for anything, he could make a nonpolitical appointment if he wanted to. (Some say this would be an impossibility for Lyndon Baines Johnson, but these same people never thought he would voluntarily back out of the 1968 campaign, either.)

But the new President, provided that he is either Dick Nixon or Hubert Humphrey, won't be that unfettered. Both Nixon, because of his conservative philosophy, and Humphrey, because of his support of the Vietnam War, have alienated the liberal community. In order to get its support, both of them will have to make all kinds of promises, and there is nothing the liberals in either party would like better than the naming of one of their number to the Supreme Court.

As for blocking President Johnson's appointment, this is nonsense. The Senate has done this 21 times in the history of the country but only once since the turn of the century. In 1930, it rejected by a vote of 41 to 39 Hoover's appointment of Circuit Court of Appeals Judge John J. Parker because in those dark days of bootlegging and depression he was thought to be (would you believe it?) too conservative. But while there have been other controversial appointments—Brandeis, Black, Stone, Hughes, Warren—the Senate's power to advise and consent in Supreme Court appointments has yielded to party loyalty, which was unforseen by the framers of the constitution. Despite the harassment of Thurgood Marshall and the opposition that developed just because he was a Negro, he was confirmed last fall by a vote of 69 to 11. With 63 Democrats and only 36 Republicans in the Senate, the President could almost get Gunnar Myrdal confirmed if he set his mind to it.

Hopefully, Mr. Johnson will not reach so far to his left. The chief justice, it seems to us, should come from the great middle ground, which is where most Americans stand. Right now the court is overloaded with liberals—activists like Warren, who without batting an eye will overturn any precedent in order to expand the rights of individuals. Besides Warren these activists include Marshall, Brennan, Fortas and Douglas—and quite often, Justice Hugo Black joins them. There are only three—White, Harlan and Stewart—who speak for the moderates, although not consistently, as evidenced by Justice Stewart's amazing resurrection last week of an 1866 anti-slave law to support open housing.

The Warren Court, with just two decisions, desegregation and one-man, one-vote, has had as profound an effect on this country as any other group of men in our history. Some of its decisions have been good; many of them have been bad, and practically all of them have been extreme. One very obvious result is the widespread lawlessness and violence in this country; another is the lack of respect for the Supreme Court itself.

The mood of the nation, the results of the political primaries, the confusion of our young people . . . all these things would suggest that the Supreme Court has had enough judicial extremism these past 15 years. It is now time to appoint a different type of man as chief justice—not one who would take the country back in time but one who would give it a little first-aid and conciliation.

Mr. HART. Mr. President, I ask unanimous consent to have printed in the RECORD seven editorials and an article urging that the Senate advise and either consent to or reject the nomination of Mr. Justice Fortas on its merits, and not through filibuster.

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

[From the Washington Post, Sept. 22, 1968]

THE REAL THREAT TO LAW AND ORDER

The gods on Mt. Olympus must rock with laughter as they view the godlike mortals of the United States Senate on Capitol Hill preparing for the great Fortas filibuster. The filibuster, you understand, is to have the wholehearted support of most of those stalwart Southern Senators who have for so long stood four-square for "law and order" as they choose to define it—and for outright defiance of the United States Constitution.

Mouthing phrases about "massive resistance" and clamoring for a sterner administration of justice—by which they mean a disregard of due process—these solons have incontinently labored throughout their Senate careers to oppose the enforcement of every edict of the Federal courts respecting the civil rights of Negroes and every measure enacted by the Congress to protect those civil rights. Looking at the law as no more than a system of retribution, they have sought incessantly to strip it of those procedural safeguards which civilized men have devised to protect liberty and assure justice.

Abe Fortas is their target because the Supreme Court is their target. They do not want him as Chief Justice of the United States for the same reason that they do not want Earl Warren as Chief Justice—because these are men who recognize that the Constitution of the United States—like any fundamental charter—is designed to impose restraints on the passions and impetuosities of rulers and peoples. It decrees that there are things that may not be done, however well-intentioned, by policemen or prosecutors or censors, by legislative bodies or by executive agencies. Impatient with these restraints as they are impatient with whatever thwarts their own intransigent views of law and order, they seek to destroy the authority of the Supreme Court—and thus to destroy the supremacy of the Constitution.

And this, in simple truth, is the real threat to law and order in the United States. It would substitute for the rule of law the absolute authority of transient legislative majorities. It would subordinate the Judicial branch of the Government to the Legislative, making subservience to prevailing congressional attitudes the price of confirmation to judicial office.

It would not do to acknowledge this, of course, so the case against Justice Fortas has been dressed up in a variety of subterfuges. A President soon to leave office shouldn't have nominated him; he shouldn't have told the President the time of day, even when asked, once he ascended the Supreme bench: he took part in a *per curiam* decision restraining suppression of a film which Strom Thurmond considers dirty.

The transparency and absurdity of these trumped up allegations made it necessary to come up with something more damaging. Scratch long enough into the private lives of most public men and you will find something they wish they hadn't done. Justice Fortas took a foolishly fat fee for conducting a series of seminars at American University; and one of the persons who contributed to his honorarium may become a litigant before the Supreme Court. There is no use trying to defend this impropriety or to pretend that it would not have been more fastidious had the Justice declined any honorarium at all. But does the offense really constitute a ground for impeachment—or even for disqualification for advancement to the Chief Justiceship? It is at best a makeweight argument against confirmation. But it is no more a novelty among Justices than the counseling of President.

In the course of the tedious and frustrating filibuster which is about to commence, it is important to keep one's eye on the main issue. The main issue is that the United States Senate ought to have a chance to vote on the confirmation of Abe Fortas. An Associated Press survey released the other day found 47 Senators favoring confirmation, 27 opposed, 22 undecided and 4 were not reached.

A filibuster is the natural weapon of Senators who know that they cannot win their cause by argument or by reason or on the merits. And so they rely on sheer obstructionism—on blocking rather than accepting majority rule. Their aim is a monstrous one. They seek to destroy the independence and integrity of the Supreme Court. They threaten the very idea of an ordered system of liberty under law.

[From the New York Times, Sept. 21, 1968]

THE FORTAS DEBATE

An ugly dispute is expected on the floor of the Senate early next week when debate begins on the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States. If the debate limits itself to the central issue of Mr. Fortas' qualifications for the highest judicial office in the country, it will be a useful and necessary exercise of the Senate's constitutional right to advise and consent.

On the basis of the general level of discussion in the Judiciary Committee, the only way the Senate can go is up. Southern Senators led by Chairman Eastland of Mississippi and Mr. Thurmond of South Carolina tried to hang Justice Fortas for all the civil rights decisions of recent years and, most fantastic of all, for the Supreme Court's position (usually without opinion) on freedom to publish and to exhibit magazines and movies alleged to be obscene. After nearly three months, the Judiciary Committee by 11 to 6 did recommend to the full Senate that Mr. Fortas be approved.

The Senate can, and we hope will, elevate the discussion in coming days. It has a clear right to measure Mr. Fortas' conduct on the bench against that of his colleagues and his predecessors. It should take up any matters that shed light on his respect for the ethical standards of a Supreme Court Justice. It should surely explore his views on the separation of the judicial, executive and legislative branches of the Federal Government.

Mr. Fortas has been accused of extrajudicial activities while on the bench, including giving advice to the President on administrative and legislative subjects and accepting an inordinately large fee for teaching a university seminar. Such accusations are perfectly proper subjects of discussion in the Senate.

But there is no need for personal vilification; for charges of "cronyism" with President Johnson; for a replay of Mr. Fortas' and the Court's opinions on civil rights, the "pornography" test cases and the landmark decisions on the rights of criminal defendants.

This is the stuff of filibuster, not debate. Unfortunately, a filibuster is threatened. Attorney General Ramsey Clark—who is emerging as a bulwark in Washington against emotionalism—said that those Senators who attempt filibuster will really be trying to "undo the great progress made in civil rights these past few years."

When the entire record is fairly weighed by the Senate we believe Mr. Fortas will be confirmed. He has excellent judicial qualifications and he has already proved his value on the Supreme Court. His peers think so; a group of 151 prominent attorneys, including twenty law school deans and seven past presidents of the American Bar Association, have urged approval of his nomination.

There is an added reason for the Senate to act and vote without undue delay. The new Supreme Court term opens Oct. 7. For a filibuster to be in progress while cases are being heard—and while Associate Justice Fortas, on the bench, is in daily danger of having his name maligned—would be disruptive and an intrusion upon the judicial branch of the Government. When the new October term begins, the Chief Justice should be Abe Fortas.

[From the Washington Post, Sept. 8, 1968]

THE PRESIDENT, THE SENATE AND THE COURT

The idea that President Johnson should have abstained from nominating a new Chief Justice in order to allow the next President to make that choice ought to be understood for what it is: a phony gimmick, so alien to American tradition, so devastating to the operations of the Supreme Court, so open to retaliation that it can only be a smokescreen behind which politicians hide their animosity toward the President on their real reasons for opposing Mr. Fortas.

The idea promulgated by Governor Agnew that the current situation is all the fault of Chief Justice Warren is the same kind of gimmick. Since the summer is the only time a member of the Supreme Court can leave it without disrupting its activities, the full implication of the Governor's comment is that a Justice is denied the right to retire in presidential election years regardless of his age or personal inclination.

Despite the statements of Sen. Robert Griffin and Richard M. Nixon that Mr. Johnson should have held the nomination open for the incoming President, all of American history says he should have not. No President has ever handed a vacancy on the Supreme Court along to his successor without trying to fill it. George Washington was the first to nominate a justice during an election year and Dwight D. Eisenhower was the last. In between, Adams, Jefferson, John Q. Adams, Van Buren, Tyler, Fillmore, Buchanan, Hayes, Cleveland, Harrison, Taft, Wilson, Hoover, and Franklin D. Roosevelt sent nominations to the Senate during an election year. In fact eight of those Presidents made nominations for Supreme Court seats *after* the election in which their successor was chosen but before the date arrived for him to take office.

Similarly, there is no tradition in American history of the Senate denying confirmation to nominees in order to give an incoming President a chance to choose a different man. Five of the 96 men to sit on that bench were confirmed by the Senate, although they were nominated by a President who had already been voted out of office. Among those is John Marshall, the greatest Chief Justice of all, who was nominated by John Adams in January of 1801 after Adams had lost the Presidency to Thomas Jefferson. Another 11 were nominated by a President a few months before an election. Among those were Chief Justice Oliver Ellsworth who was nominated by George Washington in March of 1796, and Chief Justice Melville W. Fuller who was nominated by Grover Cleveland in May of 1882.

Only two of the 11 Presidents who sent Supreme Court nominations to the Senate in the ten months immediately preceding an election have had their choices turned down. Those two, John Tyler in 1844 and Millard Fillmore in 1852, were caught in the political and sectional bitterness of their times. Tyler made five nominations to fill two vacancies just before and just after the 1844 election and had only one confirmed. The Senate refused to confirm all three of the men nominated by Fillmore in his last year in office. Three other Presidents, John Q. Adams, James Buchanan and Rutherford B. Hayes, were unsuccessful in their efforts to fill Supreme Court vacancies in their last months in office but each of the three sent his nomination to the Hill after his successor had been chosen.

Only once since the Civil War has the Senate refused to confirm a nomination made by a President during an election year. That was when retiring President Hayes appointed Stanley Matthews two months after the 1880 election. The Senate refused to act pending the inauguration of President Garfield. Garfield promptly resubmitted Matthews' name and he was then confirmed. Since that time the Senate has confirmed before that year's election nominations made in May of 1888, July of 1892, February of 1893, February of 1912, January and July of 1916, March of 1932 and January of 1940. The latest election year nomination was made on Oct. 15, 1956, by President Eisenhower. That was of Justice William J. Brennan Jr., who served with a recess appointment until he was confirmed the following March.

These facts, we think, make it clear that there is no substance to the claim of Senator Griffin and Mr. Nixon that President Johnson should have deferred to his successor in selecting a new Chief Justice. This is particularly true in light of the difficulties a delay until next spring in replacing Chief Justice Warren will impose on the Supreme Court.

Nor do we think there is any substance to the claim that the Senate should enforce such a period of abstinence upon the President. Mr. Nixon should be the first to recognize the possibility that a barrier erected by his friends in the Senate now could encourage other Senators to erect a similar barrier if he is elected and has the opportunity to make nominations to the Court. The spirit of retaliation has ranked high in history among the causes of senatorial refusal to confirm presidential nominees to the Court. Of the 19 men the Senate has turned away, 12 were caught in the violent struggles between the President and the Senate between 1830 and 1870.

Since Mr. Nixon can look forward to making two or three nominations within the next four years, if he is elected and even if the pending nominations are confirmed, he would do well to reconsider the false ground on which his latest comment about the Fortas nomination is based, particularly in light of the fact that he considers Mr. Fortas to be "one of the most able justices in the country."

[From the Denver Post, Aug. 18, 1968]

BRING FORTAS APPOINTMENT TO A VOTE

The U.S. Senate will be guilty of shameless politicalizing if it does not move promptly, when it reconvenes in September, to cut off debate and bring to a vote the nomination of Justice Abe Fortas to be chief justice of the Supreme Court.

For 179 years the Senate has recognized that whenever there is a position on the court to be filled, the president then in office—whether he has four years, one year, one month or even a shorter time still to serve—has full constitutional power to make the necessary appointment.

This year for the first time in history a group of headstrong senators are trying to thwart the constitutional authority of the President.

They argue that because President Johnson had only 7 months left to serve when he nominated Fortas the Senate should not permit him to name a new chief justice.

Republican members of the anti-Fortas group are acting out of raw partisan considerations. They are hopeful that, if a vote on Fortas can be prevented by means of a filibuster this year, Richard Nixon may enter the White House next January and have the opportunity as one of his first acts to name a Republican to head the court.

Their position is unworthy of the Grand Old Party and it is significant that some of the most highly respected senate Republicans, including Everett Dirksen of Illinois, Edward W. Brooke of Massachusetts and Clifford P. Case of New Jersey, are having nothing to do with it.

Also, their position has alarmed the American Bar Association and well it might.

What they are really trying to do is make the chance to name a chief justice a sort of bonus prize for the winner in the November election. The result might well be to encourage presidential candidates to use the court position for vote bargaining purposes.

The court, obviously, should not become the football in the game of politics. The integrity of our entire system of justice requires that court appointments be made for merit rather than for patronage.

On the basis of merit and qualifications Fortas cannot be faulted.

Joining with the anti-Fortas Republicans are certain southern Democratic senators.

They have been using red herring tactics, talking a great deal about certain court opinions in which Fortas has participated relating to the constitutional rights of accused persons and to pornography.

Their disreputable effort to make it appear that Fortas favors criminals and peddlers of sex probably has fooled no one. It seems ob-

vious their real objection to Fortas is his liberal position on the right of all persons, regardless of race, color or wealth, to fair and equal treatment before the law.

These southerners hope that if Fortas can be kept out of the chair of the chief justice, someone less liberal than he will be nominated in the future.

There can be no doubt that the Senate will approve the Fortas appointment if it can be brought to a vote. The minority opposed to him is setting a dangerous precedent for interference by the legislative branch with the work of the co-equal and independent judicial branch of government.

Theirs is a sorry performance which the Senate majority must move promptly to set right.

[From the Detroit Free Press, Sept. 16, 1968]

THE SENATE SHOULD VOTE ON FORTAS NOMINATION

The historic fight over the nomination of Abe Fortas as chief justice should, by all rights, reach the first of a series of climaxes tomorrow. If a quorum can be assembled, and if a coalition of committee members does not block the nomination from going to the floor, the Judiciary Committee should report the nomination out then.

It is probable that President Johnson's nominee will pass this first test, if only because some of his opponents accept the logical argument that this ought to be decided by the full Senate. Sen. Sam Ervin of North Carolina, for one, has accepted this position.

But what happens then? The Constitution says that the Senate should give its advice and grant or withhold its consent to the appointment. This is a vested constitutional right, and Sen. Robert Griffin is correct when he says it is not a *pro forma* right.

Sen. Griffin's original argument, that a lame duck President should not make such appointments, is absurd, but if he wants to base his vote on that reasoning, that is his prerogative. He is also correct in telling Mr. Nixon to stay out.

If Strom Thurmond wants to base his conclusions on the dirty movies that were protected from the censor's wrath by a Fortas ruling, this is his privilege too. Or a senator may take umbrage at the assistance Mr. Justice Fortas gave to President Johnson while sitting on the court (and he would be on better grounds here).

Certainly some will object to the source as well as the size of the fees Mr. Fortas collected for teaching a seminar at American University.

For that matter, if a senator chooses to vote against Mr. Justice Fortas because the justice's wife smokes cigars and he plays the violin, the Constitution would uphold him. No senator even has to explain why he votes against confirmation.

What is so obnoxious about the anti-Fortas crusade, however, is not the grounds on which the opponents have tried to stop the confirmation. The objectionable aspect is that the nominations may be defeated by a minority of senators whose chief weapon is a talent for sustained talk. At this point, at least, the anti-Fortas forces will not permit a vote on the Senate floor.

And if the filibuster is customarily objectionable as an instrument for frustrating the majority will, it is doubly so in this instance. A judicial nomination is a perishable commodity, especially when the President is approaching the end of his term. To delay it may well be to kill it, even though there seems to be a majority willing to support the nomination.

The court and the country deserve a clearcut decision, not a stalemate. The Senate should either vote Mr. Fortas up or vote him down. And if Sen. Griffin really has the interest of the court at heart, he will see that the whole Senate is not denied the opportunity to vote.

[From the Denver Post, Sept. 8, 1968]

FORTAS IS WORTH A FILIBUSTER

About the last thing the country needs in this tense and contentious autumn is a filibuster in the Senate of the United States.

If a filibuster, however, is the price that has to be paid to win confirmation for Abe Fortas as chief justice of the Supreme Court, then we believe the price is not too high.

We do not believe President Johnson ought to withdraw Fortas' name. We believe he and the Senate leadership of both parties ought to insist on a vote on the Fortas nomination, even if they have to sit through a filibuster until Christmas in order to get it.

A majority of the Senate, which includes Senate Republican Leader Everett Dirksen, favors the Fortas nomination and will vote for it if it gets a chance.

But a minority made up of conservative Republicans and Southern Democrats is set to talk the nomination to death. At this stage, the administration cannot muster the two-thirds vote necessary to invoke cloture and break the filibuster.

But once the filibusterers take the floor and shut off the business of the Senate and the nation, the mood of the Senate might shift in favor of cloture. Or the mood of the nation might force it to shift.

There could hardly be a more ridiculous and irritating spectacle than a meaningless talkathon carried on by a minority to thwart the will of the Senate and keep the President of the United States from exercising his constitutional power to appoint justices of the Supreme Court.

Members of the Senate will be eager to wind up their business and return home for the campaign. The country will be impatient with foolish antics in the Senate at a time when grave national problems need attention.

Let the Senate leadership keep the Senate in session through a month of foolish filibustering and the case for cloture will become increasingly compelling.

Abe Fortas, as this newspaper has pointed out repeatedly, is extraordinarily well qualified to be chief justice. Few men in our judicial history have brought such a distinguished record to the post.

But the issue is larger than Fortas. The issue is whether the Senate will use its power to advise and consent as a means of vetoing or reshaping the constitutional doctrines developed by the judicial branch of government.

There could hardly be a greater danger to the constitutional separation of powers, and the precedents set in this case could haunt the nation for generations to come.

If a minority can now block Fortas, there will be a standing temptation to make every judicial appointment in the future into a political tug-of-war.

Fortas deserves to be confirmed. And the majority in the Senate ought to be able to outlast the minority that wants to block his confirmation. Let the battle be joined, and let the filibuster begin, if it must.

[From the Los Angeles Times, Sept. 10, 1968]

TIME FOR ACTION ON JUSTICE FORTAS

(Issue: Is it right to allow a small minority to block any Senate decision, pro or con, on this controversial nomination?)

Senate Majority Leader Mike Mansfield has indicated he is prepared to take unusual parliamentary steps if need be to bypass the Judiciary Committee and bring the nomination of Abe Fortas as chief justice of the United States to the Senate floor. What the committee does when it meets today could be the determining factor.

The Fortas nomination has been mired in the Judiciary Committee since July. Initially, opposition to it was based on the feeling of some senators that President Johnson, as a lame duck, should permit his successor to select new members of the Supreme Court as vacancies occurred. In the course of lengthy hearings on Fortas, however, new arguments against confirming him arose.

It developed, for example, that while a member of the court the associate justice on a number of occasions acted as an adviser to the President on diverse matters. Though Fortas himself cited extensive precedent wherein members of the court have been called upon by various Presidents for advice or other services, his specific relations with Mr. Johnson clearly raised troubling questions of propriety in many minds.

Questions were also raised about controversial decisions written or concurred in by Fortas as part of the so-called liberal majority on the high court. The scope and direction of some of these rulings and the reasoning used to support them has been responsible for additional opposition to his nomination.

In any event the Judiciary Committee hearings on Fortas have provided ample opportunity for a full airing of his record and qualifications. As a result opponents of his nomination say they believe a good case has been made for rejecting him as chief justice. That choice, however, is still up to the entire Senate.

Up to now a minority on the Judiciary Committee has been able to block any floor action. Should the issue reach the floor, moreover, a filibuster to prevent a decision is threatened. Both of these tactics are wrong and dangerous.

They are wrong because they would permit a minority which may not reflect the popular will or interest to impose its wishes on a body representing the entire citizenry. And they are dangerous because of the precedent they could set in preventing any action on appointments of this kind.

The Senate may accept or reject the Fortas nomination as it sees fit. The important thing is that it be permitted to express its choice, That, certainly, is the intent of the Constitution.

[From the New York Times, Sept. 12, 1968]

IN THE NATION: U.S. SENATE VERSUS FORTAS

(By Tom Wicker)

WASHINGTON, September 11.—President Johnson's nomination of Abe Fortas to be Chief Justice of the United States has produced one of the most complex and fascinating controversies since Majority Leader Johnson led the fight in the late fifties against President Eisenhower's nomination of Lewis Strauss to be Secretary of Commerce. This reflects the fact that nothing is so shattering in American politics as one constitutional branch in collision with another.

In the Fortas matter, the Senate is threatening open opposition to the executive branch, and a more subtle conflict with the judicial branch—a sort of two-front war within the system of checks and balances that could have far more fateful consequences than Fortas' service or Johnson's vindication.

THE POLITICAL SNARL

There are at least five separate strands, of varying worth, in this snarl of politics, ideology and constitutionality. The first of these, most loudly asserted by Senator Robert Griffin of Michigan, the Republican leader of Fortas' opposition, is also the least.

But the likelihood is that the charges against Warren's procedure, as well as the criticism of Fortas' political activities, are less important in themselves than in giving a color of merit to a fourth and stronger thread in the tangle—the desire of Senate Republicans and of Nixon to reserve such a vastly important appointment for themselves. (It is fascinating to speculate on Nixon's choice. Would it be Thomas E. Dewey, perhaps? Herbert Brownell? Charles Rhyne?)

A GALLING PRECEDENT

The Republicans have a galling precedent. For six long years, from 1954 through 1960, Democratic Congressional majorities—again led by Senate Majority Leader Lyndon Johnson—repeatedly refused Eisenhower's annual pleas to create more Federal judgeships to relieve critically overcrowded dockets. In 1959 Eisenhower even offered, to no avail, to divide his nominations to these judgeships equally between Democrats and Republicans.

Once the Democrats were in office and in control of Federal appointments, naturally, they lost no time in creating 73 new judgeships.

Griffin, with some support from Richard Nixon, maintains that it is too late in Johnson's term for him to make such an important appointment. This is patent nonsense: Johnson does not cease to be President and his powers—of veto, appointment and the like—run undiminished until next Jan. 20. Thousands of major appointments have been made by "lame ducks" and a goodly number might just be made by Richard Nixon four or eight years from now.

A CONTINGENT RETIREMENT

A somewhat better argument against Fortas' confirmation is that Chief Justice Warren had no right to make his retirement contingent upon qualification of a successor, in effect giving the Senate a choice between Johnson's nominee or Warren himself. There is some suspicion in the Senate that this was the President's idea, not Warren's.

There may also be some validity to the argument that Johnson chose cronies in Fortas and Judge Thornberry—who was named to take Fortas' present seat on the Court—and picked, in Fortas, a man who had breached judicial custom in continuing as something of a political adviser to the President.

It is the final strand of the snarl, however, that bears meaning far beyond the identity of the next Chief Justice, or of the man who chooses him. It is the question whether Abe Fortas' fitness to be Chief Justice is to be judged by his character and ability or by decisions he already has written or concurred in.

Numerous Senators—mostly Southerners—strongly disagree with Fortas' civil libertarian views and those of the Court on which he serves. If his nomination is to be defeated for ideological reasons, it might well bring undue Senate influence to bear on future Court decisions, and even on Presidential appointments, and it could cause other sitting justices to guard their flanks at the expense of bold decisions, lest they too be excluded by the Senate from the Chief Justiceship. The net effect could only be an impairment of judicial independence.

JUDICIAL INDEPENDENCE

The Supreme Court, on the other hand, is a "policy court" whose decisions profoundly affect every aspect of American life. Since Senators are human and political, they can hardly be expected to be altruistic and theoretical about such an unusual chance to influence the course of vital events as is provided by the nomination of a Chief Justice.

That is why, at the least, the Fortas matter ought not to be smothered in a committee dominated by Southerners, or filibustered to death by a minority. If the policies of the Warren Court are what is to be tried, then the whole Senate ought to stand up and be counted.

ROUTINE MORNING BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, under the previous order, I ask that the Senate proceed to the transaction of routine morning business as in legislative session.

The PRESIDING OFFICER (Mr. HANSEN in the chair). Under the previous order, the Senate will proceed to the transaction of routine morning business, as in legislative session, with statements limited to 3 minutes.

HEALTH SERVICES AND FACILITIES AMENDMENTS—CONFERENCE REPORT

Mr. HILL. Mr. President, as in legislative session, 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. 15758) to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, 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 assistant legislative clerk read the report.

(For conference report, see House proceedings of October 1, 1968, pp. 28847–28850, 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. HILL. Mr. President, this conference report was signed by all of the conferees on the part of the Senate and by all of the conferees on the part of the House.

REGIONAL MEDICAL PROGRAMS

As passed by the House, H.R. 15758 authorized a total of $150 million in appropriations for the regional medical programs to combat heart disease, cancer, stroke, and related diseases during the 2 fiscal years 1969 and 1970. For the same 2 years the Senate approved a total of $205 million. The conference substitute authorizes a total of $185 million for the 2 years 1969 and 1970. The conferees did not agree to any authorization for 1971 but gave assurances that the program is a permanent one and agreed to consideration of the authorizations for 1971 and subsequent years at a later date. The Senate had approved an authorization for $200 million in appropriations for 1971.

AGRICULTURAL MIGRATORY WORKERS

As passed by the House, H.R. 15758 authorized a total of $21 million in appropriations for health services for domestic agricultural migratory workers during the 2 fiscal years 1969 and 1970. For the same 2 years the Senate had approved authorizations totaling $24 million. The conference substitute provides for a total of $24 million in appropriation authorizations for 1969 and 1970. The conferees did not agree to any authorization for appropriations in 1971 but gave assurance that authorizations for 1971 and subsequent years would be considered at a later date and agreed that this program is a permanent one that will continue to be separately identifiable. The Senate had approved an authorization of $20 million for appropriations in 1971.

ALCOHOLICS AND NARCOTICS REHABILITATION

Both the House bill and the Senate amendment established programs for facilities for alcoholics and for narcotics addicts. The conference substitute is the same as the House bill except that a provision of the Senate amendment to this title was agreed to provide that in making grants to carry out the purposes of this title, the Secretary shall assure that no individual shall be made the subject of research unless he explicitly agrees to become a subject therefor.

HEALTH FACILITIES CONSTRUCTION AND MODERNIZATION

The Sentate amendment provided through amendments to title VI of the Public Health Services Act, known as the Hill-Burton Hospital Construction Act, for a 2-year extension of existing law, with a 30 million increase in authorizations for the current fiscal year for new hospital construction and modernization, together with a new 3-year program of direct Federal loans at 3-percent interest for hospital modernization at the rate of $200 million a year, and a new 3-year program of federally guaranteed loans at 3-percent interest for modernization of hospitals at the rate of $200 million a year.

The conference substitute makes no change in the authorization for appropriations for the current fiscal year, and provides authorizations of $295 million for grants for the construction and modernization of hospitals and other medical care facilities for the fiscal year ending June 30, 1970. The conference substitute does not include either of the two proposed new loan programs.

Although a majority of the House conferees were adamant in their refusal to agree to any new loan program for the modernization of hospitals and other health care facilities, there was agreement that the House Committee on Interstate and Foreign Commerce will hold hearings on the need for Federal assistance for the construction and modernization of hospitals and other medical care facilities at an early date next year.

SPECIALLY QUALIFIED SCIENTIFIC, PROFESSIONAL, AND ADMINISTRATIVE PERSONNEL

The Senate amendment provided for the compensation of a position within the Public Health Service at level I of the executive schedule, and a position at level II of the executive schedule. The House bill contained no provision on this subject. The conferees agreed to two positions at level II of the executive schedule to aid in the recruitment of qualified personnel in the Public Health Service.

MEMORIALS AND ACKNOWLEDGMENTS

The conferees also agreed to the Senate amendment providing authority for the Secretary of Health, Education, and Welfare to provide suitable acknowledgments of efforts of persons who have contributed substantially to the health of the Nation, and acknowledgments of gifts for health purposes.

VETERANS EDUCATION BENEFITS

The Senate amendment provided that grants, awards or loans to students under the Public Health Service Act shall

not be considered a duplication of benefits for purposes of laws relating to veterans educational benefits. This provision is designed primarily to prevent students who receive an award of Federal loans or scholarships from losing veterans education benefits under a recent General Accounting Office decision. In determining the amount of such scholarships or loans, the availability of veterans benefits are taken into account. The conferees agreed to this amendment of the Senate.

GORGAS MEMORIAL LABORATORY

The Senate amendment provided an increase in authorization of appropriations from $500,000 a year to $1 million a year for the work of the Gorgas Memorial Laboratory. The House bill contained no provision on this subject.

The conference substitute authorizes an increase in appropriations of $500,000 for the fiscal year ending June 30, 1970.

SOLID WASTE DISPOSAL

The Senate amendment provided a 1-year extension at the current authorization level of $32.5 million for the program of research and demonstrations into disposal of solid wastes. The House bill contained no provision on this subject.

The conference substitute authorizes $32 million for this purpose for the fiscal year ending June 30, 1970.

The conference report is signed by all of the conferees on the part of the Senate and by all of the conferees on the part of the House.

Mr. President, I move the adoption of the report.

The motion was agreed to.

DUTIABLE STATUS OF CERTAIN ORES

Mr. LONG of Louisiana. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7735.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG of Louisiana. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

SUSPENSION OF DUTY ON CERTAIN ELECTRODES

Mr. LONG of Louisiana. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17104.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 17104) to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG of Louisiana. Mr. President, the amendment was designed to permit States to borrow against next year's appropriation to meet current commitments under their public assistance programs in the last quarter of a fiscal year. Because of the subsequent enactment of a supplemental appropriation bill, the amendment is now unnecessary.

I move that the Senate recede from its amendment.

The motion was agreed to.

GUN CONTROL ACT OF 1968

Mr. LONG of Louisiana. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17735.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG of Louisiana. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. DODD, Mr. MCCLELLAN, Mr. ERVIN, Mr. EASTLAND, Mr. TYDINGS, Mr. MAGNUSON, Mr. PASTORE, Mr. HART, Mr. DIRKSEN, Mr. HRUSKA, Mr. THURMOND, Mr. SCOTT, and Mr. PEARSON conferees on the part of the Senate.

TREASURY RAID

Mr. WILLIAMS of Delaware. Mr. President, in today's Washington Evening Star, there is published an excellent editorial entitled "Treasury Raid."

The editorial calls attention to some irresponsible promises that are being made by presidential candidate HUMPHREY, and calls particular attention to the fact that his most recent promise will cost the taxpayers $12 billion per year.

The question is asked whether Mr. HUMPHREY overlooked reminding the American people of the cost of the programs as well as the benefits thereof.

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:

TREASURY RAID

Hubert H. Humphrey, as everyone knows, has been having a tough time getting his presidential campaign off the ground. But even so his proposal for a 50 percent increase in Social Security benefits is a shocker.

Humphrey would spread this hike over four years, winding up with an increase of about $12 billion a year. The problem of how to foot the bill does not worry the Vice President. He would raise part of the money from higher Social Security taxes and an increased tax base. What about the remainder? No problem in the Humphrey thinking. Simply unlock the Treasury vaults and take it from general revenues.

Heretofore the Social Security people have said that the program is actuarially sound because the beneficiaries pay for it in taxes on their earnings during their working careers. This method was used to finance the 13 percent increase approved earlier this year. But let the politicians once start raiding the general funds, and the sky will be the limit.

Humphrey justifies his scheme for dipping into general tax revenues by saying that he wants to "ease the burden which Social Security contributions place upon our working people." Who does he think pay the taxes which create the general fund revenues? In case he doesn't know, the working people pay them.

The Vice President also says he wants to make Social Security benefits "inflation proof" through automatic increases tied to consumer prices or rising living costs—another pie-in-the-sky proposal.

At the close of the fiscal year last June 30 the budget deficit was about $25 billion. In other words the government's general revenues fell this far short of being enough to pay the bills. And these deficits feed the price inflation, which has been running around 4 percent a year. Humphrey's proposal, had it been in effect in the past fiscal year, would have resulted in a bigger deficit and more inflation. True, he says the country shouldn't worry about deficits in the future—that somehow they will disappear. We'll believe that when we see it.

Meanwhile, back to the working people and that tax burden which so concerns Mr. Humphrey. If his suggested raid on the Treasury becomes an actuality, the working people can be very sure of one of two things: They will pay through the nose in even higher taxes. Or they will pay through the insidious process of more inflation which, year after year, will eat into the purchasing power of every dollar they earn or have.

U THANT MUST GO

Mr. DODD. Mr. President, I am sure that other Senators share my indignation over Secretary General U Thant's gratuitous intervention against American policy in Vietnam. Not only did U Thant tell the press that, in his opinion, a majority of the United Nations countries would support a General Assembly resolution asking the United States to stop bombing North Vietnam, but he even outlined the wording of his proposed resolution in these terms:

> The General Assembly, deeply concerned at the war in Vietnam, convinced that the essential first steps should be taken to move the conflict from the battlefield to the conference table so as to lead to meaningful and positive steps toward a peaceful solution of the problem: "Requests that the bombing of North Vietnam, that is, the Democratic Republic of Vietnam, should cease."

Ambassador Ball is to be congratulated on his blunt protest to the Secretary

General. Reporting on his conversation with Mr. Thant, Ambassador Ball said that he had told him:

We did not regard his discussion of the problem in Vietnam as in any way helpful in furthering the serious and searching negotiations now in progress in Paris.

Ambassador Ball also made it clear that U Thant's statement was issued without any consultation with the U.S. mission, and he added, in an obviously calculated manner, that he did not know whether the Secretary General had discussed the matter with Hanoi before making his proposal.

As the nationally syndicated columnist, David Lawrence, pointed out on Wednesday of this week, although the Secretary General is entitled to his personal opinion, the requirements of his position make it essential for him to maintain an impartial posture in matters involving differences between member states. His future usefulness as a go-between and arbiter is gravely impaired if he commits himself to an openly partisan position as he did in this case.

Moreover, this is not the first time that U Thant has displayed an open anti-American bias or the total lack of the sense of diplomacy which a man in the position of Secretary General must have.

The Secretary General has made it clear in numerous statements that he looks upon the Vietcong insurgency as a genuine civil war rather than as a special kind of aggression to which both Moscow and Peking had given the name "wars of national liberation."

He has made it clear this his sympathies lie with Ho Chi Minh and against the Saigon government and its American allies.

While repeatedly deploring our bombing of the north, he has, with the exception of a single perfunctory statement, not had a word to say about the tens of thousands of victims of Vietcong terrorism in the south.

In the Congo crisis he repudiated the policy of conciliation which had been followed by his predecessor, Dag Hammarskjold, in favor of a policy of costly and ruinous military action against Katanga. Whereas Hammarskjold had sought a peaceful settlement of the Katanga conflict and lost his life en route to a meeting with Tshombe for the purpose of discussing such a settlement, under the rule of U Thant the U.N. had no diplomatic contact of any kind with Tshombe, other than threatening him with military action, while U Thant's greatest personal contribution to diplomacy in the Congo was to call Tshombe "a clown."

U Thant again showed his true colors during the Cuban missile crisis of 1962. The crisis had been terminated by an agreement between President Kennedy and Premier Khrushchev calling for on-site inspection in Cuba by U.N. observers, to assure that the missiles were in fact removed. But when U Thant visited Cuba on October 30, his major accomplishment was to take a stand which completely undercut and voided the agreement on onsite inspection. Indeed, he virtually told Castro to refuse onsite inspection.

Speaking to the press after his meeting with Castro, U Thant said:

Some press reports said before I left on my trip that I was coming to arrange for the presence of the UN in Cuba. This is totally in error *because it would constitute an infringement of the sovereignty of Cuba.*

He also condemned the American blockade. When Castro in his conversation with U Thant charged that the American blockade was illegal, U Thant commented in these terms:

This blockade has been an extremely unusual thing, a very unusual act, except in time of war.

Castro demanded to know if the "U.S. blockade had any basis in international law." U Thant replied:

That is exactly my point of view. It has no legal basis whatsoever.

Mr. President, it should be clear to all that U Thant has completely outlived his usefulness as Secretary General of the United Nations. Indeed, his usefulness was outlived long ago; and in the light of his record I still find it impossible to understand why the U.S. mission to the United Nations voted and lobbied for his reappointment as Secretary General in 1966.

U Thant has served to bring the United Nations into disrepute and gravely impaired its utility.

The American people have had their full of him.

The U.N. should ask this misfit to go. U Thant should be paid up for whatever time remains for him to serve as Secretary General and he should promptly vacate the office and the premises.

The time has come to say to him in words that were used on another occasion:

You have tarried too long for the little good you have done. In God's name, go!

HENRY BARNES—AUTHENTIC AMERICAN GENIUS

Mr. TYDINGS. Mr. President, an authentic American genius died last week—and because he contributed so much to the major city of my State, I must say a word about him.

Henry Barnes came to Baltimore in 1953. He could not forgo the challenge. Baltimore was in one of the worst traffic messes in the Nation. And Mr. Barnes tackled the mess with ingenuity, daring, and courage. Those were, perhaps, his three most outstanding qualities; and he made admirers of the most skeptical, and charmed his most angry detractors.

Mr. Barnes tamed the traffic of Baltimore; and because he could not turn his back on challenge, he took on New York. I suppose it might be said that New York killed him. But certainly he would not have wanted to die in any other way. After all, one heart attack after another did not persuade him to retire or, indeed, to slow down perceptibly.

Mr. President, Henry Barnes was one of the most appealing, delightful public figures in the Nation. I shall miss him, and I know that all Baltimoreans share my feeling of loss.

I ask unanimously consent to have printed in the RECORD a eulogy by Edgar L. Jones, of the Baltimore Sun.

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

HENRY BARNES, DOCTOR OF TRAFFIC

(By Edgar L. Jones)

Long before "innovative" became the bureaucratic byword, Henry A. Barnes was the living cigar-breathing, loquacious exponent of trial-and-error administrative creativity. Sizing up a traffic snarl on the spot, he fiddled personally with the traffic control box while motorists burned.

Stalled drivers shook their fists at him, and Hank Barnes only grinned his wide-open grin, with the Terry-Thomas gap in the front teeth, and went on with his adjustments. In the retelling, he enjoyed his "goofs" as much as his achievements, and never hesitated to admit he was wrong. But he wasn't wrong often.

When he was only a consultant here in early 1953, Henry Barnes showed what it meant to be innovative when he borrowed some signal equipment, empty oil drums and plenty of paint and signs, created makeshift traffic islands and lanes, and got a smooth flow going at Pratt and Light streets, until then an impossible mess.

He later tackled Park circle, where previous engineers had tried and failed, and worked out a combination of lanes, islands and lights that has functioned ever since, despite heavy increases in traffic volume. He saved the city about $3 million, which it had been prepared to spend, by devising a simplified solution to the incessant jam at Hilton street and Frederick and Caton avenues. He nearly tripled the hourly flow over the Hanover street bridge, once a dreaded bottleneck, and he put together the ingenious alternative plans for handling Stadium traffic.

Henry Barnes assured the Mayor of Denver, where he was then employed, that he wouldn't touch a permanent job in Baltimore "with a ten-foot pole." But of course he did, because Baltimore had a reputation for the worst traffic delays on the East Coast, and he wanted to show what he could do, just as he later went on to New York as a final demonstration of his zeal as a soldier of traffic misfortune.

A man of limited formal education, having left school as a boy to start working, Henry Barnes had a four-dimensional concept of the time-space relationship of cars to street surface and a self-confident belief that he could talk his way out of anything he had talked himself into. He fought when he had to with the public works directors, city councilmen, transit officials, the Charles street merchants, tree lovers, truckers, Flower Mart ladies and advocates of the status quo for monuments.

To his detractors, Henry Barnes was a pugnacious publicity hound, but he wasn't that. He was a showman, to be sure, and often caustic in his comments, but it was all a part of his taking his plans to the public. He involved Baltimoreans in his daily operations as they were never involved before or since in municipal affairs. Baltimoreans knew what Barnes was up to, and he backed off when they hooted, beamed when they applauded. A screwdriver and a lot of sass were his stock in trade, but public support was his mainstay.

"There's more traffic control in a pail of paint than in almost anything else," Henry Barnes used to say, and he painted the town yellow. He moved curbs, rounded corners, created one-way streets galore, put up two lights for every previous one, erected left-turn, and no-turn and "O.K." signs, and created an electronically controlled signal system that continues to function long after increasing traffic should have ground to a halt.

While it is the "in" thing now for public administrators to sit at their desks and talk of being innovative, Henry Barnes got out and personally shifted oil drums, retimed traffic lights and measured the depth of snow treads on buses. He was on his job eighteen hours a day, observing, talking with individuals and groups, flying over snarls, racing to fires and making plans. He was a genius combined with personal commitment, and he lived it to the last. Any time others talk of being innovative, they need look no further than the man who gave pedestrians the Barnes Dance.

INVESTIGATION OF PRIDE, INC., NEEDED

Mr. BYRD of West Virginia. Mr. President, on September 6, 1968, I inserted in the CONGRESSIONAL RECORD certain information concerning Youth PRIDE, Inc., and Youth PRIDE Economic Enterprises, Inc.—PEE.

At that time I expressed the hope that the Senate Permanent Subcommittee on Investigations, chaired by the distinguished senior Senator from Arkansas [Mr. MCCLELLAN] would scrutinize the material and determine the advisability of instigating a thorough investigation into the past activities of PRIDE. I continue to believe that a thorough investigation of these activities would be appropriate.

I ask unanimous consent to insert in the RECORD a copy of a letter addressed to Secretary of Labor W. Willard Wirtz on September 13, 1968, by Elmer B. Staats, Comptroller General of the United States, together with a copy of a letter dated September 18, 1968, from the Secretary of Labor to the Honorable CARL HAYDEN, chairman of the Senate Committee on Appropriations.

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

U.S. DEPARTMENT OF LABOR,
Washington, D.C., September 18, 1968.

HON. CARL HAYDEN,
Chairman, Committee on Appropriations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: In view of our previous correspondence and the materials which were placed in the Congressional Record dealing with Youth Pride, Inc., I believe you will agree with me that the letter I have received from the Comptroller General ought to be made a part of the record. I am enclosing a copy of it for whatever use you may wish to make of it.

The Comptroller General notes at the top of page 3 that:

"Since the necessary procedures have been established and substantially implemented, we certify to you that the recordkeeping and accounting procedures of PRIDE and PEE are in proper order."

The Comptroller General goes on to take note of various allegations of irregularities in payroll procedures and other matters affecting project administration.

You should know that the Department will continue to give full attention to the matters mentioned by the Comptroller General as well as to those issues developed in our own continuing observation of the project.

Sincerely,

WILLARD WIRTZ,
Secretary of Labor.

WASHINGTON, D.C.,
September 13, 1968.

The Honorable the SECRETARY OF LABOR

DEAR MR. SECRETARY: The purpose of this letter is to apprise you of our findings and conclusions regarding our evaluation of the current recordkeeping and accounting procedures of Youth Pride, Inc. (PRIDE). As you know, the General Accounting Office is making an audit of PRIDE pursuant to a request of the Senate Committee on Appropriations. Because of its close relationship with PRIDE, we are also making an audit of Youth Pride Economic Enterprises, Inc. (PEE).

In its Report No. 1484, dated July 30, 1968, the Committee stated that:

"The Secretary of Labor shall report not later than September 15, 1968, to the Congress as to whether the recordkeeping and accounting procedures of Youth Pride, Inc., are in proper order, and that the Comptroller General has so certified to him by letter, and the committee directs that no action be taken on the renewal of the contract beyond September 15, 1968, unless such an affirmative report has by that date been submitted by the Secretary."

We have construed the reference in the Committee report concerning the propriety of the recordkeeping and accounting procedures to mean that an evaluation is required as to whether PRIDE's and PEE's accounting systems and the internal controls directly related thereto are currently in proper order. Management controls not directly related to the accounting systems, such as those involving performance of operating programs, have not been considered by us in making the evaluation called for by the Committee report.

On the basis of our review of the accounting system and internal controls in use by PRIDE, we apprised Department officials of our conclusions that certain weaknesses would have to be corrected before we could certify that PRIDE's recordkeeping and accounting procedures were in proper order. These weaknesses pertained to (1) distribution of payroll checks to enrollees, (2) preparation, submission, and verification of enrollees' time and attendance reports which form the basis for making payroll payments to enrollees, and (3) verification of payroll calculations.

Our review disclosed that time and attendance reports used to prepare enrollee payrolls were maintained and approved by the same supervisory personnel who controlled the distribution of paychecks to enrollees. Such a procedure does not provide for adequate internal controls and safeguards to avoid check payments on the basis of time and attendance records approved for nonexistent persons. We noted also that numerous recipients of payroll checks could not adequately identify themselves. We concluded that paymasters should be designated to distribute payroll checks independently of the supervisory personnel who maintain and approve time and attendance reports and that payroll checks should not be distributed unless enrollees provide paymasters with appropriate identification.

Also, we concluded that the payroll office at PRIDE was not performing a sufficient amount of verification work in connection with enrollee payroll preparation, such as comparing information on time and attendance reports with Operations Department morning reports, and testing payroll calculations made by the contractor engaged to prepare enrolee payroll checks. We believed that these procedures needed to be strengthened to assure reasonable accuracy and propriety in payroll operations.

We apprised the Department of Labor of our findings and conclusions and the Department subsequently conveyed them to PRIDE. By letter dated September 3, 1968, the Administrator, Bureau of Work-Training Programs, informed us that PRIDE had advised him of steps that had been taken or which were to be taken to improve recordkeeping and accounting procedures. The Administrator enclosed a letter to him dated September 3, 1968, from the Executive Director, PRIDE, which enumerated these steps.

We have subsequently noted that the following corrective actions have been taken by PRIDE.

1. A Director of Administration and a paymaster were hired and have reported for duty.

2. An adequate procedure for testing the accuracy of the payroll has been established.

3. A master list of current employees has been prepared.

4. Morning reports are being compared with biweekly time and attendance reports on a test basis.

5. Beginning today, the paymaster and his staff, independent of supervisory personnel in the Operations Department, are distributing checks to employees; checks are given to employees only upon presentation of adequate identification; and employees are required to sign for their checks.

Since the necessary procedures have been established and substantially implemented, we certify to you that the recordkeeping and accounting procedures of PRIDE and PEE are in proper order.

We wish to point out, however, that no system of accounting and internal controls, regardless of how well devised, can be expected to provide complete protection against all types of fiscal irregularities such as kickbacks of pay by employees to their supervisors and collusion between employees for the purpose of diverting funds to unauthorized uses.

Our interim report on the audit of PRIDE and PEE submitted to the Chairman, Senate Committee on Appropriations, on September 6, 1968, describes numerous allegations of irregularities in pay and other matters that have come to our attention thus far in connection with our audit of PRIDE and PEE, and certain irregularities indicated as a result of a Department investigation of payroll check endorsements. We transmitted a copy of this report to you on September 10.

We believe that these allegations and possible irregularities indicate that serious problems and deficiencies may exist in management areas not directly related to the accounting systems which could jeopardize the successful achievement of the stated program objectives of PRIDE and PEE. In our opinion, the questions raised by these allegations and possible irregularities should be seriously considered by the Department in addition to its consideration of the propriety of recordkeeping and internal controls.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

TRIBUTE TO PHILIP E. SPALDING, SR.

Mr. FONG. Mr. President, I rise to pay respectful tribute to a distinguished resident of Hawaii, Philip E. Spalding, Sr., long-time business executive, generous patron of the arts, active educational and civic leader, Mr. Spalding passed away in Honolulu last Saturday, September 21, at the age of 77.

His death followed by nearly 6 months the passing of his beloved wife, Mrs. Alice Cooke Spalding, on March 30 this year.

The family thus suffered a double tragedy within a short period of time,

and the community mourns a beloved couple whose many, outstanding good works will long endure.

The Spaldings made notable contributions to the cultural life of Hawaii. They helped promote local artists and sculptors. They worked for many years on behalf of the Honolulu Academy of Arts, which Mrs. Spalding's mother, Mrs. Anna Charlotte Rice Cooke, founded. Mr. Spalding was elected the academy's second president in 1948, a position he held till 1958.

The Spaldings contributed numerous works of art to the academy. In 1966 they donated $10,000 to the academy to help pay for a Monet oil painting.

Their Honolulu home, famous for its Japanese garden, was a gathering place for members of the art, business, and educational world. There, in his quiet, genial way, Mr. Spalding with his charming wife were gracious hosts of numerous receptions for friends and guests through the years.

Mr. Spalding was born in Minneapolis, Minn., on November 5, 1889, the son of A. Walter and Anna Spalding.

He arrived in Hawaii in 1912 as a young engineer and Stanford University graduate to fulfill a contract to build a marine barracks at Pearl Harbor. Charmed with the islands, he lived in Hawaii for the rest of his life.

He married Mrs. Spalding on March 18, 1917.

He served in the U.S. Army as a captain and assistant chief of staff at the Army's Hawaiian Department headquarters in 1918–19.

He then became associated with Lewers & Cooke, a building supply firm, from 1919 to 1924, resigning as vice president.

In 1924 he joined C. Brewer & Co., one of Hawaii's largest corporations. He was with the firm till 1951, serving as president from 1941 to 1951, and continuing as a director.

He was also a director of the Hawaiian Electric Co. since 1926, becoming its board chairman in 1947.

He was elected president of the Hawaiian Sugar Planters Association in 1950.

In education, he gave enlightened leadership to the University of Hawaii during the difficult World War II years and during the postwar years of adjustment, growth, and development. His tenure as chairman of the university's board of regents lasted for 17 years, from 1943 to 1960.

In 1955, he became the first president of the University of Hawaii Foundation. Spalding Hall on the campus was named in his honor in 1964.

In civic affairs, Mr. Spalding served as a trustee of Leahi Hospital and was its president from 1932 to 1945. He was also a trustee of the Queen's Hospital and Palama Settlement, and also served on the Honolulu Planning Commission and the Republican County Committee.

He is survived by two sons, Philip E. Spalding, Jr., president of Hawaiian Western Steel, Ltd., and Charles C. Spalding, president of Hawaiian Insurance & Guaranty Co.; eight grandchildren, one great-grandchild, and two brothers, Walter T. Spalding, of Honolulu, and James Spalding, of New York.

The community will miss Mr. Spalding, as it has missed his late wife. Mrs. Fong and I join the people of Hawaii in extending our deepest sympathy and sorrowful aloha to the family.

GEORGE KENNAN ON THE DETENTE

Mr. DODD. Mr. President, in an interview that was printed in the New York Times this last Sunday, George Kennan, former Ambassador to the Soviet Union and one of the State Department's chief advisers on Soviet affairs over a period of several decades, called for the dispatch of 100,000 American troops to West Germany as a warning to the Soviets, and challenged the widespread belief in the existence of a detente.

Mr. Kennan said:

> I have never understood this talk about detente. I have not seen any evidence of detente and I wouldn't trust any so-called detente if it is not supported by free contacts between governments and people.

As Senators will recall, I have spoken repeatedly on the myth of the detente, the last time on August 2 of this year.

I therefore welcome this realistic assessment, and I welcome it all the more because it comes from a man of Mr. Kennan's stature and reputation.

Mr. Kennan's authority on Soviet affairs gives him the ability to influence public opinion. I hope the public will pay heed to his recent pronouncement. His influence would, however, be much greater if his position were more consistent.

Mr. Kennan is a man of culture and sensitivity, who has never hesitated to make clear his revulsion for the totalitarian brutality of Soviet communism. On the other hand, he has repeatedly called for compromise with the Soviets, and he has charged that reconciliation with the Soviet Union was being prevented or retarded only by our own prejudices and suspicions.

In early 1956, he delivered a lecture calling upon the West, in the interests of a settlement with the Soviet Union, to accept the permanency of the Communist regimes which the Soviets had established in Central Europe.

The Poznan revolt in Poland and the October revolution in Hungary, which took place on the heels of his remarks, demolished, far more effectively than any argument could have done, his thesis that the Communist governments of central Europe were here to stay.

At the Pacem in Terris convocation which took place in February of 1965, Mr. Kennan, apparently having recovered his faith in the possibility of a detente, chided the United States for being too suspicious in its attitude toward the Soviets and called for "an act of faith."

In this speech Mr. Kennan did not spell out exactly what he meant by an "act of faith." But in other statements which he made about the same time, he called repeatedly for an expansion of trade with the Soviet Union, without conditions of any kind.

In calling for a new act of faith, Mr. Kennan ignored the countless "acts of faith" in which we engaged in the postwar period in an effort to improve relations with the Soviets, to all of which the Communists responded with contempt and ingratitude and new provocations and aggressions.

A year later on February 6, 1966, Mr. Kennan, in testifying before the Foreign Relations Committee on Vietnam, said that as a result of our involvement in Vietnam:

> Our relations with the Soviet Union have suffered grieviously as was to be expected, and this at a time when far more important things were involved in those relations than what is ultimately involved in Vietnam and when we had special reason, I think, to cultivate those relations.

Like the Mr. Kennan of today, I find it difficult to understand all the talk about detente. Like him, I must say that I have not seen any evidence of detente. I welcome the recent clarification of his views, and I hope that he will not again relapse into some of the inconsistencies which have characterized his past statements.

AIR TRAFFIC CONGESTION

Mr. McINTYRE. Mr. President, it is doubtful whether there could be more accurate evidence of the dilemma faced by the Federal Aviation Administration than the recent meeting on new FAA proposals to control traffic congestion on the Nation's airways. These new proposals, issued on September 4, 1968, envision a restriction on the numbers and types of aircraft using five of the country's major airports. The allocations give major consideration to the commercial airline passenger at the expense of the owners and operators of private planes.

There are many factions within the aviation industry, each of them extremely jealous of its rights and privileges. Whatever decision is eventually reached by the FAA will not solve the problems of the industry. Nor will it fully please any of the factions involved.

For example, the traveler who uses commercial jet transportation wants airports at major cities as close to the metropolitan centers as possible in order to save him time. He takes the position that it is futile to take a jet plane from one city to another on a flight airborne for an hour and a half—and then take an additional hour and a half or more to get from the airport to his business appointment. On the other hand, the noise made by a modern jet at takeoff and landing is something more than a whisper. And the residents around airports complain vigorously to their congressional representatives about the noise problem. There is also no doubt that the exhausts of jet planes contribute to air pollution. Hence, there is considerable pressure to move airports as far from urban centers as possible, thus defeating to a large extent the speed and convenience of jet transportation.

The airline industry contends that the convenience of the public is best served by an adequate number of flights between major cities. Their 100 passenger planes—with larger ones soon to come—best serve the interests of the public, they say. However, the owners of private and corporate aircraft claim that the economic interests of the country will be

hurt unless their planes, often carrying busy executives, have free and unlimited access to major airports.

The air traffic controllers say there is a real and present danger to air passengers in the crowded airspace over large cities, however, there are people in the industry who claim the congestion is exaggerated and that the delays are part of an FAA plot to emphasize the need for greater appropriations for the Nation's air systems.

And so there is claim and bewildering counter claim, all of them backed up with impressive statistics. The overall problems of aviation in this Nation are already gargantuan. And they are growing at a tremendous rate. The solution to them all cannot be achieved quickly. It will take time, prodigious planning and a massive expenditure of money. All factions of the industry agree about that.

There is also general agreement that a desperate situation already exists. And that some interim measures must be taken to relieve it.

As I said earlier, whatever measures are taken will displease some element of the industry—or some segment of the general public. Nevertheless, this is no time for doing nothing. I wholeheartedly support whatever carefully considered temporary action is taken by the FAA to ease the effects of long overdue neglect of this problem. During the interim period immediate implementation of programs designed to cure the causes of this situation must be undertaken.

An example of present day nonaction on the part of Congress is contained in an item published in Aviation Daily of September 23, 1968. I ask unanimous consent that the item, entitled "FAA Preparing Fiscal 1970 FAAP Program With 'Inadequate' $30 Million," be printed in the RECORD.

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

FAA PREPARING FISCAL 1970 FAAP PROGRAM WITH "INADEQUATE" $30 MILLION

While the aviation community waits to see what action—if any—Congress will take on a new airport development program, FAA's Airports Service is about to begin preparing a fiscal 1970 Federal-Aid Airport Program based on the $30 million appropriated by Congress.

This appropriation—less than half the amount allowed for the program in recent years—is a compromise figure adopted by Congress with the expectation that a new airport development plan will supplant the existing FAAP before fiscal 1970 begins.

This expectation grows fainter daily. If the House and Senate act on a successor to FAAP early next year the program could go into action during fiscal 1970, Airports Service Director Chester B. Bowers believes. "But," he told The Daily in an interview, "the only thing we can do at the moment is go ahead on the $30 million."

This amount is generally agreed to be hopelessly inadequate. For fiscal 1969, when FAAP obligations totaled $88 million, the agency received $390 million in requests. The number of applications for airport aid "has gone up rather spectacularly in the last four or five years," Bower notes.

Since the $30 million is all that's available now government airport planners feel they must preserve the continuity of the program by planning for a 1970 program at that level, and will ask for applications for 1970 FAAP funds within the coming month. If and when the system changes FAA will change to accommodate to it.

Meanwhile, Bowers says, "We're going to stretch the $30 million as far as we can, then hope for a new program or a supplemental appropriation."

One of the devices that will be used to stretch this money is a new FAA task force made up of experts from the Airports, Air Traffic and Flight Standards service, which is now studying 18 of the nation's busiest airports to identify both long-term and short-term improvements that could expand the capacity of these fields.

QUICK, CHEAP IMPROVEMENTS EMPHASIZED

Because most airport planning concentrates on long-term large-scale development, the task force is paying special attention to changes that can be made quickly and at low cost—improving taxiways and holding aprons, adding short runways, clarifying markings, etc. The group is working with local experts and drawing on recommendations of airport users at Atlanta, Boston, Chicago, Cleveland, Denver, Las Vegas, Los Angeles, Memphis, Miami, New York, Oakland, Philadelphia, San Juan, San Francisco, Seattle and St. Louis. It will report back to FAA about the middle of October.

The short-term improvements it recommends will be given high priority in the 1970 FAAP program, Bowers says, but first priority must go to completion of projects that have been partially funded in previous years. Because FAAP money has been so scarce in recent years FAA has supported many projects piecemeal, advancing money to cover only the work that can be performed in a given year. This category of projects will account for "a good bit" of the $30 million, Bowers says.

High priority will also go to airports designed to relieve congestion in busy areas, particularly general aviation fields. The special task force is studying this aspect of the situation at its 18 locations.

The fiscal 1969 FAAP program, which was released by FAA last April, was stalled for a time by Budget Bureau restrictions on the funds FAA was allowed to obligate. However, several weeks ago BOB cleared the rest of the $88 million for obligation so grant agreements that were delayed up to two months are now being processed.

NEGRO HISTORY AND CULTURE

Mr. SCOTT. Mr. President, my bill to establish a Commission on Negro History and Culture—S. 2979—is pending before the full Senate Committee on Labor and Public Welfare. I hope the committee will take favorable action on this bill before the end of this session.

During the hearings which the Subcommittee on Arts and Humanities held on my bill, it was made abundantly clear that there has been neglect of equal black-white intercultural teaching. There must be a massive effort made toward bringing into the view of this country the role of the Negro in American history.

I am gratified to know that there is some recognition of this need within the academic community as evidenced by the correspondence from the American Association of State Colleges and Universities which sets forth some programs at institutions of higher education designed to fill this need.

I am especially pleased to note that two institutions of higher learning in Pennsylvania are among the black history pioneers. Pennsylvania State University initiated a course stressing the role of the Negro in American history and Cheyney State College is offering Swahili as well as black history this year.

Such efforts, Mr. President, are indeed encouraging. However, the overview of the task of researching, preserving and disseminating information about the role of the black American in history shows that this small beginning can be greatly spurred by the Commission on Negro History and Culture.

I ask unanimous consent that the letter and press release from the American Association of State Colleges and Universities be printed in the RECORD.

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

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
Washington, D.C., September 23, 1968.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: We are following with interest your efforts to establish a Commission on Negro History and Culture. We thought that you might be interested in seeing that many state colleges, state universities and land-grant colleges are aware of the need to bring the Negro's historic and cultural contributions into the mainstream of American higher education.

Enclosed is a copy of a press release we just put out describing briefly some of these programs at member institutions of the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges.

Sincerely,

JANE OTTEN,
Director, Office of Information and Research.

PRESS RELEASE OF AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES

WASHINGTON, D.C.—Many public colleges and universities are adding a Black-American dimension to their curriculum this Fall.

Starting this September, "The Role of the Negro in U.S. History" will be part of the required basic history courses at Illinois State University. ISU will also offer a course in Afro-American Literature, team-taught by a black and a white faculty member who will explore the contributions of black writers to American literature. Indiana University will launch Focus: Black America, a year-long look at the social, political and economic contributions of black Americans—and their problems. IU used the Focus series for the first time last year to explore a pressing national problem—the urban community. This year Focus will include beneath its umbrella, courses in Afro-American Literary Relations, the Political Economy of Racial Discrimination, Recent Black-American Literature, Negro Politics in Urban America.

Student demand at the University of Michigan resulted in a new course in Negro history from colonial slave days up to the urban riots of the 1960's. Westchester State College in Pennsylvania is adding a course in the History of the American Negro, as is Oklahoma's Southeastern State College. Northeastern State College, in the same state, is building up its African Studies program.

Morgan State College, a predominantly Negro college in Maryland, will offer Black Literature and Culture and the Negro in Music; its humanities and history courses will now include the contributions of Negroes in these fields. In addition, a student-faculty Committee on Negro and African Life and History is studying the incorporation of more curriculum content concerning the achievements of Negroes.

Sometimes this black dimension comes in response to student demands, but more often colleges and universities are including it to

give general recognition to the historic contributons of Amercan Negroes. The student population at California State Polytechnic College at Pomona is less than two per cent Negro, but ten per cent from other minority groups. Yet the college feels that "the most significant changes planned in courses this year are those which are aimed at the interests of students from minority groups." Cal State Poly's new courses include the History of Minorities in America, People of Sub-Saharan Africa, the Sociology of Poverty, and the content of many existing courses will be broadened to include material and discussion on minority group problems. The University of Maryland's English Department is recommending a new course in Folklore and Culture of the American Negro, while UM's Sociology Department has added the Sociology of Race Relations and is revising its course on the Ethnology of Africa.

The Negro in American History, offered at the University of Houston is probably the first course of its kind in a large predominantly white Texas institution. The University of Texas at Austin plans a similar course for next semester. Denver's Metropolitan State College also adds a course in American Negro History, while Fayetteville State College in North Carolina, a predominantly Negro institution, will offer a course in Afro-American History for freshmen and a course in Afro-American Contemporary Politics. The University of Minnesota is working on its series of courses called "African History—1000 A.D. to the Present," which it will offer along with seminars on selected African history topics as an addition to its current Afro-American course offerings.

Pennsylvania State University adds a new course "stressing the role and contribution of the black man in American society"—Afro-American Literature in the 20th Century. Penn State will also continue the Negro in the American Experience, a course it began last Spring. Cheyney State College, a predominantly Negro college in Pennsylvania, has added Swahili to its foreign language program. Cheyney also now offers two new courses in Afro-American history and an introductory course in Afro-American Literature.

At the University of Connecticut, the Departments of Sociology and Anthropology are combining a course tracing the history of black culture in America.

And, the entire curriculum of the nation's newest land-grant school, Federal City College in Washington, D.C., emphasizes the culture and history of the black man in America. Many of the courses are designed to reflect the interests of the majority of students, who are black and come from urban areas.

NEW YORK TIMES SAYS VICE PRESIDENT HUMPHREY TAKES DECIDEDLY MORE CONSTRUCTIVE APPROACH TO REAL PROBLEMS OF CRIME PREVENTION AND CONTROL

Mr. TYDINGS. Mr. President, the New York Times of yesterday summarizes very well the importance and constructiveness of Vice President HUMPHREY's comprehensive proposals on crime control and prevention.

There can be no doubt that only the Vice President, among the candidates in the current presidential election, clearly understands the importance and complexities of the crime problem.

He deserves the applause of everyone sincerely interested in preventing crime for his willingness to state the hard facts about it, and the high costs we must pay to effectively control it.

The New York Times, and I think the great majority of Americans, are much too concerned about crime to be satisfied with simply an emotional or racist wailing about it. As the Times points out:

Those who take the trouble to examine the actual arguments and proposals of the rival candidates will find that Vice President HUMPHREY offers a decidedly more constructive and statesmanlike approach to the real problems of crime and to ways of preventing and controlling it.

Mr. President, I ask unanimous consent to insert in the RECORD Vice President HUMPHREY's task force report on order and justice and the New York Times editorial to which I have referred.

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

ORDER AND JUSTICE

I. THE PROBLEM OF CRIME

We must start by understanding the problem, recognizing these important facts about crime in America:

First, the chief victims of crimes of violence are the disadvantaged groups in our society—the urban poor, white and black. The highest rates of assault and robbery are found in the inner city. The most frequent victims of these crimes are persons who, because of economic necessity or racial discrimination, have limited choice as to where to live. For example, 84 percent of assualt victims and 70 percent of murder victims in Washington, D.C., are black. And, every attitude survey of ghetto residents has shown that urban slum dwellers consider crime one of their most serious problems. It is in the inner-city where the streets are truly unsafe.

Second, the persons who commit most crimes, especially the more serious crimes of violence, are also the poor and disadvantaged. Historically, the slums have produced disproportionate numbers of criminals—regardless of the racial or ethnic group living there. Every new wave of immigrants, from within America or from overseas, that settled in the most deteriorated and impoverished areas of our cities has experienced a disproportionately high crime rate.

Inadequate educational and vocational opportunities in these impoverished areas are major factors in crime. A federal prison population survey shows the intelligence level of the prisoners follows the same distribution curve as that of the general population, over 80% were high school drop-outs and more than half left school before the 9th grade. A survey of convicted felons in Washington, D.C., showed that 90% had yearly incomes of less than $5,000.

Crime is most common in our slums, but it exists in our suburbs and rural areas, too.

Third, important changes in our society have contributed to an increase in crime just when we have been working hardest to eliminate poverty and slum life. We face the apparent paradox of rising crime rates in a period of general prosperity despite massive efforts to bring all groups into the mainstream of American life. The explanations are several:

The high visibility of prosperity in America has produced a revolution of rising aspirations and heightened frustration among the poor. An increasingly affluent society cannot expect its poor to remain content when all about them they see the great material advantages enjoyed by the many. The great majority of the people who suffer poverty retain their faith in American democracy, and demonstrate that faith by striving for improvement through responsible, law-abiding means. But, it should not be surprising that some resort to illegitimate means to enlarge their share.

Crime is disproportionately committed by young people, and the proportion of young in our population has become greater than at any time in recent history. The unprecedented numbers of young people have taxed our school systems and recreational programs and have contributed to the crisis in our system of criminal justice.

Crime is highest in our larger cities; more Americans than ever before now live in these cities.

More crimes are now reported to the police and improved police department standards have led to more accurate recording of crime reports.

None of these factors explains away or justifies crime. Crime, especially violent crime, is a real and major challenge to our society. But, we must not rush blindly and erroneously to the conclusion that crime in America is the result of a general and increasing moral decay or that crime has no connection with social problems.

The challenge of crime in a free society *is* serious. It requires an *equally* serious response.

No single approach or institution—whether it be the police, the courts or the correctional institutions—can solve the crime problem alone. Piecemeal, uncoordinated, isolated responses to crime will not work. *To make our streets safer and our law enforcement fairer and more effective, we need nothing less than a firm determination in all parts of the community and the general mobilization of our criminal justice system to do battle with crime on a broad front, ranging from the social problems that are its breeding ground to the institutions that must contend with it.*

II. FEDERAL LEADERSHIP IN INSURING ORDER AND JUSTICE

Crime and disorder continue to be the direct responsibility of state and local governments. But the Federal Government must provide resources and give leadership in establishing a new federal, state, and local partnership to deal with the problem. The Federal Government cannot take over the functions of policing our towns and cities, but it can and should act to make it possible for local agencies to perform their duties more effectively.

We recommend the following guildelines for Federal action in the fight against crime:

First, federal laws dealing with national crime problems should be vigorously enforced. Organized crime and racketeering, the use of interstate commerce to promote rioting and civil disorders, assassination attempts directed at prominent persons, the interstate flight of fugitives from justice, and the operation of criminal cartels that traffic in narcotics, stolen automobiles and other contraband are covered by Federal laws. These laws must be carried out firmly and in closest possible cooperation with state and local authorities.

Second, massive Federal financial aid should be provided to state and local law enforcement agencies. Combating crime is expensive. Much larger funds are needed to hire the necessary number and quality of policemen and correctional personnel or supply the sophisticated equipment required. The cities are encountering increasing resistance to the burdensome sales and property taxes that account for most urban revenues. Budgets for order and justice are squeezed in the eternal competition for public revenues. Without federal help, the cities may lose the fight against crime.

Merely to fill existing vacancies on local police forces and to bring police salaries up to something approaching that of an FBI agent would require in excess of $300 million for the first year alone; to increase the number of police officers sufficiently to provide adequate street patrol would cost many times that. To hire enough corrections personnel to supervise the present number of convicted offenders properly would cost in excess of $400 million for the first year. Massive resources are needed.

Third, the Federal Government should offer

state and local law enforcement agencies technical assistance and support, including the benefits of successful experiments in controlling crime and improving justice. Optimal crime-deterrence strategy for a police department requires a meaningful research and planning effort, which few departments are able to support. Successful law enforcement experiments conducted in one city are not fully disseminated to others. Most state and local law enforcement agencies need Federal technical assistance in planning a comprehensive and coordinated attack on crime.

Federal leadership and resources to aid state and local law enforcement agencies in devising, evaluating and implementing strategies for crime prevention and control are essential.

Fourth, Federal leadership must be provided to link states, cities and towns together in combatting crime. Federal programs should be regionally oriented. The thousands of separate police jurisdictions, court systems, and correctional institutions can no longer afford to act in isolation. Crime rarely stops at the boundaries of any one jurisdiction. In a highly mobile country, the ultimate treatment of criminals is everyone's concern.

Fifth, the Federal Government should see to it that all the tools of our nation's technology are used to help in the battle against crime. No single police department or court system can mobilize our country's research and development potential unaided. The Federal Government must stimulate and support the necessary research and development and insure that all communities have access to the benefits.

Sixth, Federal funds should be available to help make our cities more secure through proper design and lighting. Every community should have, with Federal assistance where necessary, well-lighted streets and parks. Every locality should be encouraged to re-examine its building and housing codes and its plans for housing projects to insure that premises are physically safe, with adequate locks, suitable means for summoning assistance, warning devices, proper scanning techniques and other modern technological aids.

The record

Under Democratic leadership, the Federal Government has made a strong beginning toward fulfillment of these law enforcement responsibilities.

The President's Commission on Law Enforcement and Administration of Justice (National Crime Commission), composed of experienced law enforcement leaders and our best scientific and academic experts, mapped plans for comprehensive action against crime at the Federal, state and local levels. Broad experimental programs of Federal aid to states and cities explored new lines of action in police, courts, corrections and juvenile delinquency. National enforcement responsibility was recognized through new programs to deal with organized crime and with the narcotics and drug problem.

Implementing the Crime Commission's report, the Johnson Administration in 1967 introduced the Omnibus Crime Control and Safe Streets Act. Its enactment by the Congress in 1968 commits the Federal Government to provide support for, and leadership in, the fight against crime.

The major task now is to implement, imaginatively and boldly, these and other programs. This will require reorganizing the Department of Justice and creating Regional Criminal Justice Centers.

Reorganization of Justice Department

Until recently, the Justice Department has been concerned principally with enforcing Federal laws, and only secondarily with assisting local law enforcement agencies which deal daily with the bulk of crime in America.

To meet its new responsibilities, we recommend that the Department of Justice be reorganized by:

Establishing a second Deputy Attorney General responsible for administering the Crime Control and Safe Streets Act and for coordination within the Federal Government and between the Federal and state or local governments of the many efforts to prevent crime. He should be given an adequate staff of law enforcement experts, including persons with local law enforcement experience.

Establishing Federal law enforcement technical assistance teams, acting under the direction of the new Deputy Attorney General, to respond to local requests for help in devising programs, seeking financial aid and evaluating pilot projects.

Regional criminal justice centers

To bring Federal support closer to the states and cities and to encourage a coordinated attack on crime, we propose:

Creation of Regional Criminal Justice Centers, where new programs can be tried, existing programs evaluated, useful ideas disseminated, better training facilitated and public participation enlisted.

The Federal Government can and must undertake these initiatives—in leadership, technical and financial aid. They will succeed only to the extent that effective action is taken to strengthen and improve the interrelated state and local criminal justice system—the police, the courts, and the correctional institutions.

III. STRENGTHENING OUR LOCAL POLICE FORCES

A. More and better trained police

The major responsibility to combat crime and violence rests with local police forces. Yet, they are finding it increasingly difficult to provide effective protection for every citizen. The reasons are evident.

First, *more* policemen are needed. We have learned by experiment that crime, especially street crime, *can* be reduced by significant increases in the number of policemen on the street. Yet, the National Crime Commission found that almost all large police forces are substantially undermanned.

Second, police are *not paid enough* to attract and retain the needed numbers of high-quality personnel. Salaries have improved, but they are still too low—in terms of the job difficulty, skill requirements and compensation for alternative jobs. The National Crime Commission reported the median *starting* salary in 1966 for patrolmen in the larger departments was $5,300. Of even more significance, the median *maximum* salary was approximately $6,600—not enough to support a reasonable living standard in our large cities.

Third, policemen are seldom *trained* adequately for the difficult and demanding responsibilities they must discharge. Police officers are called upon to make delicate decisions, balancing order and freedom—to regulate the conduct of rebellious children, frustrated students, quarrelling couples, drunken drivers, belligerent and disorderly lawbreakers and people filled with generations of hatred. These decisions must often be made on the street, instantly, sometimes when the consequences of a mistake could be fatal. Yet, too many policemen receive education and training more appropriate to skilled labor than to professionals.

Fourth, police are too often *assigned* to clerical and other duties unrelated to preventing, deterring and detecting crime. The National Crime Commission found that "patrolmen often are overextended to the point of being unable to give adequate attention to criminal matters. In spite of rising crime rates and a continuing low rate of crimes cleared by arrest, a patrolman must normally devote a considerable portion of his time to the performance of noncrime related tasks."[1]

We need a massive effort *now* to increase the number and improve the skills, and make more effective the deployment of law enforcement personnel. We recommend that:

The federal government, on the basis of approved state plans, establish a program of salary supplements—financing additions to the salaries of state and local police officers. This will require amending Title I of the Omnibus Crime Control and Safe Streets Act, which restricts the amount of police salary supplements to no more than one third of most of the money available under the Act. It will also require adoption of a formula to assure that the wage increment to be borne by the federal government does not reduce local compensation.

This formula should provide incentives for early selection and intensive training of new personnel before they enter law enforcement careers (such as police cadet programs), and lateral entry into police forces of highly trained specialists (such as police legal advisers, systems analysts, and the like).

The federal government help pay for the *pre-service* college and specialized training of persons prepared to commit themselves to service in criminal justice.

The Omnibus Crime Control and Safe Streets Act be expanded to provide fellowships to pay the tuition expenses and salaries of *qualified in-service officers* attending college and graduate school, who agree to serve a reasonable period in the police professions.

Federal grants be made available to states for establishing and maintaining Police Training Institutes, including the necessary facilities, instructional personnel and payments to trainees.

The National Defense Education Act be amended to provide aid to colleges and universities in developing police training courses and specialized instruction related to crime prevention and control.

The federal government help recruit, train and place veterans of the Armed Forces, particularly minority group members, for police and correctional service.

The federal government pay the full cost of penetrating research programs to devise ways of selecting persons with the mental, emotional, and physical traits required for law enforcement work.

The federal government establish a program to raise police retirement benefits and to improve benefits to widows and orphans, including scholarships for the children of officers killed in the line of duty.

Local police forces improve the deployment of trained personnel, through extensive use of civilians in duties unrelated to crime prevention and control.

B. Police-community relations

The effectiveness of a police force depends in large measure upon its relations with the local community. The police cannot function effectively in an atmosphere of hostility—where crimes go unreported, witnesses refuse to identify themselves or to testify in court and suspects resisting arrest receive the support of bystanders. Ineffective police service, in turn, denies to the community a climate of law and social order within which liberty can flourish and progress can be made.

Open and meaningful channels of communication between members of the public and the police who serve them are the first prerequisite to improved police-community relations. Police officers must understand the communities in which they work. Members of the community must understand the important and demanding role that the police play in a democratic society. Citizen and police officer alike must reject the stereotypes that bar understanding and prevent communication. Effective dialogue between these groups is essential to the learning process of each.

Communication alone will not suffice. Positive programs are needed—to train police officers in human relations skills, to create opportunities for police and community to interact in nonpunitive situations, to expand citizen participation in the maintenance of

[1] National Crime Commission Task Force: The Police, p. 121.

social order, and to reduce the severe burden on police created by family disputes.

Toward this end, we recommend:

Modern physical facilities to serve not only as centers of police activities but also as centers for community activity.

Precinct community councils, block clubs and the like, through which the exchange of essential information between police and citizens can take place.

New categories of police service, including Community Service Officers drawn from the local community and assigned to follow-up disturbance calls, which now occupy more police resources than any other potentially criminal activity.

Recruitment of more minority group members, coupled with development of special training programs and eliminating obstacles to police work.

Provision of more effective methods and mechanisms for handling citizen complaints.

Enlarged family counseling services, so that potentially explosive domestic situations may be avoided.

The programs must, of course, be carried out locally. But the federal government must play an active part by:

Stimulating development of new and effective police-community relations techniques.

Assisting in financing new community relations programs on the local level.

Providing educational facilities to supplement those available locally.

Promoting the interchange among various localities of information as to programs and techniques.

Financing construction of model facilities.

IV. THE COURTS

A. Court administration

Our entire criminal justice system is undermined by the inefficiency of our courts. Swift and sure justice is the exception, not the rule.

In some states, the time interval from arrest to conviction may consume a year and a half or even more. In some cities, as much as two years pass before an individual arraigned can be brought to trial. Police spend too much time guarding, transporting and processing defendants and waiting in court to testify, and too little in keeping the peace, preventing crime, and apprehending violators. Prosecuting attorneys, defense lawyers, and judges spend inordinate amounts of time in calendar management and other matters ancillary to the judicial proceeding. Witnesses wait and wait; valuable time from their employment is lost.

These delays compromise the deterrent capability of our criminal justice system. Substantial delays and inefficient court administration reduce the likelihood of conviction and dilute the quality of justice. Instead of their "day" in court, persons accused of less serious offenses too often get a couple of crowded minutes. Those charged with serious crimes may wait months for a trial—often behind bars. Others are out on bail for inordinate durations and often become repeaters.

To improve dramatically the administration of our courts, a comprehensive program encompassing more and better-trained personnel, improved management techniques and caseload reduction is essential. We recommend action *now* along the following lines:

Federal grants to law schools, graduate schools and other institutions for special programs to train more prosecutors, public defenders, parole and probation officers and court administrators.

A National Court Assistance Act to provide substantial federal assistance for reform of state and local criminal courts systems, to bring modern management techniques and computer technology to the administration of state and local criminal courts—so that court personnel may be more effectively utilized, caseloads better managed and necessary information communicated rapidly.

Development of sentencing guides to minimize arbitrary variations in dispositions.

Expansion of training programs for judicial personnel.

There is reason to believe that these measures will not succeed unless the caseload itself is reduced. And, paradoxically, a significant proportion of these cases could be better handled through agencies other than the courts. Most arrests involve conduct that has no relation to violence. Alcoholism is involved in more than one out of every three arrests, clogging court calendars. The same situation prevails with respect to many youth offenses.

We recommend that federal support be provided for the creation and improvement of alternate facilities to handle cases that can be appropriately dealt with outside the court system.

In particular, federal assistance should be provided to state and local governments for:

Establishment of Youth Services Bureaus, as recommended by the National Crime Commission; and

Constructing and staffing detoxification units and alcoholic rehabilitation centers.

B. Court decisions

Some candidates for high public office have sought refuge from the complex problem of crime in a free society in the decisions of the Supreme Court of the United States and of lower courts. The High Court's decisions, it is claimed, are a principal cause of the crime rise, the failures of criminal justice, and alleged moral laxity. Whether these views be sincere or whether they represent political irresponsibility, *it is our belief that they are just plain wrong.*

Information compiled by the National Crime Commission makes it clear that the court decisions are not a significant factor in the crime increase. The controversial Miranda decision which requires that suspects be advised of their constitutional rights before interrogation relates only to persons already in police custody.

It affects neither the substantial percentage of crimes not reported to police, nor the seventy-five percent of reported crimes in which the police make no arrest. And in most of the relatively few cases which could be affected by the interrogation rules, studies reveal that adequate evidence other than a confession was available.

Furthermore, until last year, recent decisions, guaranteeing the rights of persons accused of crime, did not apply to juveniles. Yet, offenses by juveniles—according to the most recent FBI statistics—have been the primary source of the increase in reported crimes.

Most important, the hysterical cry that murderers can now roam the streets with impunity as a result of Supreme Court decisions constitutes a dangerous kind of fraud and deception. FBI figures show that the high solution rate for murders has remained almost constant over the years.

There can, and should, be no denial that some court decisions have made the law enforcement task more exacting and demanding in some areas. And yet, many recent decisions have upheld traditional law enforcement practices under severe attack; frisking persons on the street when there is reasonable suspicion of criminal activity; carefully prescribed use of electronic surveillance; searching an automobile without a warrant; use of photographs and other means of identifying suspects during the immediate post-crime stage of an investigation; and taking blood samples and other forms of physical identification following the arrest of a suspect.

Basically, the Supreme Court has ruled that certain methods of obtaining confessions and convictions are incompatible with the requirements of the Constitution. These rules are designed to protect the innocent and to assure the liberties of all Americans. The Supreme Court did not change the Constitution. By applying the Bill of Rights to states and localities, it federalized the standards of law enforcement, requiring state and local police to adjust to higher national standards. Having set this higher standard, the nation must now provide substantial assistance to assist law enforcement personnel to meet it.

The focus of attention upon the Supreme Court is a great public disservice. This scapegoat approach diverts attention from the real problem, and it undermines willingness to accept responsibilities and duties essential to the success of our nation's efforts to combat crime and violence. We cannot, and we must not, evade the difficult task of strengthening our agencies of criminal justice and altering the social and economic conditions that breed crime in all levels of society. And, we are confident that order can be preserved within a framework of justice.

V. CORRECTIONS

According to National Crime Commission estimates, on any day in 1965 348,000 juveniles were confined in detention homes and correctional schools; 343,000 misdemeanants in our local jails; and 591,000 felons in state and federal prisons.

The future for these offenders, most of them convicted of relatively minor offenses, is bleak; the prospects for the society to which they eventually will be returned are no better. Recidivism rates run as high as 70 percent. And, some sources indicate that as high as 80 percent of all crimes are estimated to be committed by previous offenders.

Even more disturbing, criminal careers tend to escalate: the subsequent offenses tend to be more serious than the original ones; the incidence of homicides, rapes, and robberies committed by previous offenders is several times higher than among those arrested for the first time.

These figures should not be surprising. Our correctional institutions are so understaffed they cannot begin to turn offenders toward useful and productive lives; in some cases, they cannot even keep adequate watch. Only one-fifth of the more than 120,000 persons employed in correctional work are primarily engaged in treatment of offenders. There are only 25,000 probation and parole workers, social workers, psychiatrists, psychologists and teachers for the 1.3 million offenders under some form of custody or supervision. A recent survey of 160 penal institutions revealed a total of only 14 full-time psychiatrists and 82 full-time psychologists for nearly 150,000 inmates. Salaries for correctional personnel are very low, below those paid police, and working conditions are difficult. Finally, as a result of all these factors, our overcrowded prisons have become virtual schools for crime.

Yet, a very large proportion of offenders *can* be reclaimed—when a realistic commitment of resources, both human and physical, is made. Rehabilitation *can* work. And, it is the most economical as well as the most humane approach to reducing crime.

The time has come to carry out a massive reform of our entire correctional system. The first step must be to make our federal prison system the model for the nation. Major responsibility, however, lies at the state and local levels. Here also there is a significant role for the federal government, one which combines moral leadership with provision of resources.

We recommend the following approach:

Adequate federal aid for development of dramatically different correctional institutions—smaller, more secure institutions, closer to the home communities of most inmates, and operated in such a way as to build bridges back to community life. We can no longer afford to speed most of the available funds to operate large, fortress-like prisons, antiquated jails and primitive half-way houses which build physically and psychologically unsurmountable walls and perpetuate anti-social behavior.

Federal assistance to increase the number, improve the training and increase the salaries of personnel to supervise and rehabilitate convicted offenders, so that the public is protected against incorrigibles and others are returned to useful, decent lives. We must provide treatment for those in prison and supervision and guidance for those on probation and parole.

Federal support in developing intensive correctional programs and techniques which emphasize rehabilitation and vocational training. Experience has demonstrated that this approach does succeed. It should now be extended to break the cycle of offenders passing endlessly through the revolving doors of our jails and prisons.

Expanded research programs, through the National Institute of Law Enforcement and Criminal Justice, to increase our knowledge of which correctional techniques work best and with what offenders. We need to know much more about how to control the highly dangerous and violent offenders, and which forms of treatment produce the best results for the smallest expenditure.

Federal leadership to encourage development of cooperative arrangements for efficient use of scarce treatment services and other resources. Correctional programs are administered by thousands of governmental jurisdictions. Isolated from each other, they cannot do the job, even with federal help. Engaged in collaborative efforts and supported by the federal government, they can make much progress.

VI. SCIENCE AND TECHNOLOGY

Our investment in science and technology for law enforcement purposes has been totally inadequate. The National Crime Commission reported that "more than 200,000 scientists and engineers have applied themselves to solving military problems and hundreds of thousands more to innovation in other areas of modern life, but only a handful is working to control the crimes that injure or frighten millions of Americans each year." [2]

The federal government must embark on an ambitious and comprehensive research and development program to learn more about the causes of crime, to develop new public safety weaponry, to design new crime prevention devices, and to develop new communications, rehabilitation and training systems.

Through the new National Institute of Law Enforcement and Criminal Justice, established under the Omnibus Crime Control and Safe Streets Act, the federal research, development and evaluation effort in this field will be greatly expanded. Highest priority should be given to the program of the National Institute, placing emphasis on the following items:

Development of communications and allied techniques to help speed policemen to the scene of the crime in the first critical minutes. Speed of response is crucial to apprehension—particularly where crimes of violence are concerned. Communications equipment which could be developed and deployed in the near future could include:

A low-cost, lightweight radio for every police officer.

A cathode ray tube or teleprinter device in every patrol car.

New command and control systems for dispatching officers in immediate response to a call for help.

Development of new techniques for prompt and certain identification of suspects, such as:

An automatic fingerprint recognition system.

Voice, hair, blood and other identification means to augment fingerprints for personal identification.

Development of safe, nonlethal weapons to give the police greater flexibility of response, to reduce risks to bystanders and provide for more humane treatment of offenders.

Full application of science and technology will require costly equipment and highly skilled personnel, which local law enforcement agencies will rarely be able to provide. We recommend that *Regional Crime Institutes be established to operate crime laboratories, conduct research, provide training and technical services (including computer data banks) for local law enforcement agencies.*

VII. THE ROLE OF THE PRIVATE CITIZEN

More efficient police forces, faster and fairer court procedures, and prison probation and parole systems that truly rehabilitate are essential parts of a serious national crime reduction program. But each of the agencies of criminal justice requires the cooperation and support of individual citizens, civic and other private groups, and business organizations to do its job. Moreover, there are vital preventive actions that an individual citizen can and should take to make himself, his family, and his neighbors far safer from the threat of predatory crime. The fact is that we can probably do as much by our private actions to prevent crime as our federal, state or local governments can do to protect us.

We would stress the following opportunities for private action:

First, every individual who is the victim of a crime or who sees criminal or suspicious activity must promptly notify the police. The police never learn of many serious crimes. The President's Crime Commission estimated that a large percentage of the crimes committed go unreported. Moreover, delays in reports of crimes make arrest difficult. Alert and prompt action by private individuals would enable the police to cut deeply into the very large percentage of unreported and unsolved crime, strengthening the threat of sanctions against potential offenders.

Private efforts in reporting suspicious activity can go further. In some cities the police have enlisted taxicab and delivery truck drivers with radios in their vehicles to report on any suspicious activity they see or to help the police locate fleeing felons. Call boxes on street corners for use by citizens would facilitate the reporting of crimes in public places and quicken police response. They should be installed in the high crime areas of our cities.

Second, private citizens must take steps to make themselves, their cars and their homes less vulnerable to criminals by taking the opportunity out of crime. There is good reason to believe that many crimes result less from the criminals' commitment to an unlawful act than from the momentary opportunity created by the victim's carelessness.

Installation and use of proper locks on doors and windows is an example of a simple crime control measure every builder and each citizen can take. The simplest precautions by car owners could reduce the enormous numbers of car thefts. Preliminary estimates indicate that in 42 percent of the 650,000 automobile thefts in 1967, the key was left in the ignition, and that in 80–85 percent, the car was left unlocked. Since car thefts are most often committed by youths, citizen preventive action is particularly important.

Third, business and other private groups have an opportunity to reduce crime and delinquency by offering employment opportunities to those seeking to return to a law-abiding life after a criminal conviction. The National Crime Commission made it clear that reducing recidivism is crucial to controlling crime, since repeaters account for the bulk of the nation's offenses. The Commission pointed out that inability to get a job—or the training necessary to qualify for a job—often made it most difficult if not impossible for those released from prison to avoid the pressures leading to a career in crime. In some communities, local businesses have set up training programs in prisons to help develop skills needed for particular kinds of work on the outside and have guaranteed jobs in that field upon release. These efforts must be expanded. Only in this way can the costly phenomenon of lifetime careers of crime be reduced.

Fourth, citizen crime prevention programs, such as the one carried out by the National Council on Crime and Delinquency, should be expanded to educate the public on private participation in crime prevention and to enlist support at the local level for a just and efficient criminal justice system. Through these citizen programs, the Attorney General and the Secretary of HEW should provide demonstrations of what can be accomplished by private efforts and disseminate literature and other information to help coordinate private and public programs.

Finally, we recommend establishment of a Criminal Justice Service Corps to involve young people in this vital area. Such a program would entail one year's service with the probation office, parole board, correctional authorities, prosecutor's office, the courts, the public defender, bail agencies and other related groups. It would enable a cross-section of America's young people to learn about and to contribute to our criminal justice system.

In short, a strong citizen effort is an essential part of any nationwide program to achieve civil order with social justice. Without active cooperation from private citizens and groups, the efforts of law enforcement agencies are not likely to be fully effective.

VIII. SPECIAL PROBLEMS

A. The problem of riots

As we eliminate misery of our ghettos, establish social justice for all Americans, and eliminate discrimination, we will sharply reduce the threat of riots born of discontent. This is our goal.

But as we seek basic and high priority solutions to these problems, we cannot tolerate lawlessness and riots. However great the grievance, we must face the fact that every riot is unlawful. This violence must and will be ended. It is harmful to the fundamental social goals we all seek.

The National Advisory Commission on Civil Disorders made many important recommendations for the operation of the police, courts and jails as well as military resources in preparing for and dealing with riots. These recommendations must be implemented:

When a riot occurs, there must be rapid introduction of sufficient manpower into the area for prompt action, including, if necessary, augmentation of the police force by adequate numbers of military—National Guard or regular Army. The emphasis must be on additional men rather than on guns.

Curfews should be established early and then systematically tapered off when conditions permit.

Minimum force should be used, but arrests should be made rapidly and in sufficient number to stem the tide of violence; in other words, arrests rather than shooting.

If necessary, tear gas or other nonlethal weapons should be used to contain violence.

Police and military training for riot control is vital.

Advance planning for the integration of local, state and federal forces is essential. There must be central command.

Adequate communication must be provided for all forces.

Access to and prompt evaluation of the necessary data is vital. We must know quickly what is happening, where, and how many persons are involved.

Mobilization of business and government facilities for community needs must be swift.

[2] National Crime Commission Task Force: Science and Technology, p. 1.

The victims of the riots will need food, housing, clothing and medical care.

Advance planning must be undertaken for the administration of justice, adequate jails, and an adequate number of judges for the courts in order to process the cases.

A central headquarters to provide authoritative sources of information should be planned. Dangerous rumors must be corrected as soon as possible. People must be given accurate and truthful information. This requires the cooperation of radio, television and press.

It is absolutely essential that TV, in particular, and radio and press secondarily, accept their responsibility in these riot situations to report the facts but not to inflame the situation further.

In the area of direct responsibility, the federal government should:

Provide additional training for the National Guard units in each state in riot control, teamwork, and planning.

Support small, highly-trained National Guard riot control units on continual alert, for short-term service in any community. These units should be directly controlled by the individual state governments or, where appropriate, by the community itself.

Stand ready to respond to any legitmate call from states or cities for military manpower in the event of massive disorders.

See to it that training and proper equipment are available to criminal justice personnel responsible for controlling disorder.

Encourage local efforts to bring into the control process the chief victims of riots—the ghetto dwellers themselves.

Continuously study, update and disseminate to local communities the latest information on control efforts.

B. Juvenile delinquency and youth crime

America's best hope for significantly and continuously reducing crime is to cut into juvenile delinquency and youth crime. In 1965, a majority of all arrests for major crimes against property and a substantial minority of arrests for major crimes against the person involved persons under 21. In 1966, 70 percent of first offenders were under the age of 25. Recidivism rates for young offenders are higher than those for any other age group. Estimates indicate that one in every six male youths will be referred to juvenile court in connection with a delinquent act (excluding traffic offenses) before his 18th birthday. A significant change in any of these figures would result in a substantial, immediate and pervasive improvement in the national crime problem.

But, this problem will not be solved simply by passing more criminal laws or just by increasing the penalty for their violation. Once a juvenile is apprehended by the police and referred to juvenile court, the community has already failed.

No child is born a criminal. But, we know that the environment into which a child is born can either facilitate or retard a child's tendency toward a lifetime of crime. A serious program to prevent juvenile delinquency and youth crime must have as its core a *massive effort to reverse and correct those environmental factors which contribute to the making of criminals.*

In the past eight years, we have devoted substantial resources to education, job training and civil rights. But these efforts are not enough. We must redouble our programs to:

Prepare young people for meaningful employment and enlarge the employment opportunities for youth.

Improve housing and recreational facilities, especially in the more deprived areas.

Intensify public and private efforts to involve young people in community activities and to improve relations between young people and public officials, including police.

Improve the quality of our schools and provide the necessary financial support for the best possible personnel, equipment and buildings.

While the prevention of juvenile delinquency is our first goal, we must also have an effective, efficient and fair system of justice to deal with those young people engaged in criminal conduct. Swift apprehension, thorough investigation, prompt disposition—carried out by persons carefully selected and trained for their functions—should maximize the system's deterrent impact and respect for the law. For more creative and intensive efforts must be directed toward rehabilitation so that young offenders do not become career criminals.

Accordingly, we recommend substantial federal support for:

Formulation of police guidelines and the implementation of police training programs to better equip police to deal with juveniles.

Development of new community correctional programs for juveniles which emphasize vocational training, community service involvement, and avoid the stigma and isolation that follow prison experience.

Development of a greater range of alternatives to jail, such as half-way houses, youth rehabilitation centers, and family-type group homes.

Improvement of juvenile court systems to guarantee that juveniles are afforded due process of law.

C. Organized crime

Organized crime has become one of the largest and most powerful businesses in the United States.

The Internal Revenue Service estimates that illegal gambling alone provides untaxed profits of more than $600,000 each hour. Another recent IRS study showed that organized crime in one midwestern city controlled, or had a large interest in, 89 varied businesses yielding annual receipts exceeding $900 million.

Gambling and loansharking appear to be its principal sources of revenue. But, power and profit are also obtained from labor racketeering, economic coercion and other illegal acts committed in the operation of legitimate businesses owned by organized crime. Organized crime encompasses arson, bank robbery, hi-jacking, disposal of stolen goods, bribery of and extortion from public officials, narcotics distribution, bankruptcy fraud, sale of goods on which no tax has been paid, burglary and many other crimes. Tragically, many of these activities involve massive exploitation of the poor—particularly the residents of our urban ghettos, to whom the syndicate has become a private government looked to for favors and for a degree of costly protection.

The crime syndicate employs or controls thousands upon thousands of people who are not full members. Drawn from a cross-section of America's population, these individuals sell numbers on the streets, peddle narcotics, offer quick cash loans at usurious rates, hijack trucks, and burn down business properties.

As a nation, we are merely picking and scratching at the corporate structure of organized crime. With varying degrees of intensity and success, the federal government has led the fight, but only two and one-half percent of the Department of Justice budget is devoted to organized crime. This is clearly not sufficient to deal with the national security problem that organized crime now represents.

We believe that the federal government must act immediately to:

Increase substantially the personnel of the Department of Justice's Organized Crime and Racketeering Section and consider raising that section to divisional level.

Expand the successful "strike force" approach, whereby investigative teams from many federal agencies work as a unit with federal prosecutors in a metropolitan area.

Institute a planning and research unit in the Organized Crime Section of the Department of Justice.

Computerize the present manual system of collecting and correlating intelligence about organized crime.

When states and cities so request, furnish and finance technical assistance teams to bring to state and local law enforcement the special expertise necessary in organized crime control programs.

Organize and coordinate an investigation of legitimate businesses controlled by organized crime by utilizing the twenty-five or more federal regulatory and administrative agencies that have relevant jurisdiction.

Through the Departments of Commerce and Labor, institute a nationwide education program to alert this country's business and labor leaders to the practices of organized crime and establish a system for reporting and collecting information about organized crime's activities in business and labor fields and to provide utmost protection to those who cooperate.

Through the recently-enacted Omnibus Crime Control and Safe Streets Act, offer grants-in-aid to governmental units to establish organized crime enforcement programs. Grants should also be made available for education and training of personnel working in this field.

But the federal government cannot assume the full law enforcement burden in combating organized crime. Despite periods of intense prosecution in the past seven years, the Department of Justice has been able to convict less than four percent of the organized crime membership. With federal leadership and resources, states and cities must join the fight. Business and labor must commit themselves to the task of eliminating the influence of organized crime in their fields. State and local regulatory agencies must take on the job of dealing with organized crime infiltration into legitimate business.

D. Narcotics and dangerous drugs

Millions of Americans seek escape through the use of narcotics and dangerous drugs.

The drug problem exacts a heavy toll in our society.

Heroin addicts live in the grossest misery.

Stealing by addicts to pay for their drug supply constitutes a most serious crime problem.

Organized crime, the principal importer of heroin from foreign nations, reaps the benefits.

Great demands are placed upon the resources of our police, courts, prisons and social service agencies to control drug abuse. In the past few years, one state alone spent a quarter of a billion dollars in these efforts.

Thousands of youths experiment with dangerous drugs, ignorant of possible harmful effects and defiant of those who preach caution and reason.

Some of the drug laws and associated law enforcement practices have helped to breed a general disrespect for the law and its agents.

The temptation towards extreme action to deal with the drug problem is great. Some cry for high mandatory penalties for possession, as well as sale, of narcotics and dangerous drugs. Others feel strongly that criminal sanctions have failed and that this approach produces more harm than good; they advocate creation of a legally controlled supply of narcotics and dangerous drugs.

We believe that neither step is appropriate at this time. Existing high mandatory sentences have not controlled supply or use of drugs. Nor is legalization of drug and narcotic use appropriate. Research and scientific experimentation in these fields have just begun. As with medicines, drugs and opiates must be demonstrated to lack harmful effects before distribution may be considered.

In light of present knowledge, we recommend the following program:

Substantially increased treatment programs at the federal, state and local levels, through expanded federal funding. Existing laws should be amended to encourage and permit controlled experimental programs.

Strengthened enforcement of federal narcotics laws, distinguished between the unfortunate victims of drug addiction and the criminals who would exploit drug addiction for profit—particularly the peddlers of dope to the young.

Vigorous efforts to control importation of illegal narcotics and dangerous drugs, through strengthened intelligence and border surveillance and urgent negotiations with those foreign nations that grow and manufacture the bulk of opium derivatives.

Federal funds and facilities for research and for evaluation of existing treatment programs. Conclusive research findings as to the use and effects of marijuana are a particular priority.

The study of consensual crimes, proposed elsewhere in this paper, should include, as a major part, the appropriateness and effect of the criminal law and its enforcement upon the narcotics and drug problem.

E. Firearms control

Delay in effective legislative action on gun control has aroused grave and proper concern throughout the country.

We serve ourselves and our law enforcement agencies poorly by continuing to condone casual access to firearms for criminal purposes. The tragic assassination of President John F. Kennedy, Martin Luther King and Robert F. Kennedy are but the tip of the iceberg. More than 6,500 other Americans were killed by guns in 1966 alone. Over 55,000 robberies with guns were committed during that year. More people have been killed by private citizens abusing firearms and through gun accidents (since 1900, a total of nearly 800,000) than in all of our wars. Three hundred and twenty-two of 335 police officers murdered in the line of duty between 1960 and 1966 were killed by guns.

Obviously, there are proper uses of firearms—official duty, protection, hunting and other activities. Effective gun control laws need not and should not interfere with these legitimate activities, any more than the licensing of drivers and the registration of vehicles has unnecessarily restricted the use of automobiles.

Existing gun control laws are grossly inadequate. Regulation of mail-order and interstate sales alone does little to restrain acquisition over the counter for wrongful purposes in states without registration and licensing laws. Under the Commerce Clause of the Constitution, the Congress has the power to regulate directly all activities affecting interstate commerce in any way.

If the states do not do what must be done to control these weapons, this authority should be fully exercised by federal legislation to require:

Registration of all long guns and hand guns under simple and speedy procedures.

Licensing of all importers, manufacturers and dealers in guns and ammunition, under reasonable standards which would insure responsibility.

Licensing of all owners and users of guns, under standards insuring responsible usage in the public interest.

F. The District of Columbia

The federal government must make its response to crime in the District of Columbia, where it has direct jurisdiction, a model for the nation of enlightened and effective law enforcement and criminal justice. This will require:

A substantial increase in the *number* and a substantial improvement in the *deployment* of police officers on the streets.

Mobilization of citizen police auxiliaries to aid in detecting and reporting crime and in dealing with community problems.

Complete reorganization of the court and prosecution offices, so that guilt or innocence of every suspected criminal will be speedily and conclusively determined.

Development of new, intensive corrections programs, so that there are no longer unsupervised offenders wandering the streets while on probation, no longer overcrowded jails lacking in work training and education programs, and no longer former convicts searching unaided for jobs and opportunities.

Further extension of the programs now in effect to involve the police more deeply in the problems and concerns of the neighborhood.

IX. POSSIBLE LIMITS FOR THE CRIMINAL SANCTION

Our criminal laws need continual examination in the light of current values, modern understanding of human behavior, and recognition of their consequences.

America is undergoing profound social changes. We are learning much more about why people behave as they do, how the law affects that behavior and where it fails to have any influence. It is time for the nation to consider the limitations of the criminal law in controlling private behavior, especially with regard to crimes without victims.

The problem of private, consensual crime can be explored only at the national level. *We recommend appointment of a National Commission on Non-Victim Crime to determine the facts about such crimes, about the effects of the laws against them, and about the attitudes of the American public toward them.* We have to know how much undesirable activity is deterred by the threat of arrest. We have to know more clearly the social and economic costs of enforcing the laws against such crimes. We have to know how much more serious crime—robbery, bribery, and extortion—is created by these laws. We have to know how many people engage in such forbidden conduct. *In short, we must reconsider this entire problem of nonvictim crimes.*

MEMBERS OF THE VICE PRESIDENT'S TASK FORCE ON ORDER AND JUSTICE

Chairman: Dr. James Q. Wilson, Professor of Government, Harvard University, Cambridge, Massachusetts.

Identifiable members

Berl I. Bernard, former Director, U.S. Commission on Civil Rights, Washington, D.C.

Dr. Alfred Blumstein, former Associate Director, National Crime Commission, Washington, D.C.

Vincent L. Broderick, Attorney; former Commissioner of Police, New York City.

Donald E. Clark, Assistant Professor of Law Enforcement, Portland State College; former Sheriff, Multonomah County, Oregon.

Mrs. Patricia Harris, Howard University School of Law, Washington, D.C.

Herbert T. Jenkins, Chief of Police, Atlanta, Georgia.

Stanley Lowell, former Deputy Mayor of New York City; and former Chairman, New York City Commission on Human Rights.

Lloyd E. Ohlin, Professor of Law, Harvard University; former Associate Director, National Crime Commission.

Harold Rothwax, Attorney, New York City.

James Vorenberg, Professor of Law, Harvard University; former Executive Director, National Crime Commission.

Dr. Marvin Wolfgang, Professor of Sociology, and Director, Center for Studies in Criminology and Criminal Law, University of Pennsylvania.

[From the New York Times, Sept. 26, 1968]

THE CAMPAIGN: CRIME CONTROL

Since crime and social unrest have both increased over the past decade, Richard M. Nixon and his running mate, Gov. Spiro T. Agnew, have made the restoration of "law and order" the chief theme of their campaign. Despite this emphasis, it cannot be said that they have clarified these difficult problems or offered specific, convincing programs to cope with them.

Their basic policy statement, "Toward Freedom from Fear," which Mr. Nixon issued last May, begins: "In the last seven years while the population of this country was rising some 10 per cent, crime in the United States rose a staggering 88 per cent."

That is a dubious statistic but there is no doubt that serious crimes such as robberies and assaults have increased substantially. The difficulty is that nobody knows why. Mr. Nixon briskly and confidently declares that "the role of poverty as a cause of the crime upsurge in America has been grossly exaggerated." This unsupported—and insupportable—assertion enables Mr. Nixon to ignore the social roots of crime and the slow and costly programs needed to get at those roots.

Mr. Nixon harks back to the oldest theory of crime control when he calls for doubling the rate of convictions and for harsher punishment of criminals. Strict repression has never succeeded in the past as a deterrent to most kinds of crime. Sending young offenders to prison sooner and keeping them there longer will not help as long as two-thirds or more of the graduates of most prisons and "reform schools" commit fresh crimes once released.

In discussing muggings and robberies, Mr. Nixon makes his now familiar assertion that the Supreme Court's decisions on criminal procedure are "hamstringing the peace forces in our society and strengthening the criminal forces." This is loose and inflammatory language coming from an experienced attorney.

The Supreme Court has been trying to make police and prosecutors observe decent and human standards, as the best of them already do. It has always been true that, if police could keep a suspect in a chair for, say, twelve hours and question him in relays, they could probably sweat a confession out of him, whether he was guilty or not. But is this the American ideal of justice?

Organized crime which controls gambling, narcotics and loan sharking provides Mr. Nixon with an inviting target; but he is remarkably thin when it comes to offering substantive solutions. Organized crime is a serious challenge. So is street crime. But crime with its many faces is so varigated, so complex and so intractable that there are no simple answers and no quick solutions, although the speeches of Mr. Nixon and Governor Agnew intimate that such answers are right at hand.

The merit of Vice President Humphrey's position paper on crime is that it takes a balanced view. The paper makes clear that crime has social origins and that the nation cannot reasonably expect to reduce crime until it creates more jobs and better schools and houses in the slums, both rural and urban. But Mr. Humphrey avowedly recognizes that improved social conditions are not enough, and Government has to devise specific programs to make the police, the courts, the prison and the probation system work more effectively.

The Humphrey recommendations draw heavily on the two-year study of the President's Commission on Crime and on the work of Senator Tydings of Maryland, the Senate's foremost student of the crime problem. They also candidly acknowledge a fact which Mr. Nixon evades, and that is that there is no way to fight crime cheaply.

The most important statistic in the law-enforcement field is that 90 per cent of all money is spent for police salaries. It is impossible to make police work truly professional unless salaries are raised substantially. To increase police salaries to the level of those paid F.B.I. agents and to fill existing vacancies on local police forces would cost $300 million annually. To provide an adequate number of policemen patrolling the streets would cost several hundred million more. Only the Federal Government can provide this money because state and local governments, depending principally on sales and property taxes, are already under severe financial strain.

In addition to making provision for better-

paid, better-trained and better-equipped police forces, Mr. Humphrey sets forth similarly ambitious, detailed programs for overhauling the nation's under-staffed prisons and modernizing its crowded courts. Mr. Nixon, too, has noted that the courts are overburdened but he has put overwhelmingly greater stress on attacking the Supreme Court than he has on strengthening local and state courts where criminal cases are actually decided.

The demand for more "law and order" ranks with Vietnam as one of the emotional issues of the campaign. For those who consult only their emotions, Mr. Nixon's emphasis on repression has had much the greater appeal. Yet those who take the trouble to examine the actual arguments and proposals of the rival candidates will find that Vice President Humphrey offers a decidedly more constructive and statesmanlike approach to the real problems of crime and to ways of preventing and controlling it.

REPORT ON UNITED NATIONS AD HOC COMMITTEE ON SEABEDS; COMMENDATION OF U.S. DELEGATION

Mr. PELL. Mr. President, the U.N. Ad Hoc Committee To Study the Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction concluded its third and final meeting on August 30 in Rio de Janeiro. I was unable to attend the meeting, but as a Senate advisor to the U.S. delegation, I have completed a review of the activities and findings of the 35-nation Committee.

Of paramount interest is the Committee's final report to the General Assembly, in fulfillment of its U.N. mandate to examine the various implications of the Maltese proposal of August 17, 1967. This report reviews the Committee's original mandate and in accordance with it, points out the various scientific, technical, economic, military, political, and legal aspects of the problem; in conclusion, the report offers two sets of basic principles to cover the exploration and use of the seabed and ocean floor beyond the limits of national jurisdiction. One set—set A—represents the thinking of the developing countries, and the other set—set B—the thinking of the more industrially advanced countries, including of course the United States. I ask unanimous consent that both sets of principles be printed at this point in the RECORD.

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

SET A

(1) The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, are the common heritage of mankind and no State may claim or exercise sovereignty over any part of the area mentioned in resolution 2340 (XXII);

(2) The exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be carried on exclusively for peaceful purposes;

(3) The exploration, use and exploitation of this area, and the subsoil thereof, as referred to in the title of the item, shall be carried out for the benefit and in the interest of mankind;

(4) The exploration and use of the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, and the exploitation of their resources shall be carried on in accordance with the principles and purposes of the Charter of the United Nations and an international regime to be established with the purpose of contributing to the maintenance of international peace and security, the respect for the territorial integrity of States and the interests of the coastal States, and the promotion of economic development, particularly that of the developing countries, whether coastal or land-locked;

(5) The international regime to be established shall also consider the way for the most appropriate and equitable application of benefits obtained from the exploration, use and exploitation of the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, through a suitable international machinery, for the economic, social, scientific and technological progress of the developing countries;

(6) All activities in the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, shall conform to the following guidelines, aimed at protecting the rightful interests of other States:

(a) No impediment shall be created to navigation and fishing nor shall there be undue interference with the laying and maintenance of submarine cables and pipelines;

(b) Coastal States closest to the area in which any activities occur shall be consulted lest their rightful interests be harmed;

(c) Any such activity must take into account the economic interests of the developing countries so as not to be detrimental in particular, to the activities undertaken within the national jurisdiction of those countries;

(d) Appropriate safety measures shall be adopted in all activities of exploration, use and exploitation of the area and international co-operation for assistance in case of mishap shall be facilitated;

(e) Pollution of the waters of the marine environment, specially radio-active contamination, shall be avoided by means of international co-operation;

(f) No damage shall be caused to animal and plant life in the marine environment;

(g) Damages caused by any such activities entail liability.

(7) The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be open to scientific investigation, without discrimination, and States shall foster international co-operation in this investigation so as to enable all States to have access to it, disseminate its results and provide technical assistance to the developing countries;

(8) The United Nations, in co-operation with the specialized agencies and IAEA, shall take adequate measures to ensure the observance of these general principles and guidelines and the implementation of the objectives set forth in this declaration with the aim of promoting international co-operation in this field.

SET B

(1) There is an area of the sea-bed and ocean floor and the subsoil thereof, underlying the high seas, which lies beyond the limits of national jurisdiction (hereinafter described as "this area");

(2) Taking into account relevant dispositions of international law, there should be agreed a precise boundary for this area;

(3) There should be agreed, as soon as practicable, an international regime governing the exploitation of resources of this area;

(4) No State may claim or exercise sovereign rights over any part of this area, and no part of it is subject to national appropriation by claim of sovereignty, by use or occupation, or by any other means;

(5) Exploration and use of this area shall be carried on for the benefit and in the interests of all mankind, taking into account the special needs of the developing countries;

(6) This area shall be reserved exclusively for peaceful purposes;

(7) Activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations. Activities in this area shall not infringe upon the freedoms of the high seas.

Mr. PELL. Mr. President, since a single set of principles was not able to command strong endorsement from a majority of the delegations, there was of course some disappointment on the part of the participants. Perhaps the most disappointing of all, however, was the refusal of the Soviet Union and its bloc allies to support the inclusion of any set of principles in the committee's final report.

Nevertheless, I think it is most important to note that the general disappointment was one of unfulfilled hopes, rather than of bitterness toward future prospects for agreement. Indeed, I am informed that there was a feeling in general that if the conference had lasted a few days longer, agreement on a single set of principles could have been reached among a vast majority of the delegations.

In analyzing the two sets of principles, such possibility for agreement is quite understandable, recognizing the high degree of complementation between the two. For example, both sets of principles include the following crucial points: First, the area beyond national jurisdiction to be reserved exclusively for peaceful purposes; second, said area not to be subject to national appropriation; third, said area to be exploited in the interests of mankind, with particular attention to be given to the needs of the developing countries; and, fourth, exploitation of the resources of said area to be governed by an international regime.

With substantial agreement on these very basic points, I increasingly believe that a broad understanding can be reached with respect to the Continental Shelf issue and the accompanying boundary problem. Recognizing that the boundary matter raises several problems, particularly for many of the Latin American countries, I am nevertheless confident that this issue can be resolved internationally—once the developed countries commit themselves to a strong international regime to govern the exploitation of seabed minerals beyond the limits of national jurisdiction.

In this regard, I would urge the executive branch to give as much time as possible to the study of alternative types of regimes, and I should hope that among the alternatives studied would be my own suggestion for an international licensing authority.

With attention focused on the coming session of the United Nations General Assembly, I am most anxious that the momentum of the Rio meeting be maintained. If the significant progress made at Rio de Janeiro can be carried forward immediately, I am confident that the General Assembly will adopt a basic set of principles, thus enabling it to delineate a significant action program which will assure as soon as possible, order and tranquillity in the exploration and use of inner space.

As a part of this program, I should hope that the General Assembly would create a permanent committee to deal with the seabed issue, as proposed at the Rio meeting by the Belgian delegation. The terms of reference for such a committee should be broad enough to allow it to oversee the basic areas covered in the Ad Hoc Committee's final report. In suggesting broad terms of reference for a permanent committee, I would emphasize that the entire seabed issue is primarily, and of necessity, a political one, lest those nations with no undersea capability be excluded from the decision-making process regarding the disposition of more than two-thirds of the entire globe. Along the same line, but perhaps at a later date, the terms of reference for a permanent committee could be expanded further to include the whole of ocean space, that is the superjacent waters as well as the seabed.

Moreover, given all the legal questions raised in the Ad Hoc Committee's final report, the General Assembly should give a great deal of consideration to calling a third international law of the sea conference. As a corollary action, attention should be given to the desirability or undesirability of placing a "freeze" on claims of national jurisdiction until such time as all the legalities have been resolved by international agreement.

In closing, I wish to commend the entire U.S. delegation on its fine work at the Rio conference, and in particular, special commendation is most deserving on behalf of the head of the U.S. delegation, Mr. David H. Popper, Deputy Assistant Secretary, Bureau of International Organization Affairs of the Department of State, and Mr. Leonard C. Meeker, State Department Legal Adviser.

LIFE MAGAZINE ARTICLE ON PRIDE, INC.

Mr. BYRD of West Virginia. Mr. President, Life magazine for September 27 contains an article that purports to give a picture of the activities of Pride, Inc., in Washington, D.C.

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:

THE DUDES SHOW THAT WITH A LITTLE HELP THEY CAN HELP THEMSELVES IN A CORPORATION CALLED PRIDE

(By Jack Rosenthal)

Leon Brown flails his hefty arm angrily as he recalls an encounter with police last year. "Sure I punched 'em in the mouth a few times. But not until they beat the I-don't-know-what out of me." His audience consisted of a couple dozen of the dudes—as ghetto youths call themselves—and a visitor, the judge who sentenced him to 90 days. "But let me tell you," Brown went on. "There won't be any next time. I'm too busy here."

Another voice. Roscoe Brockenberry is 27, the second of 17 children, open-faced, friendly and as solid as a truck tire. He is also proud: he has been out of jail for 19 straight months. That is the longest he has been free since he was 15, when he was busted for 130 "creeps"—cat burglaries. "Then some of the dudes showed me you could get just as much time for creeping as you could for armed robbery—and get better scores robbing. So I did that." Why? "For survival." And why did he stop? "Because of Pride. If Pride hadn't been, I know I'd still be doing wrong."

That neither Leon Brown nor Roscoe Brockenberry nor some 1,000 other young men from the ghetto are doing wrong any more is unquestionably a matter of pride, both their own and that of the organization bearing that name. Pride, Inc. exemplifies the way that, in Washington and a score of other cities, youth gangs are turning from crime to capitalism. Young men whose ingenuity and energy have been limited to "hustling" in ghetto streets are moving to self-development, to constructive businesses.

These groups need and accept outside assistance, but they are wary of it, lest it threaten the independence which gives dignity. One group turned down an offer of $60,000 because it had to be used for band instruments. In some cases the gang names they still use—Thugs, United, Vice Lords, Invaders—almost seem calculated to scare off outside help.

But increasingly gangs which formerly traded in violence are running laundromats, gas stations and leather goods stores, and even companies to process computer punch cards and make films.

The most advanced of all is Pride, Inc. When it began, a year ago, Pride was simply a four-week summer rat control and alley cleaning program. But it was grounded on an innovative principle, perceived by the three people who now lead it—Engineer Carroll Harvey, Chemist Marion Barry and Sales Executive Mary Treadwell. All had been civil rights activists in Washington. They reasoned that existing ghetto social structures, like gangs, could and should be used, not fought. In some cities where gangs are passé, as in Washington, programs might work through fluid groups of "walking partners."

To begin the $300,000 pilot program, funded by the Department of Labor to hire 1,080 youths, they first recruited 21 street leaders. Three days later, every job was filled. (The U.S. Employment Service announced 439 similar jobs on the same day—and gave up trying to fill them after three weeks.) Impressed, Secretary of Labor Willard Wirtz authorized an additional $2 million.

Success with a four-week crash program was one thing. It was quite another to make something permanent out of a thousand hardcore dudes, two thirds with arrest records. Gradually, new programs were developed: a landscaping business which now holds more than $100,000 in private and government contracts; Pride Artco which sells Martin Luther King plaques and will produce other work by black artists; a painting and maintenance business. Dudes are training now for a 200-job automotive center. And a few weeks ago, ex-creeper Roscoe Brockenberry led trained interviewers back onto the street—to survey a proposed fifth enterprise, packaging and selling Negro-directed cosmetics. Most Pride members are still employed at cleanup work. But as the businesses grow, members can move into them.

One of the most serious early problems was to win the support of the dudes for expert advice, which often meant white advice. There was grumbling that Pride was becoming "just another bunch of little pickaninnies being led around by Mr. Charley." In time, however, "ex-po-tise" was no longer a derisive taunt.

An enduring difficulty is that even the sharpest hustlers need time to learn new skills. "If we could attract just three or four younger Negroes with business background," says director of operations Barry, "it could make the difference." Finally there is the built-in problem of a membership which knows more about crime than business. Virginia Congressman Joel T. Broyhill, for example, argues that to give federal funds to Pride youths "with criminal records as long as your arm is like pouring money down a sewer." He also charges that Pride is a haven for addicts and has padded its payrolls.

"We assume there will be some backsliding," says Jack Howard, executive assistant to Secretary Wirtz. "If there isn't, Pride isn't reaching the right population. Besides, when months pass with no evidence to support the rumors, they would appear to be exaggerated."

Despite the criticisms, there are some early indicators of Pride's impact: school dropout rates among its members have fallen dramatically. In the past year there have been only 27 arrests among the 1,000 dudes—a radically low rate among ghetto youth. Some families—like the Barnos, whose four sons together bring home $257 a week from Pride jobs—have found a measure of financial security for the first time. A dude who opened a savings account last year now has $1,200 in it.

"Pride, Inc.," says Judge Charles Halleck of the District of Columbia Court of General Sessions, "is doing more to straighten out people than the whole penal system."

Secretary Wirtz concedes that the original grant to Pride was a gamble. But he recently announced a new grant, this time $3.8 instead of $2 million. "This is not a gamble. It is an investment."

What is the judgment of the dudes themselves? "We're working in a good climate," says one of them. "You don't have some Charley hanging over your head all day ready to fire you in a minute. You're not afraid to make mistakes so you're not afraid to try"

DIRECTORY OF HOW TO HELP: NUMBERS TO CALL WHEREVER YOU LIVE

(Compiled by Life and listed below are some groups similar to Pride that are active in major United States cities. They need your help for a diversity of projects from film making to riot control. All of these groups are in good standing in their communities, but many members have been in trouble before and some may be again. Your investment, be it money—which is needed by them all—time or goods, is venture capital.)

Albany—The Brothers: community newspaper, photography workshop. Needs: office equipment, photographic supplies, mobile public address system, black volunteers. Phone 465–3347.

Boston—Youth Alliance: riot patrol, youth center, employment and job training. Needs: office equipment, walkie-talkies, cameras, tape recorders, black and white volunteers. 427–2205.

Buffalo—US Now: job placement, cultural activities. Needs: office space and supplies, job offers, black volunteers. 854–1063.

Chicago—Conservative Vice Lords, Inc.: Afro-American shop, tenants' rights action group, film making, art gallery workshop, teen restaurant. Needs: photographic and art supplies, restaurant and office equipment. 521–9745.

The Spanish Lords: employment service, street cleaning, neighborhood repairs. Needs: jobs, volunteer carpenters to train in repair work. 733–2178.

Youth Organization of Black Unity: civil rights, politics. Needs: mimeograph machine. 638–2349.

Cleveland—Pride, Inc.: janitorial service, welding school, furniture cooperative. Needs: volunteers with business administration experience. 541–1900.

Dayton—Dayton Youth Patrol, Inc.: youth fashion store. Needs: pool tables, station wagon, black and white volunteers with retail clothing business experience. 228–7581.

Detroit—Afro-American Kin Kindel: self-education. Needs: books, Negro art, black volunteers as counselors and tutors in basic education. 831–5252.

Detroit Brothers Inc.: Afro-American jewelry shop, employment. Needs: business equipment, black volunteers as business advisers and job counselors. 923–2300.

Eastern Teen Club: tutoring, art, performing arts. Needs: a building, workshop, sew-

ing and recreation equipment, black or white volunteers for tutors and performing arts instructors. 833–5630.

East Side Voice of Independent Detroit: political education, playground building, community patrol, job placement. Needs: office equipment, black volunteers, especially lawyers, business administrators. 822–1451.

Jeffries Gentlemen: recreation, job training, film company. Needs: money for an African culture shop, recreation, industrial and business equipment, black male volunteers. 831–0445.

Meldrum Club: monthly cleanups, arts and crafts classes. Needs: arts and crafts supplies, black and white volunteers, craft instructors. 833–5630.

Project S.O.S.: entertainment, job referral. Needs: musical instruments, amplifiers, public address system, lighting equipment, costumes, sewing equipment, jobs in entertainment, black volunteers, instructors in arts, movie technicians. 833–5630.

Indianapolis—College Room: on-job training in building trade skills. Needs: building materials, black and white volunteers. 926–0695.

Kansas City—Black Youth of America: community programs, cleanups. Needs: office equipment, black volunteers. WA 1–4251.

Los Angeles—Green Power Foundation, Inc.: manufacturing baseball bats, providing jobs. Needs: equipment of all kinds for future programs, black and white volunteers. 749–1261.

Sons of Watts: setting up small businesses, teaching job skills and business procedures, recreation. Needs: moving vans, buses, black and white volunteers. 567–1481.

Milwaukee—Wright Street Betterment Association: recreation center. Needs: sewing machines, kitchen equipment, small tools, recreation equipment, black and white volunteers. 244–1510.

Minneapolis—Indian American Youth Center: recreation, employment service. Needs: educational, art and recreation supplies, black and white volunteers as teachers and counselors. 333–4521.

The Way: tutoring, art and dance classes, recreation. Needs: educational, art and recreation supplies, black and white volunteers as teachers and counselors. 823–8228.

New Orleans—Black Youth for Progress: voter registration. Needs: office equipment, black volunteers. 283–1414.

House of Wisdom: Nat Turner Theater and House of Wisdom restaurant. Needs: kitchen and theater equipment. 3437 Fern, no telephone.

Thugs United: vocational training, record shop, community development. Needs: office and recreation equipment, black volunteers. 949–3391.

New York—East Harlem College Student Society: tutoring high school dropouts and students. Needs: funds to rehabilitate a school building, school supplies, black and white volunteers. 427–5400.

Lower East Side Action Project: storefront clubs with varying activities. Needs: furniture, office equipment, 673–8800.

The Real Great Society: music, dance classes, school and work-study programs, karate, camp and children's street theater, Puerto Rican and Afro-American history, art gallery. Needs: IBM machines, photographic equipment, a building for a theater, black and white volunteers. 533–6600.

Tompkins Square Community Center: job training. Needs: office machines, cameras and film, small power tools. Black and white volunteers (preferably Spanish-English speaking). 533–4160.

Young Citizens for Progress: building vest pocket parks, carpentry, masonry and plastering training. Needs: a truck, building materials, black and white volunteers as carpentry and masonry teachers. 427–5400.

Youth Service Agency Satellite Program: street academies, medical and dental services, starting businesses, homes for homeless youths, help for addicts, newspaper, camping. Needs: tools, schoolroom supplies, recreation equipment, black and white volunteers. 433–2690.

Philadelphia—The Blacks of Soul Society: raising money for a community center. Needs: play equipment, black and white volunteers for fund-raising events. EV 6–4860.

Can do: home improvement, employment, newspaper. Needs: money for self-help center and office equipment. PO 3–6800.

Mantua Community Planners: house rehabilitation, playgrounds, job placement, legal services. Needs: office and playground equipment, football uniforms, used trucks, lumber, tools, paint and black and white volunteers for sports, tutoring. EV 7–3398.

Mystic Knights of the Sea: recreation center being established as job-training project. Needs: recreation and industrial equipment. BA 5–9426.

Twelfth and Oxford Corp.: film making, neighborhood rehabilitation. Needs: money for scholarship fund, to buy neighborhood businesses. 787–6112.

The Young Great Society: orphanage, sports, health center, tutoring, job placement, leadership training, shuttle service to jobs, house rehabilitation. Needs: black and white volunteers as lawyers, businessmen to help with loan applications, accountants. EV 7–3670.

Pittsburgh—Respect, Inc.: job placement, library, seminars. Needs: books by black authors, lounge and office furnishings. 683–4444.

Sacramento—Congress for Young Adults: recreation, social and community work programs, cultual history, job training and placement. Needs: equipment for classes, black and white volunteers. 446–7577.

St. Louis—Better our Communities, Inc.: extermination, cleanups, landscaping. Needs: power lawn mowers and mechanical street sweepers, weed killer, fire hoses, uniforms, trucks, forestry and landscaping experts as volunteers. VO 2–5010.

East St. Louis Black Egyptians: bookstore, learning-recreation center, cultural events. Needs: two buildings, books, tables, chairs, lamps, recreation equipment, black and white volunteers. 875–1834.

San Francisco—Leway, Inc.: recreation, job placement. Needs: culture and recreation center, volunteers. 362–2935.

Mission Rebels in Action: trucking business, home repair, carpentry training, restaurant. Needs: office equipmnet and sewing machines, black and white volunteers for tutoring, counseling. job placement. 431–2224.

New Society Youth Club: community beautification, outdoor recreation center, vocational training. Needs: typewriters, sewing machines, cooking and sports equipment, volunteers for counseling, recreation. 282–8065.

Washington, D.C.—New Thing Art and Architecture Center: arts program. Needs: film, photographic and office equipment, musical instruments, black volunteers for cultural program. 332–4500.

Wilmington—The Black Alliance of Delaware: job counseling, setting up businesses. Needs: black volunteers. 658–6641 (ext. 479).

EIGHTEEN THOUSAND DEAD IN BIAFRA SINCE WEDNESDAY

Mr. PROXMIRE. Mr. President, on Wednesday of this week, on behalf of myself and Senators SPARKMAN, DODD, CARLSON, KENNEDY, and HARTKE, I introduced Senate Concurrent Resolution 80, dealing with the concern of Congress for the immediate relief of the starving in Nigeria-Biafra.

Yesterday, as my daily statement on human rights, I placed in the RECORD a wire service article about Biafra and the unbelievable death rate that now prevails in that area of horror. The story quoted the leader of the Red Cross in that area as saying the death rate had "stabilized" at 6,000 per day and that this rate could be maintained only if the 100 tons of food now being flown in daily was to continue arriving.

How strange it is, Mr. President, that a story telling the world that 6,000 people are dying of starvation every single day should be considered a piece of relatively good news. What the story meant to convey is that only 6,000 people die every day and that the rate would not escalate if food supplies could be maintained at the present airlifted rate.

Well, Mr. President, since the introduction of the concurrent resolution dealing with this problem, 18,000 have died because somehow the world community has failed, and failed horribly, to meet this challenge to our very right to call ourselves "civilized" or "humane."

That also means, Mr. President, that by the time the Senate reconvenes on Monday next that another 18,000 will have died, meaning that a total of 36,000 innocent human beings will have perished from starvation since introduction of the Senate concurrent resolution calling for their immediate relief.

Yet, tying this death rate to a mere 3 or 4 days is meaningless when we realize that this rate has been standing since early this summer. A counting shows that more than half a million have died since this June.

Every Senator should realize that every week the population of a city of 50,000 in his own State is wiped off the face of the earth. For this very reason, it is my fervent hope and that of the distinguished cosponsors of Senate Concurrent Resolution 80, that the Senate will act with the utmost dispatch on the resolution.

Surely, the least we can do in Congress is to express our official concern for this blot on mankind's history. We must adopt Senate Concurrent Resolution 80 forthwith.

ENROLLED BILLS SIGNED

The PRESIDING OFFICER announced that on today, September 27, 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. 1340. An act to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes; and

H.R. 17023. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

PETITION

The PRESIDING OFFICER laid before the Senate, signed by Mr. Charles

J. Davis, and sundry other citizens of the State of Florida, remonstrating against giving aid in any form to the enemies of this Nation, which was referred to the Committee on Foreign Relations.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 19908. An act making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1595).

By Mr. MANSFIELD, from the Committee of Appropriations, without amendment:

H.J. Res. 1461. Joint resolution making continuing appropriations for the fiscal year 1969, and for other purposes.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of treaties were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Executive E, 90th Congress, second session, Convention on the Recognition and Enforcement of Foreign Arbitral Awards; with two declarations (Ex. Rept. No. 10);

Executive I, 90th Congress, second session, Convention on Transit Trade of Landlocked States; without reservation (Ex. Rept. No. 11);

Executive G, 90th Congress, second session, Convention Establishing a Customs Cooperation Council, together with the protocol concerning the European Customs Union Study Group; with a reservation (Ex. Rept. No. 12); and

Executive F, 90th Congress, second session, Text of a Partial Revision of the Radio Regulations (Geneva, 1959), with a final protocol; without reservation (Ex. Rept. No. 13).

BILLS INTRODUCED

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

By Mr. TYDINGS:

S. 4089. A bill to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities; to the Committee on the Judiciary.

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

By Mr. BREWSTER:

S. 4090. A bill for the relief of Lam Ah Fuk; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 4091. A bill for the relief of Dr. Chong Ho Park and In Whau Park; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 4092. A bill for the relief of Young Sup Chung and his wife, In Hi K. Chung; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. KUCHEL):

S. 4093. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 4094. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4095. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4096. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4097. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4098. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4099. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4100. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 4101. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; to the Committee on Interior and Insular Affairs, by unanimous consent.

(See the remarks of Mr. MURPHY when he introduced the above bills which appear under a separate heading.)

S. 4089—INTRODUCTION OF BILL TO IMPROVE THE JUDICIAL MACHINERY BY PROVIDING FOR FEDERAL JURISDICTION AND A BODY OF UNIFORM FEDERAL LAW FOR CASES ARISING OUT OF AVIATION AND SPACE ACTIVITIES

Mr. TYDINGS. Mr. President, in April of this year I introduced two bills, S. 3305 and S. 3306, to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aircraft crash disasters. These bills were referred for study to the Subcommittee on Improvements in Judicial Machinery of which I am chairman; and the subcommittee held 5 days of hearings on the bills, hearing testimony of judges, law professors, lawyers specializing in aircraft accident litigation, and airline executives. These hearings not only brought into focus some of the obstacles to efficient judicial handling of today's litigation; they also helped to shape modifications of the pending legislation.

As I indicated when I introduced those bills, my interest in aviation activity litigation was initially stirred by Judge Peirson M. Hall, of the U.S. District Court for the Central District of California. Judge Hall brought to my attention the problems which arise today in the litigation which ordinarily follows modern aircraft crashes. I discovered that unlike the engineers who have moved air travel from the biplane to the supersonic jet, we have not developed many significant innovations for the handling of litigation arising from air crashes. The remedies which were barely adequate in a bygone era are completely inadequate to provide swift and efficient justice to the aggrieved dependents of the victims of a modern day air disaster.

The solc legal course open to the dependents of a victim of today's air crash is a wrongful death action governed by State law. Such suits are subject to State statutes of limitations and State restrictions on the amount of recovery, as well as State rules of liability for defective products, for indemnity contribution and liability of joint tortfeasors. These rules of the various States, quite naturally, differ widely. Because people from all over the country may be involved in any single modern air disaster, the laws of a number of States will typically be involved. Furthermore, the remedy may be sought in a State court of the decedent's residence, in the State court where the injury occurred, or, under the diversity jurisdiction, in any of a number of Federal district courts.

This system of handling aircraft crash litigation involves untold expense to the litigants, it requires an extremely large expenditure of judicial time, and it frequently postpones the rendering of justice so long that the ultimate award is of little assistance to the dependents during the time of their greatest need. Furthermore, under the existing system, the possibility looms that the survivors of different individuals on the same plane may have different law applied to their cases and achieve differing results, even though these people are all victimized by the same crash and the same engineering defect or human error.

The principal shortcoming of the present method of handling aircraft crash cases is its failure to give recognition to the fact that the common and crucial issue in any aircraft disaster case is a determination of fault for the crash. The negligence or fault involved is uniform with respect to all of the passengers. And since all were killed, or injured in the same disaster, it would seem that a uniform rule of damages should be applicable. To ensure a uniform and expeditious result, therefore, it seems that all cases should be consolidated for pretrial purposes and for trial of the common question of liability applying a single body of law. Such a trial would join and bind all of the various parties to the crash—the passengers, the airline, the manufacturer, and any other potential party.

S. 3305 and S. 3306 were introduced as initial attempts at giving recognition to the shortcomings of the present system and replacing it by a more expeditious, efficient, and fair manner of disposing of air disaster cases. S. 3305 and S. 3306 were introduced as exploratory efforts at treating the air disaster cases by replacing the multitude of diverse State rules with uniform Federal law, and replacing the jurisdiction of the State courts with Federal jurisdiction which would facilitate consolidation of all cases.

Both of the bills recognized these general principles. They differed in the specificities of their approaches, and, to some extent, in the scope of their endeavor.

As I indicated at the outset, during the hearings this spring and summer, the Senate Subcommittee on Improvements

in Judicial Machinery received a number of important suggestions for the improvement of the legislation, and, on the basis of the suggestions, I have now developed a somewhat revised approach for the handling of the litigation arising from aircraft crashes. S. 4089, which I am introducing today, embodies that revision.

S. 4089 differs from S. 3305 and S. 3306 principally in the scope of the legislation. Whereas S. 3305 applied only to interstate commerce flights, and S. 3306 applied to all aviation and space activities, the jurisdictional and substantive law provisions of the new bill are more intricately woven. The new bill limits the availability of exclusive Federal jurisdiction to those aircraft crashes which ordinarily involve substantial numbers of people and multiple courts. This is the type of crash which is creating the most serious problems for the court system, and it is the type of crash in which consolidation seems the most desirable. On the other hand, the new bill provides that the substantive law shall apply to all aviation activities, so that a uniform body of law is applicable to all activities in the skies. With regard to space activities, the new bill recognizes the basic Federal interest in all space activities, and therefore provides for Federal jurisdiction over all space activity litigation, but it also recognizes that space activity may well lead to areas beyond the national sovereignty, and therefore it provides that the Federal body of substantive law shall not be applicable to space activity which is outside the national sovereignty of the United States.

Specifically, the new bill provides for exclusive Federal jurisdiction over actions arising from aircraft operations of common carriers, planes with a seating capacity of 10 or more passengers, accidents injuring five or more passengers, and actions arising out of space activity. Concurrent Federal and State jurisdiction is provided for accidents arising from ground activity incidental to any of these operations, as well as for accidents arising from the operations of certain classes of large aircraft, high-performance aircraft, and public aircraft. Concurrent jurisdiction is also provided for aviation or space activity claims arising out of an occurrence which also gives rise to a claim arising under the Federal Tort Claims Act. The Federal substantive law, established by the bill, is applied to all aviation activity, including public and general aviation activities, and to all space activity, except to the extent that it conflicts with other Federal law or treaty. Also specifically excluded from the substantive law coverage is space activity which is outside the national sovereignty of the United States.

Several other changes in the revised legislation also bear mention. The new bill eliminates the revisions of the Federal Tort Claims Act, contained in S. 3306. It also adopts the Multidistrict Litigation Act procedures for consolidating cases, and extends these procedures beyond the pretrial stage. The revised bill substitutes negligence and contributory negligence for the comparative negligence formula which was included in S. 3306. A new provision for the entry of judgment on separate issues or claims in the course of the trial of a case is also a feature of the revised bill. This provision is to be added so that it will be possible to have a single trial on the liability issue, enter a binding judgment on that question, and then redistribute the cases to the various local Federal district courts for trial of the damages questions where such a procedure seems desirable.

I expect that the Judicial Improvements Subcommittee will continue to study this problem, using the revised bill as a frame of reference. I feel that the history of aircraft crash litigation amply demonstrates the need for improved judicial machinery to provide swift justice to those victimized by an aircraft disaster. In the not too distant future, new 500-passenger supersonic transports will be handling much of our commercial air traffic. Engineers and Government officials are already redesigning airports and safety procedures for these new planes, yet our legal system faces the new era with legal machinery that is not even adequate to the task of resolving effectively and swiftly the cases arising from today's crashes. Unless we redesign our judicial procedures, legal chaos will be inevitable should one of these huge new planes crash. I suggest that S. 4089 may be an appropriate vehicle for our use in seeking to bring the necessary improvements to our judicial machinery.

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

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

The bill (S. 4089) to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities, introduced by Mr. TYDINGS, 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. 4089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 85 of title 28, United States Code, is amended—

(1) by adding a new sentence at the end of section 1333 as follows:

"The admiralty, maritime and prize jurisdiction herein does not extend to any case arising under chapter 174 of this title, and may extend in relation to the subject matter of chapter 174 of this title only to the extent provided in section 1363(b) of this chapter.";

(2) by striking out the period at the end of section 1346(b) and by inserting in lieu thereof a comma and the following: "except that cases arising out of, or in the course of, aviation activity or space activity as defined in chapter 174 of this title, shall be governed thereby.";

(3) by adding a new section following section 1362 as follows:

"§ 1363. Aviation and space activities

"(a) The district courts, including those of the Canal Zone, Guam, Puerto Rico, and the Virgin Islands, shall have original jurisdiction, exclusive of the courts of the States and of all other courts, of any action for damages for injury or loss of property, or personal injury or death arising out of, or in the course of, an accident, which arises out of, or in the course of—

"(1) the flight, takeoff or landing of an aircraft

"(A) operating as a common carrier, or

"(B) having a seating capacity of ten or more persons;

"(2) the flight, takeoff or landing of an aircraft and which proximately results in the death of or personal injury to five or more persons; or

"(3) space activity.

"(b) All the district courts mentioned in subsection (a) of this section and the courts of the States, territories, possessions, and Commonwealth of Puerto Rico shall have original jurisdiction, concurrently with any admiralty or maritime jurisdiction which may otherwise exist, of any civil action not covered by subsection (a) of this section which arises out of, or in the course of, ground activity which is incidental to any of the aircraft operations or space activity described in subsection (a) of this section.

"(c) Except as provided in subsections (a) and (b) of this section, all of the district courts mentioned in subsection (a) of this section concurrently with the courts of the States, territories, possessions and the Commonwealth of Puerto Rico shall have original jurisdiction of any civil action which:

"(1) arises out of or in the course of an accident which arises out of or in the course of the flight, takeoff or landing of a—

"(A) large aircraft,

"(B) high performance aircraft, or

"(C) public aircraft; or

"(2) arises out of a transaction or occurrence which gives rise to an action of which the district courts otherwise have jurisdiction under section 1346(b) of this chapter, and to which chapter 174 of this title is applicable.

"(d) Except as provided in subsections (a), (b) and (c) of this section, original jurisdiction of any civil action arising under chapter 174 of this title shall be vested in—

"(1) the courts of the states, territories, possessions and the Commonwealth of Puerto Rico, and

"(2) the district courts, only to the extent such district court jurisdiction exists under other provisions of law, *Provided* that for the purposes of this clause and such other provisions of law, chapter 174 shall be deemed not to be a law of the United States.

"(e) Definitions

"(1) as used in this section

"'accident' means any occurrence which proximately results in the death of or injury to persons or injury to or loss of property and includes any occurrence which, if it occurred with respect to a civil aircraft in flight, would be an accident within the meaning of Title VII of the Federal Aviation Act of 1958 (49 USC § 1441, et seq.)

"'large aircraft' means an aircraft of more than twelve thousand five hundred pounds maximum certificated takeoff weight.

"'high performance aircraft' means a jet or rocket-powered aircraft of more than six thousand pounds maximum certificated takeoff weight or turbine-powered aircraft of more than eight thousand pounds maximum certificated takeoff weight.

"'jet or rocket-powered aircraft' does not include any aircraft which uses a propeller or similar blade mechanism as a means of propulsion.

"'maximum certificated takeoff weight' means, with respect to an aircraft, the weight certificated as such in accordance with the Federal Aviation Act of 1958, or a successor statute, or, if the aircraft has not been so certificated, the maximum certificated takeoff weight for which such aircraft would be certificated in accordance therewith.

"'ground activity' means operations or activity related to or in the course of embarkation upon or disembarkation from an aircraft, missile or space vehicle occurring

immediately before takeoff, or launch or immediately after landing.

"(2) Except as provided in subsection (e)(1) of this section, the definitions of terms in section 2741 of this title are applicable to terms used in this section.

"(3) Except as provided in subsections (e) (1) and (2) of this section, the definitions of terms in section 101 of the Federal Aviation Act of 1958 (49 USC § 1301) are applicable to terms used in this section.

"(f) Jurisdiction of actions against the United States is not created under this section, but exists to the extent provided in other provisions of law."; and

(4) by amending the analysis at the beginning of chapter 85 to add the following new item:

"1363. Aviation and space activities.".

SEC. 2. Chapter 87 of title 28, United States Code, is amended—

(1) by striking out the period at the end of section 1402(b) and inserting in lieu thereof a comma and the following: "except as provided in section 1408 of this title.";

(2) by adding after section 1407 a new section as follows:

"§1408. Actions involving aviation and space activities; service of process

"(a) Any action under subsection (a) of section 1363 of this title may be brought in the judicial district in which the plaintiff resides, or has his or its principal place of business, or in which the defendant resides, is incorporated, is licensed to do business, is doing business, or may be found. Any action against the United States under section 1346(b) of this title governed by chapter 174 of this title and which arises out of or in the course of such aircraft operations or space activity as are described in section 1363(a) of this title may be brought in any judicial district.

"(b) Process in the actions referred to in subsection (a) of this section (including third-party and other ancillary proceedings) may be served throughout the jurisdiction of the United States. Upon application and cause shown, in accordance with the Federal Rules of Civil Procedure, a subpena for attendance at a hearing or trial in any action referred to in subsection (a) of this section or in any action in a district court referred to in section 1363(c) of this title may be served at any place.

"(c) If actions referred to in subsection (a) of this section, arising out of the same occurrence, are brought in more than one district, the judicial panel or multidistrict litigation authorized by section 1407 of this title may:

"(1) transfer such actions to any district for any or all purposes, as well as for pretrial proceedings, and

"(2) at any time or stage in the proceedings, retransfer any, or any number of such actions, or any separate claim, cross-claim, counter-claim, third-party claim or issue or any number of claims, cross-claims, counterclaims, third-party claims or issues therein to the district from which originally transferred or to any other district.

"Transfers and retransfers under this subsection shall be determined by the same factors as transfers under section 1407(a) of this title. The provisions respecting the designation of, assignment of, and assignment of functions of the judicial panel on multidistrict litigation, the provisions for procedure and review, and all other provisions of the remainder of section 1407 of this title shall apply for all purposes, as well as for pretrial proceedings to actions subject to this subsection, to transfers and retransfers under this subsection, and to actions or parts of actions so transferred or retransferred.

"(d) This section does not affect any laws or rules of law or treaty provisions governing the propriety or convenience of venue within the United States as a whole."; and

(3) by inserting the following new item at the end of the analysis at the beginning thereof:

"1408. Actions involving aviation and space activities; service of process.".

SEC. 3. Chapter 161 of title 28, United States Code, is amended—

(1) by striking the period at the end of section 2401(b) and inserting in lieu thereof a comma and the following: "except as provided in subsection (c).";

(2) by inserting at the end of section 2401 a new clause, as follows:

"(c) A claim against the United States governed by Chapter 174 of this title shall be forever barred unless action is begun not later than one year after such claim accrues: *Provided, however,* that a right to seek contribution as provided for in section 2752 of this title by service of a third-party complaint is forever barred unless the third-party action is begun within ninety days after the institution of the action against the third-party plaintiff, or within one year after the original plaintiff's right of action shall have accrued, whichever shall be later.";

(3) by inserting in the text of section 2415(b) after the word "Congress," the following: "and except as provided in subsection (c),"; and

(4) by renumbering in section 2415 the respective subsections (c), (d), (e), (f), (g) and (h) as (d), (e), (f), (g), (h), (i), and inserting a new subsection as follows:

"(c) Subject to the provisions of sections 2401(c) and 2416 of this title, every action for money damages brought by the United States or an officer or agency thereof which is founded upon a tort and which is governed by chapter 174 of this title shall be barred unless the action is begun not later than one year after the right of action first accrues.".

SEC. 4. Chapter 171 of title 28, United States Code, is amended—

(1) By striking out the colon between the word "occurred" and the word *"Provided"* in the first paragraph of section 2672 and inserting in lieu thereof a comma and the following: "except that cases arising out of, or in the course of, aviation activity or space activity as defined in chapter 174 of this title shall be governed thereby:";

(2) By adding a new paragraph at the end of section 2674 as follows:

"The manner and extent of liability of the United States under the provisions of this title relating to tort claims, in cases arising out of, or in the course of, aviation activity or space activity as defined in chapter 174 of this title shall be governed thereby."; and

(3) By adding a new clause at the end of section 2675 as follows:

"(c) This section does not apply to any claim to which Chapter 174 of this title is applicable.".

SEC. 5. Part VI of title 28, United States Code, is amended—

(1) by adding a new chapter 174 following chapter 173 as follows:

"CHAPTER 174—AVIATION AND SPACE ACTIVITIES

"SUBCHAPTER I.—GENERAL PROVISIONS

"Sec.
"2741. Definitions.

"SUBCHAPTER II.—SUBSTANTIVE LAW

"Sec.
"2751. Substantive law, generally.
"2752. Accident actions; death actions, survival of personal injury actions.
"2753. Time limitations.
"2754. Exception of compensation remedy.
"2755. Exclusion of outer space matters.

"SUBCHAPTER III.—DISTRICT COURT PROCEDURE

"Sec.
"2761. Jury trial;
"2762. Death actions, survival of personal injury actions;
"2763. Separate trials and judgments.

"SUBCHAPTER I.—GENERAL PROVISIONS

"§ 2741. Definitions.

"(a) Except as provided in this subsection, words and phrases for which a meaning is prescribed in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. § 1301) have the same meaning where used in this section. As used in this section and in section 1363 of this title, if applicable—

"(1) 'aircraft' excludes ground effect machines and similar devices.

"(2) 'air space' includes all places in the air space outward from anywhere on the earth.

"(3) 'flight' includes any motion or movement of anything in or through air space or outer space and any operation or navigation of aircraft, including motion, movement, or operation below navigable air space.

"(4) 'landing' includes any manner of anything coming down or descending from flight to the surface, or below, of the earth until it comes to repose, any crashing of anything into the earth until it comes to repose, any landing run, if any, of an aircraft, missile, or space vehicle until it comes to repose, and, the whole period until all persons have disembarked therefrom.

"(5) 'launch' includes any manner of ascent from the surface, or below, of the earth into flight of any missile or space vehicle, any manner or transition from static repose into flight of a missile or space vehicle, either under its own power or by any kind of catapult, or ballistic or other means of projection incidental to launch or flight under its own power, the whole period, if any, immediately prior and incidental to flight during which a missile or space vehicle is producing any thrust by its own power, whether or not any initial motion or movement thereof has occurred, and, the whole period commencing when any person comes aboard for the purpose of ascent into flight.

"(6) 'missile' or 'space vehicle' includes any missile, rocket, space vehicle, satellite, or other device or object now known or hereafter devised or used for launching or flight, and any stages, pieces or parts thereof or substance therein.

"(7) 'outer space' means all places outward from anywhere on the earth beyond air space and includes all places in or on anything in orbit or any celestial body.

"(8) 'takeoff' includes any form of ascent by an aircraft into flight from the surface of the earth, any form of catapulting or other projection thereof into flight, the whole period commencing with the application of takeoff power or thrust at or immediately prior and incidental to the takeoff run of an aircraft, and, the whole period commencing when any person comes aboard for purpose of ascent into flight.

"(b) As used in this chapter—

"(1) 'aviation activity' means any flight, takeoff or landing of any aircraft anywhere, or the flight or landing of any person or thing which departs from an aircraft during any such flight, takeoff, or landing.

"(2) 'space activity' means any flight, or any launch or landing incidental to or for the purpose of such flight, anywhere, to, from or in outer space, of any person or thing, or any transaction or occurrence in, or the presence of any person or thing in, outer space.

"SUBCHAPTER II.—SUBSTANTIVE LAW

"§ 2751. Substantive law, generally.

"(a) Subject to the exceptions, limitations and exclusions of this subchapter, there hereby exists a uniform body of Federal law governing all civil legal relations and all acts, transactions, matters, and things, (including injury or loss of property or personal injury or death, regardless where consummated) arising out of, or in the course of, aviation activity or space activity. The civil legal relations governed thereby include all personal

rights and liabilities (including those of all corporations, companies, associations, firms, partnerships, societies, joint stock companies, governments and governmental entities as well as individuals) and all property rights and liabilities. Said body of law is exclusive of any other law (including the law of the several States, and of the territories and possessions, the Commonwealth of Puerto Rico, the District of Columbia, and the admiralty or maritime law) except to the extent that the application of local law rules, including but not limited to rules of domestic relations and inheritance law, would not thwart the purpose of this section. The rules of said body of law shall be ascertained by decisions of courts of competent jurisdiction in cases or controversies, subject to any other applicable Federal law or regulation having the force of law, or treaty or other agreement having the force of a treaty.

"(b) This section does not affect—

"(1) the power (of whatever extent, if any, as otherwise may exist) of the several States, territories, possessions, the Commonwealth of Puerto Rico and the District of Columbia of:

"(A) Criminal jurisdiction and application of the criminal laws;

"(B) Civil and administrative penalties and forfeitures imposable for the enforcement or vindication of public rights, powers or duties;

"(C) Service of process;

"(D) Taxation;

"(2) the power of the several States of economic regulation of commerce by air which is wholly intrastate, to the extent that the same is not subject to, or is granted exemption from, economic regulation by an agency of the United States. 'Economic regulation' as used in this clause means regulation of matters and things which, if in interstate or foreign commerce, would be within the jurisdiction of the Civil Aeronautics Board (or a successor agency) under Title IV of the Federal Aviation Act of 1958, or a successor statute.

"§ 2752. Accident actions, death actions, survival of personal injury actions

"(a) There is hereby specifically included in the body of law created in section 2751 of this subchapter the right of action for damages for injury or loss of property, or personal injury or death arising out of, or in the course of, an accident, as defined in section 1363 of this title, which arises out of, or in the course of, aviation activity, or space activity, subject to the exceptions, limitations and exclusions of this chapter. In any such action, the contributory negligence of the plaintiff shall operate as a complete defense. A right of contribution shall exist among all parties who would have been liable to the plaintiff if sued separately. The amounts of recovery or liability shall be apportioned in accordance with the gravity of the breach of duty of the respective parties found liable. Any party defendant may assert its right of contribution against any person not originally a party to the action by service of a third-party complaint in accordance with the provisions of Rule 14(a) of the Federal Rules of Civil Procedure.

"(b) For the exclusive benefit of the decedent's surviving spouse, children, parents, or dependent relatives, as provided by the wrongful death or other relevant law of the domicile at death of the decedent in cases where that domicile and law can be ascertained without undue inconvenience and where supplementation of this section by such law would not thwart the purpose of this section—

"(1) the right of action for death exists under subsection (a) of this section, and

"(2) the right of action for personal injury to the decedent under subsection (a) of this section survives.

"(c) The recovery under subsection (b)(1) of this section shall be a fair and just compensation for the pecuniary loss sustained by those for whose benefit the right of action exists. The recovery under subsection (b)(2) of this section shall not include any damages for pain, suffering or disfigurement. There shall be no limitation on the amount of recovery except as otherwise or hereafter provided by treaty or other valid international agreement, or other federal law or regulation having the force of law.

"§ 2753. Time limitations

"Every right of action under section 2752 of this subchapter is forever barred unless the action is begun not later than one year after the right of action accrues; *Provided, however,* that a right to seek contribution as provided for in Section 2752 of this title by service of a third-party complaint is forever barred unless the third-party action is begun within 90 days after the institution of the action against the third-party plaintiff, or within one year after the original plaintiff's right of action shall have accrued, whichever is later.

"§ 2754. Exception of compensation remedies

"The provisions in this subchapter do not include any right of action for damages for personal injury or death where any such right of action would be inconsistent with the provisions or intent of any workmen's or employees' compensation statute or system, or similar system of compensation or benefits, and do not affect the operation of any workmen's or employees' compensation statute or system or similar system of compensation or benefits.

"§ 2755. Exclusion of outer space activity

"(a) The substantive law provided in this subchapter does not apply to any space activity which is outside the national sovereignty of the United States.

"(b) The exclusion of certain space activity by subsection (a) of this section is so provided, notwithstanding the inclusion of all space activity, for purposes of jurisdiction and procedure only, in section 1363(a) of this title.

"(c) The substantive law, if any, to be applied to such space activity as is excluded by subsection (a) of this section shall be such as may be otherwise or hereafter created or recognized by treaty or international agreement having the force of treaty. Nothing in subsection (a) of this section prevents the application by reference or otherwise by treaty or international agreement having the force of treaty, of the provisions of this subchapter to such otherwise excluded space activity.

"SUBCHAPTER III.—DISTRICT COURT PROCEDURE

"2761. Jury trial.

"In actions in Federal district courts under this chapter, except actions against the United States, there is a right of trial by jury of any issue of fact therein regardless where the action arises, if in an otherwise like case, but which arose at law, such right would exist under the United States Constitution.

"§ 2762. Death actions, survival of personal injury actions.

"(a) If an action arising out of aviation or space activity provided for in section 2752(b) of this chapter or a similar action, if any, provided for in any other law applicable to space activity, is brought in a Federal district court, otherwise having jurisdiction, the same may be brought in behalf of all of the beneficiaries by one or more of them or by the personal representative of the decedent. All such claims of all of the beneficiaries of a decedent shall be brought in one action.

"(b) For the purposes of this action, the district court may in its discretion appoint a personal representative of the decedent if one has not been otherwise properly appointed. Such personal representative shall have the responsibilities and duties of a fiduciary in the State in which the personal representative is initially qualified to act. A personal representative qualified to act hereunder in one district is qualified to act in any other district to which or in which the action, or any part thereof, may be transferred or is pending.

"(c) The verdict shall apportion the recovery, if any, among those entitled to the benefit thereof in proportion to the loss they severally suffered by reason of the death of the decedent. The damages shall not form a part of the estate of the deceased.

"(d) Where a right of action mentioned in subsection (a) of this section exists for the death of a person, and there is already an action pending in a district court in behalf of the decedent for personal injury claimed to result from the same occurrence, a separate action for such death shall not be brought, but the court shall permit whoever may bring an original action for the death of the decedent to be substituted as a party in the pending action, upon application properly and timely made in accordance with the Federal Rules of Civil Procedure, and the action shall thereafter proceed as if originally brought as an action for the death of the decedent.

"§ 2763. Separate trials and judgments.

"In any action referred to in section 1408(a) of this title—

"(a) Separate trial may be had of any claim, cross-claim, counterclaim, or third-party claim, or of any separate issue, or of any number of claims, counterclaims, cross-claims, third-party claims or issues, if such separate trial is otherwise proper.

"(b) Upon the separate trial of any issue or issues within a claim, cross-claim, counter-claim, or third-party claim, or when there are multiple parties thereto, the court may direct the entry of a final judgment as to one or more but fewer than all of the issues or parties upon an express determination that it is in the interest of efficient administration of justice to do so and upon an express direction for such entry of judgment."; and

(2) by adding a new item at the end of the analysis of part VI as follows:

"§ 174. Aviation and space activities.. 2741.".

SEC. 6. The Act entitled "An Act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes", approved March 9, 1920 (41 Stat. 525, as amended; 46 U.S.C. 741 et seq.), is further amended by adding a new section at the end as follows:

"SEC. 14. This Act does not apply to any claim for damages (by any party) for injury or loss of property or personal injury or death to which chapter 174 of title 28 of the United States Code is applicable.".

SEC. 7. The Act entitled "An Act relating to the maintenance of actions for deaths on the high seas and other navigable waters," approved March 30, 1920 (41 Stat. 537; 46 U.S.C. 761 et seq.), is amended by adding a new sentence at the end of section 7 thereof as follows: "This Act does not apply to any case to which chapter 174 of title 28 of the United States Code is applicable."

SEC. 8. The Act entitled "An Act authorizing suits against the United States in admiralty or damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (43 Stat. 1112, as amended; 46 U.S.C. 781 et seq.), is further amended by adding a new section at the end as follows:

"SEC. 11. This Act does not apply to any claim for damages (by any party) for injury or loss of property or personal injury or death, to which chapter 174 of title 28 of the United States Code is applicable."

SEC. 9. The Act entitled "An Act for the extension of admiralty jurisdiction", approved

June 19, 1948 (62 Stat. 496; 46 U.S.C. 740), is amended by adding a new sentence at the end of the first paragraph therein as follows:

"Said jurisdiction shall not extend to or include any case arising under chapter 174 of title 28 of the United States Code, and may extend in relation to the subject matter of said chapter 174 only to the extent provided in section 1363(b) of title 28 of the United States Code.".

SEC. 10. (a) Nothing in this Act shall deprive any court of jurisdiction of any pending action, nor deprive any person of any existing substantive right.

(b) This Act is applicable only to claims or matters in controversy arising from accidents occurring after the date and time of its enactment.

S. 4093–S. 4101, INCLUSIVE—INTRODUCTION OF BILLS AND RESOLUTIONS PERTAINING TO OWNERSHIP OF LANDS ALONG THE LOWER SECTION OF THE COLORADO RIVER

Mr. MURPHY. Mr. President, on July 15 of this year I introduced a series of bills and resolutions pertaining to the ownership of lands along the lower section of the Colorado River. Since the bills pertained to matters under the jurisdiction of the Committee on Interior and Insular Affairs and since the resolutions pertained directly to the bills, the Senate granted unanimous consent for the referral of both the bills and the resolutions to the Interior Committee.

Today, in behalf of my colleague, the senior Senator from California, and myself, I introduce another series of bills and resolutions similar to the ones I introduced on July 15 and dealing with the same matter. I ask unanimous consent that these bills and resolutions, too, be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. The bills and resolutions will be received and appropriately referred.

The bills, introduced by Mr. MURPHY (for himself and Mr. KUCHEL), were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 4093. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 4094. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4095. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4096. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4097. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4098. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4099. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4100. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 4101. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California.

RESOLUTIONS PERTAINING TO OWNERSHIP OF LAND ALONG THE LOWER SECTION OF THE COLORADO RIVER

Mr. MURPHY (for himself and Mr. KUCHEL) submitted the following resolutions, which were by unanimous consent referred to the Committee on Interior and Insular Affairs:

S. RES. 398

Resolution to refer the bill (S. 4093) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4093 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California unto W. O. Davies: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his finding of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 399

Resolution to refer the bill (S. 4094) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands sutiated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4094 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto Glenn Gould: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his finding of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 400

Resolution to refer the bill (S. 4095) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4095 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto H. E. Welch: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a Trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 401

Resolution to refer the bill (S. 4096) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4096 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverdale, State of California unto Martha Butler: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 402

Resolution to refer the bill (S. 4097) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4097 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside,

State of California unto Robert H. Clark and Laura E. Clark: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 403

Resolution to refer the bill (S. 4098) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4098 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto William A. Goodchap and Roberta L. Goodchap. It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 404

Resolution to refer the bill (S. 4099) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4099 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto Owen Prather: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 405

Resolution to refer the bill (S. 4100) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4100 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto E. H. Wilson: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 406

Resolution to refer the bill (S. 4101) entitled "A bi" to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4101 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto Ralph Lindemuth: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

RESOLUTIONS

SENATE RESOLUTION 397—RESOLUTION TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "ASPECTS OF INTELLECTUAL FERMENT AND DISSENT IN THE SOVIET UNION"

Mr. DODD submitted the following resolution (S. Res. 397); which was referred to the Committee on Rules and Administration:

S. RES. 397

Resolved, That there be printed as a Senate document a study entitled "Aspects of Intellectual Ferment and Dissent in the Soviet Union," prepared at the request of Senator Thomas J. Dodd by the Legislative Reference Service of the Library of Congress; and that there be printed 10,000 additional copies of such document for the use of the Committee on the Judiciary.

SENATE RESOLUTION 398 THROUGH SENATE RESOLUTION 406—RESOLUTIONS RELATING TO OWNERSHIP OF LANDS ALONG THE LOWER SECTION OF THE COLORADO RIVER

Mr. MURPHY (for himself and Mr. KUCHEL) submitted certain resolutions (S. Res. 398 through 406) relating to ownership of lands along the lower section of the Colorado River, which were referred to the Committee on Interior and Insular Affairs.

(See the above resolutions printed in full when submitted by Mr. MURPHY, which appear under separate headings.)

SENATE RESOLUTION 407—RESOLUTION TO PRINT AS A SENATE DOCUMENT A STAFF STUDY ENTITLED "STEEL IMPORTS"

Mr. LONG of Louisiana. Mr. President, on behalf of the Committee on Finance, I am submitting a resolution to authorize a report prepared by the staff of the committee entitled "Steel Imports," December 19, 1967, to be printed as a Senate document. This report is a statistical and analytical work dealing with the impact of steel imports on the domestic economy.

At the time of its original printing, the Government Printing Office was authorized to place it on sale. They did so, and sold every copy. The copies printed for the use of the Committee on Finance have also been exhausted, but demand for the document continues at a high rate.

I hope that this resolution will be acted on before adjournment so that those seeking copies of this document may be able to obtain them.

Mr. President, this document highlights a problem which has every prospect of becoming a very important economic issue for this Nation to solve.

I ask that the resolution be appropriately referred.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 407) was referred to the Committee on Rules and Administration, as follows:

S. RES. 407

Resolved, That there be printed as a Senate document, a staff study by the Committee on Finance, U.S. Senate, dated December 19, 1967, entitled "Steel Imports," and that there be printed one thousand copies for use by this committee.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1969—AMENDMENT

AMENDMENT NO. 1008

PAYMENT FOR DEATH OF SHEEP FROM NERVE GAS

Mr. BENNETT. Mr. President, I send to the desk for printing an amendment which I intend to offer to H.R. 18707, the

Department of Defense appropriation bill.

On March 13, 1968 the U.S. Army conducted a test at Dugway Proving Ground near Skull Valley, Utah, during which a quantity of nerve gas was sprayed from an aircraft. Due to unforeseen conditions, this nerve gas spread beyond the military reservation and resulted in the killing of some 6,000 sheep which were on the winter range adjacent to the Dugway Proving Ground. The Army, in cooperation with the Departments of Health, Education, and Welfare and Agriculture, conducted extensive tests to determine for a certainty whether the Army nerve gas was responsible for the death of these animals. The sheep began to die within hours after the tests were conducted and to those that did not die, hundreds had to be destroyed because of crippling effects.

Finally on August 20, the Secretary of the Army approved the claim of the Anschutz Land Co. and under the Military Claims Act immediately paid $5,000 to the claimant. The balance of the claim, $371,685, has been reported to the Bureau of the Budget for transmittal to the Congress.

Mr. President, I ask unanimous consent at this point to include in the RECORD a release dated April 18, 1968, made by the Office of Public Affairs, the Department of Defense, entitled "Status Report on Investigation of Sheep Deaths in Utah."

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

[From the Department of Defense, Office of Public Affairs, Washington, D.C., Apr. 18, 1968]

STATUS REPORT ON INVESTIGATION OF SHEEP DEATHS IN UTAH

Brigadier General William W. Stone, Jr., Office of Research and Laboratories, Army Materiel Command, has completed the initial phase of the Army's investigation into the cause of the deaths of the sheep in the Skull Valley area of Utah. His report is now undergoing technical review by scientists and staff officers in the Department of the Army.

This investigation was conducted at Dugway Proving Ground, and in Skull Valley and Rush Valley by technical teams from the Proving Ground, Edgewood Arsenal, U.S. Public Health Service, U.S. Department of Agriculture and Utah State Departments of Health and Agriculture. These teams operated independently but in a highly cooperative manner, exchanging all information obtained.

The Army investigations are continuing and its findings to date have not been conclusive as to the specific cause for the death of the sheep. The evidence pointing to Army involvement is as follows:

a. Symptoms of an unknown sickness were reported as appearing on 14 March 1968 in the sheep at White Rock in Skull Valley close to the eastern border of Dugway Proving Ground, and 27 miles east of the test site. By 15 March 1968 large numbers of sheep started dying at White Rock and in other herds of sheep further to the east in Skull Valley. The highest death rate was among the sheep at White Rock. The deaths in sheep occurred following a spray trial of a persistent chemical nerve agent from a high performance aircraft on 13 March 1968 at Dugway Proving Ground.

b. Although there was a wind from the south-southwest at the time of the 13 March 1968 test, the wind shifted about two hours later and blew from the west. It can be postulated that any very small particles of agent remaining airborne could have been transported into the areas in Skull Valley and Rush Valley where sheep were later affected.

c. There were scattered cumulus clouds in the general area at the time of the test and scattered rain showers developed during the early evening. One of these rain showers could have washed this airborne agent out of the air and deposited it on vegetation and the ground.

d. Cholinesterase depression in the blood of affected Skull Valley sheep points toward exposure to an organophosphorus compound. Many common pesticides, the nerve agents, and some noxious plants can cause this depression. Cholinesterase depression in the blood is the most sensitive indication of exposure to nerve agents or pesticides. This depression occurs at exposure levels well below those where there are visible or otherwise noticeable symptoms.

e. Although symptoms of the affected sheep differed initially from those expected from past laboratory experience with other animals, continued feeding experiments with the agent have essentially reproduced the later symptoms found in the sick Skull Valley sheep.

f. The total report indicates an extremely wide variety of possibilities as to what caused the sheep deaths; these have been explored and eliminated. There is no current evidence that the cause of death is to be found among poison plants, pesticides, or bacterial or viral infections.

g. Since 20 March 1968, several hundred samples of water, soil, snow, vegetation, and wool from Skull and Rush Valleys have been analyzed looking for evidence that the agent has escaped from the Proving Ground; all these samples were negative. Recognizing that something had in fact killed the sheep and that it could have been the agent, a few very large samples of vegetation were collected by Dugway Proving Ground scientists from the White Rock area to obtain increased sensitivity. By 10 April 1968 this difficult analysis had proceeded in the Proving Ground laboratories and elsewhere to the point where it was considered possible that traces of a nerve agent or a similar organic compound were present in two extracts of samples collected in the White Rock area. Although there are still confirmatory tests to be completed in several laboratories on these and other samples, this is an indication that the agent could be present in an area where sheep died. Intensive collection of additional large samples in other areas where sheep died is now going forward. Confirmatory laboratory findings are also being sought from large samples sent to Edgewood Arsenal and the National Communicable Disease Center.

Since that date the National Communicable Disease Center, Atlanta, Georgia, reports that their scientists have now isolated traces of an identical organophosphorus compound in snow, water and grass, and in the blood, liver and stomach contents of dead sheep in Skull Valley. It can be concluded that these compounds are related to the nerve agent samples provided by Dugway Proving Ground. Tests conducted to date at the Department of Agriculture Laboratories at Ames, Iowa, have not confirmed these findings.

Although the foregoing evidence points to the Army's involvement in the death of the sheep it is also clear that there are many questions still unanswered and which should be the subject of continuing investigation. For example:

a. Why have sheep been affected seriously with no effect on humans whatsoever and only a slight cholinesterase depression in cattle and perhaps horses. The rodent population density before and after the test is unchanged. Apparently the sheep were affected by eating contaminated vegetation. However, to obtain the sheep deaths observed, from the small amount of agent that current data indicate could have gotten to Skull and Rush Valleys as a result of the 13th March test, the sheep by some as yet unknown mechanism must have become highly sensitized to the agent. The opinion that the deaths were caused by a combination of factors, of which the agent was only one, has been orally expressed by many of the investogators, Army and otherwise.

b. As long as the possibility exists that the Army may have been involved, the existing safety procedures at the Dugway Proving Ground laboratories need to be reviewed by an unbiased group. In this regard the Department of the Army has proposed the formation of a Federal Inter-Agency Committee to conduct such a review. This proposal suggests the participation of representatives of the U.S. Department of Health, Education, and Welfare, Department of the Army, Fish and Wildlife Service, Department of the Interior, U.S. Department of Agriculture, Utah State Division of Health, Utah State Department of Agriculture, National Aeronautics and Space Administration and representatives from private agencies with special capabilities. This proposal is currently under consideration by the Department of Defense.

There is no evidence of any hazard to humans in the area.

Mr. BENNETT. Also, Mr. President, I ask unanimous consent to include in my statement a release made by the Legislative Liaison Office of the Department of the Army dated August 20, 1968 in which Secretary of the Army Stanley R. Resor indicated that he had approved payment of the claim to the Anschutz Land Co. and under the provisions of the Military Claims Act he immediately paid $5,000 to the claimant leaving the rest to be paid after Congress approves funds to liquidate this claim against the U.S. Government.

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

DEPARTMENT OF THE ARMY, OFFICE OF THE SECRETARY OF THE ARMY,
Washington, D.C., August 20, 1968.

INFORMATION FOR MEMBERS OF CONGRESS—FURNISHED BY: OFFICE, CHIEF OF LEGISLATIVE LIAISON

Secretary of the Army Stanley R. Resor approved a claim for the death and injury to some 6,000 sheep submitted by the Anschutz Land Company, Denver, Colorado arising out of an incident which took place on 14 March 1968 near the Dugway Proving Ground, Utah.

The Secretary approved the payment of $5,000 to the claimant; the balance of the claim—$371,685—has been reported to the Bureau of the Budget for transmittal to the Congress.

The claim was approved under the authority contained in the Military Claims Act (10 U.S.C. 2733) which provides that the Secretary of the Army may approve payment for claims up to $5,000 for damages incident to the noncombat activities of the Army. The Department of the Army investigation found that compensation by the Army is proper in this case. Approval of the claim does not constitute a finding that the Department of the Army was negligent. Under the Military Claims Act, compensation is proper where the Army's activities contributed to the loss.

The claimant has submitted a separate claim for damage to land which will be adjudicated at a later date.

As a result of this incident the existing procedures, monitoring equipment, facilities and safety regulations used by Dugway Proving Grounds are presently being reviewed by a Federal inter-Agency Committee formed at the request of the Secretary of the Army. The Committee consists of representatives of several Federal and State agencies and is chaired by the Surgeon General of the United States Public Health Service.

Mr. BENNETT. Unless the Anschutz Co. obtains these funds at an early date they will not be able to buy a new herd and as a result the ewes cannot be bred to produce offspring next year. If this occurs, there will be greater damages assessed against the Army because this livestock company will then not only lose the initial herd but the marketing of wool, the loss of new offspring, and will not be able to sell mutton and lamb from the excess number of the herd which is usually culled out each year.

In talking with officials of the Bureau of the Budget I have not been able to get positive assurances that a final supplemental appropriation bill will be submitted to Congress. I was informed that there was a possibility that the President will hold over all of the claims items and thus require the new President to submit these claims and requests for supplemental funds after taking office next January.

For the reasons set forth above, I would hope that the chairman of the Appropriations Committee and my other colleagues in the Senate will approve this amendment which would add $371,685 to the amount already included in the Defense appropriation bill to pay military claims.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

J. Paul Teal, Jr., of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years, vice Paul D. Sossamon.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee in writing, on or before Friday, October 4, 1968, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. LONG of Louisiana. 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. LONG of Louisiana. 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 UNTIL MONDAY, SEPTEMBER 30, 1968, AT 10 A.M.

Mr. LONG of Louisiana. Mr. President, I wish to ask if there are any other Senators who wish to conduct morning business at this time. If there are no other Senators desiring to speak at this time, I move that the Senate, in executive session, stand in recess, under the order previously entered, until 10 a.m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 25 minutes p.m.) the Senate, in executive session, took a recess until Monday, September 30, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27 (legislative day of September 24), 1968:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant (junior grade):

William F. Nettell	Chad B. Doherty
John A. McGough	Ronald E. Beck
John W. Reiter	Mark L. Solberg
Richard J. Andrews	Joseph F. Angelico
Jon W. Young	Milton R. Rose
Tom H. Graening	David M. Strasser
Mark E. Libby	Theophilus B. Houston, Jr.
James A. Fetters	
Charles M. Wrighter	Lewis Miller
Robert G. Frame	Timothy J. Wood
John H. Distin	Thomas C. Greene
Michael K. Bell	Wayne R. Till
Evan L. Stoll, Jr.	Donald J. Freedman
Bruce Y. Arnold	Preston L. Foskey
James H. Getman	James R. Townley, Jr.
Carmond C. Fitzgerald	Terry W. Sinclair
John C. Voden	Stephen F. Mullins
Michael F. Cowan	Gary J. E. Thornton
Michael A. Bradaric	Robert E. White III
Walter W. Prelle	David E. Prosser
Charles R. Lewis	Robert F. Riley, Jr.
George M. Devanney	James R. Peek II
Richard S. Tweedie	John R. Painter
James R. White	Philip J. Berger
George P. White, Jr.	Douglas M. Miller
Lynn H. Degrow	William H. E. Nock III
George C. Carter	
Russell J. Collins	David H. Lyon
John W. Martin	Michael S. Macie
Richard A. Knisely	Randall J. Peterson
Richard B. Cook	Robert E. Long
Thomas W. Snook	Mark A. McDermott
George J. Sepel	Drew R. Hamblin
Henry J. Dresch	David J. West
Roger A. Brunell	James P. Mahone
Richard M. Larrabee III	Stephen W. Clark
	Jack A. Lang
Robert E. Williams	Jerome C. Cobb II
Paul J. Pluta	James L. MacDonald
John A. Donofrio	Wilson G. Churchill
Geoffrey C. Kline	Richard C. Motter
James L. Barth, Jr.	Robert W. Sitton
Robert A. Montgomery, Jr.	Bennett C. Osborne
	Larry G. Bickmore
Thomas J. Schaeffer	James J. Shaw, Jr.
Andrew J. Sedlock	Terence T. Post
Louis P. Manfra	Terence M. O'Connell
Neil Wise	Richard L. Zeiders
French H. McElrath	Leo B. Tyo
Richard K. Clark	Roger D. Enstrom
Richard B. King II	Warren C. Hoyt
William R. Slate	Harvey B. Packard
James H. Wihlborg	Dallas G. Schmidt, Jr.
John R. Donaldson	
Daniel J. Hines, Jr.	Peter R. Hoffman
James F. Verplanck	Jerald B. Rainey
Kenneth L. Ervin	Robert A. Byers
George J. Munkenbeck, Jr.	David G. Johnson
	Rob R. Hathway
Harry J. Godfrey III	Donald D. Stansell
Clifford J. Appel	Willis E. Sanders
Allen T. Maurer	Douglas J. Wood
Helmut E. Walter	Wallace R. Potvin
Rex M. Wessling	William Z. Erwin
Lawrence F. Cox, Jr.	Keith King
Gordon A. Olson	Dale E. Long
David B. Lorenz	Donald L. Meinen
Charles S. Kennedy, Jr.	Ralph B. Steinfeldt
Gerald A. Parr	Robert V. Renaud
Philip M. Mayer	Thomas B. Urbanowicz
Roger A. Garlow	
Leonard M. Strong	Danford A. Silva
Christopher D. Willis	Francis R. Tardiff
William R. Knight III	John A. Buzga
	James E. Doyle
Michael E. Maliniemi	Lawrence L. Jenkins
Ronald R. Crooker	William B. Clow
Jerry L. Echols	

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Clinton H. Smoke	Clarence C. Martin
Arden B. Chittick	Robin F. Krause
Conley D. Nelson	Edward A. Harmes III
Neil A. Wagstaff	

The following-named Reserve officer to be a permanent commissioned officer of the Coast Guard in the grade of lieutenant (junior grade):

Charles G. Hill, Jr.

The following-named officer of the permanent commissioned teaching staff of the Coast Guard Academy to be an associate professor in the grade of commander:

Jimmie D. Woods

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835 title 10, United States Code, as amended. All officers are subject to physical examination required by law.

CAPTAIN TO MAJOR

Line of the Air Force

Aamodt, Clark E.	Anderson, Robert D.
Abell, John B.	Anderson, Warren L.
Abeln, Thomas J.	Anderson, Wayne C., Jr.
Abrahamson, James A.	
Adams, Harlen G.	Anderson, William G.
Adams, Richard E.	Anderson, William L.
Adams, Richard J.	Anthony, James L.
Adams, Winfred P.	Anthony, Victor B.
Adcock, Billy D.	Apple, Nick P.
Ahern, Edward J.	Applegate, James E.
Ahlefelder, Henry J.	Arata, Harold J.
Aimo, Joseph	Arata, Paul F., III
Alberts, John R.	Arcari, Paul W.
Albertsen, John S.	Archer, Norma A.
Albright, Theodore L.	Arenas, Thomas J.
Alderman, Winters, G. H.	Arndt, Charles L.
	Arquette, Charles A., Jr.
Alexander, Dean E.	
Alexander, Douglas W.	Asbury, Francis L.
Alexander, Douglas M.	Ashley, Daniel L., Jr.
Alexander, James W.	Ashnault, Paul O.
Alfred, Loren R.	Aslin, Clinton H.
Allbritton, James W.	Athanas, Athas J., Jr.
Alldever, Duane G.	Atkins, David G.
Alleman George T., Jr.	Atkinson, Donald M.
Allen, Bennie R.	Atkinson, Gary D.
Allen, Benny J.	Atkinson, Rowland R., Jr.
Allen, David H.	
Allen, Ira F.	Aulbach, George F., Jr.
Allen, Melvin L.	Austin, Franklin H., Jr.
Allison, George B.	
Allison, John C.	Austin, George A.
Allman, Fred D.	Austin, Harold D.
Alvarez, Ariel	Avila, George C., Jr.
Aly, Charles E.	Axelrod, Harry I.
Amend, Dale N.	Babbitt, Frank K., Jr.
Amend, John S.	Babcock, Leon W., Jr.
Ammon, Glendon L.	Baber, Ralph K.
Amsler, Gordon M.	Bachelor, James T.
Anders, William A.	Backues, Billy G.
Anderson, Allen L., Jr.	Baetz, Gary D.
Anderson, Austin D.	Bagwell, Robert E.
Anderson, Carl A.	Bailey, Benjamin N.
Anderson, Don L.	Bailey, Charles S.
Anderson, Edwin M., Jr.	Bailey, Donald R.
	Bailey, Melvin A.
Anderson, Everett E.	Bain, Donald W., Jr.
Anderson, Glenwood J.	Bainum, Charles W.
Anderson, John M.	Baird, Robert D.
Anderson, Kenneth A.	Baird, Robert V.
Anderson, Milton W.	Baker, Marlin R.
Anderson, Mylus G.	Baker, Ward J.
Anderson, Richard E.	Baker, Willard K.

Ballard, Jack S.
Ballif, Bruce B.
Balzen, Earl W.
Banks, George G.
Banks, James E.
Bargery, Basil L.
Barker, Raoul S.
Barkus, Robert B.
Barkwill, John F.
Barlow, Wesley J.
Barlow, William J.
Barnard, Austin A., Jr.
Barnes, Edward G.
Barnes, John B.
Barnes, Walter E., III
Barras, Gregory I.
Barrell, James L.
Barrett, William R.
Barron, Larry L.
Bartholomew, David B.
Bartholomew, Richard A.
Bartleson, Fred D., Jr.
Bartlett, Dean D.
Bartlett, Stanley D.
Barton, Gerard S.
Basquez, Joseph G., III
Bassett, Cecil A., Jr.
Batchelor, Charles C.
Bates, Albert R.
Batson, Louis R., Jr.
Battle, Ed L.
Bauer, Richard F.
Bauer, Robert F.
Bauman, Edward J.
Baumgardner, Max E.
Baumgartner, William P.
Baxter, William W.
Bayly, Philip A.
Bayus, Richard M.
Beadle, Marion D.
Beale, Robert S.
Beaman, Paul C.
Beard, James P.
Beardsley, Clarence J.
Beatty, Joseph A.
Beaudoin, Clarence J., Jr.
Bechtle, Walter E.
Beck, Donald P.
Beck, Gordon N.
Beckman, Rodney B.
Bedke, Ernest A.
Bedsworth, Bobby D.
Behunin, Otto E.
Belknap, Dennis J.
Bell, Douglas C.
Bell, Jimmie E.
Bellinger, Richard A.
Belsjoe, Thomas B.
Bender, Hubert L.
Bender, Leo H.
Bendrick, Frank E.
Benedict, Donald F.
Benge, Bobby J.
Bennett, Clyde E.
Bennett, Robert E.
Benson, Douglas W.
Bent, Peter W.
Benton, Charles R.
Bentz, Richard
Beoddy, John J.
Beran, John F.
Beresford, Theodore F., Jr.
Bergstrom, James W.
Berkley, Dale W.
Bernasconi, Louis H.
Berry, Kay L.
Berry, Millard F., Jr.
Berryhill, James V.
Berthold, David F., Jr.
Bethke, George E.
Beuke, Theodore R.
Beyer, William R.
Bianchino, Richard A.
Biersack, Elmer R.
Biggs, Robert L.
Binish, Robert H.
Birkett, Robert C.
Birkner, Harry
Birmingham, Daniel J., Jr.
Birr, Thomas G.
Bishop, Alexander Y.
Bishop, Arthur N.
Bixby, Harvin D.
Blackman, Gordon N.
Blackwell, John W.
Blair, William D.
Blake, Daniel, Jr.
Blake, Thomas C., Jr.
Blanchard, Phillip B.
Blanchard, Wesley K.
Bland, William J.
Blank, Emanuel T.
Blanton, Harvey B., Jr.
Blanton, John W.
Bleacher, Ralph D.
Blinn, Robert H., Jr.
Boddie, James T., Jr.
Bode, John R.
Bodenhamer, Kenneth D.
Boinest, James W.
Boland, Robert L.
Bolduc, Roger J.
Bolin, John W., Jr.
Bonanni, Peter A.
Bond, Gerald E.
Bond, Wayne C.
Booker, Hillard C.
Boone, Earle M.
Booth, William K.
Borland, Jack G.
Boseman, Paul M.
Bottoms, William H., Jr.
Bouchard, Philippe O.
Boulware, Robert H.
Bourn, Daten O.
Bouton, Lloyd M.
Bowden, Charles K.
Bowden, Fred L.
Bowen, Kenneth R.
Bowen, Richard A.
Bowersock, Dave E.
Boyer, Gary L.
Brackett, Donald F.
Braddock, Julian C.
Braden, Robert H.
Bradley, Charles W.
Bradshaw, John B.
Brakebill, Dale L.
Bramlett, John C., Jr.
Bramwell, Stanley K.
Brander, Albert
Brandon, Francis E., Jr.
Brannon, Gordon L.
Branton, Charles E.
Brasuell, Rollo W.
Brattain, Thomas L.
Braunstein, Eugene D.
Breaux, Marvin R.
Breckner, William J., Jr.
Brehm, Lawrence R.
Breland, Rodney L.
Brennan, Edward M.
Brennan, Lowell S.
Brennan, William F.
Brewer, Stanley M.
Briggs, Ronald A.
Brinson, Kenneth G.
Brister, Eric J.
Brittain, Douglas B.
Broadway, Cary L.
Brock, Eugene B.
Brodman, Robert F.
Broker, John A., Jr.
Brooks, Elmer T.
Brooks, Jackson P.
Bhoschat, Donald F., Sr.
Brotherston, Joseph H.
Brotnov, Harmon M.
Broussard, Arthur E., Jr.
Brown, Billy J.
Brown, Charles D.
Brown, David L.
Brown, Donald D.
Brown, Floyd W., Jr.
Brown, Gerald C.
Brown, John H.
Brown, Paul
Brown, Robert M.
Brownfield, Bird R.
Bruce, Clarence K.
Brun, Robert J.
Brundrett, Wallace M., Jr.
Bruno, John B.
Bry, William C.
Bryan, Delano R.
Bubick, Raymond J.
Buchanan, Charles A.
Buchanan, Herbert
Buchter, Richard F.
Buck, John T.
Buckley, Sims A.
Buie, Al
Buikema, Kenneth E.
Buran, Emil L.
Burbey, Ralph D.
Burgess, Elvin A., Jr.
Burggrabe, Donald E.
Burke, David J.
Burkett, Delmar E.
Burkett, Walter M.
Burleson, Donald R.
Burns, Lindo L.
Burns, Robert J.
Burpee, Richard A.
Burris, John W.
Burris, Marvin E.
Burroughs, William D.
Burt, David N.
Burton, Robert W.
Burwell, Edward M.
Busch, Bruce W.
Busch, Warren L.
Bush, Gaston O.
Bush, George H.
Bush, Robert E.
Bushey, George D.
Bushong, Eugene M.
Butt, Lucious C.
Butts, Ray F.
Bylinski, Joseph J.
Caffey, Clement D.
Cain, Keith M.
Caine, Philip D.
Caldwell, Bruce T.
Caldwell, James G.
Caldwell, Troy L.
Calhoun, James N.
Calvert, Donald L.
Camacho, Raymond
Campbell, Gerald E.
Campbell, Howard H.
Campbell, Melvin C.
Campbell, Thomas J.
Canfield, Paul C.
Cannon, Jerald D.
Cannon, Mervyn M.
Canon, William R.
Capaldo, Roy P.
Capper, Dennis L.
Card, Merritt C.
Cardosi, John C.
Carey, Kenneth V.
Carl, Martin J.
Carlson, Fredric J.
Carlson, James W.
Carnes, Hugh B., Jr.
Carpenter, Joe V.
Carpenter, Kenneth B.
Carr, Wayne A.
Carrington, William M.
Carroll, William R., Jr.
Carrothers, William S., Jr.
Carruthers, William M.
Carson, David L.
Cartee, Dale E.
Carter, John L.
Carver, James E.
Case, Benjamin L.
Cassell, Robert T.
Castleberry, Ronald G.
Castles, John H.
Casto, James F.
Cates, Joseph R.
Catherine, Carl C.
Cathey, Carl H., Jr.
Catton, Ronald E.
Caven, Charles A.
Cebehabersky, Jack V.
Chamberlain, Frank D., Jr.
Chambers, Everett A.
Chambers, William A.
Champlin, James L.
Chancey, John W.
Chapel, Kieran O.
Chapman, Kenneth N.
Chappell, Richard G.
Chase, Robert S.
Chastain, Robert L.
Chastaine, Laverne A.
Chatfield, George A., Jr.
Cheatham, Richard D., Jr.
Cherrington, John R., Jr.
Chestnut, Joseph L.
Chiota, Anthony J.
Chipman, Jerry L.
Chivers, Edgar P.
Christeson, Gerald L.
Christi, Christus
Christian, Richard E.
Christiansen, Evan C.
Christiansen, Roger H.
Christiansen, Von R.
Christopoulos, Arthur G.
Chubb, Melvin F., Jr.
Chung, Winchell D.
Chura, Francis R.
Claiborn, Edward L.
Clardy, David B.
Clark, Charles H.
Clark, Elvin M.
Clark, James R.
Clark, James R.
Clark, Ralph L.
Clark, Robert M.
Clark, Robert S.
Clarke, James E.
Clarke, John A.
Clarke, Robert N.
Clarkson, Joseph E.
Clary, James C.
Claunch, George E.
Clayburn, Grant B.
Clayton, Harold I., II
Clayton, John F.
Clegg, David H.
Clegg, Maurice V.
Clements, Gerald H.
Clemons, Leroy S.
Cleveland, Frederick H.
Clifford, Lawrence E.
Clifford, Robert V.
Cline, Joseph P.
Clutter, Roderick W.
Coates, Harry J., Jr.
Cobb, Kenny D.
Coe, John C., Jr.
Cohen, Edward D.
Cole, Earle R.
Cole, Edward H., Jr.
Cole, Victor P.
Colford, James W.
Collier, James L.
Collins, David
Collins, David J.
Collins, Phillip B.
Colson, Harold G.
Colton, Charles A.
Colwick, Harold D.
Conduff, Lloyd E.
Conger, Douglas J.
Conkling, Davis B.
Conley, Edwin J., Jr.
Conlin, Robert A.
Connally, Glen R.
Conner, Arlie R.
Connolly, Joseph H.
Connolly, Vincent J.
Connors, John S.
Conroy, Joseph M.
Conway, Richard P.
Conwell, Leslie C.
Cook, Donald E.
Cook, Frank E.
Cooke, Walter D.
Cooley, Carroll R.
Coons, Donald E.
Cooper, Charles D.
Cooper, Marvin E.
Cope, Edward A.
Copp, Arthur J.
Cormier, Roy L.
Cornelius, John T.
Corrigan, Clayton H.
Cory, Gerald A., Jr.
Corzilius, David S.
Cosgrove, Raymond E.
Cost, Dennis E.
Couch, Willard A., Jr.
Coulter, Herschel E., Jr.
Coulter, Robert K.
Countryman, William E.
Cournoyer, Henry J., Jr.
Courtright, John F.
Covert, Willis D.
Cox, Gene A.
Cox, Glenn T.
Cox, Idys W.
Coyle, Edward M.
Coyle, Francis S., III
Conyer, Richard L.
Cozine, John E., Jr.
Cracraft, Jack E.
Craig, David E.
Craig, Marvin L.
Craig, Wilbert F., III
Crampton, Henry E. III
Crandan, Donald C.
Craven, William E.
Craver, Jesse C., Jr.
Crawford, Charles E.
Crawford, Gary D.
Crawford, James C.
Crenwelge, Joe E.
Crews, Glen T
Crihfield, Bobby L.
Crook, Marcus F.
Crow, Myron W.
Crumbaker, David M.
Cruzan, Donald E.
Cuellar, Andres N.
Cummings, David Q.
Cummings, Jack C.
Cunningham, Charles J., Jr.
Cunningham, John T., III
Cuny, Theodore W., Jr.
Cupfender Norman M.
Curatelli, John J.
Currier, Vincent E.
Curry, Donald L.
Curry, Gene D.
Curtis, Herbert B.
Curtis, James R.
Curtis, John W.
Curtis, Lewis G.
Cyr, Arthur R.
Dahl, Gordon I.
Dahlberg, Irvin W.
Dahle, Simend E.
Dahlquist, Lamont R.
Dahmen, Gerald K.
Dailey, Keith G.
Dair, Donald G.
Dale, Neil F.
Daley, Robert J.
Damon, Edward R.
Daniel, Henry L., Jr.
Daniels, Louis E., Jr.
Dantzler, Gerald T.
Danz, Raymond A.
Darling, Frederick R.
Darlington, Norman W
Darsey, Wilbur A.
Dasanmartino, Paul, Jr.
Daugherty, Tim T.
Daugherty, William L.
Daughtry, John F.
Davidson, George R.
Davilla, Sidney T., III.
Davis, David H., Jr.
Davis, Dempsie A., Jr.
Davis, Fred M.
Davis, Harry A., III.
Davis, Hugh A.
Davis, James W.
Davis, Jerry G.
Davis, Milford E.
Davis, Reginald R.
Davis, Richard.
Davis, Walter R.
Davis, Wayne E.
Dax, Raymond E.
Day, Charles B.
Dean, Ernest S., Jr.
Decarlo, Anthony J.
Dedinas, Joseph V.
Dedominicis, John A.
Defelice, Rocco.
Deghuee, John F.
Deloache, Kelly L.
Delong, Robert E.
Delong, Robert I.
Delorenzo, Felix S.
Delorenzo, Francis J.
Deming, Wilfo E., III.
Denice, John J.
Denman, Howard R.
Denney, Floyd C.
Denny, Jack E.
Denzer, Frank L., Jr.
Depriest, Van A.
Dersheimer, George F.
Desilets, Martin G.
Desmond, William R.
Desrochers, Norman A.
Desroches, Paul J.
Detar, Dean E.
Devens, Allyn M.
Dewerd, Thomas G.
Dewitt, John S.
Dibartolo, Eugene N.
Dickens, Freddie D.
Dickey, Gerald D.
Dickinson, James H.
Dickman, Everitt W.
Dickman, Henry J., Jr.
Dickson, Marshall W., Jr.
Dickson, Thomas P.
Didamo, Francis A.
Dietze, Robert J.
Dille, Roy B., Jr.
Dillon, John Z.
Dillon, Kenneth W.
Dillon, Larry A.
Dimski, Jack C.
Disbrow, David E.
Ditz, James P.
Diven, William L.
Dockery, George E.
Dodds, William G., Jr.
Dodson, Richard B.
Doggette, James C., Jr.
Doherty, Charles J.
Dollahon, William J.
Dombrowa, Theodore J.
Donald, Frank L., Jr.
Donaldson, Robert D.
Donaldson, Robert J.
Donlon, James M., Jr.
Donohoe, Paul J.
Doole, William H. E.
Doren, Anthony J.
Dorwart, Jason D.
Doscher, Stanley
Dostie, Francis A.
Doty, Billy G.
Downes, Larry B.

Doyle, Billy C.
Doyle, William L., Jr.
Drablos, Donald S.
Drawbaugh, Robert E.
Driscoll, Dennis R.
Drobot, John J.
Dryden, Gary L.
Drye, Homer F.
Dube, Francis P.
Dubois, James W.
Duckworth, Richard D.
Duet, Daniel S.
Duff, Howard J.
Duffett, Walter N.
Duffy, Daniel H.
Duffy, John J., Jr.
Dugard, George A.
Duke, Thomas A.
Dunbar, James R.
Dunham, Robert L.
Dunlap, Francis E.
Dunn, James D.
Dupont, Holbrook B.
Durazo, Charles G.
Durdin, Thomas N.
Durflinger, Dale J.
Durkee, William L., Jr.
Dutcher, William W.
Dutnell, Richard C.
Dutton, Richard K.
Duval, Ronald C.
Dvorchak, Stephen R.
Dyer, Pintard M. III
Dyer, Richard E.
Dyer, Thomas J. III
Dyes, Lynn S.
Early, William N.
Easom, Charles H.
Eassa, Edward J.
Eddy, David H.
Edgar, Charles O.
Edgar, Norman R.
Edgerly, Robert
Edgren, Robert D.
Edwards, Alan M.
Edwards, Harry N.
Edwards, John R. Jr.
Edwards, Lloyd
Edwards, Ronald L.
Egan, John R.
Egbert, James E.
Eggleston, John D.
Ehmke, Charles A.
Einstein, Walter O.
Elftmann, John W., Jr.
Ellermets, Arne
Elliott, Donald E.
Elliott, Richard D.
Elliott, Robert L.
Ellis, Donald E.
Ellis, Keith W.
Elmer, Dean A.
Elwood, Niles T.
Ely, Richard K.
Emerson, Delbert A., Jr
Emig, Charles W.
Enbysk, Howard R.
English, Edwin E., Jr.
Enty, Arthur D.
Eppinger, Dale L.
Equi, Dino P.
Erickson, Paul E.
Ericson, David M., Jr.
Ermel, Eldon C.
Ermel, Fred W. Jr.
Esterlin, Francis E., II
Eubanks, Robert E.
Evancho, Michael E., Jr.
Evans, David W.
Evans, Robert E.
Evans, Wilfred E.
Everett, James D.
Everson, David
Ewing, Charles V.
Ewing, Don R.
Ewing, Wilbur E., Jr.
Fagan, Willis F.
Falck, Louis K., Jr.
Falconieri, Louis
Fallows, Thomas E.
Falls, Clyde L., Jr.
Falzon, Alexander
Farmer, Grover C.
Farnsworth, William W.
Faulkner, Frederick H.
Faurer, Judson C.
Fawcett, Horac K., Jr.
Fawcett, Robert G.
Feather, George K.
Feil, John A.
Felciano, Franklyn M.
Felmley, Jerry J.
Fendrick, William A.
Fenimore, John W.
Fennewald, Joseph A.
Fenton, George C.
Ferguson, Harold B.
Ferrell, Furman C.
Ferzacca, Albert L.
Fincher, Thomas H.
Fink, Richard B.
Finley, Robert A.
Finn, Robert J.
Finn, William V.
Finnegan, John L.
Finnegan, Neil F.
Fiola, Armand J.
Fish, Stephen B.
Fisher, Charles W.
Fisher, James P.
Fisher, Robert H.
Fisher, Samuel L.
Fisher, William E.
Fitton, Crosley J., Jr.
Fitts, Richard E.
Fitzgerald, James C.
Fitzsimmons, Norman H.
Flanders, Edward D.
Fleener, Delbert W.
Fleet, Ronald P.
Fleming, Peter M.
Fleshman, Roger F.
Fletcher, Carl C., Jr.
Flood, James L.
Florman, George L.
Flowers, Jack L.
Floyd, Leland D.
Flynn, Charles L.
Foley, Daniel J., Jr.
Foley, James R.
Foley, Paul K.
Follmer, William J.
Folsom, Carl M.
Font, William I.
Ford, Stanley J.
Ford, Walter J.
Forstner, George C.
Forsythe, David A.
Foster, Gerrit D., Jr.
Foster, John L.
Foster, William E., Jr.
Founds, Boyd E.
Fournier, Joseph D. L.
Fouss, Richard W.
Fox, James D.
Fox, Robert W.
Fox, Roland R.
Foy, Robert J.
Fraga, Thomas Z.
France, Warren G.
Francis, George F.
Francis, Philip B.
Franklin, John M.
Franklin, Sidney B.
Franks, Tullos L., Jr.
Frazier, Allison A.
Frazier, Therman E.
Freedman, Bernard
Freeman, Roy B., Jr.
French, Harold S.
French, Lawrence R.
Freund, Richard M.
Frewen, Franklin D.
Frey, Roger A.
Frisbie, Erwin C., Jr.
Frisch, Jerome A.
Frizzell, Donaldson D.
Fry, David C.
Fry, Lyle M.
Frye, Vernon L.
Frymire, Randolph W.
Fulgham, George S.
Fulghum, Gary G., Jr.
Fulk, James L., Jr.
Fullam, Wayne E.
Fuller, Benjamin R., III
Fuller, Robert R., Jr.
Fullmer, Wayne M.
Fults, Jim
Funai, Donald K.
Funderburk, Elmer, Jr.
Furlow, James D.
Furtner, Ralph W.
Gabby, Harold H.
Gabriel, Arnald D.
Gafney, James M.
Gallanger, Clifford L.
Gammage, Frank T., Jr.
Gander, John F.
Gannaway, Jay T.
Garcia, Rudy M.
Gardecki, Anthony
Gardella, Edward A.
Gardner, Melvin S.
Gardner, Richard A.
Garey, James R.
Garner, Jerry G.
Garner, Mark S., Jr.
Garner, William D.
Garove, Eugene
Garrick, Howard T.
Gary, Jack W.
Gatt, John M.
Gaty, Charles L.
Gatz, Richard M.
Gawler, William C.
Gecewicz, Leo J.
Gee, John P.
Geer, Richard L.
Gehrig, George T.
Gehring, Philip F., Jr.
Geib, Philip G.
Geist, Thomas J.
Gemienhardt, Lloyd L.
Genereaux, Robert J.
Geran, Daniel B.
Gerbing, Frederick B.
Gergen, Thomas F.
Germani, Joseph G.
Germscheid, Thoma C.
Gerzina, Anthony W.
Gholson, Gerald E.
Giannangeli, Anthony R.
Gibbs, Charles A.
Gibson, Billy R.
Gibson, William L.
Gilbert, Ernest G.
Gilbert, Kenneth L.
Gilbert, Richard L.
Gill, John H., Jr.
Gillen, Thomas E.
Gilligan, Ray G.
Gilliland, Jack E., Jr.
Gilpin, Jerry M.
Giordano, Robert L.
Girard, Robert M.
Girling, Wallace D.
Givani, Ernest E.
Givens, Richard E.
Gladney, Horace M.
Glen, Dwight P.
Glenn, Bobby W.
Glenn, James M.
Gochnauer, James R.
Godfrey, Harold T., Jr
Godman, Eugene O.
Goetz, Muriel A.
Goetze, Earl E.
Goforth, Charles T., Jr
Golden, Maurice F., Jr
Goldstein, Donald M.
Gomas, Roger A.
Gomez, Jose F.
Goodbody, Thomas L., Jr.
Goode, Howard, Jr.
Goodenough, Jerry C.
Goodfellow, James F.
Goodman, Donald W.
Goodrich, Ivor K.
Goodrich, Jerome C.
Goodwin, Philip A.
Goodwin, William J., Jr.
Gordon, Archibald E.
Gordon, Robert J.
Gore, Robert R.
Gorman, Rodney J.
Gorski, Eugene S.
Gorton, William A.
Goss, Eugene T., Jr.
Gowing, Donald R.
Grabler, Ronald V.
Graetch, Joseph E.
Graham, Gary G.
Graham, William W.
Grainger, Wayne F.
Grassan, George D.
Gravette, James A.
Gray, Eugene T.
Gray, Michael
Green, Billy L.
Green, Henry W., Jr.
Green, Phillip R.
Green, Wade L.
Green, Warren G.
Greenberg, Lester
Greenblatt, Owen L.
Greene, Taylor H.
Greenwood, Edward E.
Greenwood, Edwin L.
Greer, James M.
Greever, Robert S.
Gregory, Carl R.
Gregory, Leland H., Jr
Griffin, Daniel S.,
Griffin, Francis L.
Griffin, William C.
Griffith, Joe T.
Grigsby, Bert E.
Grimes, Jerry S.
Grimm, Don A.
Gross, Thomas L.
Groves, Harold L.
Grubb, Robert F.
Gruer, Allan L.
Grumbach, Delbert T.
Gruver, Neill R.
Grzebiniak, Valentine J.
Gubler, Brian T.
Guerney, Walter S.
Guillotte, Dolphus E., Jr.
Gulley, Coleman H.
Guptill, Murray T.
Gustafson, Ronald E.
Guthrie, Gerald D.
Guyton, Sam M., Jr.
Gylov, Palle R.
Haase, Ronald L.
Haber, Joseph M.
Hackman, Victor L.
Hackney, Hunter F.
Haffner, Richard W.
Hagan, Marion F., Jr.
Hagen, Wayne H.
Hagenbrock Harry H.
Hagloch, Elmer I.
Hagood, John M., Jr.
Hahn, Ernest R.
Hahn, Jack
Hahn, Robert A.
Haile, Allen C.
Haines, Robert D.
Hairston, Victor E.
Halbert, John G.
Halbert, John T.
Hale, Ira D., Jr.
Hale, Jay G.
Hale, John W.
Hale, William E.
Hales, Glen H.
Hall, Bud T.
Hall, Donald J.
Hall, Gene F.
Hall, James F.
Hall, Jimmie R.
Ham, Charles D.
Ham, Ronald L.
Hamel, Raymond F.
Hamilton, William M.
Hamley, Gordon B.
Hammett, David M.
Hammond, Constance
Hammond, Robert A.
Hancock, David L.
Hand, John W.
Handley, Thomas A.
Haning, James R.
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Hansell, Haywood S., III.
Hansen, Alfred G.
Hansen, Wynn D.
Hanson, Stanley C.
Hardaway, Charles E.
Hardee, John H.
Hardin, Marion S.
Harding, James R.
Hardy, John S.
Hargis, Jerry W.
Hargraves, William F., II.
Hargreaves, John J.
Harlan, Maurice R.
Harmon, John F.
Harnly, Myron D.
Harper, Jackson D.
Harpster, Milton H.
Harrell, Charles E.
Harrington, Basil V.
Harrington, Harry G.
Harris, Frank E.
Harris, Gerald A.
Harris, Jerry D.
Harris, Leonard G.
Harris, Marshall E.
Harris, Peter W.
Harris, Virgil W.
Harris, William G., Jr.
Harrison, Gerald D.
Harrison, John W.
Harrison, William L.
Harry, Lee R.
Harsh, Eugene S.
Hart, Richard L.
Harter, Joseph M.
Hartsfield, Henry W., Jr.
Hartstein, Frederick C.
Hartung, William E.
Harvill, Preston S., Jr.
Harz, Donald K.
Haskins, Gale L.
Hastings, Loyal D.
Hatch, John E.
Hatch Monroe W., Jr.
Hathaway, James H.
Hathcock, Robert G.
Hause, Richard G.
Haverland, Bobby H.
Hawkins, Clifton J.
Hawkins, Jerome D.
Hawkins, Van E.
Hayes, Charles K., Jr.
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Hayman, Gary E.
Haynie, John M.
Hays, Leo P.
Haywood, Andy L.
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Head, Gerald A.
Headley, Lanny J.
Heagy, Robert T., Jr.
Heckel, Gayle D.
Hector, Perry G.
Hedgepeth, Willis E.
Hee, Edward K. Y.
Heffernan, Robert E.
Hegwer, Frank A.
Heisel, Donald F.
Helm, Donald E.
Helm, Merritt H., Jr.
Helms, Sanda B., Jr.
Helsten, Charles T.
Hennings, Arthur A., Jr.
Hendrick, Alton J.
Henkle, Dallas M.
Hennigar, Harry J., Jr.
Henning, Bobby L.
Henning, Robert G.
Henningson, Edwin A.
Henrie, Gordon C.
Henry, Jay F.
Henry, Richard L. W.
Hensley, Russe D., Jr.
Herman, Milton J., Jr.
Hermann, Daniel A.
Herod, Samuel P.
Herrington, Don L.
Hermann, Armin F., Jr.
Herty, Frank B., Jr.
Hess, Robert C.
Hesse, Roderick L.
Hesseltine, William H., Jr.
Hettinger, Edward J.
Hewston, Robert A.
Hickman, Elmer J.
Hicks, Robert E., Jr.
Hicks, Robert W.
Hilbun, William H. III.
Hildreth, Richard L.
Hilgenberg, Gerald T.
Hilkemeier, Donald
Hill, Benjamin F., Jr.
Hill, Charles E.
Hill, George T.
Hill, Ray D.
Hilland, Richard W.
Hilton, Richard D.
Himebaugh, Rodric, J.
Hinley, Raymond F.
Hines, Charles C.
Hines, Frank T.
Hines, Rondal O.
Hinkley, Waynar, J. C.
Hinterthan, Winfried W.
Hinton, Jerald L.
Hintz, James G.
Hintzen, Robert L.
Hirsh, Leon S., Jr.
Hivner, James O.
Hlawek, Robert A.
Ho, Walter T. M.
Hobgood, William A.
Hoch, John A.
Hock, William J., III
Hodges, Russell B.
Hodgson, Newton H., Jr.
Hoelzer, Ronald N.
Hofmann, Frederick L.
Holden, Kenneth L.
Holland, Darrell T.
Holland, John T.
Holland, Leslie R., Jr.
Holley, Edward M.
Hollis, Grant W., Jr.
Holly, Ronald D.
Holmes, Charles W.
Holmes, Douglas J.
Holt, Ralph L.
Holt, Roland R.
Holt, William B., Jr.
Holter, Paul C.
Holubec, Melton G.
Honingford, Richard H.
Hooker, Thomas M.
Hooper, Claren B., Jr.
Hoover, Richard L.
Hopkins, Thomas C.
Hopson, James F.
Horinek, Ramon A.
Horky, Frederick P.
Horn, William D.
Horne, Keith G.
Horner, Jack D.
Horrell, Reginald S.
Horton, Joseph R.
Hoskinson, Thomas M.
Hossley, Donald D.
Hotchkiss, Clayton E.
Houck, Fern L.

Houde, Frank L.
Howard, George M.
Howard, Joe A.
Howe, James O., Jr.
Howey, Robert S.
Hoye, Dennis E.
Hudel, Perry A.
Hudson, Charles L.
Hudson, Edwin C.
Huey, Peter D.
Huffman, Charles E.
Huffman, Harold J.
Huggins, Bobby G.
Hughes, Frank A.
Hughes, Jerome E.
Hughes, Louis N.
Hughes, Vincent C., Jr.
Hull, Chad T.
Hull, Robert W.
Hullinger, William P.
Hunder, Richard A.
Hundley, Franklin D.
Hunn, Van
Hunsuck, John D.
Hunsucker, Coley A.
Hunt, David A.
Hunter, George F.
Hurtado, John V.
Huskin, Frank P., Jr.
Huyett, Melvin A.
Igelman, David D.
Inge, Walter H., Jr.
Isler, James R.
Iverson, Alan R.
Iverson, William L.
Jacko, Edward J.
Jackson, Franklin M.
Jackson, Glen A.
Jackson, Kaye D.
Jacobs, Delbert H.
Jacobs, James L.
Jacobs, Joseph H.
Jacobs, Max R.
James, Charles L., Jr.
James, Raymond F. X., Jr.
James, Thomas M.
Jameson, George W.
Jameson, Randolph C.
Jans, Orvel K.
Jasinski, John M.
Jatras, George
Jeanes, Cecil B., Jr.
Jeffords, Jacque M.
Jeffries, William R., III
Jeffs, Roger D.
Jelarcic, Roland J.
Jernigan, Edward E.
Jernigan, Leon S.
Jewett, Douglas A.
Jochen, Clarence H.
Joern, John G.
John, Lemuel N., Jr.
Johnson, Benny F.
Johnson, Charles M.
Johnson, Charles R.
Johnson, Deward
Johnson, Edward H.
Johnson, Edward S.
Johnson, Edward V., Jr.
Johnson, Edwin W.
Johnson, Gilbert E.
Johnson, James D.
Johnson, James R., Jr.
Johnson, Jerry
Johnson, Jerry E.
Johnson, Kenneth O.
Johnson, Larry E.
Johnson, Paul A.
Johnson, Richard H.
Johnson, Robert E.
Johnson, Ward A.
Johnson, Wayne M.
Johnson, William C.
Johnson, William D.
Johnson, William J., III
Johnston, Bruce J.
Johnston, Robert L.
Jokela, Allan M.
Jones, Charles L.
Jones, Charles W.
Jones, David G.
Jones, George E., III
Jones, Harold D.
Jones, James B., Jr.
Jones, John G.
Jones, Joseph M.
Jones, Raymond L.
Jones, Richard C.
Jones, Robert E.
Jones, Robert F.
Jones, Russell W.
Jones, Simon R., Jr.
Jordan, Edward P.
Jordan, James E.
Jordan, Ralph M., Jr.
Jordan, Wayne E.
Jordan, Donald L.
Julian, Robert E.
Justeson, George R.
Kaminski, Joseph J.
Kamish, Daniel J.
Kan, Robert S.
Kangas, Walter W.
Kapka, Dale V.
Kapke, Robert J.
Karam, Raymond A.
Karnes, John H.
Karolczyk, Edward.
Karth, James M.
Kastenholz, Adol, Jr.
Kastilahn, Donald M.
Kaufmann, Donald R.
Kauppila, Calvin R.
Kaus, Norbert R.
Kavanagh, Robert Z.
Kay, Wayne G.
Keddington, Neil H.
Keeler, Walter D.
Keenan, Eugene P.
Keenan, James C., Jr.
Keenan, Thomas P., Jr.
Keene, Gordon E.
Kehoe, Peter P.
Keith, Alton P.
Keith, Patrick.
Keith, Ted R.
Kelly, James A.
Kelly, James S.
Kelly, Vernon B., Jr.
Kelly, William E.
Kelsey, Loyal L.
Kennebeck, George R., Jr.
Kennedy, Andrew.
Kennedy, Leland T.
Kennedy, Patrick J.
Kenney, Charles E.
Kennon, Frederick A.
Kent, Richard B.
Kepley, J. H. Allen.
Kern, George W.
Kerr, Kenneth L.
Ketchum, Lowell D.
Kibler, Ronald F.
Kiefer, Richard J.
Kilbourne, Jimmy W.
King, Andrew J.
King, George W.
King, Hubert G., Jr.
King, J. R.
King, Thomas T.
Kinkel, Charles H.
Kinney, James S.
Kirchner, Lewis, G.
Kirk, Charles N.
Kirk, Eugene J., Jr.
Kirkpatrick, Kenneth A.
Kirste, Milton R.
Kishline, Samuel J.
Kittler, Richard M.
Klausner, William W.
Kline, Gerald D.
Klonoski, Frank J., III
Klung, Henry A., Jr.
Knauss, Russell N.
Knedlik, Donald E.
Koch, William C., Jr.
Koehly, Paul V.
Kogge, Henry J.
Konneker, Peter A.
Kopsick, John, Jr.
Korzep, David A.
Koski, Francis H.
Kovacich, Vincent J.
Kowalczyk, Michael R.
Kowalski, Gean G.
Kral, Ralph J.
Kraus, Jon P.
Kressin, Wolfgang K.
Krim, John W.
Kroese, Coe J., Jr.
Krueger, Douglas W.
Krueger, Earl L.
Krueger, Kenneth J.
Krug, Earl E.
Krupinski, Joseph A.
Kruse, Dean
Krutsinger, Edwin H.
Kuhn, Howard F.
Kuhns, James K.
Kujawa, Walter A.
Kukowski, Theodore T.
Kunc, Fred V.
Kunkel, James F.
Kunz, Richard E.
Kunz, Ronald R.
Kuprenas, Algimantas J.
Kuske, Elwood C.
Kustelski, Thomas A.
Kuwamoto, Melvin M.
Kvetensky, Warren S.
Laber, Roger C.
Labernik, Theodore J.
Labranche, William E.
Lackey, Henry F.
Lafave, Kenneth E.
Lafleur, Ray C.
Lafond, Roger A.
Lamb, George H.
Lamb, Henry A.
Lamb, Leroy A., Jr.
Lamb, Robert W.
Lamb, Walter A.
Lambert, Roland T.
Lampe, Donald K.
Lanan, Kenneth F.
Lang, Henry S., Jr.
Langford, Albert R., Jr.
Langford, John W.
Langford, Walter M., Jr.
Langley, Duane D.
Langley, Richard A.
Lanning, Robert G.
Lanphear, Wayne A.
Lantier, Ward J.
Lantz, Richard M.
Lapham, John S.
Lapp, James R.
Larimore, William H.
Larkin, Arthur R.
Larrabee, Edward R.
Larsen, Richard N.
Larsen, Robert D.
Larson, Gerald D.
Laughlin, Ronald L.
Law, Donald K.
Lawhon, Gerald L.
Lawrence, Gerald C.
Lawrence, Stanley A.
Lawson, William E., III
Lawter, Owen R.
Lawyer, Richard E.
Layton, Robert F.
Leahy, Robert E.
Leal, Richard E.
Leaphart, John L.
Leaverton, Charle W.
Leavitt, Alfred G.
Leblanc, Leroy F.
Lecates, Walter F., Jr.
Ledbetter, Melvin N.
Ledbetter, Ray H.
Lee, Bennon
Lee, James D.
Lee, James L., Jr.
Lee, John P.
Lee, Robert E.
Lee, Thomas H.
Leeka, Richard B.
Leffler, Donald D.
Legg, Edgar E.
Leggett, Carl L.
Lehman, William B.
Lehr, Harry J., Jr.
Leiby, Richard G.
Leigh, Gerald G.
Lein, Larry L.
Leiter, Bernard M.
Lemke, Clyde W.
Lemmon, William B.
Lenz, Howard T.
Leonard, Dan W.
Leonard, Rupert A., Jr.
Leong, George K. M.
Lepage, Francis W.
Lerner, Vance
Leroy, Ronald S.
Lescher, Charles O., Jr.
Lesster, William C., Jr.
Letnes, Douglas R.
Letto, Augustine R.
Leutwyler, Cooke H.
Leventis, John K.
Levine, Alexander A.
Levy, Stuart W.
Lewin, Thomas J.
Lewis, Duane L.
Lewis, Edwin R.
Lewis, John C., III
Lewis, Robert F.
Light, Willford D., Jr.
Lilly, Ira B., Jr.
Lind, Robert C.
Lindenmeyer, Edgar J.
Lindsey, John C.
Linseisen, Frank J.
Lipsey, Victor H.
Lipsky, Joseph R., Jr.
Lisko, James R.
Lisle, Alan G., Jr.
Little, John D.
Littman, Mayer
Lloyd, Edward A.
Locht, John A.
Lodge, William G. S.
Lofton, Theo G.
Long, Francis J.
Long, Joseph T., Jr.
Long, Raymond N.
Long, Warren L.
Loosley, Donald J.
Loosley, James H.
Lorch, John H. V.
Lott, James S.
Loukota, Robert D.
Low, Edward
Lowery, Fred L.
Lowry, Burlin
Lucero, Antonio H.
Luckenbill, Clive D.
Luecke, Conrad J.
Luhks, Ronald A.
Lukens, Kenneth W.
Lukens, Leland K.
Lund, John M.
Lund, William W.
Lundin, Perry J.
Lunnen, Ray J., Jr.
Lurie, Alan P.
Luther, James N.
Luttrell, Alfred N.
Lyle, William W.
Lynch, John S.
Lynn, Roy H., Jr.
Maas, Edwin R., Jr.
MacDonald, Roy
MacGregor, John E., Jr.
Mackall, Frederick T.
Mackin, Paul C.
Macomber, Edward M.
MacQueen, George F.
Maddox, Robert A.
Magdefrau, Carll F.
Magtutu, Paul W.
Mahew, James H.
Mahoney, George F.
Mahrt, Martin H.
Maier, Lothar T.
Makinson, Jimmie L.
Malicki, Gerald C.
Maloney, Douglas H.
Manigault, Elwood
Manion, Adelbert J.
Manion, Martin F.
Mann, Dalton L.
Mann, Wayne A.
Manning, John F.
Manns, Ralph E., Jr.
Mansperger, Carl A., Jr.
Maratos, Stanley G.
Marcellino, Micha R.
Marchant, Richard L.
Marchon, Donald F.
Marcotte, Wayne W.
Markey, Ronald L.
Markowitz, Harold, Jr.
Marlin, James W., Jr.
Marshalek, George M., Jr.
Marshall, James C.
Marshall, Jerry E.
Marshall, William F., Jr.
Marshall, William L.
Martel, Richard N.
Martin, Bobby J.
Martin, Bobby L.
Martin, Charles H., Jr.
Martin, James D.
Martin, Jerry R.
Martin, Jimmy G.
Martin, Paul A., Jr.
Martin, Paul L., Jr.
Martin, William C.
Martinez, Edmund E.
Martino, Salvatore F.
Maruyama, Takeo
Marz, David E.
Mason, Andrew F., Jr.
Mason, Kenneth J.
Mason, Robert C.
Massengale, Wendell H.
Masson, Richard W.
Mateik, Daniel G.
Mathis, James R.
Mathis, Paul C.
Matters, Duane H.
Matthew, Robert E.
Mattison, David D.
Mattson, Wayne O.
Mauger, Harold A., Jr.
Maxson, Edwin R.
Maxwell, Samuel C.
May, Donald M.
Mayfield, William E.
Mays, Robert C.
McAllister, Karl D.
McAllister, William D.
McAuliffe, Francis G.
McBride, Roger T.
McCarley, Martin L., Jr.
McCartney, Robert R.
McCarty, William S.
McClaine, Richard E.
McClellan, Paul E.
McClelland, Lester C.
McClendon, Robert N.
McClure, Samuel L.
McCoid, James H.
McConathy, Jack, Jr.
McConnell, Anderson G.
McConnell, Herbert E.
McCormack, Eugene L., Jr.
McCormick, Everett C.
McCormick, William W., Jr.
McCoy, Lelian D.
McCracken, James D.
McCright, Gerald D.
McCrillis, Walter C.
McCulloch, Samuel D., Jr.
McCullough, Marlo G.
McCullough, Walter J.
McDonald, James G.
McDonald, John S.
McDonald, William M.
McDowell, Gerald A.
McEwan, Ronald J.
McFarlane, Raymond E.
McGee, Edward V.
McGee, Gerald E.
McGee, John F., Jr.
McGee, Joseph W.
McGinn, John R.
McGovern, John F.
McGraw, Joseph F.
McGroarty, Robert P.
McGuire, Charles A.
McGuire, Richard L.
McHugh, Joseph A.
McIlvaine, Francis J.
McJoynt, Albert D.
McKay, Peter R.
McKay, Robert R., Jr.
McKelvey, James L.
McKelvey, Robert D.
McKenna, James L.
McKenzie, Larry W.
McKone, John R.
McLamb, Estel W.
McLaughlin, Rober C.
McLean, Michael A.
McLendon, Charles L.
McMahon, John F., Jr.
McManus, Richard L.
McMonigle, Joseph P.
McMullen, Jack L.
McNally, Ray F.
McNeil, Dale E.
McPherson, James K.
McQuitty, Charles R.
McWilliams, William D., III
Medeiros, Raymond R.
Meiners, Herman P., Jr.
Meinert, Ronald E.
Meinig, Helmut P. M.
Meisenheimer, Rob A.
Meisinger, Kenneth R.
Melancon, Joheph L., Jr.
Mellerski, Robert A.
Mellott, Lester R., Jr.
Melone, Sabato J.
Merkle, Edward P.
Merrell, Alfred L.
Merrill, Charles D.
Metcalf, James R.
Metcalfe, Frank W.
Meyer, Albert D.
Meyer, Donald H.
Meyer, Richard L.
Meyers, Ronald J.
Meyers, Thomas R.
Michalove, Lawrence G.
Mickelson, Russell C.
Mier, Colbert L.
Mieth, Ivan G.
Milan, Earl E.
Milburn, Richard A.
Miles, Percy W., Jr.
Millay, Albert K.
Miller, Clifford
Miller, Duane A.
Miller, Edward P.
Miller, Eric E.
Miller, Eugene F.
Miller, Gene A.
Miller, George M.
Miller, Gerald S.
Miller, James R.
Miler, John B., Jr.
Miller, John R.
Miller, Ralf M.
Miller, Richard M.
Miller, Robert D.

Miller, Robert J.
Miller, Wayne E.
Millhaem, Robert N.
Milliken, Gordon J.
Mills, Michael M.
Milton, Hugh M., III
Minihan, Donald J.
Mirich, Guy S.
Mitchell, Andrew D.
Mitchell, James R.
Mitchell, Jimmie R.
Mitchell, Paul L.
Mitchell, Wallace E.
Mittelman, Leonard
Mitts, John E.
Mobley, Billy M.
Mobley, John O., Jr.
Mohler, Thomas F.
Monahan, George L., Jr.
Monroe, Paul L.
Monsees, James M.
Montgomery, Richard D.
Montgomery, Russell N.
Moody, Wendell F.
Moore, Burton T.
Moore, Charles F.
Moore, Harry W.
Moore, John F.
Moore, Leon M.
Moore, Michael K.
Moore, Richard E.
Moore, Thomas L.
Morales, Rafael
Moran, Edward J.
Morgan, Boyd A.
Morgan, Charles E., Jr.
Morgan, Eugene T.
Morgan, Hugh M.
Morgan, Joseph P.
Moring, Eugene E., Jr.
Morlock, Leroy E.
Morris, Dan
Morris, Frank J.
Morris, Jack K.
Morris, Lloyd V.
Morrison, Franklyn C.
Morrison, Robert G.
Moser, John T.
Moses, Kenneth H.
Mosteller, Melvin R.
Motal, Delbert R.
Motley, Albert E., Jr.
Motsinger, Harold V.
Mower, Roland D.
Mowry, Byron M.
Mrak, Steve V.
Mudzo, Michael G.
Mulch, Leroy R.
Mulkey, Charles W.
Mullenger, Robert W.
Muller, Albert F.
Munna, Joseph V.
Munson, Lloyd M.
Murchison, Benjamin F., Jr.
Murphy, Charles H.
Murphy, Edward J.
Murphy, John T.
Murphy, Luther G.
Murphy, Stuart T.
Murray, James D., Jr.
Murray, Richard S.
Murtaugh, John K.
Muskat, Michael S.
Mussman, Arthur C.
Myers, Dewitt H.
Myers, Franklin W.
Myers, Gene O.
Myers, James E.
Nadler, Charles P.
Naegle, Thell S.
Nagley, William S.
Nanning, Ronald L.
Nash, Howard G.
Nash, Monte E.
Naslund, Willard E.
Nasypany, Raymond
Nay, Gerald L., Jr.
Neal, Guy W.
Needham, Richard C.
Neely, Joseph A.
Neff, Robert A.
Negaard, Gordon R.
Neilson, Herbert E.
Nelson, Conover A., Jr.
Nelson, Elton M.
Nelson, James W.
Nelson, Merle A.
Nelson, Oscar W., Jr.
Nelson, Richard L.
Nelson, Val G.
Nepa, Aurelio, Jr.
Neubeck, Francis G.
Nevins, Joseph K.
Newcomer, Robert W.
Newell, Jack L.
Newman, Roy I., Jr.
Newsom, Ronald A.
Newsome, Richard S.
Newton, Frank A.
Newton, Tyree H.
Nicholas, Michael C.
Nichols, David L.
Nichols, Donald C.
Nichols, William P. J.
Nickerson, Ronald E.
Nielson, Roland A.
Nine, Robert E.
Nixon, George S.
Noble, Richard J.
Nolan, James W.
Nolan, John F.
Nolan, Richard A.
Nordlie, Roland L.
Norman, Bobby L.
Norman, Warren E.
Nottingham, William H.
Nou, Juri V.
Nowakowski, Anthony J.
Nowland, Benoni, IV
Noyes, Ronald W.
Nunenkamp, Max T.
Nunley, Billy F.
Nunley, Bobby J.
O'Banion, Glenn A.
O'Brien, Alva B.
O'Brien, James
O'Brien, Robert J.
O'Brien, Thomas E.
O'Bzut, Nicholas P.
O'Connell, Arthur J.
O'Connor, Patrick J.
Odgers, Peter W.
Odland, Robert B.
Oehme, Chester G., Jr.
Oetting, George D.
Offen, Curt R.
O'Halloran, Leo D., Jr.
O'Hanian, John P.
O'Hara, Thomas A., Jr.
Ohlson, Nils A.
Okeefe, Cornelius J.
Oldroyd, David A.
Oliphant, John E.
Oliver, Alan F., Jr.
Oliver, Robert L.
Olivier, Donald G.
Olson, Arthur W., II
Olson, Neale E.
Olson, Vernon R.
O'Neill, John T.
Oppel, Albert F.
Ormand, Lowell W.
Orme, Gordon R.
Orr, Charles L.
Ortega, Lorenzo T.
Osaki, Ted M.
Osborne, William R.
Ostrominski, John
Oswald, Jack H.
O'Toole, Patrick J.
Ott, Franklin D.
Otteson, David E.
Ottman, Willard G.
Otto, Douglas C.
Overacker, William E.
Overall, Douglas
Overly, James D.
Oveson, Richard M.
Owen, James M.
Owens, Max G.
Owens, Wayne E.
Paetzel, Harold R.
Page, Lawrence F.
Paige, Frederick D.
Painter, Richard G.
Palcowski, Richard V.
Palko, Edmund P.
Pankey, Harold E.
Pannell, William P.
Paoletta, Benjamin P.
Paquette, Eugene F.
Park, Richard N.
Parker, Pasco
Parker, Vernon H.
Parrish, John A., Jr.
Partridge, James D.
Paschal, Richard B.
Passi, Henry R.
Patrick, John R.
Patrick, Thomas J.
Patterson, Billy R.
Patton, Billy D.
Paul, Donald G.
Paul, Norman M., Jr.
Paulson, Donald N.
Pawlik, Harry
Paxson, Norman T.
Payne, William M.
Pearson, Leroy M.
Peck, Victor H.
Pecuch, Albert C.
Peek, Kenneth L., Jr.
Pennington, David J.
Perdue, Jacque M.
Perdue, Raymond G., Jr.
Perino, Michael B.
Perkins, Charles M.
Perkins, John E.
Perkins, John H.
Perkins, Thomas E., III
Perren, Gerald J.
Perrin, David L.
Perrin, Leroy J.
Perroots, Leonard H.
Perry, Johnny L.
Perry, Joseph J.
Peschel, Franklin D.
Peter, Robert A.
Peterman, Gerald W.
Peters, Harold W.
Peters, Leroy R.
Peterson, Arthur A.
Peterson, Charles D.
Peterson, Donald C.
Peterson, Donald H.
Peterson, John F.
Peterson, Kenneth L.
Peterson, Leonard R.
Peterson, Milton R.
Peterson, Robert A.
Peterson, Vernon C.
Peterson, Wilbur D.
Petrak, Herbert G.
Petrie, Russell G.
Petteway, Clark H.
Petty John, Jimmy C.
Pew, Robert M.
Peyser, Daniel B.
Pfeiffer, Charles A.
Pfeiffer, Larry C.
Phares, Norman R.
Pheiff, Robert F.
Phelan, Thomas J., Jr.
Philbrick, Gene E.
Phillips, B. Ellis
Phillips, Fred B.
Phillips, John L.
Phillips, Orlan T.
Phillips, Robert S.
Pickett, Thomas J., Jr.
Picking, Franklin W.
Pickitt, John L.
Pierce, Ralph A.
Pinette, Ronald E.
Pinson, Charles R.
Piotrowski, John L.
Pirkey, Frederick E.
Pitstick, William F.
Pitt, Robert W.
Pittenger, Eugene W.
Pixley, John J.
Plaisance, New C., Jr.
Plumb, Randall L.
Plummer, Orel L.
Plutt, Phillip E.
Poe, Joe E.
Poindexter, Luther R.
Poirier, John T.
Polk, Adrian V.
Pollard, Ben M.
Polson, Harold O.
Poncar, Jerry V.
Ponton, James O.
Poole, George W.
Poor, William B.
Poore, Donald W.
Poore, James W.
Poore, Walter H.
Pope, Dallas H.
Poppe, Robert T.
Poppert, Richard E.
Porter, David L.
Porter, James W.
Porter, William C.
Porter, William E.
Poteet, Bobby S.
Poteete, John D., Jr.
Potter, Merwin E., Jr.
Poukish, Philip E.
Powell, Jack H.
Powell, William Y.
Pralle, James R.
Prater, Richard H.
Pratt, John C.
Pretlow, James P., Jr.
Prewitt, George P.
Price, John H., Jr.
Price, Norris E.
Prince, Philip S.
Pritchett, Larry W.
Prokofieff, Igor P.
Prophett, Abner
Propst, Robert W.
Pruden, Albert L., Jr.
Pruitt, Leslie D.
Pryor, James A.
Puckett, William E.
Pung, James C.
Putney, Robert F.
Pyatt, Robert C.
Pyke, James A., Jr.
Pyne, Wallace R.
Quast, Emil T.
Quinlan, Edward M.
Quinlan, John P.
Quinlan, William F.
Rader, Paul L.
Radke, Paul F., Jr.
Ragan, Claude H.
Rainey, Charles A.
Raisor, Harry E.
Raitt, William W.
Ramey, Albert A.
Randolph, Bernard P.
Rankin, Kenneth E.
Ransom, Charles E.
Rapuand, Joseph M.
Raschke, Rupert T., Jr.
Rasmussen, Robert A.
Raspberry, Everett T., Jr.
Raudenbush, Paul E.
Rausch, Russell R.
Rawie, Carl W.
Ray, James S.
Ray, Robert B.
Rea, Arthur M.
Rea, Chalmers F.
Reddington, Matthew D.
Reding, John J.
Redmond, Robert
Reed, Edward S.
Reed, Guy A., Jr.
Reed, John W.
Reed, Lester W., Jr.
Reed, Norman E.
Reeder, Lloyd
Reeder, Martin G.
Reese, Clyde H.
Reese, Jerry W.
Reese, Robert D.
Reichelderfer, John W.
Reid, James E.
Reid, Robert, Jr.
Reilly, James J.
Reimer, Gary B.
Remsburg, Clark L.
Renko, Thomas M., Jr.
Repp, Robert M., III
Reyes, Edward D.
Reynolds, William R.
Rhoads, Donald G.
Rhodes, Harold B.
Rhodes, Robert N.
Rice, George E.
Rice, Tommy E.
Richards, Charles M.
Richards, Frank D.
Ridlinghafer, Billy R.
Riede, Philip J.
Riedel, Emil G., Jr.
Riegle, Robert M.
Rierson, Charles M., Jr.
Rigby, William G.
Riggs, Leland S., Jr.
Riley, Mitchell B.
Rios, William
Ripley, Roy L.
Rissi, Donald L.
Ritchey, John W.
Ritchie, Welton C., Jr.
Ritenour, John D.
Roades, Charles W.
Robb, Wesley E.
Robbins, Clyde R.
Robbins, Gary W.
Robel, Richard F.
Roberts, Albert J., Jr.
Roberts, Clifford K.
Roberts, David L.
Roberts, Lionel W.
Robertson, Jimmie R.
Robertson, O. D.
Robertson, Orbie G.
Robertson, Valden L.
Robidoux, Joseph E.
Robinett, Eugene D.
Robinson, George D.
Robinson, Richard D.
Robinson, Richard O.
Robinson, Wilbur L.
Robinson, Zane H.
Robson, Donald E.
Rodenhizer, Donald
Rogers, Albert G.
Rogers, Charles J., Jr.
Rogers, Frank N.
Rogers, James K.
Rogers, John A.
Rogers, Robert I.
Rogers, Travis O.
Rohr, Donald F.
Rohrlick, Myles A.
Rollins, John O., II
Rollman, Leo F.
Roos, Herbert L., Jr.
Roosa, Stuart A.
Roque, Bernard A.
Rose, Robert D.
Rose, Samuel R., Jr.
Rosenlof, Kenneth D.
Ross, Alfred P., Jr.
Ross, James S.
Rossacci, Pasquale F., Jr.
Rossmeisl, Robert D.
Roth, William E.
Rothlisberger, William O.
Rough, Floyd D.
Rousseau, Robert G.
Rouze, Donald L.
Royston, Craig
Ruana, Raymond M.
Ruberg, Arthur J.
Ruby, Norman A.
Rudzki, John E.
Rufty, Franklin G., Jr.
Rule, Ronald E.
Rumsey, Edwin F.
Ruppenthal, Fredd C.
Russ, Robert D.
Russell, Charles H., Jr.
Russell, Charles R.
Russell, Howland S.
Russell, Jerry W.
Russell, Robert L.
Russell, Robert S.
Rustvold, Clarence A.
Ruth, Alfred E., Jr.
Ruth, John C.
Ryan, Arthur R.
Ryan, Eddie W.
Ryan, Jack B.
Sachs, Robert L.
Sackschewsky, Donald M.
Sadler, Deryl L.
Sadler, Harry R.
Sager, Robert E.
Sahlman, Armas F., III
Salisbury, Earnest E.
Salter, James E.
Salyer, John A.
Samos, Gerald J.
Samuelson, Reid R.
Sanborn, Morgan W.
Sanborn, Walter R.
Sandberg, Jack L.
Sanders, Lawrence N.
Sanders, Steven R.
Sanders, William H.
Sandifer, Jerry K.
Sandler, Donald T.
Sandstrom, Jack H.
Santagati, Ronald S.
Sargent, Arthur, Jr.
Saunders, William W.
Savage, Hugh A.
Sayre, George M., Jr.
Scabavea, Andy S.
Scanlan, Tracy A.
Schade, David U.
Schadel, Harold A.
Schaefer, William E.
Schaff, Robert M.
Schartman, Paul A.
Schaub, Theodore J.
Scheid, Donald J.
Schick, Donald E., Jr.
Schieman, Gordon E.
Schirmer, Gerald C.
Schlenker, Richard A.
Schlicht, Harold C.
Schluter, Henry A.
Schneider, Darrell A.
Schnieders, Thomas H.
Schoenecker, Robert W.
Schoeplein, Charles W.
Schoolfield, Scott M.
Schorsch, Rudolf H.
Schuler, Larry L.
Schulman, Herbert L.
Schutes, John G.
Schwabcher, Michael F.
Schwankl, Gerald C.
Schwartz, Harold
Schwartz, James W.
Schwenk, Larry D.
Schwieren, Richard D.
Schwietz, Thomas E.
Scoggins, Jack B.
Scott, Glyndon V.
Scott, Martin R.
Scott, Richard T.
Scott, Ronald W.
Scully, David J.
Seals, Billy R.
Seamands, Donald L.

Seamens, Howard R.
Searby, Peter H.
Seaver, David M.
Seay, James E.
Seay, James T.
Seback, Albert J.
Seborg, Earnest H.
Secord, Richard V.
Seddon, John J., Jr.
Sedlak, George, Jr.
Senn, Charles H.
Serex, Henry M.
Sessa, Patrick C.
Setliff, Jasper A.
Setlow, Andrew D.
Shacklock, John D.
Shaeffer, John E.
Shaleski, Reginald W.
Shanahan, Wayne K.
Shaner, Carl W.
Sharkey, Byron L.
Sharpe, Hardy R., Jr.
Shaw, David H.
Shaw, Donald E.
Shaw, Thomas A.
Shaw, Ward C.
Shaw, William H.
Shears, Leslie R.
Sheffield, John M., Jr.
Sheldon, Lyndon L.
Shelton, Franklin D.
Sheppard, Jack W.
Shermer, Ace E.
Shields, Bertrand E., Jr.
Shields, Richard A.
Shineman, Francis L.
Shinkle, Albert D.
Shircliff, Thomas A.
Shively, Stanley F., Jr.
Shiver, Robert A.
Shook, Tom M.
Shookman, Loyd A.
Short, Donald L.
Shrum, Claude R.
Shumbera, August L., Jr.
Shumway, Allen L., Jr.
Shuppert, Ben A.
Siegmund, Frederick R., Jr.
Sigler, John E.
Sihler, Edward A.
Silverstein, Jack
Simitjis, Thomas G.
Simm, Robert K.
Simmons, Thomas N.
Singleton, Elmer R.
Singleton, Lonnie A., Jr.
Siniuk, Joseph S.
Sither, Robert D.
Skelton, Charles B.
Skinner, Owen G.
Skipton, Charles P.
Skorepa, Ronald J.
Skowron, Edward R.
Slaten, Elmer, Jr.
Slaton, Frank T.
Slaughter, Dale M.
Sleater, Joseph K., Jr.
Slider, Joseph H.
Sloth, Sven E.
Small, Irvin M.
Small, John W.
Small, Leland F.
Smart, Edmund P.
Smetana, Duane W.
Smiley, Richard M.
Smink, Carl R.
Smith, Adam C.
Smith, Bealus A., Jr.
Smith, Bruce A.
Smith, Carl R.
Smith, Charles J., Jr.
Smith, Chauncey D., Jr.
Smith, Christopher C., Jr.
Smith, David L., Jr.
Smith, Donald F.
Smith, Donald R.
Smith, Donald W.
Smith, Douglass W.
Smith, Frederick E.
Smith, Gordon W., Jr.
Smith, James A.
Smith, James R.
Smith, James S.
Smith, Jimmie L.
Smith, John E.
Smith, John R.
Smith, Joseph P., Jr.
Smith, Lee E.
Smith, Lester S.
Smith, Melvin R.
Smith, Merlin C., Jr.
Smith, Needham V.
Smith, Raymond F.
Smith, Richard P.
Smith, Robert N.
Smith, Robert M.
Smith, Thomas D., III
Smith, Thomas H.
Smith, Thomas W.
Smith, Warren P., Jr.
Smuck, Barre E.
Snavely, Richard C.
Sneary, Richard L.
Snell, Richard T.
Snelling, John H.
Snowden, Richard M.
Snowden, Wendell
Snyder, Benjamin C.
Snyder, Earl P., Jr.
Snyder, Omar G.
Soherr, Paul E.
Solomon, Harry
Solomon, Howard N.
Solomon, Robert C.
Somerder, Herbert E.
Somers, Richard L.
Sotrines, Frank A.
Soule, Ronald J.
Souvignier, Douglas R.
Sowders, John H.
Sowers, Richard S.
Spallina, Marvin G.
Spangler, Wilson H., Jr.
Sparkman, Jimmy R.
Sparks, David C.
Sparks, Gerald D.
Spaulding, Keith H.
Spegal, Donn A.
Speight, Will O.
Spivey, Delmar B.
Sprague, Russell K.
Spratt, Victor M., Jr.
Springer, James A.
Springer, Richard M.
Springer, Robert D.
Springston, Theodore, Jr.
Spurrier, Donald L.
Stagg, Jerome A.
Staller, Kenneth W.
Stalnecker, Howard G., Jr.
Stanfill, Grant C.
Stanford, Jesse E.
Stanford, Nolen B.
Stanley, J. T.
Stanley, Lee R.
Stanton, Joseph S., Jr.
Starling, Laramie D.
Stathopoulos, Anthony
Steel, Tommy R.
Steele, Ralph D.
Steen, Joe R.
Steen, John A.
Stegall, Julius R.
Steinke, David G.
Stephen, John G.
Stephens, Jerry D.
Stevens, Jack D.
Stevens, Jerry E.
Stewart, George F.
Stewart, Jerry C.
Stewart, Sam P.
Stickney, Henry E.
Stiffler, Robert M.
Stilwell, Kenneth R.
Stinson, James E.
Stirk, John J.
Stitt. Howard D,
Stjean, Frederick J.
Stmartin, Roy L.
Stoddard, George J.
Stoeckle, Edward R.
Stokes, Elbert R.
Stokes, Marion D.
Stolpe, Robert D.
Stone, Don W.
Stone, James E.
Stone, Reed L.
Stone, Roland J.
Story, Alfred F.
Story, Conrad L.
Stout, Thomas A.
Strain, Robert B.
Strait, Ernest D.
Straub, Edward C.
Strebeck, George E.
Streett, Donald P.
Stricker, Richard J.
Stricker, Werner
Strickland, Robert K.
Strittmatter, Leonard E.
Strohecker, Harry F.
Strotman, Bruce D.
Stuart, Robert B.
Stuart, Theodore W. A., Jr.
Stull, Rondall H.
Stumpf, Lawrence
Sturgess, Thomas W.
Sturk, Robert L.
Sturtevant, Richard C.
Sullins, Dee G., Jr.
Sullivan, Farrell J.
Sullivan, John R.
Sullivan, Robert L.
Sullivan, Robert M. Jr.
Summers, Clarence S., Jr.
Sund, William A., Jr.
Supercynski, Florian A.
Suther, John A.
Sutton, Stephen L.
Suver, James D.
Swafford, John E., Jr.
Swalm, Thomas S.
Swanson, James O.
Swanson, Ronald E.
Swearengen, John F.
Sweetwood, Robert D.
Swett, Ben H.
Swift, Charles F., Jr.
Tadlock, Carl E., Jr.
Talley, Dorsey J.
Talley, William H.
Tanner, James L.
Tapman, Thomas F.
Tarbet, Thomas M.
Tardif, Charles H.
Tarochione, Steven R.
Tate, George R.
Tatro, Eugene C.
Tauzel, William R., Jr.
Taylor, Billie J.
Taylor, Billy G.
Taylor, Claret D.
Taylor, Donald M.
Taylor, Franklin D.
Taylor, John F.
Taylor, Ralph C.
Teagarden, C. C.
Tebben, Gerald D.
Teed, Charles M.
Templeton, William P.
Terpening, Andrew L.
Terrell, Everett K.
Terry, Andrew G., Jr.
Teskey, Harland E.
Thelen, Boyce C.
Theunissen, Gerald J.
Thomas, Charles D., Jr.
Thomas, David W.
Thomas, Floyd L.
Thomas, George E.
Thomas, Kenneth C.
Thomas, Kenneth E.
Thomas, Leland C.
Thomas, Lloyd H.
Thomas, Oscar L.
Thomas, Timothy L.
Thomas, Virgil D.
Thomas, Wayne H.
Thompson, Jack E.
Thompson, James E.
Thompson, James E.
Thompson, James L., Jr.
Thompson, John A., Jr.
Thompson, Leland L., Jr.
Thompson, Ray G.
Thompson, Raymond E.
Thompson, Robert I., Jr.
Thompson, Thurston A.
Thompson, Warren N.
Thomson, Alan H.
Thomson, Alec W.
Thornhill, William J.
Thornton, John D., Jr
Thornton, Leonard F.
Thornton, Richard W.
Thornton, William L.
Thorp, James V.
Thorpe, Norman R.
Thurston, Robert F.
Tibbitts, Therice E.
Tidwell, Marion F.
Tidwell, Robert L.
Tierney, Marion W.
Tietbohl, Frederick J., III
Tilley, Tommy A.
Tillotson, James A., Jr
Timpko, Charles M., Jr.
Tindall, Ira F.
Tindall, Richard D.
Tingley, Ronald D.
Tinney, Jack S.
Tissot, Raymond E.
Toft, Donald L.
Tokar, Donald E.
Tolbert, William T.
Tolstead, Robert L.
Tomaskovic, Thomas M.
Tomes, Jack H.
Toney, Robert L.
Tortorilla, Harold O.
Trabun, Samuel J.
Tracy, Bryce L.
Trapp, Charles E., Jr.
Trapp, Theodore J.
Trask, John R.
Travis, Marvin T.
Treacy, William O.
Treen, Harlin P.
Trexler, Charles C., Jr.
Trickey, Ronald E.
Trifilio, Nicholas R.
Tripp, Harold D.
Trivitt, Philip K.
Trolinger, Donald C.
Tropio, Thomas A.
Trottier, William B.
Trout, Myron B.
Trout, Richard G.
Trudell, Alfred A.
Trudell, Ronald D.
Trzcinski, Robert J.
Tschetter, Timothy
Tubb, Donald J.
Tucker, Gordon L.
Tucker, Ronald J.
Tucker, Sidney L.
Tucker, Thaddeus W., II
Tucker, William L.
Turner, Hiram G.
Turner, Hugh A.
Turner, Richard D.
Turner, Thomas A.
Tussey, Frank D.
Tuttle, George G.
Tuttle, Robert R.
Tuttle, William C.
Tweedie, Robert L.
Tyler, William L.
Tyndall, Edward F.
Uher, Edward L.
Ulmer, Stiles C., Jr.
Ulshafer, Paul M.
Underhill, George, Jr.
Underwood, David B.
Underwood, Harold W.
Underwood, John D., Jr.
Unrein, Philip J.
Unser, Oscar E.
Upp, James R.
Ursini, Samuel M.
Usher, William R.
Utley, Russell K.
Utman, Howard W.
Vacin, Frank L.
Valentine, Edward J.
Valentine, Harold J.
Valle, Manuel D. J.
Valley, Joseph H., Jr.
Vance, David R.
Vancura, Lawrence A.
Vandriel, Charles E.
Vanhorn, Arthur E.
Vanhoutum, Richard K.
Vanness, Charles R.
Vannier, Vern F.
Vanree, Harold G.
Vanspeybroeck, Donald J.
Vanwinkle, Wayne E.
Varnum, John W.
Vatis, Martin D.
Velde, Lee D.
Vermeys, Carlton P.
Vestal, Perry M.
Vetters, William E., Jr.
Vick, Dewain C.
Vickery, John D.
Vincent, Herman G.
Vitori, Theodore E.
Voegelin, Alvard M., Jr.
Voelker, Robert G.
Vogel, Richard D.
Vogler, Charles C.
Vogler, Frederick J.
Volgenau, Ernst
Volkstadt, Wilfred G.
Volpe, John M.
Von, Vernon M. H.
Vongohren, Edward V.
Vonkleist, Robert V.
Vonwolffradt, Gustav S.
Waddill, Roger G.
Waddle, Bobby G.
Wade, Austin R.
Wagner, Eugene P.
Wagner, Paul E.
Wagoner, Paul D.
Wahlquist, Lauren B.
Waiss, Terrill E.
Wakafuji, James I.
Walbridge, James S.
Walden, Charles E.
Waldman, James H.
Walker, Donald C.
Walker, Edward P.
Walker, Fernie J.
Walker, Joseph E.
Walker, Leland G.
Walker, Leonard S., III
Walker, Norman B.
Walker, Stuart D.
Walker, Wallace J.
Walker, Whitney C.
Walkowski, Raymond J.
Wallace, Jarrell R.
Wallace, Richard S.
Wallace, Robert E., Jr.
Waller, Larry D.
Walters, Rives M.
Waltman, Donald G.
Walton, Robert G.
Waltz, Burton L.
Ward, Brien D.
Ward, David M.
Ward, Ronald J.
Ward, William E.
Wareham, William A.
Wargowsky, Richard G.
Waring, George B.
Warinner, Algernon S., II
Warloe, Roger O.
Warner, Morris T., Jr.
Warner, Ronald L.
Warren, Robert J.
Warwick, Daniel P.
Wathen, John A.
Watson, Gerald S.
Watson, James R.
Watson, John T.
Watson, Robert J.
Watson, Ronald W.
Weaver, Burl J.
Weaver, James A., Jr.
Weaver, Thomas G.
Webb, Gerald M.
Webb, Leonard W.
Webber, Peter J.
Weber, Alban L.
Weber, Daniel R.
Weber, Paul L.
Webre, Eugene J.
Webster, Donald N.
Webster, Fate L.
Weiner, Arthur C.
Weiner, Sidney W.
Weisiger, Donald H.
Weiss, James E.
Weissenborn, Ronald E.
Welch, John F.
Welch, Larry D.
Welch, Loren E.
Welch, William W.
Welling, Gordon L.
Wellington, Raymond, Jr.
Wendland, James L.
Wenker, William J.
Werner, Reuel T., Jr.
West, Charles B.
West, Charles G.
West, David A.
West, Jerry G.
Westcott, Russell G., Jr.
Wester, Donald E.
Wetzl, Thomas G.
Whalen, Donald L.
Wharton, Browning C., Jr.
Wheeler, Elmer G., Jr.
Wheeler, Karl A.
Wheeler, Terrence G.
Wheeler, William H.
Whistler, Joseph Y.
White, George A.
White, Lawrence A.
White, Leslie W.
Whitehouse, Larry V.
Whitehurst Rex A.
Whiteside, Jack H.
Whitfield, Marvin C.
Whitmore, Bickie B.
Whitt, Joe B.
Whitten, William E.
Whitwell, Franklin C.
Wichy, Bismarck
Wicker, Thomas J.
Wiese, Richard B.
Wiesner, James F.
Wilde, James B.
Wiles, Donald A.
Wilkinson, Thomas C.
Will, Jimmy D.
Williams, Cleveland D.
Williams, Dallas L.
Williams, Donald C.
Williams, Earle D., Jr.
Williams, James A.
Williams, James R.

Williams, Jimmy R.
Williams, Joseph B.
Williams, Lee E.
Williams, Pete C.
Williams, Philip P.
Williams, Robert W.
Williams, Rodney P.
Williamson, John W.
Williamson, Mahlon J.
Williamson, Willi R.
Willis, Franklin E.
Willis, Robert E.
Willis, William S.
Wilson, Albert H.
Wilson, Burke L.
Wilson, Dick E.
Wilson, Glen H.
Wilson, Glenn H.
Wilson, Harold D.
Wilson, Harold L., Jr.
Wilson, Kenneth V.
Wilson, Robert R.
Wimbley, Charles O.
Wimer, Jack W.
Wingate, Dale E.
Wingfield, Billy J.
Winkler, John L., Sr.
Winner, Donn C.
Winston, Donald K.
Winters, Albert C., Jr.
Winters, Richard A.
Wirth, Peter C.
Wirth, William R.
Wise, Boyd E.
Wise, Lee B.
Wiseman, William R.
Witherspoon, Robert W.
Withrow, Bobby L.
Witzig, Herman R.
Wolf, Donald K.
Wolf, Richard H.
Wolfkeil, Wayne B.
Wolford, Leland
Wollaston, Dean E.
Wolniewicz, Peter F.
Womack, Clarence E.
Womack, Willis G.
Womble, William O.
Wood, Barry O.
Wood, Don C.
Wood, Floyd D.
Wood, James E.
Wood, James T.
Woodhead, Robert E.
Woodring, Joe L.
Woods, Byron B.
Woods, Ronald D.
Wootton, Wayne F.
Worden, Alfred M.
Worden, Dwight C.
Workmon, Edward E.
Worthy, William E.
Wray, Robert D.
Wright, Arthur L.
Wright, Charles W.
Wright, Clifton D., Jr.
Wright, Gene T.
Wright, James R.
Wright, Richard D.
Wright, Sidney J.
Wright, William H.
Wyman, Myron L.
Wyrick, Carl A.
Yager, Donald E.
Yancey, Kenneth E., Jr.
Yancy, Raymond C.
Yates, Donald R.
Yeager, Jerry L.
Yearsley, William R.
Yoder, Robert D.
Yore, Arthur R.
Yost, Daniel C.
Young, Edward D., Jr.
Young, Russell A.
Youngblood, Russell W.
Younkman, Robert J.
Yount, Charles F.
Zachary, John D.
Zaike, Donald A.
Zambiasi, Raymond J.
Zaretsky, Michael G.
Zarr, Robert D.
Zeeck, Richard C.
Zeybel, Henry L.
Zienert, Clarence E.
Ziliak, Wayne C.
Ziman, Robert L.
Zink, Donald L.
Zuckerman, Donald L.
Zwack, Edward W.

CHAPLAINS

Abernethy, Alfred J.
Benda, John J.
Fairless, Mark W.
Flinn, James E.
Fox, Winston P.
Gibson, Vancil V.
Hardin, Newton R. N.
Hunt, Asa E., III
Hunt, Mansfield E.
Kilpatrick, August C.
Kingsley, Earl J., II
Ludwig, Paul W., Jr.
O'Malley, James G.
Rasberry, John E.
Shoupe, Edward E.
Smith, Rufus G.
Tabb, Robert W.
Taylor, James R.
Vaughn, Earl F.

DENTAL CORPS

Aslanis, James T.
Awtry, Teddy D.
Bernhard, Lee F.
Bernui, Rolando
Bigalke, James F.
Brown, Cecil E., Jr.
Buchen, Bayard A.
Burrows, Bradley H.
Butz, Donald J.
Cecconi, Bert T.
Charron, Thomas W.
Crockett, Leonard D.
Doran, John E.
Eberly, David S.
Fowler, James A., Jr.
Frisbie, Orton D.
Fry, Hiram R.
Garner, Robert S.
Gerhardt, Donald E.
Hardeman, James A.
Hawkins, Maynard A.
Keith, Wayne K.
Killoy, William J.
Legan, Joseph J.
Morse, Donald P.
Myers, John W.
Nill, Christian W.
Ohta, Ralph M.
Rehg, Paul J.
Richards, Ellsworth R.
Sanders, Dick W.
Simmonds, Charles R.
Stobie, James L.
Svensson, Ernest D.
Swanson, Ben Z., Jr.
Swartz, William L.
Swayne, Paul R.
Swimley, Dwight C.
Tilles, Arthur M.
Tuggle, Dewey H., Jr.
Welker, William A.
Wellins, Stanley L.

MEDICAL CORPS

Abernathy, James P.
Anderson, Judson T.
Axelrod, Arthur J.
Bentlage, Charles H.
Bielstein, Henry V. A.
Brix, John F., Jr.
Brown, Horace J.
Campbell, John L., II
Chambers, Clint E.
Chapman, Calvin C.
Chapman, Robert M.
Coolidge, Thomas T.
Coursey, John W.
Cox, Hugh A.
Crawford, William O., Jr.
Curtis, Kenneth W., Jr.
Derby, Alfred J.
Dibbell, David G.
Dunn, Jared M.
Dyer, James W.
Ellison, Richard B.
Farber, George A.
Ferguson, Emmett B., Jr.
Gamse Norman L.
Goodman, Gerald N.
Grillo, Donald
Hallewell, John D.
Hart, James E.
Hauver, Robert C.
Hermann, Elmer R., Jr.
Holder, David L.
Holt, Robert S.
Hylton, Robert R.
Igleman, Jon M.
Johnson, Williard L., Jr.
Jones, Otis W.
Joycolon, Jose L.
Kachinski, Frank E.
King, William H.
Kozub, Robert E.
Laubach, John B.
Marshall, Angus
Martinezoferrall, Jose A.
McCarthy, Thomas M.
Mediavilla, Antonio F.
Metheny, Ralph S., Jr.
Nahn, Charles E., Jr.
Neal, Joseph A.
Nonas, Constantine J.
Perezvarela, Manuel R.
Pietz, Wesley F.
Poel, Robert W.
Ragsdale, Richard M.
Red, Donald E.
Reinarz, James A.
Rhein, Leroy W.
Richie, Robert E.
Schultz, Morris A.
Sloan, Alexander M.
Smith, Oren R., Jr.
Stahl, Norman L.
Voss, Wilber C.
Walter, William H., III
Wanamaker, John L.
White, Cecil E.
White, Jerry A.
Whiteside, Clarence K., Jr.
Williams, John L., Jr.
Young, Frank W.
Zimmerman, Frank W., Jr.

NURSE CORPS

Badgett, Gladys R.
Bemis, Elizabeth B.
Carter, Phyllis J.
Casey, Eunice R.
Clementi, Mary F.
Costabile, Helen C.
Daniels, Della J.
Davenport, Lorraine M.
Deptula, Geraldine B.
Dolan, Mary E.
Donahue, Virginia A.
Duval, Lorraine M.
Fellin, Elizabeth T.
Flitsch, Erma
Foley, Eileen H.
Franchina, Gloria M.
Greene, Mary B.
Hale, Beatrice J.
Haskins, Helene R.
Hernandez, Rosa
Hillis, Helen R.
Hodge, Barbara R.
Johnson, Dolores
Kerwood, Joyce E.
Kidder, Joanne
Lau, Evelyn C. M.
Leftenant, Mary E.
Lewis, Rita L.
McClurkin, Frances M.
McMurdo, Ruth A.
Miller, Frances R.
Normand, Jeannine V.
Novotny, Dorothy R.
Park, Elizabeth L.
Phillips, Hazel L.
Pounds, Myrtle Y.
Radvansky, Mary E.
Sidisin, Ruth K.
Skler, Rose
Smith Joanne P.
Sorrell, Ethel E.
Strippy, Elizabeth J.
Sturm, Reva I.
Thomas, Peggy J. T.
Tucker, Ona M.
Vosburgh, Rita G.
Weisenfluh, Norma J.
Wettle, Mary J.

MEDICAL SERVICE CORPS

Aaron, Robert V.
Blair, Herbert L.
Blum, John L.
Chamberlain, Morrison E.
Clark, Gerald R.
Gildner, John L.
Harn, Thomas J.
Lindsley, Adolph A.
Mansfield, William P., Jr.
Mugford, Frank M.
O'Connor, James P.
Pridgen, Aubrey W.
Rosenthal, Harry
Scolard, Dominic C.
Slagel, Ronald V., Jr.
Small, Arthur H.
Stephenson, Roger D.
Straughn, Herbert E.
Tonn, Arthur H.
Tuck, Charles W.
Wells, Darius L.
Woodruff, Richard E.

VETERINARY CORPS

Anstadt, George L.
Ashby, William T.
Carter, Vernon L., Jr.
Casey, Harold W.
Ewing, Dean E.
Lacroix, John T.
MacKenzie, William F.
Murray, James L.
Shiflett, Richard M.
Smith, Alvin W.
Springs, John M., Jr.
Temple, Harold G.
Wise, David
Wisecup, William G.

BIOMEDICAL SCIENCES CORPS

Choisser, Donald C.
Chavotta, Charles A., Jr.
Destefano, Peter
Elliott, Albert M.
Haffer, Charles T.
Hancock, James A., Jr.
Hattesen, Jack E.
Higgins, Donald D.
Holtzman, Charles F.
Johnson, Jordan D., Jr.
Keleske, Dolores P.
Kingsley, Willard E.
McCambridge, John J.
Noe, Edward R.
Parrish, Dale W.
Pizzuto, Joseph S.
Podkin, Marvin
Sadanaga, John Y.
Schenkel, Edward F.
Smith, Billy S.
Thomas, Robert E.

FIRST LIEUTENANT TO CAPTAIN

Line of the Air Force

Abate, Joseph D.
Ache, Leroy P.
Achin, Raymond R.
Ackerman, James L.
Ackert, Bruce
Adams, Charles C.
Adams, Donald L.
Adams, Duane A.
Adams, John S., Jr.
Adams, Wendell M.
Adams, William E.
Ahart, Richard A.
Ahl, Arthur W.
Ahrens, James A.
Akley, James K.
Alba, Michael S.
Albrecht, Charles F., Jr.
Aldinger, Richard T.
Aldridge, Robert P., Jr.
Alenius, John T.
Alexander, Charles R.
Alexander, Kenneth G.
Alexander, Lonny R.
Alexander, Richard A.
Alexander, Robert M.
Alexander, Roland T.
Alexander, Theodore G.
Allan, Donald F.
Allan, Ronald J.
Allen, Douglas J.
Allen, John C.
Allen, Maxie W.
Allen, Wayne L.
Allison, Kent V.
Allport, Charles W.
Allsbrook, John W., Jr.
Alonge, Joseph C.
Altick, Stephen F.
Altman, Edgar A., Jr.
Altman, Herbert.
Altwies, James E.
Alvarez, Humberto H.
Ambre, William A.
Ames, James R.
Amfahr, Harold M.
Amoscato, Guy T.
Andersen, William C.
Anderson, Carlton E.
Anderson, Gerald W.
Anderson, John A.
Anderson, John M.
Anderson, Kenneth L.
Anderson, Paul C.
Anderson, Ralph L., Jr.
Anderson, Raymond E.
Anderson, Richard C.
Anderson, Robert F.
Anderson, William E.
Anderton, David W.
Andre, Jan B.
Andreasen, Clell.
Andreoni, Alan J.
Andrews, Melvin R., Jr.
Andrews, Merle F.
Andrus, James G.
Anibal, Edward F., Jr.
Annis, James R.
Anspaugh, Charles C.
April, Paul K.
Armenta, Gilbert.
Armstrong, John J.
Armstrong, Robert M.
Arner, Lorenz D.
Arnold, John D.
Arnold, Richard W.
Arnsdorff, Alton G., Jr.
Arrington, Robert E.
Arthur, Hayward B.
Asbill, Morris W., Jr.
Ashby, Lawrence E.
Ashman, Jerome P.
Ashy, Joseph W.
Atchison, David A.
Atchison, Richard M.
Atteberry, Glen, A.T.U.
Austin, William F., III
Auth, Edward G., Jr.
Autry, Gene A.
Averhart, Jesse M.
Ayres, Roger A.
Baber, James J., Jr.
Babler, Myron J.
Backman, Vernon E.
Bail, Charles E., II
Bailey, Charles H.
Bailey, Gordon D.
Bailey, Richard
Bailor, Ronald O.
Baily, Joseph J., III
Baj, Chester T., Jr.
Bajuk, Terence G.
Bak, Edmund J.
Baker, Bobby L.
Baker, Bryce H.
Baker, Charles S.
Baker, Donald E.
Baker, Earl D.
Baker, John A.
Bakos, Andrew E.
Bale, Don E.
Ball, Gary A.
Ballard, Bobby D.
Ballman, Arthur C., Jr.
Balut, Ramon R., Jr.
Banks, Frederick M.
Banks, Ronald W.
Bannon, John J., Jr.
Bardwell, Stanford O., Jr.
Barkhurst, Paul D.
Barnes, Elliott B., Jr.
Barnes, William J., Jr.
Barnett, Everett E., Jr.
Barnhill, Charles C., Jr.
Barr, Michael J.
Barr, Michael L.
Barranco, Stephen S.
Barreire, William
Barrett, Ford H.
Barrett, Melvin R.
Barrows, Charles V.
Bartley, Robert W.
Bassett, Louis C., Jr.
Bates, Roy D., Jr.
Bates, Thomas M.
Batson, Thomas S., Jr.
Batte, George A.
Baucom, Donald R.
Bauer, Frank J.
Bauer, Gerald H.
Bauer, Richard H.
Baughman, Gary L.
Baum, Carl E.
Baumgartner, Robert L.
Baun, Raymond J.
Baxter, Robert H.
Bayley, Harry P.
Bazerque, Bertrand H., III
Beaky, Charles M., Jr.
Beasley, Earle C.
Beatty, James F., Jr.
Beaty, James K., Jr.
Beaudry, Richard G.
Beaulieu, Leo J.

Beaumont, Lincoln S., Jr.
Bechler, Wayne R.
Beck, Bradley T.
Beers, L. N.
Behrens, Dennis D.
Bell, Darwin L.
Bell, James R.
Bell, Lee D.
Bellas, Robert.
Bender, Arthur.
Benedict, Carl J.
Benedict, Gary A.
Bennett, Garnett T., III
Benson, Larry L.
Benten, William A.
Benton, Frank M., Jr.
Berdan, Richard L.
Bergen, John K.
Berkshire, John H.
Berlin, Martin S.
Bernard, Albert R., Jr.
Bernard, John F., Jr.
Berringer, Lynn T.
Berry, Gene A.
Berry, James S.
Berube, Paul J.
Best, Roy W.
Bettex, Leonard C.
Betts, Carlton L.
Bevans, Peter C.
Beverly, Edward J., Jr.
Bewley, Ronald L.
Bezanson, Richard H.
Bianco, Matthew C.
Bickenbach, Jerry B.
Biegalski, Conrad S.
Bielstein, John C.
Bierly, Richard M.
Biestek, Harold F.
Bifolchi, George J.
Bigelow, James N.
Bigelow, Joseph P.
Bigham, Eugene F.
Bikker, Arthur W.
Billington, Gordon F.
Bilse, Marvin R.
Birchfield, James R.
Bird, Robert E.
Birk, Peter K.
Birnbaum, Moe
Bishop, Charles L.
Bishop, Halford R.
Bissonnette, Donald K.
Bittorf, Norman G.
Bjornstad, Eugene N.
Black, Franklin J.
Black, Robert E.
Blackburn, James C.
Blackmon, Norman V.
Blackstock, Jimmy D.
Blair, Albert W.
Blair, Robert L.
Blaisdell, Michael P.
Blake, Ronald H.
Blakemore, Philip D.
Blakley, Norman L.
Blasingame, Doyle D.
Blizzard, Clarence, Jr.
Blocker, Gettis A.
Bloom, Philip J.
Bloomberg, Elliott L.
Blum, Franklin E.
Blythe, Herman E.
Bobko, Peter B.
Bockelman, David C.
Bode, Richard D.
Bodenheimer, Clyde E.
Boecking, William D. G.
Boersig, George R.
Boettger, Albert J., Jr.
Bogart, James H.
Bogemann, Lawrence L.
Bohler, Donald M.
Boldrick, Michael R.
Boles, Billy J.
Bolinger, Bobby G.
Bolls, Larry R.
Bolster, Carl H.
Bomber, Thomas M.
Bond, Jack C.
Bonham, Lawrence D.
Bonwell, Raymond E., Jr.
Booher, Donald R.
Boone, Donald
Boone, Leo D.
Boone, Thomas S.
Booth, Frederick E.
Borden, Murray L.
Borin, Dennis J.
Boros, William G.
Borra, Anthony G.
Bosser, Robert L.
Bossi, Karl R.
Boswell, Homer D.
Bouchoux, Gerald E.
Bowden, Peyton R.
Bowen, Albert S.
Bower, Larry E.
Bowers, Bruce G.
Bowers, Hilton C.
Box, Gene E.
Boyd, Billy E.
Boyd, Charles H.
Boyd, Hubert D.
Boyd, Lawrence E.
Boyd, Raymond G., Jr.
Boyer, Winfred R.
Boyle, John J.
Boynton, Gerald L.
Bozeman, Tandy K.
Brace, Donald C.
Bracher, Phillip E.
Bradley, Thomas P.
Bragan, Robert A.
Brake, Francis B.
Brakeley, Peter W.
Bramble, Harold K.
Brame, Charles E.
Branch, Robert H., Jr.
Brandt, Karl F., Jr.
Braxton, Richard B., Jr.
Breault, Robert P.
Brenizer, Robert F.
Brennan, Leo J.
Breslin, Richard D.
Brewster, John H., Jr.
Brick, John E.
Bricker, Eugene W.
Brickman, William A.
Bridge, Jason K.
Bridges, Earl R.
Bridges, John D.
Bristol, William E.
Brocklehurst, Gordon B.
Broening, Gerald F.
Brooks, Donald A.
Brooks, Jerry C.
Brooks, Ronald B.
Brooks, Thomas A.
Brooks, William C.
Brooks, William E.
Brothers, John N.
Brown, Christopher H.
Brown, Guy E., II
Brown, James W.
Brown, Jerry E.
Brown, Leland D., Jr.
Brown, Robert M.
Brown, William A., Jr.
Brownell, Thomas F.
Brownfield, Orlen L.
Browning, William A.
Brubaker, Stanley E.
Bruce, Daniel R.
Bruce, Donald W.
Bruce, Nelson E.
Brucher, John M.
Brungart, David L.
Brunton, Robert K.
Bryan, James B., III.
Bryan, Thomas D.
Brzozowski, Thomas S.
Buchanan, George W.
Buchanan, Glenn M.
Buchenauer, Robert L.
Buckley, John R., Jr.
Buell, Alan D.
Buick, John R.
Bullard, Barry W.
Bullock, Lawrence J.
Bumen, Robert L.
Bumgarner, James A.
Bundy, Wayne P.
Buono, William A.
Burbage, Paul H., III
Burch, Thomas E.
Burchette, Jerry E.
Burkart, Joseph A., II
Burke, Billy E.
Burke, Walter F.
Burkhead, Hubert W.
Burley, Joseph T.
Burmeister, Edwin
Burnett, Donovan O.
Burns, Bruce A.
Burns, James E. S.
Burns, John L.
Burns, Robert D., Jr.
Burns, Robert G.
Burres, Keith E.
Burrow, Jessie H.
Burrows, Bruce T.
Burrus, James C.
Burton, Walter L.
Bussell, Robert L.
Butchko, Michael J., Jr.
Butler, Charles M.
Butler, Leonard A.
Butler, Norman R.
Butler, William K.
Byerly, Kirk L.
Byrd, Harold C.
Byrd, Ronald H.
Byrd, William B., Jr.
Byrne, Richard L.
Byrne, Stewart R.
Bythewood, Daniel H.
Cady, John R.
Cagle, Thomas G.
Cain, James E.
Caldwell, Lapsley R., Jr.
Calhoun, Joseph S.
Callaghan, John M.
Callin, John H.
Callis, William C.
Calvaresi, Anthony I.
Calvez, Clifton A.
Camarand, Warren J.
Campbell, Alan D.
Campbell, Burton W.
Campbell, Harvey C.
Campbell, Jimmie R.
Campbell, Richard S.
Campbell, Ronald P.
Campisi, Vincent R.
Candray, Arnold J.
Canfield, John M.
Capellman, James J.
Capps, Ted C.
Caravaglio, Francis J.
Carey, Edward H., Jr.
Carey, John J.
Carlsen, Edward, Jr.
Carlson, David R.
Carlson, Raymond A.
Carlson, William R.
Carmichael, Maurice A.
Carpenter, Daryl M.
Carpenter, John P.
Carpenter, Peter F.
Carpenter, Philip C.
Carr, Edward J.
Carroll, Howard K.
Carroll, John L.
Carson, David A.
Carstensen, John R.
Carter, Bruce R.
Carter, Charles R.
Carter, William E.
Carter, William P.
Cartwright, Francis E.
Carver, Linwood J.
Case, Carl T.
Casey, David R.
Cash, Jimmy L.
Casleton, Ronald G.
Casperson, David I.
Caswell, Stephen L.
Catherall, Michael H.
Caudill, Charles R.
Cavell, James E.
Cavender, Dwight B.
Cello, Gregory J.
Cepull, Donald C.
Challis, Ford F.
Chambers, Eldon A.
Chambers, John A.
Champion, Joel T.
Chancellor, James J.
Chaney. Eugene S.
Chapman, John W.
Chapman, Peter H., II
Charlow, Joseph F., Jr.
Chase, Duane B.
Chastain, Calvin H.
Chasteen, Calvin L.
Chatwood, Gerald L.
Chavanne, William G.
Chelette, Herman E., Jr.
Chelland, Eugene J.
Chellman, Edward M.
Chirco, Samuel
Choronenko, Iwan
Chrisman, Kenneth L.
Christensen, Carl A., Jr.
Christensen, John L.
Christianson, John W.
Church, James B., Jr.
Churchill, Howard A.
Chute, William M., II
Chihoski, Edward R.
Chiplickas, Algimantas J.
Claflin, Richard A.
Clanton, Paul L.
Clardy, Charles W.
Clare, Eugene J.
Clark, David W.
Clark, Frank B., Jr.
Clark, Hurshal S.
Clark, John G.
Clark, John W.
Clark, Kirk B.
Clark, Robert C.
Clarke, George W., Jr.
Clary, James R., III
Clawson, Lynn
Clegg, Donald H.
Clement, Bryan B.
Clemons, Gerald L.
Click, John E.
Cline, Vinton J.
Clopton, Wilbur R.
Close, Jay G.
Cloud, Rex E.
Coady, Robert F.
Cobb, Jerry R.
Cobb, Larry D.
Coble, Charles A.
Coble, Don C.
Coble, John E.
Cochran, Billy N.
Cochran, Donald R.
Cochran, Roger W.
Cody, John C.
Coe, Peter S.
Coffey, Francis J.
Coil, Johnnie G.
Cole, Charles M., Jr.
Cole, Gordon E.
Coleman, Cooper V.
Coleman, Donald F.
Colley, Jack
Colligan, John J.
Collins, Thomas W.
Collman, Ronald G.
Colpitts, Michael F.
Coltrane, Neal E.
Comeau, Charles L.
Conaty, Thomas P., Jr.
Condit, James C.
Congleton, Roger V.
Conlan, Ralph E.
Conn, Frederick J., III
Connally, Walter R.
Connelly, Peter J.
Conner, Castex P., Jr.
Conner, William L.
Connerat, Edwin B., Jr.
Connolly, James M.
Connolly, Robert J.
Connor, Joseph P.
Conrad, Dale D.
Conrad, Joseph P.
Cook, Daryle D.
Cook, James T.
Cooke, George E.
Cooke, John D.
Cooke, Paul M. T., Jr.
Cooke, Willis R.
Cooksey, Mellwood, Jr.
Cooley, Gilbert K.
Cooper, Harry E.
Cooper, Horace J.
Cooper, William T.
Cope, William L.
Copeland, Jerry
Coprivnicar, Frank J.
Corbalis, Fred F., Jr.
Cornetet, Gerald F.
Corr, James F.
Correll, Monte R.
Corrigan, James W.
Corrigan, Terence P.
Corsi, James A.
Costa, Nicholas P., Jr.
Costantino, James D.
Costanzo, Lawrence G.
Cotarobles, Amado L.
Cote, Ronald A.
Cottrell, Leah R.
Cottrell, William A.
Coulter, Arthur C.
Coupland, Hoyt D.
Courrier, Ernest A., Jr.
Cox, John E.
Cox, Wesley A.
Cozzens, Stuart G.
Crabtree, Allen F., III
Crake, Roger L.
Craska, Paul D.
Crawford, Jessie K.
Crawford, Roger A.
Crawford, Thomas J.
Crawshaw, Wharton R.
Crenshaw, Jerry R.
Crews, Donald A.
Crofoot, William R.
Croissant Leroy E.
Cromer, Alvis V., Jr.
Cromwell, Kenneth E.
Crone, Gene H.
Crooch, Dorven K.
Crook, Gordon R.
Crooks, Thadis W.
Crosby, Francis C.
Cross, Frank A., III
Crossman, Charles K.
Crosta, Leo
Crouch, Dennis E.
Crouter, John E.
Crowder, Philip R.
Crowley, Jackson D.
Cruger, Sterling R.
Crump, Herschel W.
Crunkleton, Jerry H.
Culhane, Peter K.
Culp, Aubrey M.
Culp, Gary
Culver, Kenneth W.
Cummings, Jan G.
Cummings, Melvyn D.
Cummings, Peter
Currier, Robert D.
Currier, Thomas J.
Currin, David D.
Curtis, Arthur W.
Curtis, Carl R.
Curtis, James A., Jr.
Curtis, John E.
Curtis, John R.
Custard, Randal D.
Custis, Joseph E.
Cuthbert, Bradley G.
Cutter, James D.
Cwynar, Richard W.
Czahor, Raymond E.
Czech, Felix
Dagley, Larry K.
Dahlman, James G.
Daigle, Robert V.
Daisher, Philip E.
Dale, Charles L.
Dallenbach, Donald D.
Dalrymple, Robert S.
Dalton, Charles F., Jr.
Dalton, John C.
Dalton, Ronnie D.
Daly, Robert W., Jr.
Damm, Donald B.
Danber, Edward B.
Danforth, George S., III
Daniel, Gerald A.
Daniel, Marshall E., Jr.
Daniel, Robert P.
Darby, Charles V., II
Darcangelo, Robert J.
Dardeau, Arthur T.
Dash, Ernie R.
Daugherty, James R.
Daugherty, Jerry W.
Davenport, Cecil O.
Davies, Joseph E.
Davis, Allan S.
Davis, Chovine R., III
Davis, Clarence L.
Davis, Clifford D.
Davis, Glenn L.
Davis, James L.
Davis, Joel C.
Davis, John W., III
Davis, Joseph T., Jr.
Davis, Ralph L., Jr.
Davis, Richard E.
Davis, Robert E.
Davis, Robert L.
Davisson, Dean C.
Dean, Darral D.
Dean, John G.
Dean, Robert L.
Dearrigunaga, Ramon E.
Deary, William A.
Deberry, Robert D.
Decaire, John A.
Decker, Lambert J., Jr.
Declerck, Robert P.
Decosmo, Ronald L.
Deeter, Stanley B.
Degen, Thomas E.
Deichelmann, Samuel M.
Deinhammer, Richard A.
Delaney, James H.
Delestine, Gary R.
Delgado, Jose A.
Delong, James C., Jr.
Demarco, Robert V.
Deminico, Joseph J., Jr.
Dennis, Leslie E., Jr.
Denny, Robert F.
Dentremont, James A.
Deporter, Elden L.
Deppen, John J.
Depriest, Charles D.
Derby, Roger C.
Derstine, Paul E.
Deslucamatteoni, Daniele
Devaney, James E.
Devine, Thomas J.
Dewar, Dudley R.
Diaiso, Robert J.

Dibbens, Marvin F.
Dibell, David L.
Dick, Charles R.
Dickson, Allan M.
Dierlam, Mark J., III
Dietel, George W.
Dietrich, Frederick L.
Dillenbeck, Richard C.
Dillinger, Jay A.
Dinley, James E., II
Dinning, Otis O., Jr.
Dinsmore, John C.
Dixon, Darryl D.
Dixon, George R.
Dlugos, William T.
Dobias, Leonard J.
Dobson, George E.
Dodd, Lee P., Jr.
Dodge, Harvey L.
Dodge, William R.
Doerk, Robert K., Jr.
Doherty, Robert E.
Dolfi, Joseph A., Jr.
Domuret, Allan J.
Donaca, Richard R.
Donahoe, James B.
Donald, Robert K.
Donoghue, David E.
Donovan, Daniel J., II
Dorman, Ralph T.
Dorr, James E.
Dorr, John K.
Dotson, Patrick S., Jr.
Doty, Mickey D.
Doublier, Rene M.
Down, Donner A., Jr.
Downs, Clelland R.
Drake, William H.
Draper, Charles T.
Drezek, Thomas Jr.
Driggers, Milton V.
Drinnon, Donald T.
Driscoll, Dennis R.
Druyun, William S.
Dryden, Joseph W., Jr.
Dubois, Robert L.
Dubose, Wesley G.
Dubuy, Henry E., Jr.
Duckworth, Kenneth J.
Duerksen, Jarol F.
Duigon, Theodore H., Jr.
Dukes, Douglas W.
Dulevitz, Alexander R.
Dumas, Charles J.
Dunbar, William F.
Dunco, Robert M.
Dunda, Peter P.
Dunkelberger, Robert J.
Dunker, Edward H. M.
Dunlap, Royce E.
Dunn, Bruce E.
Dunn, Daniel R.
Dunne, Edward J., Jr.
Dunning, Thomas B.
Dupuy, Paul J.
Durrett, John C.
Duston Arthur G., IV
Dwyer, Paul G.
Dykes, Frederick T.
Earl, Joseph D.
Earlewine, Robert E., Jr.
Earley, William A.
Early, Ross F.
Eastburn, Early T.
Eastburn, Rolland P.
Eastep, Gary E.
Easter, John R.
Easton, Gary E.
Easton, Gary N.
Eaton, James D., Jr.
Eberle, George R., III
Ebert, James J.
Echelberger, Arthur D.
Eckel, Dean L.
Eckel, George M., III
Eckert, Jon S.
Eckhart, Thomas K.
Eddy, Gerald V.
Edge, Thomas H.
Edler, Anthony L.
Edmunds, Rane S.
Edrington, Paul K.
Edwards, John P., Jr.
Edward, Lendy C.
Edwards, Lloyd A.
Edwards, Melvin P.
Edwards, Ronald G.
Egerton, James S.
Ehly, Clarence B.
Ehmig, William A.
Eikelbarner, John F., II
Eilers, Dennis L.
Eilerts, Richard D.
Eisenach, Clifford W.
Eisinger, Jerry B.
Elden, Donald G.
Elder, Paul W.
Ellenburg, Kay R.
Eller, Richard A.
Elliott, Harvey R.
Elliott, John R.
Elliott, Leland R.
Elliott, Robert J.
Elliott, Warren G.
Ellis, Noel G., Jr.
Ellis, Stephen H.
Ellis, Vernon D.
Elmer James L.
Emberlin, Richard L.
Emigholz, Nicholas W.
Engels, Geoffrey P.
Engle, Ira, Jr.
Enloe, John D.
Entwistle, John W. C., Jr.
Epperson, Jon O.
Eppig, Carl C.
Epstein, Howard M.
Erickson, Charles E.
Erickson, Stephen C.
Erickson, Vern E.
Ermi, Keith
Ernest, Kenneth E.
Ernest, Ronald G.
Erts, Thomas F.
Ertz, Ernest J.
Eubank, Francis L., Jr.
Evans, Arthur F.
Evans, Robert G.
Evans, Stephen H.
Evans, Yarnell C., Jr.
Everhart, Richard V.
Fabian, Felix M., Jr.
Fabian, John M.
Fabian, William H.
Facey, Edward A. III
Faessler, Lawrence J.
Fagley, Richard D.
Fairburn, David R.
Fairchild, Edward A.
Fairfield, John S.
Fairfull, Douglas T.
Fairweather, James D.
Faison, Lawrence E.
Falconer, Norman R.
Fallon, Clifford B.
Faloon, Robert L.
Farley, Joseph N.
Farman, Michael S.
Farmer, Robert A.
Farnham, John W.
Farrington, Arthur D.
Farris, James S.
Fassero, Joseph M.
Faulkner, Jack C.
Faulkner, James R.
Faust, William M.
Fausto, Peter F.
Fayko, John K., Jr.
Fedak, William A.
Fee, David T.
Feighery, Daniel J.
Feir, Marvin L.
Fellows, Richard W., Jr.
Felts, Robert L.
Fer, John
Ferguson, Gordon S.
Ferguson, William G.
Ferm, Rodney E.
Ferrell, Oscar L.
Ferris, Dean L.
Fetter, Jerry A.
Fiddler, John F.
Fiebler, Frederick A.
Fields, David A.
Fields, Walter C., Jr.
Figgins, Jerry M.
Fink, Raymond O.
Finkbiner, Ronald R.
Finkle, Gary D.
Finley, Theodore R.
Finnigan, Charles A., Jr.
Fiorino, Thomas D., Jr.
Firl, Rodney W.
Fischer, Frank C.
Fischer, John R.
Fisher, John C.
Fisher, Kenneth S.
Fitch, Lee N.
Fitzgerald, Daniel L.
Fitzgerald, Dennis C.
Fitzgerald, James D.
Fitzgerald, William J.
Flaherty, Martin J., Jr.
Flanagan, Euge F., Jr.
Flannery, John P.
Flechtner, Robert H.
Fleming, Kenneth H.
Fletcher, Orvil W.
Fletcher, William D.
Flinn, Lawrence E.
Floodas, James G.
Flower, Robert M.
Flowers, Ronald N.
Floyd, Johnny B.
Flynn, Brian J.
Foley, Peter K.
Folks Richard L.
Fontana, Charles J.
Forbes, Lee J.
Ford, George E.
Ford, James P.
Foreman, Alling C.
Foreman, William L.
Forrest, Gary F. II
Fortmayer, Carroll J.
Foster, Theodore P., Jr.
Fountain, Woodson M.
Fournier, Robert E.
Fowler, Charles W.
Fowler, Gerald J.
Fox, Darrell L., Jr.
Fox, Edward H.
Fox, Gordon W.
Fox, Joseph J.
Frampton, Gene D.
Franco, Guillermo A.
Franklin, Charles E.
Franks, James A.
Franks, Walter L., Jr.
Franzetti, Joseph N.
Frasher, Edgar W.
Frederick, John P.
Freeman, Harold R.
Freilino, John E.
French, Teddy B.
Frese, Gerald W.
Freshcorn, Frederick L., Jr.
Frick, Roland D.
Friebel, William R.
Friedler, Paul S.
Frigyes, Lewis
Fritz, Nicholas H., Jr.
Fritzel, Roger N.
Frutchey, David W.
Frymire, Robert C.
Fuller, Philip S. B.
Fuller, Robert R.
Fullerton, Bruce E.
Fulton, Allan C.
Gabel, James A.
Gadd, Richard B.
Gaffney, John E.
Gage, Donald H.
Gagen, James R.
Gainer, Jere A.
Gaiser, Carl E.
Galbach, Charles R.
Galbraith, Russell D.
Gallacci, Norman G.
Gallagher, James P.
Gallagher, John A.
Gallegos, Benito H.
Gallo, James S.
Gallo, Robert E.
Gallop, Jon L.
Galloway, Terrence L.
Galyen, James M.
Gam, Michael P.
Gambrell, Charles E.
Gannon, James P.
Garbutt, Stuart E.
Garcia, Robert, Jr.
Gardner, Benjamin A., Jr.
Gardner, David N.
Garner, Hugh T., Jr.
Garner, Thomas L.
Garren, Roy C.
Garrison, Harry E.
Garrity, Frank O., Jr.
Gaskill, Brian E.
Gasparro, George G.
Gassmann, Joseph
Gastner, Robert R.
Gaston, Thomas D.
Gateff, Dugan S.
Gates, James L.
Gates, William J.
Gaulin, Robert R.
Gaylor, Wayne T.
Geiger, John A., Jr.
Geiser, Anthony F.
Gemelli, Glenn G.
Genewick, Michael S.
Genovese, Donald O.
George, Paul L.
Gerken, Frederick E., Jr.
Gertsch, William D.
Getchell, George L.
Getzoff, Ronald A.
Geubtner, John J.
Giannantonio, Joseph A., II
Gibbs, Richard L.
Gibbs, Vann B., Jr.
Gibson, John W.
Giddens, Charles W.
Gilbert, Keith G.
Gilbert, Thomas M.
Gilchrist, Larry K.
Gilden, Robert C.
Giles, Roger T.
Gilg, John F.
Gillson, Arthur W.
Gillum, Charles R.
Gilmartin, Richard T., Jr.
Gilstad, Dennis W.
Gish, Donald L.
Gist, Tommy E.
Gittleman, Arnold J.
Givens, Donald L.
Giza, Ronald T.
Glagola, John E.
Gleason, Edwin M.
Gleason, Kemper J.
Glick, Howard H.
Glowatski, Edward A.
Gober, Donald W.
Godbey, Harvey J.
Godowski, John L.
Goins, Elmer E., Jr.
Gold, Harvey D.
Golden, James B., Jr.
Golden, Norman G.
Goldfarb, Abraham
Goldman, Paul T., Jr.
Goldman, Robert J.
Goldsmith, Maynard L., Jr.
Gondron, Melvin L.
Gonzales, Jose R.
Gooch, Lawrence L.
Goode, Thomas N.
Goodenough, Russell E.
Goodhue, Bruce S
Goodin, Donald D.
Gooding, Theodore J.
Gordon, Gerald D.
Gorley, Joseph E., Jr.
Gouette, Peter A.
Gowell, Wyrewood A.
Graczyk, Donald L.
Grady, Sanders W.
Graef, Claus D.
Graf, Ronald D.
Graham, Carl G.
Graham, Larry J.
Gransewicz, Robert C.
Grant, Francis D.
Graver, Charles D.
Gray, David L.
Gray, Gary W.
Gray, Willie W., Jr.
Graybill, Mark H., Jr.
Graybill, Thomas S.
Graziadei, John D., Jr.
Greeley, Philip J.
Green, Howard W.
Green, Robert D.
Greene, Albert R., Jr.
Greene, Jack D.
Greene, Richard S.
Greenstein, Sanford
Greenstine, Robert B.
Greenway, Vance E., Jr.
Greenwell, Jerome E.
Greer, Charles W.
Greer, George R.
Gresley, Stephen C.
Grewe, Gerald H.
Griffin, Arthur M.
Griffin, Charles F.
Griffin, Chester W., Jr.
Griffin, William A.
Griffith, John G., Jr.
Griffith, Rodney S.
Grimm, Richard W.
Grosmann, John J.
Gross, Larry R.
Gross, Philip C.
Grosskopf, George K.
Grove, Norman J.
Groves, Robert E.
Gruendyke, Richard L.
Guarracino, Charles P.
Guenther, Michael A.
Guerrieri, Ronald E.
Guilmartin, John F., Jr.
Guinn, George S.
Gulbrandsen, Robert A.
Gunning, John R.
Guptill, Roy N.
Gura, John T.
Guthridge, Robert B.
Guthrie, Michael J.
Guttman, John T.
Guy, Alden R.
Guzalak, John P.
Gwilliam, George W.
Gyauch, Michael P.
Haba, Gerald E.
Habblitz, Clifford L., Jr.
Haberstich, Charles H.
Haefner, Harry G.
Hagel, Donovan E.
Hager, Harry J.
Hairston, James J., Jr.
Hale, Charles E., Jr.
Hale, Clovis R.
Hale, David L.
Hale, Richard E., Jr.
Halgren, Gael M.
Hall, Gayle D.
Hall, Henry V.
Hall, Jack R.
Hall, Lanny W.
Hall, Lawrence A.
Hall, Walter E.
Hallager, Donald J.
Halligan, John E.
Halligan, Raymond J.
Hallock, David B.
Hallsworth, Frederick P.
Hamilton, Cosmo G.
Hamilton, Edward E.
Hamilton, Grifford E.
Hamilton, John G.
Hammons, Thomas M.
Hamner, James H.
Hamp, Carl R.
Hampton, Gerald M.
Hanby, James W.
Hand, Douglas K.
Handley, Edwin D., Jr.
Handsel, Roy M.
Handy, James H.
Hankins, James P.
Hanley, Pierce J.
Hanlin, Thomas G., II
Hanna, Mark A.
Hannan, Ronald D.
Hansen, Neil P. H.
Hansen, Orrel T.
Hanson, Merrill K.
Hanus, Robert G.
Hanus, Russell A.
Hara, Tooru
Hard, Donald G.
Hardacker, Ralph J.
Hardman, James D.
Hardy, Tristam M.
Harger, Bruce S.
Hargrove, William W., II
Harmon, Daniel K.
Harmon, David S.
Harmon, George E.
Harmon, Larry R.
Harmon, Robert T.
Harms, Frederick G., Jr.
Harmuth, Michael W.
Harper, Bruce E.
Harper, James E., Jr.
Harper, Richar B., Jr.
Harrington, Paul E., Jr.
Harris, Max H.
Harrison, Billy M.
Harrison, Foster W.
Harrison, George B.
Harrison, Walter J.
Harrison, William C.
Harroff, Merlin J.
Hart, Donald H.
Hartman, Charles C., Jr.
Hartmann, John R.
Harvey, Larry E.
Harvey, William T.
Harwell, Blake B.
Harwick, Alexander H. C.
Hastings, Charlie W.
Hathaway, David J.
Haug, Gunter
Haugen, William J.
Hauschka, Kurt C.
Hauser, Jack C.
Hauth, Floyd F.
Havranek, Richard J.
Hawkins, Thane D.
Hawn, James H.
Hayden, Harvey L.
Hayes, Frank M.
Hayes, Peter D.
Haynes, Emerson L., Jr.
Heacox, Donald J.
Healy, Raymond G.
Healy, Raymond V.

Heaphy, William J.
Heatherly, James C.
Heberlein, Louis H., Jr.
Heck, David A.
Heckman, Ralph P.
Hefty, Henry O.
Heinisch, Harry C., Jr.
Heiskell, Lucius L.
Hemminger, David W.
Henderson, Larry L.
Hendryx, Frederick, L.
Henkle, Edward B.
Henn, Charles L.
Hennessy, David A.
Henning, Hal P.
Henshaw, Robert A.
Hentges, William J.
Hentosz, Jon N
Hepburn, Philip R., Jr.
Hermann, Sigwulf
Herrin, Billy R.
Herring, Kenneth D.
Herrington. David J.
Hershberger, Steven L.
Herter, Walter C.
Hertzog, Randolph B. E.
Herzik, Aubrey M.
Hetrick, Dean A.
Heye, Paul F.
Hickman, David M.
Hickman, Donald W.
Hickman, Raymond L.
Hickman, Roger A.
Hicks, Jackson L.
Hicks, Warren L.
Hieronymus, Robert E.
Hieser, Michael W.
Higbee, Paul N.
Higdon, Thomas N.
Higgins, Bobby J.
Higgins, Cornelius J.
Higgins, Erma J.
High John T., III
Hignett, Gary E.
Hill, Franklin G.
Hill, Gayle W.
Hilliard, George III
Hinds, Franklin S.
Hines, Edward E.
Hines, Joseph V.
Hird, William G.
Hisel, Robert J.
Hitchings, Owen L.
Hoberman, Errol S.
Hockenberry, Everett D., Jr.
Hockensmith, William R.
Hockert, Charles W.
Hodges, Don W.
Hodges, Joe W.
Hodges, Murry E., Jr.
Hodgkinson, Richard L.
Hoepner, Richard W.
Hoff, Anthony L.
Hoffert, Richard L.
Hoffman, John A.
Hogan, Anthony T.
Hogan, James J., Jr.
Hohl, Winton C.
Hohman, Robert L.
Hohman, Thomas A.
Hoke, Russell M.
Holbrow, Willmore F., Jr.
Holcomb, Robert G.
Holihan, Larry C.
Holin, Lyle M.
Holley, James R.
Hollingsworth, Charles V.
Holloway, Robert J.
Holt, David E.
Holtz, Ronald E.
Honesty, Maynard L.
Hooks, Kenneth R.
Hooper, Donald G.
Hoover, Robb L.
Hopkins, Carroll E.
Hopkins, Laymon R.
Hopkins, Robert S.
Hopkins, Roger E.
Horton, Claude R., Jr.
Horton, Frank B., III
Hosford, Gary B.
Houck, Freddie R.
House, Jerry R.
Houston, Carl B.
Houtary, Richard H.
Hover, Jerry W.
Howard, James D.
Howard, Jerry W.
Howard, Joseph C.
Howard, Robert M., Jr.
Howard, Russell, Jr.
Howell, John F.
Howell, Thomas H.
Howell, William P.
Howen, Robert D.
Howo, William Y.
Huard, Joseph E.
Hubbard, David B.
Hubbard, Phillip M.
Huchberger, Bertrand
Hudack, Larry J.
Huestis, James A.
Huff, Dennis E.
Huffines, Billy W.
Huffman, Dale B.
Huggins, Hoyt W.
Hughes, Thaddeus E.
Hugie, John R.
Huisjen, John H.
Humes, Edward E.
Humphrey, James L., Sr.
Humphreys, Richard G
Humphreys, Robert E.
Hunsicker, David E.
Hunter, Gerald D.
Hunter, Jack J., III
Hunter, Morgan
Hunter, Raymond F.
Hunter, Terry A.
Huntsman, Robert J.
Hurst, Claude J.
Hutchinson, Donald L.
Hutchinson, Robert L.
Hyatt, George R., III
Hyder, Anthony K., Jr.
Hyder, James T., II
Hyduk, Norman M.
Hyeknudsen, Carl, Jr.
Iaccarino, Andrew
Inman, Brownie N.
Irons, Otis E.
Irwin, Jon K.
Irwin, William R.
Ivory, Regonald E., Jr.
Jachman, Paul H.
Jackson, Edgar A.
Jackson, Edward L.
Jackson, Gary R.
Jackson, Grover, E.
Jackson, John T., III
Jackson, Peter H.
Jacobs, Arthur D.
Jacobs, Carl E.
Jacobs, Harvey A.
Jacobs, Michael F.
Jacobson, Edwin C.
Jacobson, Loren A.
Jacobus, Kenneth H.
Jaeger, Julius P.
Jaglinski, Charles T., Jr.
Jamba, John W.
James, Bobby L.
James, Darrell R.
James, John T.
Jameson, Arlen D.
Jameson, Jerry W.
Janicke, Gerald J.
Janicke, Jerome T.
Janssen, Howard G.
Jarboe, Daniel J.
Jarman, Larry E.
Jarrell, Thomas H.
Jasinowski, Jerry J.
Jedlicka, Richard A.
Jensen, Fred C.
Jensen, Larry O.
Jensen, Niels D.
Jerrick, Thomas F.
Jeter, David R.
Jeter, Thomas G., Jr.
Jevcak, Joseph J.
Johnson, Albert L.
Johnson, Carl N.
Johnson, Charles B.
Johnson, Douglas A.
Johnson, James C.
Johnson, Jimmy L.
Johnson, Johnny R.
Johnson, Leo
Johnson, Martin D.
Johnson, Ralph K.
Johnson, Richard A.
Johnson, Richard C.
Johnson, Richard M.
Johnson, Richard R.
Johnson, Robert S.
Johnson, Robert W.
Johnson, Thomas P., Jr.
Johnson, William N.
Johnston, Bernard W.
Johnston, Charles H., Jr.
Johnston, James M., III
Johnston, Leo E., Jr.
Jones, Charles C.
Jones, Jerry P.
Jones, Johnnie A.
Jones, Lionel T., Jr.
Jones, Patrick L.
Jones, Phillip T.
Jones, Rethel H., Sr.
Jones, Robert B.
Jones, Sanford L., Jr.
Jones, Tommy B., Jr.
Jonke, Frank J.
Jordan, John D., Jr.
Jordan, Malcolm E.
Joslin, Charles S., Jr.
Jostad, Leo D.
Jourdenais, George H.
Justice, William P.
Kagan, Stanly S.
Kahler, Lamonte M.
Kalishek, Richard W.
Kameen, Anthony J.
Kammer, Gerry D.
Kane, Jay W.
Kane, Robert W.
Karr, Charles L.
Karwoski, Robert
Kasch, Norman W.
Kasperbauer, James C.
Katz, Jonathan S.
Katz, Michael P.
Kauer, Donald F.
Kaufman, Carl L.
Kautz, Ronald E.
Kavanaugh, Michael J.
Kazmar, William J.
Keaney, Thomas A.
Keays, Wendall L.
Keck, Harold G., Jr.
Keefe, Francis D.
Keeler, Kenneth E.
Keighery, Robert P.
Keller, Kenneth F.
Keller, Peter A.
Kelley, Charles D.
Kellum, Ralph C.
Kelly, Gary W.
Kelly, James J.
Kelly, Robert F.
Kelly, Wilfred L.
Kem, Robert S.
Kemp, Jay D.
Kemp, John E.
Kemp, Terry S.
Kennedy, Arthur D.
Kennedy, George B.
Kennedy, John E.
Kennedy, Thomas M., Jr.
Kenney, Hubert J.
Kennington, Roy G.
Kenny, Thomas E.
Kenworthy, Kay H.
Kepner, Dennis A.
Kepple, Thomas L.
Kerkman, Dennis J.
Kerlin, Norman A., Jr.
Kerner, George M.
Kerr, James R.
Kerr, John G.
Kershasky, James M.
Ketter, Lawrence W.
Keuter, Edwin L.
Kidby, William M.
Kiehle, James H.
Kiehm, John K. S.
Kielpinski, Thomas J.
Kieser, Robert F.
Kiffer, John F.
Kilgore, Franz V.
Kimball, Frank T.
Kimsey, Forest M.
Kincade, Claude G., Jr.
Kincaid, James W., Jr.
King, David D.
King, George S.
King, Roger C.
King, Walter L.
Kingery, Thomas L.
Kingston, George
Kinnan, Joseph E.
Kinser, Edward L.
Kintz, Paul A.
Kirkbride, Robert E.
Kirsch, James A.
Kirschman, Richard H.
Kirschner, Duane W.
Kitchen, Robert W.
Klamt, Darold A.
Klass, Richard L.
Klehr, Edward E.
Klein, Mark A.
Kleinrock, Bernard J.
Kleiser, Eugene V., Sr.
Kline, Norman H. G.
Klinglesmith, Jerry D.
Knight, James B.
Knight, James E.
Knipp, William N.
Knops, John H.
Knutson, Donald D.
Knutson, Lawrence W.
Kobelt, Richard W.
Koeppel, Ronald W.
Kohlmann, Dennis
Kohnke, Walter R.
Kokotajlo, Frank
Konopka, Robert C.
Koob, Stephen J.
Kooser, Robert K.
Kopka, John S. III
Korpi, Raymond C.
Koski, Kenneth G.
Kovalenko, Virgil N.
Koverman, William M.
Krach, Thomas H.
Krahenbuhl, David W.
Krajewski, Donald E.
Kralovec, Joseph A.
Kramer, Davis J.
Kramer, Lloyd R.
Krauss, Doyle W.
Krebs, Richard G.
Krebs, William E.
Kreisinger, Robert H., Jr.
Krieger, Edward W.
Kronsted, Paul W.
Kropf, Arnold N.
Krosnoff, Gregory J.
Krouse, Kieth E.
Krumrey, Gardner D.
Kucera, Charlie G.
Kucera, William D.
Kuczaj, Charles S.
Kuhns, Dale H.
Kun, Louis A.
Kuppler, Wayne W.
Kurtz, Hugo E.
Kusumoto, Mikio R.
Kyer, David A.
Laabs, Donald E.
Labarge, Peter D.
Labriola, James M.
Lair, Jerry L.
Laird, Gerald P.
Lamb, William C.
Lambert, Edgar G.
Lambert, Robert W.
Lamm, Harold S.
Lammers, Kenton E.
Lamont, David C.
Lana, William W.
Lancaster, James F.
Lancaster, Lanny T. G.
Landers, Paul E., Jr.
Lane, Howard L.
Lang, Paul M.
Lanier, Eugene B.
Lannon, Robert G.
Lape, Gary D.
Larabee, Harry W.
Larabel, Dale R.
Large, Charles C.
Large, Robert W.
Larochelle, Donald Z.
Larsen, Ronald E.
Larsen, Roy N.
Larson, Allan D.
Larson, Charles A.
Larson, George W., Jr.
Latham, Wilbur J., Jr.
Lattig, Kent W.
Laugen, Elwood N.
Laughlin, Charles E.
Laughton, Roy L.
Laurits, Juri
Lausten, Lawrence R.
Law, Richard F.
Lawler, Harold K.
Lawrence, Anthony
Lawrence, Dennis T.
Lawson, Neal C.
Layton, Daniel E.
Lazzaro, Joseph A.
Leader, Ronald V.
Leatham, Anthony L.
Leavitt, John T.
Lecleir, James J.
Ledford, Finley P., III
Lee, David L.
Lee, David R.
Lee, James A.
Lee, James A., III
Lee, James M.
Lee, Leonard C.
Lee, Raymond H.
Lee, Thomas E.
Leeser, Leonard C.
Lefave, Joel J.
Lefevre, William H.
Lehman, Donald R.
Lehman, Samuel R.
Lehtola, Donald E.
Leich, Frederick H.
Leiker, Anthony D.
Lemieux, Joseph D. W.
Lemont, Charles J.
Lengyel, Laurence R.
Lenning, Richard W.
Lenox, Hamilton T.
Lepage, Godfrey W.
Lesher, Victor L.
Lesko, Kenneth A.
Leslie, Darrell J.
Lester, Peter M.
Lett, Hector K.
Lewis, Bobby P.
Lewis, Donald W.
Lewis, William W.
Liberty, Lamoyne A.
Light, Roger B.
Lightsey, Robert H.
Liles, Robert L., Jr.
Lilley, John K.
Lilly, Bob P.
Lincoln, Robert F.
Lindell, Chad Q.
Lindgren, John O., Jr.
Lindley, Theodore T.
Lindley, Thompson
Lindsey, Joe W.
Link, George K.
Lipnicky, Ronald J.
Lison, Robert H.
Lloyd, Carrington M., Jr.
Lloyd, Robert S.
Locke, George D., Jr.
Lockhart, Johnny G.
Lockhart, Thomas G.
Lockwood, Franklin J.
Logan, George F., Jr.
Lommatzsch, Jerry C.
London, William J., Jr.
Loney, Charles D.
Long, Albert W., Jr.
Long, William R.
Lonie, Clayton C.
Loper, Phillip W.
Lopez, Juan F.
Lopez, Manuel, Jr.
Lopresto, Raymond Jr.
Lord, Morton A.
Lorenzini, Dino A.
Lotzbire, Bruce J.
Lovegren, Nelson L.
Loveless, David E.
Lovretich, Robert J.
Lowry, Charles P.
Lowther, Roger L.
Lucas, James H.
Lucas, John R.
Luce, Lee A.
Lucia, William A.
Luebbermann, John N.
Luger, Jerome R.
Luke, Terry R.
Lumpkin, Donald E.
Lundberg, Loren G.
Lundberg, Roger D.
Lundgard, Jack P.
Lutes, Kenneth O.
Lutkenhouse, Joel J.
Lutton, Stephen C
Lutz, Dale M.
Lyddane, George H.
Lynch, Graham D.
Lynch, Valentine F.
Lynn, Lawrence A., Jr.
Lyon, David C.
Maas, John A.
MacCraw, Robert B
MacGinnis, David D.
Mack, James E.
Macklem, Allan W.
MacLennan, Jerome C.
MacNaughton, Robert L.
MacNevin, Charles H.
Madden, Dennis P.
Magoulas, Jerry M.
Maguire, John J.
Mahach, Thomas G.
Mahoney, Joseph P. Jr.
Main, James R.
Mainord, William R.
Major, Berry F., Jr.
Major, Michael G.
Malberg, Carl H.
Maldonado, Dennis R.
Mallory, Paul G.
Malloy, Joseph E.
Maloney, Earle F., III
Maney, Joe L.
Mangina, Joseph A.
Manley, Patrick J.
Mannex, Henry R.
Manning, Glenn R.
Manolis, George
Manske, Charles J.
Manuel, Jerry B.
Marcak, Bernard
Marck, Ronald V.

Markle, Gene L.
Marland, William M.
Marriott, William R.
Marshall, Larry G.
Marshall, Lyman W.
Marshall, Phillip W., Jr.
Martin, David H.
Martin, David W.
Martin, Don M.
Martin, Frank K.
Martin, Harreld P.
Martin, James E.
Martin, Jerry J.
Martin, John L.
Martin, Julius C.
Martin, Raymond C.
Martin, Robert K.
Martin, Ronald G.
Martinelli, Edward A.
Masdon, Samuel L., III
Mason, Jerry N.
Masson, John D.
Mastal, Jerome
Mastin, William A.
Mather, Dean L.
Mathews, Wilford D., Jr.
Matteson, George T.
Matthews, John W.
Mattioli, Daniel T.
Mattox, Gary E.
Mauldin, Shephen L., Jr.
Maule, William A.
Maury, James R.
Mauton, Clifford J.
May, Denny L.
May, Harold D.
May, William B.
Mayfield, Earl B.
McAnulty, Jerry D.
McAtee, Thomas P.
McCallon, Larry K.
McCarson, Tillman D., Jr.
McCarthy, Michael E.
McCauley, Thomas H.
McChesney, Jack L.
McCleery, Samuel R., Jr.
McClintock, Raymond M., Jr.
McClure, David O.
McCombs, James C.
McConnell, Allan D.
McConnell, Robert J.
McCormack, James M.
McCormick, Jack E.
McCoy, Albert G.
McCracken, Robert J.
McCrank, James M.
McCreary, Galen W.
McCurdy, Ronald E., Jr.
McCurry, John F.
McCusker, Robert J.
McDaniel, Bruce L., Jr
McDaniel, John D.
McDermont, Alexander V.
McDonald, Bruce A.
McDonald, Clinton R.
McDonald, Fred L.
McDonald, James R.
McDonald, Martin J.
McDonald, Michael N.
McDonnell, Paul J.
McDonough, Robert L.
McDowell, Ross G.
McElroy, Daniel R.
McElroy, Stephen M.
McElwain, Stuart
McFarland, David L.
McGee, David R., Jr.
McGehee, Charlie R.
McGhan, Standley A.
McGlothlin, Ronald E.
McGough, Bobby F.
McGrath, John I.
McGrath, William J.
McGraw, Spencer D.
McGraw, Thomas F.
McHale, John W.
McHargue, Patrick H.
McHargue, Robert M.
McHollan, James A.
McHugh, Eugene D.
McIntyre, David E.
McIntyre, Sidney G.
McIver, Alexander, Jr.
McKay, Hugh G.
McKee, Frank T.
McKee, Robert C.
McKenna, George W.
McKenna, William M., III
McKinley, James D.
McKinney, Charles C.
McKnight, Frank J.
McLaren, Robert D.
McLaughlin, Howard A.
McLaughlin, Robert G.
McLemore, Colby F.
McLester, Judson C., III
McManus, Brian H.
McMullin, Melvin C., Jr.
McNamara, Roger T.
McNeff, Charles P.
McNelly, Gerald B.
McNichols, Charles W. III
McNitt, Gary N.
McNulty, Richard C.
McPherson, Ronald L.
McRae, Michael S.
McWilliams, Robert R.
Meade, Lawrence K., Jr.
Meade, Ted A.
Meaux, Chester L.
Meceda, John R.
Medlock, Michael P.
Meehan, Dallace L.
Meek, Stephen L.
Meier, James W.
Meinhart, Robert R.
Mekkers, Wallace L., Jr.
Melin, Carl D.
Meldeny, Harry A., Jr.
Mennuti, Edward J.
Merkel, Philip A.
Merrell, Robert H.
Merryman, Paul D.
Merz, Douglas B.
Metcalf, Stanley B.
Mettler, Stephen C.
Mewhinney, Leonard S., Jr.
Meyer, Charles M.
Meyer, Cletus D.
Meyer, John C.
Meyer, Richard A.
Meyer, Roland E.
Meyer, Walter D.
Meyr, Herbert C., Jr,
Mezzo, John M.
Miaskowski, Robert F.
Michels, Gary A.
Mickel, Richard S.
Mickley, Charles L.
Miga, Michael J.
Miko, John F.
Mikolainis, Mindaugas V.
Milberg, Warren H.
Miles, Gary A.
Miles, Louis W.
Milhouse, John C., Jr.
Millar, Charles M., Jr.
Miller, Arthur R.
Miller, Billy J.
Miller, Bob T.
Miller, Carl W.
Miller, Dennis R.
Miller, Edmund R., III
Miller, Fredric L.
Miller, Herbert W.
Miller, John W.
Miller, Richard B.
Miller, Robert J.
Miller, Rodney J.
Miller, Thomas K., Jr.
Millis, David C.
Mills Wesley A.
Mills, William T.
Minkler, John A.
Mitchell, Charles R.
Mitchell, Lyndon B., II
Mize, John D.
Moats, Wilton B., Jr.
Modders, John N.
Moeller, Terry J.
Mollicone, James V.
Molvar, Jan T.
Monahan, John E.
Money, Richard W.
Monkres, Donald D.
Monroe, Kenneth J.
Monroe, Michael M.
Montgomery, Walter R., Jr.
Montulli, Louis T.
Moore, Clinton C., Jr.
Moore, David E.
Moore, James T.
Moore, Kenneth W., Jr.
Moore, Robert L.
Moore, Thomas K.
Moorman, Thomas S., III
Moreland, Huey H.
Morgan, Ivan G.
Morin, Dale E.
Morrell, Billy T.
Morrell, Robert G.
Morris, Frankie E.
Morris, Gayle N.
Morris, James P., Jr.
Morris, Larry E.
Morris, Phillip M.
Morris, Ronald D.
Morrison, Joseph G., IV
Morrison, Roger A.
Morrison,, Wayne E.
Morton, Fred L.
Morton, Richard J.
Morton, Robert M.
Moser, Corwin A., Jr.
Mosher, Alan L.
Moss, Howard T.
Mosson, Francis
Motyka, Edwin J.
Moulton, David W.
Mozingo, Wilbur E., Jr.
Muckstadt, John A.
Muehring, Gene H.
Muench, David L.
Muhr, William R.
Muldowney, Francis W., III
Mulkey, Bruce K.
Mullaney, Gerald A.
Mullen, James V.
Mulligan, Michael E.
Mullins, Meredith W.
Mullins, Roger C.
Mundy, Charles J.
Munson, William E.
Murden, Craig E.
Murphy, James R.
Murphy, Paul F.
Murray, Arthur L., Jr.
Murray, Raymond A.
Murray, Roger M., Jr.
Murray, William L.
Muzio, David L.
Naftanel, John C.
Nagle, John F.
Namaksy, Adolph J., Jr.
Namenuk, Boris V.
Nameth, Maxie S.
Nanjo, James T.
Nash, John C., III
Nash, Marshall B.
Nasmyth, John H.
Neal, Richard L.
Neale, Carter C., Jr.
Neblock, Charles E.
Needham, Kenneth E.
Neff, Ted A.
Nelson, Gary G.
Nelson, Gordon F.
Nelson, Lonnie B., Jr.
Nelson, Marshall D.
Nelson, Ronald J.
Nelson, S. L.
Nelson, Terry W.
Nelson, William E.
Nelsonkortland, Robert E.
Nemecek, Glen E.
Nemeth, Joseph S.
Nesejt, Charles R.
Nesti, Roger K.
Nettleton, John G.
Netzinger, Don L.
Neubert, Thomas L.
Nevins, Arthur G.
Newhall, Frederick C.
Newman, Edwin C.
Newman, Hartley S., Jr.
Newman, John D.
Newton, Murray L.
Nichols, George W.
Nichols, Howard F., Jr.
Nichols, James L.
Nichols, Laymon H.
Nichols, Matthew G., Jr.
Nicholson, Daniel A.
Nicholson, Robert K.
Nicola, Kenneth L.
Nidiffer, Kenneth E.
Niebauer, David J.
Nielson, Steve W.
Niemann, William J.
Niquette, Thomas H.
Nixon, James A.
Noble, James D., Jr.
Nolan, Gerald T.
Noon, Milford L., Jr.
Nordman, Vernon H. D.
Norsworthy, Morris E.
Nottingham, Wesley D.
Nuber, Philip W.
Nuccio, Antonino J.
Nutt, Donald G.
Oberg, Robert R.
Obermeyer, Ronald W.
O'Connor, Edward A., Jr.
Odom, James B.
Ohman, Nils B.
Ohr, Kenneth J.
Olansen, John B., Jr.
Oleary, John R.
Oley, Frank A., Jr.
Oliver, George M.
Olsen, Ben
Olsen, John P.
Olson, Alan E.
Olson, Daryl F.
Olson, David G.
Olson, David S.
Olson, Robert E.
Omalley, Thomas C.
Oneal, Quentin F., Jr.
Oneil, Burton D.
Orcutt, James R.
Oreilly, Patrick J.
Orourke, William R., Jr.
Orozco, Raymond R.
Osborn, James F.
Ostergaard, Ray D.
Osterhout, David S.
Otto, Darryl D.
Overley, David N.
Overstreet, William L., Jr.
Owen, Walter L.
Owens, David A.
Owens, Joel P.
Owings, Will L., Jr.
Ozawa, Galen M.
Ozment, Herbert P.
Packham, Richard L.
Paddon, Harry G., III
Page, Embert G.
Paige, John K.
Palladino, Gennard
Palmer, Donald S.
Palmer, Gerald F.
Palmerino, Francis A.
Panka, Emerance M.
Pappadakis, Constantine J.
Paquet, Robert D.
Parise, Robert D.
Park, Robert E.
Parker, Evans T.
Parker, John L.
Parker, Raymond C.
Parker, Richard C.
Parrett, Rufus N.
Pass, Ronald I.
Pastore, Kenneth W.
Patrick, James R., Jr.
Patrie, Stanley A., Jr.
Patterakis, Chris G.
Patterson, Robert E.
Patterson, William B.
Paulson, James R.
Pawlick, Joseph F., Jr.
Payne, Edwin C.
Payne, Glenn D.
Pearson, Benjamin J., II
Pearson, Kent S.
Peck, Frank E.
Peck, Gaillard R., Jr.
Pederson, David J.
Pederson, Donald F.
Pedlikin Howard L.
Pedretti, David J.
Peebles, Charles F.
Peebles, Hervey A.
Peeples, Paul W.
Peeples, Robert A.
Pemberton, Daniel H.
Penas, Clark R.
Pendleton, Winston K., III
Percy, Donald G.
Perella, Francis J.
Perkins, Ernest R.
Perkins, Sheppard E., Jr.
Perlotto, Richard E.
Permaul, Nehru
Perrey, Richard A.
Perry, Ben F.
Perry, Glenn G., Jr.
Perry, Lawrence R.
Petelin, John A., Jr.
Peters, Charles R.
Peters, John D.
Peterson, Alfonsa
Peterson, David W.
Peterson, Edward A.
Peterson, Ernest R.
Peterson, Franklyn J.
Peterson, Nelda M.
Petlak, Edward J., Jr.
Petrie, Frank L., Jr.
Peucker, Otto W.
Pewthers, Morris G.
Pfiaum, Dale E.
Phelps, Larry L.
Philibert, Aaron O., Jr.
Phillips, Charles L.
Phillips, David D.
Phillips, Garth E.
Phillips, Henry M.
Phillips, James C.
Phillips, Lawrence G.
Phillips, Maxey J.
Phillips, William E., Jr.
Phillips, William R.
Picard, Richard L.
Piccolo, Sam
Pickard, George W.
Piepenburg, Dwayne D.
Pierre, Elizabeth
Pietila, John D.
Pignone, Francis X., Jr.
Pike, James E.
Pill, Garlin D.
Pimentel, Antonio T.
Pinder, Clark S.
Pinson, Jim G.
Plowaty, John F.
Pirtle, Paul E.
Piszczek, Stephen P.
Pitner, Robert B.
Pittman, Howard W.
Pittman, James C., Jr.
Pittman, Robert
Pitts, Donald A.
Piver, Charles R.
Placko, Jerry S.
Pladars, Andris
Plate, Gary K.
Platek, Anthony W.
Plecenik, Michael M., Jr.
Plummer, Ernest L.
Plummer, Thomas H.
Plunkett, Richard A.
Poates, John T.
Pocsik, James M.
Pokorny, Otto T.
Pokorny, William E.
Polk, John E.
Polk, Perry W.
Pollak, James E.
Pool, Nicholas E.
Poole, Jerry A.
Pooser, Lucius B.
Poplawski, Robert
Porter, Carlos A.
Porter, Jimmie
Post, Delbert A.
Postman, Robert J.
Potter, Elmer E.
Potts, Douglas W.
Poucher, Frank I., Jr.
Powell, Arthur A.
Powell, Douglas W.
Powell, James D.
Powell, John P.
Powell, Robert W.
Powell, William S.
Power, Charles F.
Prah, James R.
Preciado, Willie M.
Prescott, Paul R.
Pressick, James E.
Pribus, Glenn F.
Price, Charles S.
Price, Donald S.
Price, Karl V.
Price, Steven E.
Procanik, Anthony, Jr.
Provines, James L., II
Prows, Lee S.
Pruden, Ronald R.
Pruss, Theodore
Pruyne, Kermit K.
Pugh, James O.
Pullin, Harry D., Jr.
Pullium, Jerry C.
Purser, Tom V.
Pyle, Richard A.
Quantock, Russell A.
Quillin, Raymond L.
Quinn, John A.
Quist, Peter P.
Rabbitt, James F.
Raborn, Robert E., Jr.
Rader, Robert D.
Radloff, James L.
Radoy, Charles H.
Ragland, Cordell F.
Raison, William T.
Ramella, Eugene
Rampy, Johnny M.
Ramsey, Richard A.
Randall, Kenneth D.
Randazzo, Richard J.
Randolph, Donald D.
Rank, Lawrence M.
Rankin, Bobby G.
Ranson, William J.

Rapalee, Ernest W., Jr.
Rappold, Robert A.
Rasmussen, Kenneth H.
Ratliff, Earl R.
Ratterree, Thomas W.
Rausch, John T.
Raven, John B.
Ray, William T.
Raymer, Thomas E.
Raynes, George D.
Reagan, Norman W.
Reaver, Russel J.
Rec, John R.
Rector, Edwin
Reddel, Carl W.
Rede, Hector
Redmon, Hubert L.
Reed, Walter A., Jr.
Reese, Donald E.
Reese, Thomas L.
Reeser, Robert B.
Reeves, Jerry D.
Reeves, Manford J.
Reeves, Raymond J., Jr.
Reh, Lawrence
Reid, Barry L.
Reid, Francis G.
Reidy, John A., Jr.
Reining, Rodney J.
Reinman, Robert A.
Rene, Richard A.
Rennaker, Robert L.
Rex, David A.
Reynolds, Bobby D.
Reynolds, Harold T.
Reynolds, Jon F.
Rhoades, Roger S.
Rhoades, Thomas S.
Rhoads, Howard H.
Rhodes, Charles E.
Rhodes, Nelson D.
Rhyne, Gerald L.
Riccio, Louis M.
Rice, Lawrence C.
Rich, Gerald P.
Richards, James A.
Richards, James C.
Richards, Lon D.
Richards, Robert M.
Richardson, Colin
Richardson, David A.
Richardson, Everett B.
Richardson, Robert R.
Richardson, Tommy L.
Richwine, Barton W., Jr.
Riddle, George E.
Rider, Ray L.
Ridgway, Robert S.
Riedel, Jay E.
Riffel, Paul F.
Riley, Robert F.
Riner, Wiley A.
Rinker, Bruce C.
Rios, Robert C.
Ripper, John V.
Risch, Gregory M.
Ritchie, William J.
Rivera, Antonio
Rizek, James E.
Roadarmel, Stanley B.
Robbins, Eugene L.
Robbins, Warren G.
Roberson, John M.
Roberson, Joseph E.
Roberson, Paul L.
Roberson, Van B.
Roberts, Clyde H.
Roberts, David E.
Roberts, James E.
Roberts, James E.
Roberts, James E.
Roberts, John K.
Robertson, Dwight P.
Robins, Cecil C.
Robinson, Gerald D.
Robinson, Irl D., Jr.
Robinson, Michael N.
Robinson, Paul K., Jr.
Robinson, Peter D.
Robinson, Stephen R.
Robinson, Thomas J.
Robinson, William T., Jr.
Robinson, Willis C., III
Robison, Jimmie J.
Roderick, Norman F.
Rodgers, William M.
Rodieck, Roy H.
Roe, David H.
Roeder, George L.
Rogers, Charles E.
Rogers, Dana B.
Rogers, David A.
Rogers, Harry C., III
Rogers, Harvey W.
Rogers, James R.
Rogge, Henry M.
Rohrbough, Stephen W.
Rokke, Ervin J.
Rolka, Thomas A.
Romano, Rudolph T.
Rompf, Robert A.
Romstad, Terry D.
Ronchetto, Joseph B.
Roney, Frederick D.
Roodzant, Leslie H.
Roome, Lewis M.
Rooney, John P., Jr.
Rosella, Donald V.
Rosenhoover, Donald E.
Rosenthal, William C.
Ross, Craig A.
Rosselli, Patrick H.
Rost, Paul F.
Roshold, Robert C.
Rothrock, James G.
Rounds, Gordon M.
Rowe, David C.
Rowell, Arlington L.
Rowley, Thomas E.
Roy, Paul R.
Rozeboom, Victor E.
Rubenson, George C., Jr.
Rubinstein, Herbert S.
Ruehle, Daryl D.
Ruffini, Thomas E.
Ruggia, Mario
Rundell, John M., Jr.
Runkle, Richard K., Jr.
Rusbuldt, Robert P., Jr.
Rush, Francis M., Jr.
Rush, Ronald C.
Rushforth, Charles P., III
Ruskiewicz, Daniel F.
Russell, Ray L.
Russell, Robert B.
Russin, Robert E.
Ryan, Donald J.
Ryan, Edward J., Jr.
Ryan, James A.
Ryan, Robert L.
Ryan, Thomas A.
Ryer, Richard T.
Sabo, Francis
Sahley, Norman J.
Saiki, Edwyn M.
Sailer, Allen J.
Salome, Gerald A.
Salvadore, John J.
Sammons, Robert K.
Sampson, Michael D.
Sams, Donald D.
Sanchez, Paul M.
Sanders, Jack N., Jr.
Sanders, Richard D.
Sanders, Richard F.
Sanders, Robert J.
Sanders, William D.
Sanford, Glenn F.
Sanford, Lash G., Jr.
Sanford, Lonnie T., III
Santamaria, John, Jr.
Sarat, Bartholemew, P.
Sasser, George F.
Sather, Harold D.
Sauter, Harold C.
Sawyer, Donald W., Jr.
Sawyer, William E.
Scarlett, Joseph R.
Schaller, Robert C.
Scauzillo, Robert J.
Schafer, Daniel R.
Schamberger, Randall L.
Schaumberg, Robert S.
Scheibe, Richard C.
Schell, Roger R.
Schibler, Mark C.
Schichtle, Casper J., Jr.
Schieber, Michael T.
Schiller, Harvey W.
Schloeman, Howard L.
Schlue, Joseph W.
Schmidt, Eldon E.
Schmidt, Walter K.
Schmitt, Edward A., Jr.
Schmitz, Kenneth A.
Schneider, James D.
Schneider, Marvin L.
Schnelker, David F.
Schoder, Barry E.
Schoof, Richard J.
Schrade, Bobby D.
Schraeder, Harold D.
Schrock, Derel D.
Schroetel, Albert H.
Schuermann, Max L.
Schulte, Richard J.
Schwalin, Arthur E.
Schwam, Stephen R.
Schwartz, Ray D.
Schwartz, Steven G.
Schwecke, Alfred M.
Schwertner, Charles J.
Scifers, Leonard V.
Sciutti, Walter J., III
Scoles, James M.
Scott, Joseph L.
Scott, Randall F.
Scott, Robert W.
Seagren, Leonard A.
Seale, Heyward L.
Seale, Kenneth L.
Sealy, William F.
Sears, Hayden F., Jr.
Seasholtz, Gary L.
Seastrom, Dale E.
Seaton, Michael B.
Sebolka, James B. T.
Sebren, William E., III
Seger, Daniel R.
Seloman, Barry A.
Seiot, Richard J.
Sellers, Joe L., Jr.
Semonsky, Leo
Senn, Gene B.
Serina, Gerald
Seute, Robert M.
Severo, Orlando C., Jr.
Shade, Eugene W.
Shafer, Ronald L.
Shane, Larry L.
Shanks, Jesse W., Jr.
Shapek, Raymond A.
Sharp, Jimmy R.
Sharp, Larry L.
Sharp, Paul D.
Sharpe, Walter R., Jr.
Shaughnessy, John F.
Shaw, David R.
Shea, Robert
Shea, Robert V., Jr.
Shearon, Bernard F., Jr.
Shefl, Frank O.
Shepardson, Jon E.
Sheppard, Richard R.
Sheppard, William D.
Shepperd, Donald W.
Shera, James H.
Sherlock, Harry A.
Sherman, Jay D.
Sherman, Richard H.
Sherrard, William A.
Shields, Francis S.
Shilling, Franklin L.
Shine, Anthony C.
Shindl, Henry E.
Shipman, James M.
Shipman, Robert L.
Shirley, Stephen J.
Shockley, Jackson C.
Shonts, John M.
Short, Charles D.
Shoutta, Jon T.
Showers, Rodney E.
Shupp, Richard W.
Sichel, Edgar F.
Sidebottom, Harold W.
Sidletsky, James J.
Siebert, Frederick W., Jr.
Siegfried, William L.
Sigman, Allen
Sikorski, Paul M.
Siltanen, David M.
Silverbush, Edward
Simons, Robert K.
Simonsen, Thomas J.
Simpson, John C.
Simpson, Laird E.
Sims, Arthur M.
Sims, Hugh D.
Sims, Wayne R.
Sinclair, Edward M.
Singler, Cletus E.
Singleton, Ivan J.
Singleton, Jerry A.
Sinicrope, Albert N.
Sisk, Jerome M.
Skanchy, Thomas C.
Skaret, Garry J.
Skarke, Richard J.
Skartvedt, David A.
Skatberg, Leon S.
Skinner, Rondall E.
Slater, Richard G.
Slaven, Onva R.
Slessler, Larry W.
Sloan, James E.
Smart, Wayne G.
Smedley, Robert R.
Smiley, William A.
Smith, Alan T.
Smith, Bruce N.
Smith, Charles H.
Smith, Clayton N.
Smith, Dennis E.
Smith, Donald N.
Smith, Douglas B., Jr.
Smith, Dustan T.
Smith, Floyd R.
Smith, Francis J., Jr.
Smith, Francis K.
Smith, Graham M.
Smith, Gregory H.
Smith, James R.
Smith, Jerry L.
Smith, John E.
Smith, John H.
Smith, Lawrence E.
Smith, Lester C.
Smith, Marvin W.
Smith, Reeves P., Jr.
Smith, Riley M.
Smith, Robert B.
Smith, Ronald L.
Smith, Rowland F., Jr.
Smith, Stephen B.
Smitley, Rodger A.
Smits, Charles A.
Smull, Richard N.
Snyder, Lynn E.
Snyder, Terry W.
Snyder, Warren D.
Sodemann, Neil E.
Solomon, Ernest S.
Somma, Michael T.
Sommer, Arthur B.
Sorenson, Donald N.
Souhrada, James
Sourk, Kenneth A.
Southworth, David M.
Sowa, Joseph P.
Spargur, Robert E.
Sparhawk, John C., Jr.
Spencer, James D.
Spicer, Edward L.
Spjut, Ronald W.
Spory, Ralph M., Jr.
Sprengelmeyer, David J.
Sproston, Marvin R.
Sprotbery, Dale H.
Sproul, Lawrence G.
Sproul, Parker D.
Stachelczyk, Victor S.
Stachurski, Richard J.
Stafford, Roy W., Jr.
Staggs, Kenneth E.
Staley, Henry A.
Stames, Thomas T., Jr.
Stamets, Leigh E.
Stankewich, Andrew W., Jr.
Stanovich, Robert
Stanton, Edward J.
Staples, Jon R.
Stapp, James L.
Starkey, James F., Jr.
Starkie, John R.
StClair, Meredith P.
Steele, Michael T.
Steele, Phillip A.
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Steele, Russell W.
Steffel, Thomas V.
Steffens, John H.
Stein, Bernard M.
Steininger, Warren L., Jr.
Stelmar, Thomas E.
Stenback, Paul R.
Stenseth, Paul A.
Stenstrom, Thomas L.
Stephan, Brian G.
Stephens, Carroll J.
Stephens, William R.
Stephenson, Gilbert D.
Stephenson Gorham B.
Stepniewski, Andrew Z.
Stetson, John A.
Stevens, Joseph E.
Stewart, Donald M.
Stewart, Edmund B.
Stewart, James A.
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Stewart, Laymon D.
Stewart, Leslie W., Jr.
Stewart, Roger I.
Stice, William H.
Stiles, Thomas L.
Stillman, Robert L.
Stith, Donald D.
Stock, Harold S.
Stock, Ronald P.
Stockton, Robert S.
Stoll, Harold W.
Stone, Frank G., III
Stonemark, Richard D.
Storey, Francis B.
Storm, Sperry E.
Story, Leland S.
Strasser, Theodore J., Jr.
Strawn, Leon F.
Strehle, William H., Jr.
Strickland, Bryan D.
Strickland, James O., III
Strine, Richard L.
Stripling, William D.
Strong, Ronald D.
Stryker, Blair C.
Stuecklen, Klaus H.
Stump, Charles H.
Stump, Kenneth H.
Sturm, William J.
Stutts, George F.
Sullenberger, Don S.
Sullivan, Albert
Sullivan, Burrell F., Jr.
Summerfield, C. D., Jr.
Sumrell, Howard C.
Sunderman, Dewayne O.
Sundstrom, Bryce M.
Susi, Ronald A.
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Svoboda, Ludvik Z.
Swain, Walter B.
Swan, Richard C.
Sweazy, Stewart B.
Sweginnis, Robert W.
Swennes, David O.
Swiler, William G.
Swim, Stanford M.
Swonson, John C., Jr.
Syarto, Gene E.
Sykes, Larry D.
Tagaras, Michael T.
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Talcott, Arnold R.
Tall, Raymond R.
Talley, Bernard L., Jr.
Talley, Robert J.
Tanner, Robert W.
Tantillo, Frank A.
Tapia, Manuel H.
Tatum, Leonard C.
Tatum, Paul V.
Taylor, Allen K.
Taylor, Charles S., Jr.
Taylor, Lee
Taylor, Leroy C.
Taylor, Ronnie G.
Taylor, Terry K.
Teal, David J.
Teasdale, Irvin C.
Tech, Laverne R.
Tedford, Billie D.
Teigen, David H.
Teitler, Barry M.
Temple, David B.
Terkuile, Roger C.
Terry, Jack O.
Terry, Sidney C.
Terwilliger, Richard L.
Tessmer, Arnold L.
Tetrault, Gene R.
Thackray, Robert G.
Thalberg, William J.
Thames, Harry W.
Thatcher, Chester H., Jr.
Thatcher, Paul D.
Thayer, John M., Jr.
Theberge, Royal R.
Thomas, Albert M.
Thomas, Ivan L.
Thomas, James H.
Thomas, Kenneth W.
Thomas, Lowell R.
Thomas, William A., Jr.
Thomason, Thomas J.
Thomasson, David E.
Thomes, James T.
Thompson, Barry L.
Thompson, Clyde W.
Thompson, George M., Jr.
Thompson, Glen A.
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Thompson, Harold D.
Thompson, Huel R.
Thompson, Mark E.
Thompson, Reynold J.
Thompson, Richard B.
Thompson, Ronald
Thomson, Patrick R.
Thomson, Paul N.
Thorne, John W., Jr.
Thornton, Attwood F.
Thorp, Charles B.

Throldahl, Bobby D.
Thursby, William R., Jr.
Tice, Charles D.
Tiedman, Allen J.
Tietge, Michael R.
Tilbury, Brian
Tilford, Philip B.
Tilley, Lloyd L.
Tillman, Joe A.
Tilton, Frederick E.
Timmerman, Joe A.
Tingle, Roy L.
Tinius, Jack L.
Tinsley, James A., Jr.
Tirman, Valentin W., Jr.
Tobey, William F.
Tobin, Louis J.
Tobin, Maurice V.
Tocado, Douglas M.
Tock, Donald G.
Todd, Gale B.
Tokar, Paul
Toler, John R.
Tollstrup, Deon J.
Tomb, Robert
Tonda, Harold K.
Toney, William E.
Tosti, Ralph J.
Toth, William J.
Towery, Carl D.
Towslee, Donald L.
Toy, Gary J.
Trachta, Melton E.
Tracy, Peter W.
Traister, Martin S.
Travis, George S., Jr.
Travis, Kenneth H.
Trawick, Aldolphos
Tribo, Ronald J.
Tribula, Edward M.
Trickett, Philip E.
Trimarchi, Victor G.
Trimmer, Ray A.
Triplett, Eugene B.
Trojanowski, John W.
Trolenberg, Paul E.
Trotman, Virgil R.
Trouy, Victor R.
True, James L., Jr.
Tschirhart, Leslie H.
Tsuhara, Freddie M.
Tubbs, Ronald C.
Tull, James R.
Tupper, Nathan G.
Turk, Walter F.
Turman, Robert E.
Turner, Charles L.
Turner, David C.
Turner, Dion W.
Turner, James R.
Turner, Louis W.
Turner, Mary N.
Turner, Michael A.
Tuttle, William C., Jr.
Twardzik, Robert P.
Tweddle, Donald L.
Underdal, Stanley J.
Urban, Frank R.
Urbano, Carl B.
Urbanski, Raymond M.
Usher, Harry A., II
Uthe, Warren A.
Valerio, Arnold A.
Van Poznak, David
Vandeventer, J. H., Jr.
Vandillen, Kenneth B.
Vanhorn, Harry, Jr.
Vanore, Armand R.
Vansant, Bradley
Vansickle, Lawrence J.
Vanvoorhis, Harry J.
Varn, Benjamin F., Jr.
Vasilik, Michael V.
Vasquez, Louis R.
Vaughan, David K.
Vaughan, David W.
Vaughan, Leon T., III
Vaughan, Elmer D.
Vecchio, Raymond R.
Vega, Robert E.
Venables, Rodney E.
Ventura, Joe E.
Verhees, Donald L.
Verhoef, Robert W.
Verley, Larry K.
Vesely, Charles J.
Vettel, John W., Jr.
Viccellio, Henry, Jr.
Vick, Ralph E.
Vicknair, Rene M., Jr.
Vickrey, Charles W.
Vickrey, Porter E.
Vilensons, John J.
Vinakhens, Andris
Vinup, Glen W.
Vipond, George H.
Vipperman, David E.
Vogan, Arthur W.
Vogtli, Joseph H., Jr.
Vojir, Joseph L.
Volpicelli, Louis R.
Voorheis, Wilber J.
Vosmera, George B.
Wagner, Albert M.
Wagner, Fredrick A.
Wagner, Richard E.
Wajda, Walter L.
Wakefield, Frank E.
Walder, Glen W.
Waldron, Thomas R.
Walker, Edgar S.
Walker, Gary L.
Walker, James H.
Walker, John H.
Walker, Kenneth E.
Walker, Larry D.
Walker, Robert G.
Walker, Robert W.
Walker, Ronald L.
Walker, Ronald M.
Wallace, Larry W.
Wallace, Paul A., Jr.
Wallett, William F., Jr.
Walters, Gary E.
Walther, Glen P.
Walton, Dale D.
Walton, George T., Jr.
Walton, James M.
Wambough, John H., Jr.
Wang, Joseph C. T.
Wanless, Loren E.
Ward, Jerrold D.
Ward, Omer L., Jr.
Ward, Willis N.
Ware, Billy I.
Ware, Christopher G.
Warner, Edward L., III
Warner, Gerald A.
Warner, James A.
Warren, Edward E.
Washburn, James L., Jr.
Waterhouse, Edward W.
Watkins, Richard E.
Watson, Howell N., Jr.
Watson, Roger C.
Weatherbie, Niel K.
Weatherhead, Herbert J.
Webb, Roy G.
Webb, Stuart A.
Weber, David C.
Weber, Nolan E.
Weber, Richard L.
Weber, Wolfdieter P.
Webster, James K.
Wedemeyer, Austin C.
Wedin, Gustave A., III
Weeks, Willie M., Jr.
Wehmhoner, Martin C., Jr.
Weidinger, Lawrence J.
Weight, Robert H.
Weil, Frederick W.
Weilacher, Lester A.
Weiland, William J.
Weiner, Leonard J.
Weiss, Jerold L.
Weiss, Walter A., Jr.
Welborn, Danny J.
Welch, Gary G.
Welch, Robert P.
Welde, Francis J.
Wells, Courtney W.
Wells, Donald M.
Wells, Joseph E.
Wells, Peter C.
Wells, Robert F.
Wells, William A.
Welp, David W.
Welsh, Francis J.
Welsh, Warren P.
Welton, David L.
Wendt, Douglas M.
Wenzel, Edwin H.
Werner, James K.
Wesone, Thomas L.
Wesley, Harold W.
Westbrook, Bruce M.
Westhorp, David C.
Westling, Kip
Wettestad, Warner T.
Whatley, Orion B., Jr.
Wheeler, Edd D.
Wheeler, Richard C.
Whelton, Matthew B., Jr.
Whisonant, Clinton T.
Whitaker, William L., III
Whitcomb, Harold C.
Whitcomb, Robert E.
White, Benjamin T.
White, Charles M.
White, Edward T., Jr.
White, Farris N.
White, Florin W., Jr.
White, George W.
White, Gerrald G.
White, Gurney D.
White, James M.
Whitehead, Victor W.
Whitescarver, John P.
Whiting, Evans K.
Whitlock, Jerry D.
Whitman, David S.
Whittenberger, Steven J.
Whittington, Richard J.
Whorton, William M.
Wiand, Harold F.
Wick, Daniel W.
Wicklein, Walter A., III
Widdis, James W., Jr.
Wiese, Earl J., Jr.
Wifall, James R.
Wigginton, Harold E.
Wilkerson, Danny F.
Wilkins, Donald A.
Willard, John D., Jr.
Williams, Channing G.
Williams, Charles F., Jr.
Williams, Douglas D.
Williams, Francis F., Jr.
Williams, Grant L.
Williams, Jan K.
Williams, Jimmy L.
Williams, Kenneth L.
Williams, Merle R., Jr.
Williams, Michael R.
Williams, Richard A.
Williams, Walker M., III
Willman, Gary L.
Wilson, Arthur J., III
Wilson, Charles R.
Wilson, Dwight F.
Wilson, Franklin E.
Wilson, Fred A., Jr.
Wilson, Glen D.
Wilson, Gordon S.
Wilson, J. Leon
Wilson, James A., Jr.
Wilson, James R.
Wilson, John L.
Wilson, Lyle E.
Wilson, Marion G.
Wilson, Murle A.
Wilson, Thomas L.
Wilson, Thomas W., Jr.
Wilson, William P.
Wimsett, Kurtis B.
Winkler, Anthony J.
Winstead, Robert L.
Winston, Charles C., III
Wirtanen, Dalton N.
Wise, Robert M.
Wiser, Joe B.
Wishart, James P.
Witcofski, Ronald L.
Withee, Harmon T.
Wittekind, Robert L.
Wittnebel, Robert F., Jr.
Wojnar, Peter J., Jr.
Wolf, Richard G.
Wolfe, Bruce R.
Wolfe, John D.
Wolff, Warren W.
Wong, Ronald G. K.
Wong, Wendell M. Y.
Wood, Daryl P.
Wood, Thomas W.
Wood, Vern M.
Woodcock, Larry A.
Woodman, Donald K.
Woods, William J.
Woodson, Edward M.
Woodwell, Donald R.
Woodworth, Woodie
Wormser, Owen H.
Worrell, Bruce, Jr.
Wrenn, James E.
Wright, David R.
Wright, Leonard L.
Wright, Lyle H.
Wright, Robert A.
Wright, Susan M.
Wright, Wayne W.
Wrinkle, Frederick R.
Wuehler, James G.
Wyatt, Ralph E.
Wyckoff, Robert A.
Wylie, Allan R.
Wylie, John H., Jr.
Wynn, Franklin L.
Yagodzinski, Francis P.
Yannarella, Anthony M.
Yarber, Nathan L.
Yarbrough, Donald E.
Yarrigle, Robert C.
Yeager, Kurt E.
Yohe, Wayne I.
Yokom, Gerald G.
York, George A., Jr.
York, Michael L.
Young, Billie N.
Young, Duke A.
Young, Eugene J., II
Young, George C., Jr.
Young, Gerard T.
Young, James B.
Young, Larry N.
Young, Leroy C.
Young, Richard E.
Young, Richard S.
Young, Thomas W.
Young, Walter H. W.
Youngblood, Winston R.
Younkin, Gary D.
Zabel, Albert R.
Zaleski, Joseph R.
Zanca, Robert F.
Zang, Robert A.
Zaring, Robert K.
Zehrer, Frederick A., III
Zeltman, Francis E., Jr.
Zerumsky, Adolph G., Jr.
Zick, Karl F.
Zierbold, Ronald J.
Zieg, Duane H.
Ziegwied, George O.
Ziemer, Thomas F.
Zimmerman, John F.
Zimmerman, Jon C.
Zingg, John A.
Zumbro, Paul E.
Zurla, Charles F., Jr.

CHAPLAINS

Elliott, Harold
Irvin, Henry C.
Kennedy, Joseph W.
Nelson, Samuel D., Jr.

DENTAL CORPS

Albright, Laurence W.
Andres, Carl J.
Bock, Joseph F., Jr.
Brannon, Robert B.
Bump, Robert L.
Coffee, Larry L.
English, John R.
Gleason, Robert W.
Gough, Robert W.
Gray, Gary G.
Harrold, Charles Q.
Helfert, William H.
Henry, Donald W.
Huffman, Gerald G.
Jochetz, Calvin L.
Klepetko, Ronald F.
Lalonde, Joseph B.
Megela, John, Jr.
Post, Richens W.
Shelton, Andrew P.
Smith, James F.
Smith, Robert N.
Stanger, James H.
Sturrup, Randolph W.
Vitek, George L., Jr.
Wasserman, Sheldon

MEDICAL CORPS

Alexander, Raymond H.
Asplen, Charles H.
Barnes, Robert J.
Burt, Frederick N.
Chamberlain, Maurice S.
Cotton, Leonard B., Jr.
Dichsen, Donald V.
Gaffney, Clyde M.
Goolsby, Charles D.
Gregory, Hugh S.
Johnson, Don E.
Jordan, Michael L.
Lamb, Thomas H.
Legett, John A.
Lilly, Paul H., Jr.
Maioriello, Richard P.
Moon, Lynn B.
Munn, William C., II
Munson, Herbert G.
Pittman, James A.
Ramsay, James G., Jr.
Rytting, James E.
Sanders, Lawrence T.
Saylor, Jack L.
Stoner, John C.
Troxler, Raymond G.
Zeller, Myron J.

NURSE CORPS

Adkins, Leona F.
Beaugez, Annette M.
Bobko, Stephen E.
Boudreau, Joan M.
Brown, Elizabeth A.
Carlson, Yvonne C.
Clark, Donna D.
Courter, Janice K.
Danhof, Roger J.
Dellesky, Mary A. L.
Diem, Betty I.
Duerksen, David W.
Eliseo, Irene J.
Engel, Dallas D.
Estes, Patricia L.
Farrell, Barbara L.
Filer, Margurite E.
Forstrom, Donna M.
Ganser, Carol A.
Goff, Joseph H.
Goins, Phyllis N.
Goodwin, Barbara A.
Hagan, Faye T.
Havens, Mary L.
Heacock, Susan K.
Hines, Bertha J.
Holtz, Jerry G.
Hoy, James R.
Hunt, Maureen A.
Irish, William R.
Kurt, Jerome C.
Kuzmich, Nancy
McCabe, Patricia A.
Mohr, Thomas C.
Munro, Jean A.
Nathan, John G.
Overton, Dale H.
Payton, Ruth G.
Pearcy, David A.
Pennington, Donna A.
Phillips, Georgia E.
Piper, Doris A.
Pfratt, Gordon L., Jr.
Price, Carolyn M.
Reimann, Lawrence L.
Richardson, Kenneth W.
Robertson, Robert H.
Scaccia, James M.
Schaefer, Joann L.
Shulse, John R.
Stone, Alexis A.
Surette, Joan E.
Swaine, Shirley A.
Swope, William C.
Travis, Barbara A.
Wachtel, Juddie L.
Wall, Joan G.
Wallace, Clara B.
Wilder, William M.
Young, Willie E.
Zorza, Paul M.

MEDICAL SERVICE CORPS

Armentrout, Stacy B.
Batch, Larry L.
Boglin, William N.
Bolton, Bassel E., Jr.
Bowker, Charles S.
Carlile, Bruce E.
Depriest, Larry T.
Dexter, John E.
Dyer, Richard F.
Elias, Edward E.
Gibson, Reginald P.
Gregg, Bruce P., Jr.

Grizzard, Donald C.
Handley, James G.
Huoni, Dana B.
Inman, Gilbert R.
Iott, Robert O.
King, Thomas W.
Kirkpatrick, Fred
Lakey, Gene A.
Landry, Francis J.
Lawrence, Charles W.
Lehmiller, David J.
Lentz, Gary D.
McCann, Ray E.
Mills, Robert L.
Moore, Gary A.
Norville, Jerry L.
Redfield, Richard E.
Reilly, Neil B.
Rowe, Bobby G.
Scarbrough, Jessie F.
Smith, George D.
Stone, Carl P.
Stover, William L.
Thomas, William H., III.
Tittle, Robert A.
Ussery, Bobby G.

VETERINARY CORPS

Hall, Allen, III.
Henke, Robert P.
Inman, Roger C.
Jessop, Morris E., Jr.
Johnson, David K.
Simmonds, Richard C.
Thigpen, Clifton K.

BIOMEDICAL SCIENCES CORPS

Baker, Verlyn J.
Crisman, Jon E.
Eiles, Richard R.
Evans, David R.
Falconer, Dennis D.
Fallon, Paul F.
Good, Merrill R.
Graham, Roger B.
Harrah, Cariold B.
Kammeier, Richard A.
Lefebvre, Edward E.
McGhee, Wyatt L.
Milner, Eldon S.
Pfoff, Billy J.
Pollard, Thomas J.
Rodriguez, Virginia L.
Sheffield, Paul J.
Strate, Robert D.

EXTENSIONS OF REMARKS

ASSURING MIDDLE EAST PEACE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. JAVITS. Mr. President, only 15 months after the conclusion of the 6-day war of June 1967, through Soviet deliveries of new stores of sophisticated modern arms, Russian "advisers," and economic and diplomatic support, Arab militarism has risen from the ashes of defeat to renew its warfare against Israel through guerrilla incursions and border attacks. The Arabs seek to erode efforts for peace by diplomatic maneuverings and threats of another round in the Arab-Israel war.

With the growing Soviet position of strength in the Middle East and the increased Arab bellicosity, it would seem logical, that the United States would bolster our friends in the area. We are not doing this in the case of Israel even though both political parties in their platforms have planks pledging arms aid to Israel to preserve its freedom and to maintain the balance of power in the Middle East. And both Houses of Congress have similarly gone on record.

The administration must no longer hesitate to discharge the expressed will of both political parties and of both Houses of the Congress—and the will of the American people—but should immediately commence the arrangements to permit Israel to purchase needed supersonic Phantom jets from the United States.

I wish to append an article from the September 13 issue of a leading New York weekly, the Jewish Press, which eloquently states the case for this aid. 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:

THE U.S. DELAY COULD BE COSTLY

The United States has delayed the shipments of Phantom Jets to Israel far too long. As of this moment Soviet ships are making ominous military moves in the Mediterranean and a constant surveillance of the U.S. fleet is underway by Soviet TU-16 jet bombers, with "Egyptian" markings. These jets carry radar and submarine detection devices. Russia and the Arab nations know exactly how many ships and submarines we have in the Mediterranean, and where they are.

It is ironic that Russia has placed these supersonic jets at the Arabs disposal when Russia needs every one of these planes for defensive warfare!

U.S. intelligence claims there are only 4,000 Russian personnel in Syria, Egypt and Algeria. However, with the Russian "advisors" who are piloting these planes, our sources claim the figure comes closer to 10,000 men.

If Russia should give the word tomorrow to the Arabs to attack—it would be impossible for Israel to withstand the onslaught of the TU-16 jets. Not only that, the U.S. forces in the Mediterranean would be completely overpowered and destroyed. The Russians have charted our every move in the Mediterranean for the past three months. It would be a simple task to pre-set their missile control computer in Egypt and create all kinds of havoc in a matter of minutes.

However, if the U.S. would send Phantom jets to Israel, we would stand a fighting chance. Once the gauntlet is dropped it will be too late!

The U.S. must realize the immediate danger to this country as well as Israel and ship the Jets immediately—if only for our own safety!

ISRAEL'S URGENT NEED FOR PHANTOM JETS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FISHER. Mr. Speaker, I am deeply disturbed, as are many Americans, about the continued unrest in the Middle East.

To my mind the state of affairs in that part of the world could be greatly assisted if this country made up its mind, and promptly, to provide Israel with the arms that it needs for its own defense. We cannot expect the Arab world to lessen its pressures or to change its warlike intentions other than through a realization that another conflict with Israel would have as devastating an effect as the last one. The Arab world, like its sponsor the Soviet Union, understands only one deterrent factor, force of arms.

Israel is today a beleaguered state surrounded by enemies. It has no desire for territorial expansion and it wants nothing more than to be left in peace. But peace for Israel is impossible in the light of the insistent pressures, terrorist activities and open threats of conflict which constantly face it from the Arab nations.

Since the Israel-Arab conflict in 1967, the Soviet Union has furnished the Arabs at least 450 tanks and 250 aircraft. The Arabs today have roughly twice the number of aircraft than the Israelis have. Although Israel has made appropriate deposit of the outstanding balance for the Mirage-V jet fighters ordered from France, France has so far been unwilling to supply these aircraft to Israel.

Premier Eshkol during his conversations with President Johnson requested 50 F–4 Phantom jets. The official position of the administration is that "the President agreed to keep Israel's military defense capability under active and sympathetic examination and review in the light of all relevant factors, including the shipment of military equipment by others to the area."

That "sympathetic examination" is still undoubtedly going on, but no F–4's are being sold to Israel. The ostensible reason for this appears to be that the administration hopes to reach an understanding with the Soviet Union over an arms balance in the Middle East. I, too, believe in a limitation of arms in the Middle East, but not a unilateral limitation by which our friends are deprived of the means to defend themselves while the Arab forces are generously supplied with arms by the Soviet Union.

And in any event I must point out that any understanding with the Soviet Union relating to an arms balance in the Middle East must now be viewed in the light of the recent actions of the Soviet Union in Czechoslovakia.

Mr. Speaker, both on the basis of national interest, as such is furthered by any step toward maintaining world peace, as well as on the basis of moral considerations which our country traditionally has viewed as a proper basis for its foreign relations, dictate that the administration's "sympathetic examination" be translated into prompt delivery of F–4 Phantom jets and such other armaments as are required by Israel at the very earliest date.

Our friends need our help, and our interests dictate that we give this help.

By following this course, we will actually be helping to preserve the peace and prevent war in the Middle East.

CUBAN EXILES IN FLORIDA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FASCELL. Mr. Speaker, during all of its history, the United States has opened its doors and its heart to those who flee despotism, privation, and repression. The landing each day in Miami of the freedom airlift from Cuba is but an updated version of the arrival of the *Mayflower* in 1620. As with the *Mayflower*, the airlift brings with it a people searching for new horizons, seeking the

recapture of lost liberties and subsequently content that their quest has been fulfilled.

With minor exceptions, those who come to our shores under these conditions become productive and exemplary citizens. However, there are some who, through a misguided fervor to restore in their country the liberties they find in America, engage in wanton acts of violence which cause irreparable harm to the country which gave them refuge.

Typical of these extremists is a small but determined group in the Miami area whose most recent activities include the sniping of vessels in the Miami port, extortion, and the terrorist bombing of business places. Needless to say, the people of the Miami area are horrified by their acts of terrorism.

A particularly apt résumé of the activities of the extremists and of the effects of their actions appeared in the September 23, 1968, issue of the Miami News:

CUBAN EXILES LIVING WITH "REIGN OF TERROR"

(By Terry Johnson King)

By the time you read this, some Cuban exile terrorist may have planted another bomb somewhere.

Perhaps it will have gone off.

If so, as sure as Castro makes little red statements, there will be a "secret" hand-delivered (nobody ever knows by whom) press release. It will be signed Ernesto, Antonio, or some Latin-flavored name, and it will claim credit for the violence.

The reason it is hand-delivered is because these terrorists know a federal statute when they see one—they're not about to mis-use the mails.

If the bomb doesn't go off, and many don't, you may not even hear about it. For every attempted bombing that is investigated (36 so far this year in Dade County attributable to exile sources) a number go unreported for fear of unfavorable publicity.

It's like fighting a libel suit, to report an unexploded bomb; it only calls attention to a bomb-worthy situation.

Miami's Cubans are living with a reign of terror that, so far, has been largely confined to their own neighborhoods and businesses. Almost daily now, incidents are reported locally as anti-Castro factions drown their sorrows and vent their frustrations in dynamite and C–4 plastic explosives.

It has been an escalating war. It started with smoke bombs and tear gas being tossed into festive gatherings among Cubans, set off by malcontents who said the exiles had no business having parties while their country was in the hands of Communists.

From there it grew. Dynamite was tossed into stores that sent drugs to Cuba—they were "trading with the enemy" when they sent badly-needed supplies of pencillin and antibiotics to the aged and infirm in that country.

Then it was C–4 plastic bombs—a sophisticated weapon, and too sophisticated, it turned out, for the clumsy terrorists. It was a long time before they could figure out how to make the things go off.

And finally into such advanced warfare as sniping of a Polish ship in Miami's harbor last week; and the increase in bombings of commercial establishments which do not "cooperate" with the terrorists.

Miami Police Chief Walter Headley says much of the bombing is done for extortion. Merchants are asked to contribute to the counter-revolutionary causes. If they don't, they quickly learn the consequences. Cuban sources say extortion has nothing to do with it—it is simply a "philosophical" method of keeping the community in line, supposedly so it can fight the tyranny of Castro.

Last week, four reporters-in-exile were blindfolded and driven aimlessly about the city, and finally taken to a hooded character who said he was "Ernesto"—the leader of Poder Cubano (which translates as Cuban Power but, confusingly, it is not the same group which calls itself Cuban Power).

The cloak-and-dagger encounter was reported straight-facedly, including the statement that Dr. Orlando Bosch, one of the noisiest of the militant anti-Communists here, would assume leadership of Poder Cubano.

It could have been for real (some of the newsmen have their doubts)—or it could have been somebody else's cunning plot. For Bosch, who knows full well there's a bounty on the head of any member of Poder Cubano who is identified, has disappeared in the wake of the unwelcome publicly. All par for the course.

There are some 54 exile groups. The most aggressive are a small minority. They are controlled and financed by the wealthy who lost great holdings when Castro took over nine years ago, but managed to fall back on resources they'd been bundling out of Cuba in the years before.

Some of the groups consist of men who fought with Fidel until the surface was scratched and his communism came out. Others are outright suporters of former dictator Fulgencio Batista, hopeful of putting his policies, through a puppet, back in operation.

Election year speeches tend to encourage them. Ed Gurney, Republican candidate for the U.S. Senate from Florida, said last week, "we should train, equip and aid responsible Cuban freedom fighters in their efforts to overthrow the Castro government."

The key word in the statement may be "responsible," but none of the militants are likely to admit they are irresponsible—and responsible people are not likely to be militants.

Also fanning the flames of the near civil war that brews in Cuban neighborhoods are the extreme right-wing exile publications. Chief of these is a newspaper, "Patria," which is commonly supposed to exist on money from Batista.

In addition there are bulletins, magazines, other papers, newsletters—published here, in California, New York and Mexico—which deify the terroristic strikes against non-cooperators, either here or elsewhere.

Aside from Poder Cubano and Cuban Power, the most militant groups are: White Hand, directly by a man who calls himself Michelta; the 7th of December Movement, directed by a man who signs himself Antonio, and the Secret Anti-Communist Army.

The MIRR—Insurrectional Movement of Revolutionary Recovery—is generally presumed to be the front organization for Poder Cubano. And another group, not heard of too often, has entered the age of specialization: the Garcia-Cornillot Group makes a practice of bombing just foreign consulates of countries that trade with Cuba.

All the terrorists have the same modus operandi. A bomb is set, and if it goes off successful, a press release is issued claiming credit.

Those from Poder Cubano are signed "Ernesto." The signature is wavery, obviously left-handed. The fact that the signatures vary bears out the theory that the group consists of 10 people, each of whom calls himself Ernesto and is entitled to act independently of the others whenever he can gather his own cadre.

White Hand and Cuban Power peevishly charge that Poder Cubano swipes their headlines by claiming responsibility for ALL acts of violence, some of which the other struggling groups have committed.

With all the various organizations, methods and philosophy, there is one unified aim of the militants: to return the Cuban exiles to a "free" Cuba, no matter what means must be taken. This, despite the fact that recent studies indicate the vast majority would stay in Miami even if Fidel toppled.

They are settled here, most have more physical comforts than in their lower-middle class pre-Castro life. Rather than provoke unpopularity in the exile community, however, they continue to profess Cuban superpatriotism.

The identities of many of the terrorists in this new-style Cuban Mafia are known, but as one bombed-out businessman said, "Why should I ask for a second dose? I do not wish to discuss the matter further." He termed it "an unfortunate accident."

His associates reckon the next time he is asked to support the Cubans' favorite charity—anti-Castroism—he will do so more readily.

Meanwhile, the Miami-based consuls of countries that trade with Cuba tremble daily as they start their cars (a bomb was wired to the Mexican counsel's auto), open their offices (the Spanish National Office of Tourism has had three bombs planted), or go into their homes (a bomb exploded in the garage of the British counsel's Coral Gables residence.)

Hardware stores do a brisk trade in one-way mirrors and door-peepers. Fear lies over the Cuban community like a catafalque. Nobody wants to do anything with an unexpected present—it could be a time bomb.

One businessman, a boat-builder, recently called the Hialeah police when a heavy, clumsily-wrapped package arrived from an unknown character in New Jersey—where they had just uncovered a Cuban arsenal. The bomb squad unpacked a propeller being sent back for repair.

The police and the FBI reckon they have not gathered enough legal evidence to convict any of the people they suspect of being terrorists. They wring their hands and exchange bits of information, most of which is obsolete by the time they uncover it.

And meanwhile, the Cuban exiles live in a climate of fear they thought they had escaped when they fled their homeland.

The offenses committed by the terrorists are violations of local laws, but there are also national and international implications. For these reasons I have had the staff of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, of which I am chairman, working on this matter.

Various agencies of the Federal Government that are concerned with enforcement of Federal laws involved are within the subcommittee's jurisdiction, including the Justice Department, the Bureau of Customs, and the Coast Guard. In addition, I have recently written to the Attorney General as follows:

SEPTEMBER 23, 1968.

Hon. RAMSEY CLARK,
The Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Recent terrorist activities in Miami and other parts of our nation, perpetrated by a small group of Cuban extremists, are endangering American lives and property.

The vast majority of Cuban exiles have proven to be exemplary guests in our nation. However, this militant minority is violating not only our local laws with attacks on foreign ships and bombings of business places, but also is violating a host of Federal laws.

For these reasons, I seriously urge a prompt and thorough investigation by the Federal Bureau of Investigation, Immigration authorities and other agencies involved to bring these criminals to justice.

While I fully support the legitimate efforts of the Cuban exiles to free their homeland, we cannot allow a terrorist minority to jeopardize lives and blatantly violate our laws in the name of patriotism.

Sincerely yours,

DANTE B. FASCELL,
Chairman.

CUTBACKS IN SCHOOL FUNDS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. JAVITS. Mr. President, the Labor-HEW appropriation bill, now in conference, contains a number of provisions in disagreement wherein the Senate has increased Federal school aid funds over the amounts in the House bill and, in a number of instances, over the President's budget. The attached editorial from the August 2 Rome Daily Sentinel is indicative of the widespread public support at the community level for needed funds for our schools.

The Nation's children are the Nation's future. And their education assures the future both for them and for our country. I am hopeful that the conference committee, of which I am a member, will have the vision to approve these needed funds. 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:

JOHNSON CUTS ROME SCHOOL AID

Passing almost unnoticed in the President's impromptu press conference the other day was his off-hand reference to the fact that he did not intend to release the more than 90 million dollars Congress had authorized to aid schools in federally-impacted areas.

Rome is such an area because of the added burden placed upon it by the children attending our schools who are related to Griffiss AFB. Failure to release these funds will cause the local system to lose approximately $250,000 it has budgeted for the coming year.

These funds were allocated by the Congress only after considerable study and thought in both houses and careful consultation with school officials from all over the nation, including a representative from Rome.

Why President Johnson chose to ignore this documentated need we may never know. He may have been chastising the Senate for failing to approve his Supreme Court designations or he may have been disturbed at the inflationary implications of the steel settlement. He can point to the mandate handed him by Congress to save $6 billion of federal spending.

In any case, the impact on the school budget will be considerable and the necessary cuts to cover the loss of a quarter of a million dollars will be difficult for the school board. If this federal money is to be permanently cut off, the costs will be added to the local tax dollar.

TOWNSEND PROPOSAL EXPANDED TO AID ELDERLY, OTHERS IN NEED

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. McFALL. Mr. Speaker, for the past several Congresses, I have offered legislation proposed by the Townsend Foundation to improve economic conditions of the Nation's elderly.

The late Dr. Francis Townsend accomplished much during his lifetime to focus public attention on this great need. In my judgment, a large share of the credit for eventual development of the present social security program rightly belongs to Dr. Townsend and his dedicated associates.

The gnawing fear of the future felt by millions of Americans a few decades ago now has diminished and the phrase, "over the hill to the poor house," no longer is commonplace.

Most of us will agree, however, that further improvements in our present system of providing security for older Americans and the public assistance programs may be both necessary and desirable.

In the 90th Congress I introduced H.R. 5930, which is somewhat different from the original Townsend bill. In addition to providing monetary benefits to persons 60 and above, based upon minimum wage standards, it also would assist persons who becomes unemployed due to automation—students, and the disabled.

This measure contains many ideas worthy of exploration and as a matter of public service I feel it important that the proposal be before the Congress in order that its contents receive full consideration in developing new approaches to meet unfilled needs.

On August 22, Mr. John Doyle Elliott, secretary of the Townsend Foundation, appeared before the Democratic platform committee in Chicago. He discussed H.R. 5930 and how its provisions could be made applicable to our present society.

The following is Mr. Elliott's testimony:

From the start, of the social security issue, over thirty-three years ago, it was my conviction only an impoverishing version of social security could ever result from the stingy principles and policies adopted in 1935—and that applying the already obsolete rules of scarcity would cruelly mismanage the abundance even then clearly within our grasp.

Since World War II, virtually every Congress has *fulfilled my prophecy* by passing ever broader Social Security Amendments, *only to face the necessity for still greater ones, every time.* The growing problem steadily outran the feeble remedy. History's time's run out for mere steps-in-right-directions.

When he signed the latest, 1967 Amendments, President Johnson created a new commission "to examine any and every plan, however unconventional, which could promise a constructive advance in meeting the income needs of all the American people." A most encouraging and revealing action and announcement.

That Commission, The President's Commission on Income Maintenance Programs, should cornerstone the Institute on Retirement Income, urged by the Senate's Special Committee on Aging—especially in view of their report announcing that they've at last concluded that *lack of income* "is now more than ever the MAJOR PROBLEM" of the elderly (Senate Report No. 1098). And, even more especially, their admonition that the situation will "steadily worsen unless a genuinely comprehensive federal action is fashioned."

THE TEST OF PROPHECY IS FULFILLMENT

Facts: In spite of *all* our social security programs and policies (both public and private, combined with *all other income* people themselves can acquire), those over 65 *share less and less, year by year,* in up-to-date income and living. Analysis of Census Bureau's annual reports (Series P–60), on income-distribution to persons by age and sex, authentically certifies that truth:

In 1947, persons over 65 had only 34.5% the median income of persons *25* through *64.* By 1964, it was down to 31%—by 1965, 30.5%. *In 1966,* despite the 7½% benefit increase by the 1965 Amendments (and liberalization of government, labor and business plans), it fell to 28.9%—a DROP of over 16%! From 1947 to 1966.

Even had the 1947 ratio improved, say to half the up-to-date, adult level, it would have geen a severely punishing failure. But, it *dropped over 16%!*

In recent years, this decline has *accelerated.* In 1964, men over 65 had a median income of $2,037—*$2,904 LESS* than men *55* to *64* (women over 65 had $952—$958 less than women 55 to 64). In 1965, it was $2,116—*$3,134 LESS* for men ($984—$1,035 less for women). *In 1966,* it was $2,162—*$3,588 LESS* for men ($1,087—$1,129 less for women).

A final fact completes the picture. The same source shows in 1947, 10,641,000 aged 65 and over—in 1966, 17,937,000—increased *68.9%*. In comparison, in 1947 we had 72,497,000 and in 1966, 85,241,000 aged *25* through *64*—increased only *17.6%*. Thus, the elderly are increasing *four times* as rapidly as younger adults. From 1947 to 1959, the ratio was but 3½ to 1; *showing it to be a rising one.*

In short, steadily greater economic depression for an ever greater part of our adult population—to whose membership virtually all of us are destined—*the aged.*

I believe nobody can require a more unanswerable picture of failure. Present stingy programs have been better than none; but, imagination can't grasp the utterly excuseless privation and denial amidst abundance endured by American people because of these mean programs, based on the obsolete rules of scarcity. Only to the extent that we wipe out this *deflation of human living* can we ever beat inflation which is its inevitable counter-effect. Nor can we achieve the just equality the name "America" has always promised—except as we put an end to this bitter inequality.

Therefore, our leadership at last calls for real answers to "the income needs of all the American people." That call not only recognizes the failure of past policies (but for which that call would never come), but also signifies that they do not have "adequate financial mechanism" to implement the prosperity which *must* move in if poverty *is to move out.*

I—and those I represent—have known that "mechanism" over all past years of this issue. My personal assignment has been to preserve it and to develop its application as our country's social security experience (under present programs) unfolded during these past three decades.

Since our responsible national leadership has now withdrawn its commitment to apply

programs based on the old principles of scarcity which were adopted in 1935—I now present that "mechanism"—the one, do-the-job plan. First, I hereto attach a completely drafted bill—H.R. 5930, sponsored by Rep. John J. McFall—which completely defines and provides for the rights, purposes, authorities, duties and ways-and-means necessary to end the problems of social security and poverty in this land.

Then, I herein present certain purposes and provisions and deal with certain questions as to this bill's necessity for the prosperity which alone can displace that poverty.

Purpose: To amend Title II of the Social Security Act to provide a national pension for retirement at age 60, disability and certain other conditions. For all persons equally—sufficient to protect even beneficiaries with no resource other than this benefit from poverty.

Beneficiaries: (a) All persons aged 60 and over, or disabled, or female heads (regardless of age) of families having persons under age 18 dependent on them or persons aged 18 to 25 engaged in full-course educational, or vocational training so long as they advance in accordance with accredited standards in schools, or other training supervision approved by the Secretary of Health, Education, and Welfare—subject to $1 monthly loss of benefits for each full $2 earned monthly in employment, or self-employment, in excess of $100 monthly—shall be full and equal, "primary," beneficiaries.

(b) All persons found *physically and mentally competent,* but whose employment has been eliminated by changes in industry and business resulting in employers having no work for which such persons are qualified—subject to $2 monthly loss of benefits for each full $3 earned in employment, or self-employment—and subject to such persons (in common with any other disabled beneficiaries) fully cooperating in any programs approved by the Secretary of HEW to qualify them for existing and available employment consistent with their health and abilities shall also be full, "primary" beneficiaries.

(c) All persons under age 18 orphaned, or otherwise deprived of parental support, or dependent on any of the above "primary" beneficiaries—subject to $1 monthly loss of benefits for each full $2 earned monthly in employment, or self-employment in excess of $50—shall be entitled to one-third of the benefit currently being paid to "primary" beneficiaries.

Definition of poverty: Sec. 230(11) of H.R. 5930 (attached) states, "The terms 'poverty' and 'free from poverty' refer to and relate to an individual's having or lacking sufficient money-income to enable him reasonably to command fully healthful diet, respectable clothing and housing, full medical and health insurance and care, normal participation in recreational, social, cultural and public life and affairs; and in no case shall such money-income accruing to an individual over 18 years of age be justly considered to amount to less than the money-income received from a regular employment-rate of 40 hours a week under the prevailing Federal Minimum Wage."

Benefits: In view of the above definition of poverty and the requirement that the benefits of this Act "assure persons having no resource other than their benefits under this title freedom from poverty"—and since the Federal Minimum Wage is $1.60 an hour—the full, "primary" benefit now would not be less than $260 a month.

Payment of benefits: In place of present Social Security taxes, there will be a tax of 1% *for the first six months* under this Act on the *gross money-receipts* of all persons and companies (except the first $250 monthly of personal gross receipts will be exempt). Starting with the seventh and every third month thereafter, the tax rate will rise ¼%, until it reaches 2½%, as of the 22nd month.

Beginning with the seventh month, after defraying administrative costs monthly from each month's revenue, respectively, the revenue from the first month will be distributed as benefits—the revenue being equally divided by the number of full benefits eligible (taking into account the number of full benefits represented by all the various partial benefits); etc., each succeeding month.

Section 212 of H.R. 5930 provides that these benefits will absorb all benefits under present OASDI programs. Any OASDI benefits temporarily greater than initial benefits under this Act will be paid at full rate by using needed money from the OASDI Trust Funds. Nobody will lose any benefit already earned.

The need and cost of nearly all Public Assistance will automatically be absorbed by benefits under this Act. Public Assistance titles should not be repealed because exceptional circumstances in individual cases and possible catastrophes might find the benefits of this Act temporarily inadequate.

Before turning to the "financial technology" through which such benefits are to be implemented, beneficially to all honest interests, let us note certain obvious truths about these benefits. First, the benefits of this Act will stand the permanently and temporarily unemployable (as distinguished from unemployed who are employable) *solidly* on a "floor of prosperity" below which they need never live. Present programs' inadequate benefits literally hang people under a "ceiling of poverty"—right in the midst of its misery.

Nobody need more than look at the millions—especially our ever-growing legion of elderly—who are unemployable, to realize that until we establish this "floor of prosperity" below which all persons encountering unemployability need not live—we won't conquer poverty and its unjust evils, no matter what other successes and glory we achieve. In fact, the greater our other successes and glories, the less justified becomes our continued allowance of poverty in any form!

Second, the benefits herein proposed must be viewed in the light of creating what other proposals and existing programs do not—that prosperity (as defined above) which must replace the poverty which constitutes our problem—and our danger beyond anything any foreign foe may venture.

In this respect, we have so-called "poverty-lines" (as promulgated by the Soc. Sec. Admin.) and "eligibility-criteria" (per war-on-poverty officialdom for calibrating individuals' needs for aid). These standards are not only "ceilings for poverty" under which people are suspended, right in poverty's midst; they're not better than halfway up out of it, to start with! Not, at least, as far as freedom from want is concerned, even though superior to Public Assistance standards, now, in most States.

These "poverty-line" and "eligibility-criteria" standards postulate about $3,300 a year for a city family of four (parents and 2 children). Less than $70 a month per person. For a rural family, it's nearly a third less. Why, it costs $2 *a day* to board our pet cat when we have to be away—in a cage! Cat and dog pensions for people?! War on poverty?!?! The irony is this—*these "poverty-line" and "eligibility criteria" standards are the up-to-date "Betterments" being proposed in compliance with the old, obsolete concepts and rules of scarcity on which present policy and programs are based! And they are better than most States present Public Assistance guides—in many states, extremely better.*

On the other hand, effective since the first of this year, is the new Federal Minimum Wage—product of many, many years of testimony, study and debate. It is Congress' *own judgment* of the minimum, money-income for an individual worker to keep fit to work—the minimum for which we may conscientiously (and in law) take the time, life of another for our benefit, or profit.

The Minimum Wage is in no way related to whether a person is man, or woman. In city, or country. Old, or young. A single, unattached person; the only breadwinner of a family; or, one of several earning members of a family. It is strictly minimum, as of the individual person, regardless of any other consideration.

It is *very close to* twice that for a single, unattached, city individual by the "poverty-line" and "eligibility-criteria" standards; nearly thrice that for a country individual. It's nearly all that allotted a city family of four. Nearly *half again* that accorded a family of four in the country.

These "Poverty-Line" and "Eligibility-Criteria" standards are right down in the poverty pit!

They can never lead to ending poverty. Rather, they will serve to perpetuate it.

Only instituting the floor of prosperity conceived in the benefits provided by the great, national pension of H.R. 5930—the Pay-As-You-Go Social Security and Prosperity Insurance Act—can lead to the end of poverty and make social security a living fact in our country. Without these benefits, poverty will continue.

Therefore, I advocate that the Party of Progress and Justice—the Democratic Party—adopt in 1968 a Platform plank declaring this Party's purpose to be *the establishment of that floor of prosperity below which Americans will no longer need to live to the end that freedom from want and the equality among all Americans which has so long evaded us will be achieved.*

The retirement test: This is specified above in the descriptions of the various beneficiaries. It is of utmost importance as the provision which inter-relates equitably the unemployables receiving the benefits of this plan and the employed, working population. There must exist a thoroughly defined bridge between the employed and employable and those who are unemployable both in the normal sense (like the aged, the physically and mentally disabled) and in the sense of being wrongfully retired and unemployable—their occupations rendered unworthy of hire by progress and change, for example—or, as yet, not having obtained the education, training, or experience to command existing employment.

In my research and analysis and study, this $1-for $2 ratio between benefits and earnings, this specific "retirement test" was formulated. In 1955 and 1956, constructing bills competently to embody this great-national-pension concept, it was applied. It called for (and H.R. 5930 now so calls) beneficiaries to be allowed to earn $100 a month ($50 for dependent children), then lose $1 for each full $2, monthly, earned in employment, or self-employment.

Workers and earners—especially since spouses will have exactly the same retirement rights and benefits as workers for money-pay—workers will be able to EASE from full employment into retirement over a significant span of years, without hardship. A worker will be eligible at 60 completely to retire. But, he could well afford, in most cases, to ease up on such activities as overtime and other pressures, say after age 55—or, even, if health, or other interests so advised, after age 50.

With the spouse acquiring the same benefit at 60, most couples could well afford to discount possible earnings in favor of health, for example, in the years prior to retirement.

On the other hand, many workers—their spouse's benefits considered—*being averse to retirement,* hale and hardy—they need not fully retire. A worker could ease up on his work at age 55 (or, even, 50)—ease into partial retirement on benefits offset by earnings after 60—and continue substantially productive to age 70, or even older, before becoming fully retired.

However, let this be clearly realized: The just described bridge between employment and retirement can only exist desirably and *equitably if the poverty-excluding benefits of this plan exist!* Under lesser benefits (to say nothing of the poverty-perpetuating, scarcity-conceived benefits of present plans—and, just as bad, under the "poverty-line" and "eligibility-criteria" standards we've discussed)—under such anti-prosperity schools of thought and program, no result worthy of the name American can be remotely hoped for! Let alone this happy "easing" into retirement—and out!

Without these benefits and the prosperity only they embodied in our Federal Social Security system can ever provide, the needed and inspiring, just and equality fulfilling attainments of freedom from want and of happiness successfully pursued are out of the question.

To be specific: If this plan were now our law, the primary benefit would be of the order of $260 a month, $100, plus twice $260 ($520), would be $620 a month—before a worker would have eliminated his whole benefit by earnings. Such a worker couldn't be considered as retired—certainly not impoverished.

In the same light, consider the disabled beneficiary. The disabled could strive for rehabilitation and attain whatever productive and occupational ability he might actually have as his potential—realize his actual potential, whatever it might be. In all respects, he would be motivated by gain—handicapped by no penalty. *Let all Americans be so insured—instead of facing the punishing poverty, discrimination and degradations past and present—even contemplated policies embody!*

Like nothing else possible, this would activate the last vestige of motivation in a disabled person to undertake, strive to accomplish and master, earn and serve—foster, not penalize, every desirable and commendable pride and dignity. But, only IF the "prosperity-insuring" benefits of this plan are instituted.

Like the retired elderly, the disabled beneficiary will be able to EASE in and out of retirement, as opportunity, health and ability appropriately indicate.

In the same way, dependent children will be able to ease into productive occupation, aiding in family support, gaining experience, funding towards future education—with every pride based on full equality of rights and fully respectable position and opportunity.

Again, however, it must be noted that no such benefits to society and the image of our country in the minds of Mankind are possible, unless there exists the Social Security-benefit system defined and provided by this Act.

Surely, I don't need to complete the list of beneficiaries and the application of this retirement test—under this benefit plan—any further. Let us turn to the essential question of the "financial mechanism to make these potentials realities."

WAYS AND MEANS—THE FINANCIAL TECHNOLOGY

In terms of amounts of money, the Pay-As-You-Go Social Security and Prosperity Insurance Act is virtually unprecedented. Contemplating not less than 25 million primary beneficiaries at a monthly benefit probably to average (taking account of various deductions via retirement tests, etc.) over $200 a month—it is of the order of a probable $70 billion a year, under present conditions and standards; this, it is always to be remembered, however, is also the measure of the value of the losses we now bear because of the problems this will solve. An investment in prosperity and unfolding economic growth and social achievement without precedent.

To take such a sum out of wages, salaries, profits, etc., which now exist, is out of the question. Present, scarcity-conceived policies and programs seem to have approached the limit on that kind of thing—with the poverty-stricken results that should have been expected.

Under the advent of abundance, we began the production of a new commodity—it goes under such names as sufficiency, surplus and, of course, abundance. It is really our constantly growing ability to produce; not only expanding, but accelerating under the impact of such wondrous tools as automation and, now, cybernation.

It is out of this new productivity which we've so frequently failed to employ, except in ways which resulted in automation, for example, taking jobs, income and life away from people. In all justice and right, such a thing as automation should never have hurt anybody and should have benefited all.

I believe the "ways and means"—the system of finance—presented in this Pay-As-You-Go Social Security and Prosperity Insurance Act—will create new, additional money representing such new, additional, expanding productivity. *By financing the benefits of this plan with this new money*—instead of money detracted from existing income—we will create a new employing force which will constantly grow in direct step with our ever-rising productivity.

Then the poverty represented now by the sorely under-financed people who would, dominantly, be the beneficiaries of this plan—that poverty will be replaced by a wondrous, new prosperity.

Furthermore, it is a prosperity which can never exist unless exactly the things proposed in this plan are actually done. That is unanswerable logic.

Under the pressure of emergency, or necessity, we have done this sort of thing, but without definitively realizing that we were creating "new money" for new, or additional needs and purposes. For example: We did not finance World War II out of our 1935 to 1938 economy—out of such levels of wages, salaries, profits, etc.

Congress declared "State of War" the law of the land. Under that authority, our Government instituted legal contracts with industry, business and labor to do all the things to achieve victory. These contracts under the law of the land authorized the additional, new money—*by contract law*—which financed the entire war-effort and everything directly and indirectly connected with it.

It was not financed out of existing money, or production, or capital—like the mere $35 billion a year national income previously in force. It was financed out of our unused productivity—by the legal authorization, based in an Act of Congress, for it to be done. Overnight unemployment vanished everything was humming!

Another example: The last Congress added 35 cents an hour of new money—not money out of existing funds—to every employment contract under the Federal Minimum Wage; raising the Minimum Wage from $1.25 to $1.60 an hour. New money, not money out of existing incomes, by a universal contract imposed by Act of Congress on other contracts, namely, Minimum Wage employment contracts.

Further example: Every time labor and employers institute a raise in wages, etc., by newly negotiated employment contracts, and for numerous other benefits as well, the same thing happens. Contract law creates—authorizes—new, additional money in recognition of new productivity, new economic values, economic growth.

Examples and experience are endless—but, they've not been thought of in this light. Certainly not in relationship to our problems of social security and poverty. Our new industry of space—that of electronics—they are not burdens—they are sources of new employment and new prosperity.

That is what we must make of our social security and poverty problems—*sources of new employment and prosperity.* Not liens on existing income and production. This time, we must do it consciously, deliberately—because the substance of value involved is not one we can put on the market and sell—not even to government. Old age retirement years can't be sold to somebody else, for example.

Yet it is the most precious, valuable of all forms of wealth—human life *itself.*

For years, now, with rising frequency, study after study has emerged verifying what many of us clearly discerned in the 1930's—that we have the wealth-producing ability to abolish poverty. But, we are endlessly admonished *that we do not "possess adequate financial mechanisms to make these potentials realities."*

Section 214 of the Pay-As-You-Go Social Security and Prosperity Insurance Act presents that adequate mechanism, or financial technology, so to speak. It is a tax on the gross receipts of all persons and companies, nationally.

By its very prima facie definition, it automatically applies to and embraces all business contracts and transactions executed in the whole United States of America.

Therefore, in addition to all the wages, salaries, profits, commissions, rents, rates, fees, dividends royalties, interest, capital gains and taxes (which, when expended by government become the other categories of incomes to people) in addition, this Act will authorize 2½% more money. Just like the extra 35 cents an hour on minimum wages—by the same authority—an Act of Congress. Than which nothing could be more valid!

With that money, let us finance the retirement years, life under disablement, a substitute for the family's lost breadwinner, full support for the qualified student to procure the full education God gave him the ability to acquire and the character to desire—and support for those whose jobs are destroyed incident to progress.

There is the missing "mechanism"—the "financial mechanism" to make our potentials to abolish poverty into realities.

Observe certain obvious facts: The gross receipts of all persons and companies exactly equal all the wages, salaries, profits, rents, rates, commissions etc., of all persons and companies. The same sum of all these forms of income to people and companies also exactly equals the *price-cost structure* of all goods, commodities and services. Money is the common denominator of all such values agreed, contracted—and consequently is the medium of their exchange. For people, that same money is the *very license to live.*

The auto manufacturers and allied industries, by contract with the unions, created pensions and numerous other considerations. For the 30-years-in-the-industry worker they created very much the same retirement finance this plan will create for all the American people. Of course, for the 15-year worker they could do only half as well and for others accordingly. But this Act will cover *all* employment of *all* the people *all* the time.

There is no good reason at all why we can't—by this universal contract of the gross receipts tax—based on the gross, current, dollar value of all other contracts, transactions and incomes—*provide exactly such fine social security and freedom from poverty for all the American people.*

No reason why we can't, as the President requested via the Commission on Income Maintenance Programs, "meet the income needs of all the American people" in all the areas of life and its contingencies reflected in the benefit categories of Social Security and this Act.

No matter how these problems may ever be

replaced by blessed, happy solutions, precisely the things defined and provided by this plan will have to be done—most especially of all, the authorization will have to be made of the new, extra money to finance exactly the benefits, or income to people herein proposed.

I believe no other thing—had we had it in the past—would have done so much good for our people, or been so mightily to the credit of our country in the conscience of Mankind as would this plan. While we've foregone that profit—yet, by the same reason and merit *no other thing can do so much good, in the same areas, and for the same reasons in the future.*

EVALUATIONS

The "universal contract" of the gross receipts tax will (under any given rate) automatically alter its yield of money-revenue in direct ratio to any and all economic advances and/or any other changes. The benefits will not be left stranded behind the times, so notoriously and punishingly the case with most present and past programs.

Unlike even present, unique and rare programs (and proposals) altering benefits in compensation for changes in cost-of-living and, lately waking up, for changes in standards-of-living, too—this Act will not wait for changes to take place and for accommodation of benefits to them. The revenue will automatically increase and its distribution will automatically and swiftly be reflected in benefits.

Whenever, due to technical progress, or any other cause, a development occurs which would, otherwise, cause unemployment, or displacement of jobs—even their elimination—this gross receipts tax will automatically cause this new, different form of productivity to produce money-revenue to finance new demand, hence new employment.

No other "mechanism" can so meticulously, so automatically, fully have this result.

The definition of gross income—gross receipts, adopted in H.R. 5930, embodying this plan, is taken directly from the Indiana Gross Income Tax Act, in operation since 1934. There is no question, therefore, as to its administrative efficacy. An entirely similar system has been in operation, with famed administrative efficiency, for the same period, in Hawaii.

The specific adoption of the Indiana definition of the tax-base forecloses what may be termed "academic" arguments—or strategems of reactionism. For example, those who always cry "inflation!"—or, those who (not thinking, merely reacting vocally) allege that such a tax would "pyramid" prices as goods were sold from the manufacturer to the retailer to customers (with the numerous steps intervening)—thus, they claim, inflating prices.

Without having to examine such arguments at all, the Indiana experience automatically renders them nil—because, if they held any truth, Indiana could not have kept it in operation a few months, let alone 34 years!

Had we been so foresighted and morally concerned in the past as to realize when our great progress, necessary for the betterment of *all of us,* involved injury and loss to some of us, *we should have fully compensated those injured, or damaged*—that realization could have enabled us to face the problems in their infancy. We could have headed off the history of lagging social justice dogging our wondrous technical progress. Today, the results of that failure, morally and otherwise, in flame and riot, bid us to honor justice in the fullest way—and promptly—from here out.

This line of perception calls attention to the losses and costs to all of us which our failure to preceive and do these things we ought to have done has caused us, as a people, and in terms of the strength, unity and prestige of our country in the world.

A look at any recent monthly issue of the Social Security Bulletin shows the expenditures for outrageously inadequate benefits and results—*yet totalling some $30 billion a year!* And all of it—together with all other public and private efforts combined—have actually lost ground (as I documented early in this testimony) against the problems.

All those and inestimable resulting losses and costs will be abridged, absorbed by this program—plus successful ending of the problems' evil damage, too—a double payoff.

Actually, the indirect losses have been represented and manifested by our numerous "recessions." Listing here would be endless and to little end. Anybody caring to recall them will soon realize that the value lost of idle men, idle money and idle machines and plant capacity, since, say, 1930, is a figure much greater than the cost of World War II.

There are also the intangible losses, not measurable in money, weights and rules. The loss of heart and faith among our people—the failure and penury and dependence where respectable success and justified pride should have known fulfillment—our tarnished image to the world indicate its nature.

Had we done these things for people—prospering instead of impoverished retirement—decent care and support in disability and in family loss of the breadwinner—educating those denied it—decent, poverty-free support of those denied hire by the impact of automation and other progress until they could acquire new, employable skills:

Had we done these things for the freedom and prosperity of people, we'd have prospered our country beyond estimate. We'd have made the mightiest investment in national glory and human betterment ever yet conceived.

How in the past, how in the future can we better employ our money and wealth?

In terms of evaluation, let us look at the question of inflation. Whenever proposals to advance social justice by any use of money have been made, "Inflation!" they cried.

Under this plan, there will be no inflationary effects—because it is dedicated explicitly to one, direct thing, namely, to reflate the deflated human life in our economy. If anything is not inflationary, that's it!

By its very definition, the gross receipts tax on all persons and companies will draw revenue from all economic activities and functions—those tending to result in inflation, those tending to result in deflation, included. That revenue will be channeled to finance human living and economic operations at the average levels, the norms. Nothing can be more non-inflationary than that.

Explicity, it is the most anti-inflationary, anti-deflationary, pro-stabilizing possible program.

Should it not be asked, "How can anybody stand beside Liberty in New York Harbor, behold the multi-multi-billion dollar skyline of Manhattan—then, contemplate the ghettos of Harlem—yet fail to comprehend where the inflation really is?"

Or, "How behold the stupendous rocketing of California to the status of Number One State, surpassing even New York—then, contemplate the ghettos of Watts—yet fail to see where the inflation is and where it is not—and where the deflation must be made, before inflation is ever going to be deflated?" I don't think persuasion on this point requires any excursion around the whole country to establish the point.

Yet those and like ghettos are but a part of the real, whole one. In every community in our land, there's the ghetto of our elderly whose average member lives on but a third (in fact less) of the up-to-date, adult standard of income, the very license to live—with multitudes faring much, much worse! Then, there's the misery of the disabled and the families deprived of parental support. Those like the coal miners with their skills rendered obsolete and valueless by the very progress which is so essential to our general betterment; and those lacking in the tools of education and training. There is the real ghetto—sprawling from coast to coast.

Inflation and all that ghettoism are both products of the same failure to recognize abundance and its nature—mistakingly trying to manage abundance by the obsolete, punishing rules of scarcity. The unhealthy, destructive immoral poison of that injustice has been accumulating now for a solid minimum of 40 years.

I don't believe we have time remaining to play with palliatives for another span of years—rather I believe we have but time, as a major national project, to take the full actions necessary, now, promptly to wipe out poverty. Let us no longer squander "History's precious gift of time." The things spelled out in this plan must come to pass.

I respectfully urge, therefore, that the American Party of Progress—the Democratic Party—adopt and promote a Platform Plank to establish a floor to prosperity below which Americans will no longer need to live—to replace the mean, discriminatory concepts of scarcity which have defeated fulfillment of our country's promise of liberty and justice to all—honest equality.

Profoundly grateful that in this year 1968 the truth has focused and the President has directed at last that we must "examine any and every plan", I am proud to present this plan, the Pay-As-You-Go Social Security and Prosperity Insurance Act and H.R. 5930 embodying it—confident that the time is at hand when the great achievement in human betterment and world-inspiring unfolding of a new order of human freedom, which this plan will provide, will be called for by our country.

GEORGE WALLACE—AN ANSWER?

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ESHLEMAN. Mr. Speaker, I would like to take this opportunity to introduce a few questions and facts about George Wallace that may be of interest to Congress and the American people who will shortly cast their ballots for our next President.

FOUR QUESTIONS TO ASK YOURSELF ABOUT WALLACE

Would you really want George Wallace's finger on the "button"?

Who are Wallace's associates who might become Cabinet officers or other Government leaders?

Does Wallace have any program for America beyond the two-point speech he uses constantly?

Without sufficient Congressmen from his party serving in Washington, how does Wallace plan to bring about the changes he talks about?

WALLACE CAN SAY ANYTHING—DELIVER NOTHING

Wallace has no party structure behind him. There is no slate of congressional candidates or even courthouse candidates included in his American Independent Party campaign. The AIP is not a third party, it is a nonparty. It is one man running for the Nation's top job with no officials to back him should

he be elected. Our system of government was established with checks and balances so that no one man could seize total power. The American people hardly want a change in that philosophy.

WALLACE RECORD DOES NOT REFLECT HIS PROMISES

His record as Governor shows fiscal irresponsibility with budgets up 50 percent and bonded State indebtedness at all-time high.—From the Bureau of Census reports on State government finances and the annual reports of the State comptroller of Alabama for 1963 and 1966.

His record shows that centralized State power at the expense of local government was preferred in Wallace administrations.—From an article by Victor Gold, "The Rise and Stand of George Corley Wallace," Human Events, January 27, 1968.

His record shows that Alabama took $2 in Federal funds for every dollar it paid into the Federal Government under Wallace rule.—From a special report of the Library of Congress, "Selected Federal Expenditures and Total Tax Collections by State, Fiscal Year 1967."

His record shows that while Wallace was Governor the crime increase in Alabama was consistently greater than the national rate of increase.—From the Uniform Crime Report for the United States, published annually by the FBI.

ALABAMA UNDER WALLACE WING

Of interest to wage earners: Alabama ranked 48th among the States in per capita income, $900 below national average.—From the Survey of Current Business, U.S. Department of Commerce, August 1968.

Of interest to parents: Alabama ranked 48th among the States in money spent per pupil in public schools. Also had one of the highest illiteracy rates in the Nation.—From Estimates of School Statistics, National Education Association, published annually.

A MOST IMPORTANT POINT ABOUT WALLACE

Wallace cannot win nationwide. By voting for Wallace you are really throwing away your one chance of getting something better for your country.

THE IMPORTANCE OF GEOGRAPHY IN THE FOREIGN SERVICE CURRICULUM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HAMILTON. Mr. Speaker, the next October begins the 50th anniversary year of the School of Foreign Service, Georgetown University. The school is now in the process of revising its curriculum in the hope of making it even more effective in preparing young men and women for serving their country abroad. As the Nation's oldest institution for the training of personnel for careers in both diplomacy and trade, the School of Foreign Service has produced in its half century an impressive number of graduates.

Dr. Hunter, a professor of geopolitics at the School of Foreign Service for 22 years, has written an interesting and informative article about the importance of geography in the school's curriculum. As a protege and associate of Dr. Edmund A. Walsh, S.J., the school's founder, Dr. Hunter outlines the integral role of a broad interrelated background in government, economics, history, language, philosophy, and geography seen in the school's original structure. This, rather than any specialized or narrow training, would best prepare men to grapple with the problems of international relations and foreign trade. Because of the significance of this development, not only to other colleges and universities but also to those who are intending to prepare themselves for service abroad, I submit the article for inclusion in the RECORD, as follows:

SOME THOUGHTS AND OBSERVATIONS ON GEOGRAPHY AT GEORGETOWN UNIVERSITY

(By James M. Hunter)

"What's in a name?" Shakespeare cast his thought to roses, but herein attention is directed to the following: (1) School of Foreign Service, (2) College of Arts and Sciences, and (3) Geography. There is more than an adequate reason for this since it is felt that the variety of interpretations involved has, in part, influenced the present status of this University. No more than a passing glance can be devoted to the first two items. However, it should be sufficient to raise a vital and fundamental question without being presumptuous enough to assume the true knowledge of each. The third case is entirely different. It involves a chosen discipline, a life's work and a desire for a just treatment of a noble science. Hence, the third item can be analyzed with authority while only generalizations will be made on one and two.

It seems well within the realm of reason to assume that the graduates of the School of Foreign Service should be able to attain positions overseas with either private enterprise or the government. This situation obviously requires a sound knowledge of areas outside of but related to the United States if the individual is to perform his functions at the highest degree of efficiency. Of course there may be many other goals but it is questionable that any could be considered more fundamental.

Excluding the fact that in some cases the parents select the course and school, it also should be considered that each student was motivated, in part, to this specific choice through a definite interest, of one sort or another, in foreign regions, and that someday it is well within the realm of possibilities that he will be required to understand and work in one of them. Had he wanted merely a major in Economics, History or Government his logical action would have carried him to a different school within the University. This generalization is indeed brief, but who can deny, with sound logical reasons, that foreign service automatically involves foreign areas? By implication this is also in the name of the School.

In contrast with the former, it would appear that the main purpose and function of any Liberal Arts program would be to educate students in any or all the Arts and Sciences and to assure that within that process there is a liberalization that will extricate the mind from the bonds of provincialism or any other stultifying force. To be sure, the method and procedure to this goal will vary from school to school just as the desire and ability of the students involved will not be constant. Still the fundamental function, as found in the name, remains similar. Any student in any Liberal Arts program should find available the widest possible variety of disciplines for his selection of a major, along with the greatest number of courses therein. Any school which attains this goal with the highest degree of efficiency will never want for faculty, finances or students. All students should not be "poured" into the same mold. The University should fit the needs of the students.

At Georgetown University a basic problem of curriculum is found within each of the before mentioned schools and also exists as a vital question between them. Students who select the Liberal Arts and Science program are able to graduate with credit in all the courses found in the present Foreign Service curriculum and in addition will have a definite major such as History, Government or Economics. On the other hand it can be stated, that the graduate of the School of Foreign Service will hold credits in most of the courses found in the Liberal Arts program, but will not have a major in a specific discipline. At this time there is nothing unique or different to distinguish the graduate of the Foreign Service School. Basically he has the same curriculum as is found in the Liberal Arts program. "What's in a name?" Shakespeare continued "That which we call a rose By any other name would smell as sweet". The curriculum of the School of Foreign Service has the smell of Liberal Arts.

How could changes in the curriculum of each school benefit the students and the University. A full answer to this question cannot be stated by *any* single individual. However, constructive suggestions are apt to come from almost anyone. It is hoped that these suggestions will fit the latter description: (1) the Liberal Arts and Science School must expand its selection of majors; (2) Each Department must be free to develop a basic format which will be essential and adequate for that discipline and for the variety of student; (3) Among the *many* additions should be the science of Geography; (4) All disciplines must be received as equals in status. If this sounds idealistic, it is no more so than the motto "educate the whole man." In fact the latter is possible only when all the former are available.

Likewise suggestions to strengthen the Foreign Service School can be enumerated: (1) Reexamination of the curriculum as it existed in 1946, for example, could reveal the unique quality and purpose of the School. This is not a process of "going backwards instead of forward". Indeed it could be a partial solution to solving the future. Perhaps it would be found that around that date or shortly thereafter "the baby was thrown out with the bathwater"!; (2) Geography is primary to an adequate education and preparation for foreign service; (3) Each course, and indeed the sequence of courses must never lose sight of the primary function of the school. Thus a given course in one school should be geared and numbered for that school and any substitution of courses between the schools should be only with the approval of the department advisor and the evident need and interest of the student. It can be seen that a common problem, for both schools, is the lack of a viable geography program. The remainder of this article is devoted to that problem.

Geography is a Science. It is and has been a very respected academic discipline and program in leading Universities all over the world for hundreds of years. Upon graduation vast numbers find employment as geographers in Education, Industry, Agriculture and Research. Governments find that it is of primary importance in the formation, interpretation and implementation of state policy, domestic and foreign. However, contrary to common thought at Georgetown University, Geography is not the science of the planet Earth. It is not the study of the relationship

between man and the natural environment and neither is its content that of the adjustments man has made to his environment. Finally and most emphatically, Geography is not the process of memorization of facts and place names.

The above are factual statements. To anyone doubting them or who may want to challenge the nature of geography it would be only an elementary task in research to find, within the span of a few hours, vast and significant verification. Such literature is available and accessible for all who are interested. Therefore it would seem fair and logical to assume that the majority, if this is the character of the process, of those molding academic policy at Georgetown University over the past fifteen years or so have (1) never been able to comprehend that the above are facts; (2) they disbelieve them but have not researched them; or (3) they hold predelictions along with an unwarranted hierarchy of disciplines and other prejudices. But before going any further let it be firmly stated, however, that this short article does not involve personalities. It is not directed toward any one individual nor any one group. Such an attitude, although prevalent at Georgetown, is really of little value since it generally fails to reach to the basic issues. In fact this article is merely an honest response to an invitation and the sole purpose of it involves the desire to strengthen the University by a reaffirmation of geography and thus contribute at least to the fulfillment of a basic need of the students of the Walsh School of Foreign Service. The intent is to be objective and to approach the subject in accordance with the standards set down in "Mores of Methodological Writing" (R. Hartshorne, The Nature of Geography, Association of American Geographers).

In 1946 when students were returning to the University after the second World War and also, in many cases, after extended travel which had increased their informal knowledge of the known habitat of man, this University had the beginnings of a formal program in Geography. It was not comparable to the level offered by other Institutions. However, the prospects of a future situation were presented in a charming and favorable manner when this writer accepted the invitation to join the faculty. Progress and development were assured.

At that time six semester hours were required in the College of Arts and Sciences and a graduate of the School of Foreign Service would have ten hours and several in allied fields. For the next several years the former school had many different teachers and none was satisfied with the slight progress. Each of these men in turn sought and found productive positions. It is apparent the program had to face far too many unnecessary obstacles. Nongeographers created geographic policy. Later, after the unification of the staffs in the two schools, it was finally possible for this writer to recommend two students with a major in Geography for the Baccalaureate degree. One was given recognition by the National Council for Geographic Education for his scholarship. In the College of Arts and Sciences it can be said emphatically that Geography has never been granted equal status with the other disciplines. This policy spread to the University level when unification of faculty and departments took place.

In 1946, on the so called other side of the campus the atmosphere was more conducive for growth. Under the leadership of The Rev. E. A. Walsh, S.J. the School of Foreign Service gave due recognition to the qualities and values of the science. Progress, although slow, was present and it was apparent that his plan included the expansion of the formal program. One entire wing on the first floor of his proposed building was devoted entirely to increasing those facilities which are essential to a well developed program. It is indeed truly unfortunate for the University that this building was not constructed and that its place was taken by a parking lot and a Gym.

Father Walsh held a warm attitude toward the science perhaps as an outgrowth of his overseas duties and quick intellect. He realized the untold variables distributed over the earth and he attempted to understand them. His international recognition, perhaps, reached its zenith when he was called upon by the government of the United States to interrogate K. Haushofer. Father Walsh was able to expose the distortion Haushofer and the Nazi government had given geography. He was able to do so simply because he had read and studied geography and kept abreast of Haushofer's work in the Zeitschrift fur Geopolitik. It was at this time that Georgetown University, primarily through the leader of the School of Foreign Service, enjoyed an era of international and national fame. All too often his valuable contributions are minimized or even forgotten. However, the School, its various programs, and hence the reputation and function were all vested in one man. Great as he was, it proved to be an unhealthy situation. The effectiveness of The School of Foreign Service was directly related to the well-being of the individual. Father Walsh after a period of ill health died and with him, apparently, went all his productive plans.

A change occurred in University leadership which although similar in structure it was dissimilar in viewpoint. A new curriculum deemed best by them was developed. The discipline of Geography was all but eliminated in the University. In the School of Foreign Service, where it is most essential, it was almost impossible for the student to even select it as an "elective". Thus the entire University program stands in contrast to the general situation in Colleges and Universities in the United States, and in the World, where Departments of Georgraphy are rapidly increasing and expanding. The primary exception to this forms an interesting pattern. Its structure is composed of those schools sponsored either directly or indirectly by the Roman Catholic Church. Only two Universities in this category can boast of adequate programs! (This situation is rather difficult to understand since we are all well aware of the active role the Jesuits, for example, took in providing leadership in the exploration and even the mapping of new lands. But apparently this is where their development in the science rests. None of them is within the list of scholars who know the nature of Geography.) Albeit, it should be obvious by now that no matter how sincerely this curriculum was developed, it has many errors and shortcomings. The program in Geography was cut in order to provide available additional hours for courses in other fields. Thus the very basic lack of an adequate selection of a major was further reduced.

It is obvious that Geography or for that matter ANY selected subject may not be necessary for every student. Likewise, it should be equally obvious that it, or any other selected discipline, would be critical in some programs. It is suggested that the latter, without doubt, are The School of Foreign Service students along with the Government and History majors. Further, it is recommended that majors in Physics, Biology and Chemistry along with those in Business Administration and Economics would find six hours correlated with their interests extremely valuable. However, Geography should have recognition and status beyond this service function. Any student so inclined should be able to select this science as his major in a true and adequate College of Arts and Science. At the present, under the existing curriculum this right is denied the Georgetown student. A change in the following direction is warranted.

Geography is a chorological science; empirical, idiographic, and in part nomothetic. It is dedicated to the acquisition and understanding a knowlege of the earth's shell as the habitat of man. The achievement of this goal is in direct relation to attaining an awareness of how man has integrated the heterogeneous phenomena into homogeneous, functioning units. The earth's shell includes the surface of the earth along with the zone of mineral resources and the atmosphere. Within this totality there is infinite variety which man, as yet, is unable to resolve. To organize this habitat of man geographers have constructed a system of classifications. Thus while examining the earth-shell it becomes evident that there are different population zones and patterns, mountain ranges, patterns and methods of land utilization, atmospheric conditions, and political organizations among a host of other variables.

These are grouped first according to their general character. Further investigation will reveal that there are dissimilar features within these similarities which will also distinguish a unique character from the general. The heterogeneous phenomena may at first seem divisible into separate components of human and "physical". Indeed they may be so treated in other disciplines. Geography, however, has the core of its subject matter in the reality of the habitat: in the analization of the integrated Whole formed by the intimate, intrinsic interrelationships between the human and non-human variables. It is not concerned with a view limited to the individual non-human phenomena, in structure nor with particular categories of them. Neither is it concerned with the social life of man nor any aspect of it when it is separated from the rest of the habitat. The striking contribution which Geography makes to knowledge is that all the earth-shell objects, found and treated independently in other sciences, are brought together as they exist in reality; as integrated and interrelated Wholes. Scholars of all types could profit from such knowledge.

Geography has evolved through the development of ideas and concepts. It would be difficult to indicate the genesis since surely the first use of any of its content was informal. Man traveled and as he ventured away from his known habitat, he was confronted by new surroundings and different problems. Upon his return perhaps he reported his observations, by description, to his neighbor. In this process Geography developed as a chorographic subject. Georgetown students need to hold a knowledge of this view.

Later, scholars were able to organize the content of these earlier descriptive observations and give them meaning through analization and interpretation. Thus Geography was changing from chorography to chorology. Georgetown students need to hold a knowledge of this change before they can fully comprehend the science.

Plato, Aristotle, Strabo, Ptolemy and Kant are names our students are no doubt familiar with, but to fully know Plato and the rest their views on and use of Geography is essential. This is especially true for Kant who established Geography as a University discipline and successfully taught it for some forty semesters. Our Georgetown scholars need this knowledge. Strabo suggested that anyone interested in a solution of the common problems of man such as those connected with population density or with the world's starvation zones would also be interested in geography since a knowledge of it would be essential to the process of solution. He also identified Geography as being exceedingly important for all generals and "Geography, in addition to its vast importance to social life and the art of government . . . marks him who cultivates it as a man earnest in the great problems of life and happiness." Yes, our students could profit and gain new ideas if they could study

Geography. They would become familiar with the ideas of Ritter, von Humboldt, Peschel, von Richthoften, Ratzel, Hettner, Sauer and Hartshorne. They would come to know where von Moltke learned his Geography. They would be able to identify the geographic concepts which are being implemented by the Soviet Union, and they would know the real problems in Southeast Asia.

The Association of American Geographers published in 1965 a report; *Geography in Undergraduate Liberal Education.* On page three, six significant values of the science are listed. It is felt that they are worthy of being repeated herein:

(1) It exibits the causal interrelations of physical, biotic and human phenomena, and shows how these can serve as clues to the origin and function of socio-economic and political processes.

(2) It stimulates the observation of pattern, especially regularity in the occurrence of landscape phenomena.

(3) It provides the key to understanding the importance of place in human affairs, in historical as well as in contemporary perspective, so that the student sees the present world in context.

(4) It cultivates as sense of value relative to man's stewardship of the earth.

(5) It fosters the appreciation of differences and simularities from place to place; the geographer views the world as both richer and more significantly complex because it is diverse.

(6) It involves the student directly in the study of the real world (through map and photo interpretation and field work) and encourages him continually to test obstraction against experience.

Now if there is anyone who feels he would not profit from a real study in Geography, he must be one of two possible types. It is assumed the first of the two classifications would be the individual who holds a complete knowledge of the truth. It is doubtful that he will ever exist. The second must be the anthesis of this or the man who knows nothing of the truth, the fool.

Names are important, but they must have true implementation if they are to have significant meaning. The curriculum of The Welsh School of Foreign Service must include course work which will center attention on the reality of the earth-shell as the the home of man if its goal is to be attained. The College of Arts and Sciences must be liberalized and expanded in order to fulfill its basic function. In each case it is evident that Geography becomes a key discipline. It must be permitted to contribute its true portion of knowledge to Georgetown students, but the discipline should not be hampered and governed by the immature concept of the name held by non-geographers.

One last idea from Hettner's work, "Das Wesen und die Methoden der Geographie", *Der Geographische Zeitschrift,* Vol. XI, 1905, Leipzig, p. 551, in which science is divided into three types: (1) the systematic which considers concrete objects such as in botany or zoology; (2) the chronological or historical sciences in which *time* is primary and; (3) the chorological in which *space* is primary.

"With the same right as the development in time, the arrangement of things in space demand special attention, and one is astonished that logicians who realize the necessity of the former/as at Georgetown University?/ overlook the latter. Reality is comparable to a three-dimensional room which we can observe under three different aspects. In the first we see the connection of the factual relation, in the second the evolution (development) in time, in the third the arrangement and classification in space. As long as we renounce an observation from this third aspect, reality is two dimensional and we cannot realize it to its full extent and multiplicity . . ."

TEACHER CORPS OFFERS SECOND CAREER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, the Labor-HEW appropriations bill is now before the conference committee. I was pleased that the Senate adopted an amendment to the bill which appropriated $31.2 million for the Teacher Corps and I hope the conference committee can fund this program at a level of at least $24,600,000.

A recent article in the Washington Evening Star of Tuesday, September 24, pointed again to the value of the Teacher Corps. For the information of my colleagues I include this article at this point in my remarks:

YEARS TO ENJOY: TEACHING OFFERS SECOND CAREER

(By Theodor Schuchat)

"I have been waiting for you to discuss retraining for the elderly who want a change in occupation and who are not ready for retirement," a New Jersey reader wrote recently.

"Where, for instance, could a person aged 58 in real good physical health, with a good education beyond the master's degree, and who wants to leave teaching for some other type of work, go for counseling and re-training?"

My advice to this reader is to seek professional vocational counseling from an executive recruiting firm. Though he wants to leave the classroom, many other older people are trying to get teaching jobs as a "second career."

In Miami, a judge, retired after 16 years on the bench, wanted to do something to prevent poverty's ills rather than facing them in his courtroom. He joined the Teacher Corps.

Teacher Corps experience with older teacher-interns has been good. In Houston, second careerists last year included a Cuban petroleum engineer who fled the Castro revolution and a missionary who had served in the interior of Mexico, as well as a lieutenant colonel who has retired after 25 years in the Army.

The Corps is an effort to bring new blood into the educational system. Newcomers work with experienced teachers, learn as they teach and receive beginners' salaries.

Two years ago, Willis Wellmon was a promotional tobacco salesman. This fall he will be the principal of a school.

The school, in the small town of Cashiers, enrolls only 80 students. Still, Wellmon will supervise three teachers and he himself will teach the eighth grade in all subjects.

Wellmon has been able to make the changeover from a purely commercial career to one that he finds far more exciting, thanks to the Teacher Corps.

The corps accepted Wellmon as one of five students working together under an experienced teacher. The team spends half the day studying at Western Carolina University and the other half teaching in the Jackson County school system.

Mornings, he got up an hour early in order to serve oatmeal to those children who came to school without breakfast. After two years of study, teaching, and community work, Wellmon graduated last spring into his second career.

How did Wellmon, a salesman with two children, manage to develop a new life for himself?

To begin with, the corps pays about $3,800 a year to recent graduates and to some carefully selected persons like Wellmon who are enthusiastic about teaching as a second career. In addition, Wellmon had a small income, about $50 a month, to help tide him over. And, of course, he was willing to sacrifice a little to do something that "made him feel good."

William A. Denny finds the atmosphere of the Teacher Corps a "lot more hopeful" than that of his former position as minister of a suburban Presbyterian congregation in Council Bluffs, Neb.

Denny was in pre-service training this summer at the University of Nebraska in Omaha. He found the teacher interns who were studying and teaching with him very stimulating, and he thinks it's encouraging that young people are "interested in helping others and in using their best talents to do so."

After two years, Denny will teach in the urban slums of Council Bluffs, Iowa. His wife helps family finances by working as a first-grade teacher.

Denny seldom feels old alongside the students of 22 to 25. When the subject of age arose recently and Denny was about to refer to his own disparagingly, one of his classmates remarked, "No you are not old; you are one of us."

For further information, write to the Teacher Corps, Washington 20202.

CRIME, ONE OF THE GREATEST PROBLEMS FACING OUR NATION

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. TAYLOR. Mr. Speaker, there is no doubt that the problem of dealing with crime and planned law violation constitutes the greatest, or one of the greatest problems facing our Nation. As never before we need to teach and show respect for law and order. Respect for law means respect for the officer on the streets risking his life to protect innocent people from hoodlums and criminals.

I was much disappointed in the TV news media and other news media who quickly condemned the mayor and law enforcement officers in Chicago because they took forceful action to stop an illegal mob who desired to disrupt the convention and embarrass our Nation in the eyes of the world. Obviously, they presented only one side of the story and gave a biased picture.

The following articles, one an editorial by Curtis Russ in the Waynesville Mountaineer, entitled "Newsmen Must Cooperate or Assume Blame," one by Andrew Tully, entitled "The Big Issue Is Crime," and the other by Betty Beale, entitled "Washington Newshen Defends Chicago Cops," deserve the attention of my colleagues and the American people in general.

[From the Waynesville Mountainer, Sept. 9, 1968]

NEWSMEN MUST COOPERATE OR ASSUME BLAME

One of the more disturbing aspects of the Democratic National Convention was the unbridled eagerness of television commentators to use the event as a vehicle for their self-righteous condemnation of police officers and

others charged with the responsibility of keeping order both at and near convention hall, and in other public areas of Chicago as well.

Time and time again, the commentators cried or implied "police brutality." One must hope that the public was not deceived by such hysterical arrogance and pious hypocrisy on the part of men who call themselves "news reporters." It needs to be said, and it needs to be understood, that the Chicago police did an incredible job under the most frustrating of circumstances. Moreover, the security forces inside convention hall deserve to be commended instead of condemned for the manner in which they performed their duty.

The public has been subjected to a steady stream of tearful accounts of how various reporters were cracked across the head by police during efforts to disperse mobs of dirty, smelly hippies threatening to take over the city. Police were bitterly condemned by representatives of television networks, at least one leftwing news magazine, and several newspapers. Inflammatory accusations against the police were published and broadcast, including quotes attributed to some officers that were too absurd to be believed. It was one-sided all the way, with never an acknowledgement that the reporters had forced their way into situations where they did not belong. Anyone who has watched a performance by arrogant, self-important reporters in time of crisis is bound to contemplate that they asked for the cracked skulls that some of them got.

Inside convention hall, it was the same story. On Tuesday evening, the convention chairman was pounding the gavel in repeated demands that the aisles be cleared and that order be restored when the Georgia delegation decided to walk out. A CBS reporter decided, of course, that this did not apply to him. He had already aired several interviews with members of the Georgia delegation; there was nothing else short of harassment that could be reported. But the CBS man rudely persisted, and with his paraphernalia deliberately continued to help clog and block an exit. When he would not move voluntarily, he was moved forcibly. Quickly he and Walter Cronkite donned their cloaks of martyrdom, and there was a pious tirade about "brutality."

This is not news reporting. It is dangerous nonsense. Somewhere along the line reporters must learn—or be taught—that they are not privileged characters. Their kind of conduct in recent years has brought the entire profession into disrepute. For too long it has been a journalistic fad to "make" news instead of reporting it. The civil disorders throughout the country have too often been inflamed and exaggerated—and, say it like it is: distorted—by newsmen who have wantonly tossed aside their professional integrity.

While we are at it, it needs to be said that the emotional atmosphere hovering over Chicago during the Democratic Convention was in large measure a creation of the news media. The newspapers, television and radio can take credit for the building of threatening, demanding, volatile pressure groups which have been puffed into undeserved importance by an endless and inordinate amount of publicity. The irrelevant and often treasonous mouthings of trouble-seeking hippies and loud-mouthed agitators have been circulated around the world to such a degree that America's image has been twisted beyond recognition.

What it amounts to is contrived anarchy—a fateful season when the irrational, the irreverent and the irresponsible are taking over. The nation's police stand between society and disaster—at the very time that society is being deluged by the news media with phony charges of "police brutality."

With rare exception, the police in Chicago and elsewhere are doing what they are paid to do—and that society, whether it fully realizes it or not, had better pray that law enforcement officers will continue to do.

If newsmen—or men who call themselves newsmen—want to continue to help provoke and encourage violence, and project themselves into disorder, we suppose they cannot be stopped. But when they suffer a cracked skull as a result of their own presumptuous conduct, they have no one to blame but themselves. They will be getting what they deserve—WRAL–RV Viewpoint, Jesse Helms.

The Big Issue Is Crime

(By Andrew Tully)

WASHINGTON.—That FBI crime report revealing that serious crime in 1967 showed a whopping 16 per cent increase over 1966 has prompted some of the amateur psychologists in journalistic circles to holler that they told us so, and when is America going to do something about the poor in the big-city ghettos?

I trust government will move a lot faster in this direction than heretofore, because the plight of the ghetto dwellers is an outrage in an affluent society. But the FBI report rejects the fashionable notion that crime is primarily a product of the deprivation suffered by these poor families.

In the first place, the FBI noted that what it calls "trends" in serious crime were a problem in all areas, although less so in rural districts. Most revealing is that crime in the suburban communities rose by the same 16 per cent as the national average. The increase in the big cities was only silghtly higher—17 per cent.

How do our amateur psychologists figure this one? In suburban areas, the residents are mostly white and their children go to good schools, staffed by good teachers. They live in decent housing. Nobody goes hungry except those wretched individuals on reducing diets. Yet our suburban youth are committing serious crimes at a rate 16 per cent higher than in 1966—and the adjusted rate for 1968 is still higher.

I suspect the answer to this was found in Chicago during the Democratic convention. There was a hard core of trained nihilists in those mobs that made the city a shambles, but the majority was composed of kids who had been reared on healthy food excellent schooling and generous allowances. They came from colleges where only the exceptionally bright—or exceptionally atheltic—get a free ride. They were the product of a philosphy of permissiveness on the part of their comfortably off parents, further nutured by schoolmasters who encouraged them to take a good run in the yard.

The conduct of these mobs and the filth that spewed from their mouths, plus the FBI figures on suburban crime, emphasize again that law and order will be the No. 1 issue of the campaign. The Democrats' battle over the Vietnam plank was spectacular evidence of the division within the party, and undoubtedly will hurt Hubert Humphrey's changes in November. But Vietnam is not next door. Crime and violence are daily visitors to Main Street.

Dick Nixon, who knows an issue when he sees one, has made it plain he will hammer hard at the law-and-order theme. He also can be expected to make capital of the rancid happenings in Chicago to suggest to the voters that if the Democratic party cannot bring order to its own deliberations, it can scarcely be expected to bring order to the nation.

Humphrey already has acknowledged the problem in the increasing toughness of his stand on crime and mob violence. To the consternation of the farout liberals, he has even defended Chicago's Mayor Dick Daley for "trying to protect lives" during the Democratic bloodletting, Like Nixon, Humphrey is a political animal, and he lost no time in rejecting the Gene McCarthy viewpoint that the mobs were composed of good, wholesome Wheaties eaters who merely wanted to "participate."

The Vice President, I expect, was echoing the thoughts of millions when he deposed that the "obscenity, profanity and filth uttered night after night in front of the hotels was the kind of talk you'd put anybody in jail for."

I expect, also, that doting parents who reared their youngsters on ol' Doc Spock's theory that kids should be permitted to go on their own destructve way now may be having some second thoughts. They could be wondering whether their monthly checks have financed a generation of monsters whose greatest need is a session in the woodshed followed by a dose of Emily Post.

Washington Newshen Defends Chicago Cops

(By Betty Beale)

WASHINGTON.—A week ago this columnist returned from Chicago, unbloodied, unpelted and even unbruised, thanks to the Chicago police.

It is time one member of the media gave the other side of the picture because the public has the right to know.

Never has a law-enforcing group been more sorely tried. They received both bodily injury and unspeakably vile treatment from the hippies in Grant Park. Yet never at any time did I see policemen show more courtesy than the police of Chicago. Courtesy, of course, is only due people who show some courtesy themselves.

And despite the difficult circumstances in which they had to maintain order they managed to prevent a fatal catastrophe.

We heard the word "over-reacted" used a lot by commentators last week and by busy politicians who were assuming that what they had been told was correct.

But if there was ever an over-reaction to any fact of life during those seven days in Chicago, it was the over-reaction of the media to any effort whatsoever to stop the hippies from the most flagrant civil disorders and disgusting disturbances of the peace.

Every time a newsman was hurt, the screams of protest went around the world, but how much was said about the newsmen who taunted the police or tried to get action for the TV cameras? A member of the Vice President's coterie heard two reporters having a great laugh in the Coffee Shop of the Conrad Hilton about how they agitated in Grant Park until the police started pushing them around.

Wyoming Sen. and Mrs. Gale McGee and their two grown children walked over to the park to see for themselves what was going on and they arrived when the changing of the National Guard troops was taking place.

Walking through a gang of hippies they saw two girls, one playing the flute. Then they saw a TV camera team lead the girls over to the exact place by the troops where they wanted them to stand. And when their camera started to roll, the girls cried, "Don't beat me! Don't beat me!" It takes no imagination, to figure how this contrived scene would look on the screens in millions of American homes.

In the convention hall Mrs. McGee said a youth of about 15 sat in front of them and clapped hard at everything said that he liked, and shouted four-letter words at everything he didn't like. Instead of just grabbing him and removing him, as the police would have done in most civilized places, the Chicago police asked him first to stop it. But he paid no attention to them so "they had to take him out," said Mrs. McGee.

The cameras probably caught the big policeman bodily forcing the mere youth to leave, giving the television viewer the idea he had nothing to provoke such reaction.

And what, by the way, has happened to the news media that provocation is left out of, or played down in, story after story? Most announcements or headlines told what the police did to the hippies but left out or skimmed over what the hippies did to the public or police.

Sen. Daniel Inoyue of Hawaii, World War hero and Democratic keynoter, said the hippies were throwing paper bags of human excrement at the police and guards in Grant Park. They were also throwing broken beer bottles and rubber balls stuck with long nails aimed for the eyes.

How would those commentators who thought the police "overreacted" have behaved if those things had happened to them?

For three straight minutes late Tuesday night, or rather early Wednesday morning, an estimated 3,000 hippies shouted in unison, directed by a leader, an obscene curse at the President of the United States. They were either cursing the police in the same way or calling them pigs. And I used to think that insulting an officer was against the law!

Why was an electronic amplifier allowed to remain in the park all day and night where obscenities were shouted until 4 a.m.? I asked a police officer. There was a city ordinance against such use, he said, but if they arrested those using it they would only be fined and somebody might be killed in the process. If this wasn't under-reacting, what is?

Mayor Daley was constantly referred to on the air in slurring accents as the boss of Chicago. He may be, and he is responsible, no doubt, for some bad as well as some good. But Chicago is only one city.

Two famous TV commentators were bossing the presentation of slanted news that affected the minds of millions of Americans in hundreds of cities. As Liz Carpenter said at a women's luncheon during the convention, in all the talk of brutality there had not been "one word about the TV network brutality—the commentator clubbing" of the mayor.

When the mayor fails to do what the majority of the people in Chicago want they can at least vote him out. But no vote can stop the bossism of the airwaves where editorializing has been substituted again and again for straight reporting. One NBC commentator virtually campaigned for Teddy Kennedy throughout Tuesday evening.

It the past I have been proud to be a member of the Fourth Estate, but after this past week I feel a burning inward shame. In my mind freedom of the press has always been necessary to liberty. The Bible states it most beautifully: "You shall know the truth, and the truth shall make you free."

But how much truth, and how much biased opinion are the people, and especially the youth of America getting?

A clean, well-combed, pretty young girl for Sen. McCarthy was one of five of us who shared a taxi to O'Hare Airport Friday and the conversation turned to what the hippies had done to convert the serious business of nominating a presidential candidate into a circus of vulgarity.

Unbelievably, she stood up for the right of the Grant Park crowd to curse the President. She had no respect for the highest officer of our land.

When one of the passengers blamed a man who was leading the youth to such actions, she said he was all right; he was a friend of hers.

Why had he come to Chicago, what did he want to do, I asked?

"Destroy the government," she replied calmly. That this was treason didn't bother her.

I am not familiar with the man's record eso I do not know if that is his avowed aim. also I do not know if that is his avowed aim. ported him and his undertaking indicated that the truth had not reached her as it is not reaching millions of young people.

Maybe the media had better ask itself why.

Because of the fearful climate in America nothing very funny happened at either convention. Most amusing thing at the GOP Convention to Justice Abe Fortas was the sight of multimillionaire former Ambassador to Great Britain Jock Whitney and his lawyer partner Walter Thayer taking part in the hoopla of the Rockefeller demonstration the night Rocky was nominated. He recognized them on TV although neither was identified.

NORTH AMERICAN ROCKWELL HIRES THE UNEMPLOYABLES

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. REINECKE. Mr. Speaker, one of the most encouraging developments of 1968 is the emergence of a new and growing dimension of business responsibility in the area of training the hard-core unemployed. Experience has demonstrated the success of the private sector in efficiently and effectively training the unskilled for valuable and productive employment. Increasingly aware of the importance of their role in tackling the social ills which blight this Nation, private industry is initiating work training programs designed to prepare the unemployed for meaningful jobs which offer good wages.

North American Rockwell Corp. has made a step in this direction with the formal opening of Nartrans, a subsidiary company designed to hire and train those individuals previously considered as unemployable. Forty percent of the people employed at Nartrans have arrest records and 15 percent speak little or no English. The work force is divided about evenly between Negroes and Mexican-Americans. Mr. Robinson, general manager of the new company, points out that police records which usually hamper employment in areospace industries will not necessarily bar employment at Nartrans. Once employees attain a minimum skill level, they may transfer to better jobs at other North American companies, remain at Nartrans, or leave to join other organizations.

In praise of the initiative and involvement of North American I offer the corporation's statement describing its job training program for inclusion in the RECORD:

EL SEGUNDO, CALIF., July 16, 1968.—The formal opening of Nartrans, a new subsidiary of North American Rockwell Corp. to hire the so-called "hard-core" unemployed, took place today when top company executives welcomed an initial work force of 125 production employees to the plant site at 531 Mateo St. in Central Los Angeles.

Nartrans employment is expected to increase to 175 by August, and the subsidiary plans to hire an additional 225 persons during the next 12 months.

Employees, drawn from people normally considered unemployable by industry, will perform machine shop operations, drafting, typing and key punching, and will produce plastic bags, shipping pallets and crates.

President of the new company is Elmer P. Wohl, vice-president-Administration, for North American Rockwell's Aerospace and Systems Group, and the general manager is Robrt C. Robinson, a space engineer who worked on the Saturn V launch vehicle, and a former U.S. Army pilot.

Work performed at Nartrans will be contracted from North American Rockwell's five Southern California divisions. When employees reach a minimum level of skill, they can move to better jobs at these divisions, remain at Nartrans, or go to other companies.

In addition to on-the-job training, employees will be offered remedial training in such things as reading, arithmetic, and office practices. They will be hired initially through the Concentrated Employment Program of the California State Employment Service. Starting wages are $2 an hour with maximum rates set at $2.35 to $2.50 per hour.

Robinson, who heads a group of 65 staff employees, explained hiring procedures and detailed operations of the new facility. He pointed out that police records, which normally make it difficult for an individual to get a job in aerospace, will not necessarily bar employment at Nartrans. Fringe benefits, in addition to two-week paid vacations and nine paid holidays, include paid bus transportation for the first three weeks of employment, free eye glasses, and a contributory group insurance program.

North American Rockwell provides the building and equipment for the new operation and pays the cost of administration and materials used. A part of the cost of counseling, testing, training and supportive education will be paid through the U.S. Department of Labor under its MA-2 program. The company will receive no profit on the contract. The estimated annual operating costs of Nartrans is slightly more than $2 million.

ANOTHER AIDE IN TROUBLE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. GROSS. Mr. Speaker, a former White House counsel to Presidents Kennedy and Johnson, Myer "Mike" Feldman, is in trouble with the Internal Revenue Service. That agency says Feldman owes the Government more than $100,000 in unpaid Federal taxes and civil fraud penalties.

It is interesting to note that while employed as counsel for the U.S. Senate Banking and Currency Committee and as an assistant to the then Senator John F. Kennedy, Feldman was a stockholder in radio stations in California, Pennsylvania, Oregon, and Oklahoma.

Further detalis of the Feldman case are set forth in an article written by Mr. Clark Mollenhoff and published in the Des Moines Register and Tribune. The article follows:

FORMER AIDE TO PRESIDENT IN TAX FIGHT—UNITED STATES SAYS HE OWES MORE THAN $100,000

(By Clark Mollenhoff)

WASHINGTON, D.C.—The Internal Revenue Service (IRS) has notified Myer (Mike) Feldman, former White House counsel to Presidents Kennedy and Johnson, that he owes more than $100,000 in unpaid federal taxes and civil fraud penalties.

Feldman told The Register that he is contesting the tax agents' claim that he willfully failed to pay the full federal income taxes over a five-year period.

Tax agents initially contended Feldman owed an additional $123,651 in back taxes, interest and civil fraud penalties. Additional interest has accrued since that first determination of alleged deficiency.

HIRED LAWYER

The 51-year-old former Philadelphia lawyer said that he has hired Lipman Redman, a Washington tax lawyer, to handle the details of his protest of what he called "an unreasonable and arbitrary action" by the federal tax officials in assessing 50 per cent civil fraud penalties and other penalties.

Expense items represented an important part of the dispute. Feldman declined to discuss details but contended that tax agents had arbitrarily disallowed all expenses claimed in some periods, even a salesman's salary and expenses.

The IRS sent the Feldman tax case to the Justice Department for possible criminal prosecution by the Tax Division, but the department declined to prosecute, Feldman said.

"They decided they didn't have a case," Feldman told The Register.

Although he is well-acquainted with many of the top officials in the Justice Department and the IRS, Feldman said that he has made no effort to use his position as a former high official to influence the case.

"It has been handled on a straight legal basis," Feldman said. "I have had absolutely no contact with any official at any time. My lawyer has dealt only with the career people, the Civil Service employes, as far as I know."

Feldman confirmed that a substantial part of the tax dispute involves income from four radio stations in which he had an interest from 1957 to early 1961. Those stations are: KOMA, Oklahoma City, Okla.; KLAD, Klamath Falls, Ore.; KITO, San Bernardino, Calif., and WADK, Newport, R.I.

FELDMAN ANGRY

Feldman was angry that details of his long-secret tax problem had become known to some reporters. Feldman said he had been hopeful of working out a compromise of his tax difficulties with the Internal Revenue Service, but that "any publicity is almost certain to harden the views at Internal Revenue Service and make it more difficult to work out a settlement."

The failure to reach an agreement in private with tax officials would mean Feldman would be required to take his case into the United States Tax Court where all details could be subject to a public hearing.

"I have been careful to avoid any action that might be considered pressure," Feldman said. "I would probably have been more successful in getting a settlement if I had tried a little pressure."

The Feldman tax matter has been in the process of investigation and evaluation since 1963. Recommendations for criminal prosecution have been rejected by the Justice Department tax division after extensive study.

The length of the study was cause for concern by some officials who contend it was "studied to death." The long study permitted the six-year statute of limitations to expire on what was considered by some to be "the best case" for possible criminal action.

ASSISTANT TO SORENSEN

A major part of the tax dispute involves the years prior to 1961 when Feldman was named by the late President John F. Kennedy as deputy special counsel in the White House.

Feldman served as an assistant to White House counsel Theodore Sorensen. When Sorensen left the White House after Kennedy's assassination elevated Lyndon Johnson to the presidency, Feldman was moved up to serve as counsel to President Johnson. He served in that capacity until his resignation in January, 1965.

The first notice of a possible federal income tax deficiency was served upon him in 1964 when he was White House counsel, Feldman said. He said it "was possible" that the one visit he had with an Internal Revenue agent was at his office in the White House when they had a brief discussion of sizable business deductions ranging from $30,000 to $40,000.

Feldman said he declined to have further discussions with the tax agent, and from that time dealt with the IRS only through his lawyer.

Feldman said that the serious stage of his tax difficulty in late 1964 had no relationship with his resignation in January, 1965. He said that President Johnson "had no knowledge about it," and that as far as he knew no on else in the White House had any information about the controversy that had arisen over his federal income tax returns.

"I considered it a private matter, and I handled it as a private matter," Feldman said. "I had decided prior to that time that I was going to get out of government for the very good reason that I wanted to set up a law practice."

NO CONNECTION

"There was absolutely no connection between my tax matter and my decision to resign from my White House job."

Feldman said the tax dispute involves the years 1957, 1958, 1959, 1960 and 1961. He said the amount in dispute for 1961 is "no more than $50 or so." The largest amounts of claimed tax deficiency involve the years 1957 and 1958, Feldman said, but he declined to discuss the details.

He said he believes the government's claim for civil fraud penalties only involved 1957 and 1958, but that 1959 might possibly be included.

Internal Revenue Commissioner Sheldon Cohen has declined any comment on the Feldman case, contending that dealings with Feldman and his lawyer are confidential under the internal revenue law.

Mitchell Rogovin, assistant attorney general in charge of the tax division, said he did not personally handle the decision to reject criminal prosecution. "Apparently the lawyers felt they just didn't have a case," Rogovin said.

Rogovin said he was counsel for the I.R.S. several years ago and, in that capacity, had approved sending the Feldman case to the Justice Department for study for possible prosecution. He said he did not recall the details.

Feldman received a bachelor's degree from the Wharton College of the University of Pennsylvania, and in 1938 received a law degree from the University of Pennsylvania Law School.

He practiced law in Philadelphia from 1938 until 1942 when he joined the Army Air Corps. After military service he became special counsel to the chairman of the Securities and Exchange Commission in 1946 and served in that capacity until 1954.

From 1955 to 1957 Feldman was counsel for the Senate Banking and Currency Committee, and in 1958 he became legislative assistant to then Senator John F. Kennedy. He was a member of Senator Kennedy's campaign team in 1961, and often accompanied him on the campaign.

REWARDED FOR WORK

In 1961, Feldman was rewarded for his work with one of the most important jobs in the White House.

Sorensen, in his book "Kennedy," paid tribute to Feldman as one of the key men in the White House in dealing with a wide range of government agencies. Sorensen wrote:

". . . So I depended in the special counsel's office on Mike Feldman and Lee White to handle many agency problems and pressure groups under the direct supervision of the President. Feldman, for example, served among other things as the channel for most business requests—on tariffs, airline routes, and subsidies, to name a few.

" 'If Mike ever turned dishonest, said the President one day, 'we would all go to jail.' "

It was said in jest because there was never any complaint that Feldman was other than scrupulously honest in the dealings with the federal agencies in his jurisdiction.

While employed as counsel for the Senate Banking and Currency Committee and as legislative assistant for Senator Kennedy, Feldman was dabbling in a number of outside business operations, including at least four radio stations. He was one of four partners in Radio Associates, Inc., which owned station KITO in California. Feldman held a 35 per cent interest in Key Stations of Drexel Hill, Pa., which owned station WADK in Newport.

SOLD INTERESTS

Federal Communications Commission (FCC) records show that Feldman was one of five stockholders in station KLAD in Klamath Falls, Oreg., and held 35 per cent of the stock. The FCC records show that Feldman held a 15 per cent interest in KOMA in Oklahoma City.

He sold his interests in radio stations in 1960 and in January, 1961, prior to taking the White House job that could have entailed some dealings with the FCC.

Since leaving government, Feldman has been practicing law in the firm of Ginsburg and Feldman at 1700 Pennsylvania Ave. His plus third-floor office looks down on the Executive Office Building and the street in front of the White House.

His partner, Charles David Ginsburg, was executive director of the President's riot commission and was active in Vice President Hubert H. Humphrey's campaign for the Democratic presidential nomination.

Feldman was an active supporter of the late Senator Robert F. Kennedy for the Democratic presidential nomination prior to his assassination in June but has not been active on behalf of any other candidates up to this point.

REPORT TO THE PEOPLE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BURKE of Florida. Mr. Speaker, as the second session of the 90th Congress draws to a close, and at the end of my second year representing the people of the 10th Congressional District of the State of Florida, I feel it is important that I give an accounting of my activities to those whom I am privileged to serve—the people.

For this reason you will find in this report, which is being mailed to residents of the 10th Congressional District, a review of my service, my voting record on the major bills, my successes and defeats on legislation, and other matters which I believe are important to those I have represented here in the 90th Congress:

AN HONOR TO SERVE YOU

First, let me say that it is an honor and inspiration for me to have the opportunity to serve you in Congress. We live in troubled times, but despite the trouble, riots and the disorders, it is my opinion that we are not a sick society as some would like us to believe. The majority of us Americans are concerned for the general welfare of our citizens and are desirous of peace—not peace by

capitulation or appeasement—but peace of a nature that will bring dignity, honor and respect to those in our Armed Services who have made the supreme sacrifice for their country, as well as those who still stand ready in defense of our country and dedicated to keep America strong and free.

It is my opinion that our country today is very much alive; that we Americans are valiant, strong, forward looking, and benevolent. I am confident that with God's help we will meet our challenges head on, and we will fulfill the American promise of freedom—in a nation dedicated to Thanksgiving for the abundance that God has given to us as free Americans.

VICTORIES

I am happy that a number of bills which I introduced or co-sponsored were enacted into law. These were bills which makes it a crime to desecrate our flag, creates a new House Ethics Committee, provides compensation for police killed or injured while on federal duty, increases pay for postal employees, clamps down on imports which harm American work forces and businesses, provides across the board increases to social security recipients, allows tax credits to businesses which train the unskilled, instructs Federal authorities to arrest persons crossing state lines to incite riots.

A LOSS FOR ALL

I considered it a great loss to the American taxpayer when the 10 percent surtax was signed into law. I opposed the tax increase and urged the administration to cut expenditures as a means to help the wage earner by cubing inflation. I fear that the promised cuts of federal spending will not materialize.

I consider this a most unfortunate tax, especially when the administration pushed the tax hike through Congress and failed to consider a proposal which I supported that would have doubled personal income tax exemptions from $600 to $1,200.

CONGRESSMAN J. HERBERT BURKE SPEAKS OUT

(I have from time to time spoken out on various subjects when I felt the issues required me to do so, for instance:)

Warned repeatedly that expenditures of huge allocations of federal funds for welfare is not the answer to combat America's social ills. Stressed need for more vocational training and job security through private enterprise.

Saved American taxpayers $11.5 million by charging improper back door aid to enemy nations which resulted in the State Department cancelling sorghum and grain contracts with hostile Arab states.

Continuously warned against inflationary spiral which erodes the dollar's purchasing power and especially eats away fixed income.

Urged the administration to counter the rapid and powerful buildup of the Communist forces in the Mid-East and Mediterranean.

HERE TO SERVE YOU

As your Congressman, I am your personal representative and spokesman here in Washington. During the past two years, I have always solicited your views, which to me are most essential and welcome.

I have processed more than 100,000 replies to individual pieces of mail since I took office together with 9,000 individual special problem requests, some of which have been fairly routine, while others have been extremely complicated.

I have held to the view that if you have a problem or an opinion that is important enough for you to write to me about, it is important enough for me to care about and assist you if I am able to do so.

One of the most satisfying rewards for a Congressman comes in his ability to help a constituent, especially when he is able to receive a favorable decision for some deserving citizen caught in the maze of red tape so prevalent in some of Washington's bureaucracies today.

SOME BILLS I HAVE INTRODUCED

The following are some of the bills which I introduced this session. They are pending in various House Committees. These bills would:

H.J. Res. 970—Propose a Constitutional Amendment to bar subversives from working in defense plants.

H. Res. 1268—Urge the administration to sell phantom jet fighters to Israel and give Israel further military aid as needed.

H. Res. 609—Call for hearings on Gulf of Tonkin Resolution.

H.R. 19142—Permit the Southern District Federal Court to hold sessions in Ft. Lauderdale.

H.J. Res. 435—Allow states to handle their own educational system.

H.R. 13413—Provide for humane treatment of animals in research facilities.

H.R. 14540—Provide assistance to industries and businesses to pay partial salaries in training the unskilled.

H.R. 17717—Equalize pay of retired members of uniformed services.

H.R. 18982—Strengthen the law prohibiting the movement of switch blade knives in interstate commerce.

H.R. 8178—Allows social security recipients to earn unlimited outside income.

H.R. 10374—Make unlawful use of credit card a federal crime.

H. Con. Res. 402—Express a sense of Congress to keep American rights in Panama Canal.

H.R. 13414—Provide aid to train more nurses.

BURKE REPORT CARD

(Votes on recent key issues from the 90th Congress):

Truth in lending, for.
Bar trade to Reds under Export-Import Bank, for.
Remove gold cover backing of American currency, against.
Travel tax on overseas travel, against.
Increase GI and Veterans benefits, for.
10 percent surtax on all income, against.
Omnibus anti-crime bill, for.
Clean meat act, for.
Cutback gigantic farm subsidies, for.
Increase rent supplement, multi-million dollar federal housing, against.
Drug abuse act to curb flow of LSD, other hallucinary drugs, for.
Foreign aid, against.
Expand vocational education, for.
Deny federal aid to college students involved in riots, for.
Increase social security benefits, for.
Head start program, for.
Strengthen U.S. defenses, for.
Higher education act, for.

LOS ANGELES LAW ENFORCEMENT HAMPERED BY LACK OF RADIO FREQUENCIES

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CORMAN. Mr. Speaker, we in the Congress have attempted to help State and local governments contend with large-scale civil disturbances by passing legislation which will help to better train and equip our police to cope with such emergencies. We have also enacted legislation in an attempt to help protect local firemen whose lives are threatened twice—once by the fires they must fight and at the same time by the rioters who would rather see our cities burn to the ground.

Yet, more and better equipped and trained policemen and firemen are not the total answer to preventing an outburst from becoming a full-blown riot. From my service on the National Advisory Commission on Civil Disorders, I found that one of the most widespread misconceptions was the belief that the only way to stop a disorder was to use immediate and violent force. Yet, all the evidence which we considered, not to mention simple humaneness, indicates that what is needed is to get enough policemen on the scene quickly enough so that little or no force will have to be used. The immediate display of the potential for maintaining order is the critical factor in efforts to maintain order.

The key to displaying this potential lies in the ability of our public safety forces to quickly converge upon an explosive situation and coordinate their efforts once they arrive. If this is to be accomplished, it will be because they have the capacity to effectively use two-way radios in such emergencies. Unfortunately, our police did not have that capacity during the Watts riot of 1965, nor during the disturbances of 1966, nor during the disastrous summer of 1967, and they do not have it today. As a member of the House Subcommittee on Regulatory Agencies, I have heard and read the testimony of many of the chiefs of police who had to cope with civil disorders in their cities last summer, and they have consistently and emphatically told me that the Federal Communications Commission has failed to give them enough radio channels to do their job effectively. Consequently, when a disturbance breaks out, their radio equipment becomes so overloaded that it often becomes useless at the very moment it is needed most.

I have listened to a tape recording of the police radio dispatches during a riot. Two things are significant about it. First, the stream of messages is virtually continuous—with no breaks or pauses. As the chief of police told me:

We couldn't put another message in there if we had to.

Second, the tape is a monolog of the radio dispatcher at central headquarters. There were so many messages to go out from headquarters over the few channels available that police cars and men with radios could not call headquarters. If a policeman on the beat was in trouble and needed assistance, he could not use his two-way police radio to call for help. As was stated at the recent Los Angeles hearings:

That is how two-way radio gets transformed into one-way radio by overloading.

When the necessity is greatest to quickly move men to the scene of an emergency and continually coordinate their activities once they arrive, policemen cannot reach headquarters with valuable information on how the situation is developing and in turn headquarters is often unable to reach each man with instructions as to where he is needed most.

There are simply too many messages which must go out over the same channel, and it is as if a whole city block were on the same telephone party line and everyone was trying to call out at the same time.

Obviously the answer to this situation is not simply more policemen, nor is it simply better training and equipment. For even if there were an adequate number of specially trained and equipped officers to meet any situation, too few radio channels would prohibit police chiefs in most American cities from adequately deploying these additional men.

The National Advisory Commission on Civil Disorders recognized the severity of the situation, and we recommended. in our report "that the Federal Communications Commission make sufficient frequencies available to police and related public safety services to meet the demonstrated need for riot control and other emergency use." The FCC responded, not by allocating more of the radio spectrum to the public safety services, but by "splitting" the channels they already held. What this means is that existing two-way radio equipment must be modified at great expense so as to permit more radios to operate in the same amount of spectrum space. It is as you made a two-lane highway into a three-lane highway, not by widening it, but by narrowing the two lanes until you could squeeze in a third one. The result would be that the highway could carry a limited amount of additional traffic, but, of course, there would also be many more accidents. In two-way radios, such "accidents" cause interference and interference means delay in getting the message through.

Obviously, a few seconds delay in directing operations when fire victims are trapped or an airliner is making an emergency landing could be disastrous. Chief Nielson of the Los Angeles Fire Department told the subcommittee that—

> During the Watts Riots, one hundred ten companies were being controlled by radio communications at the same time. The air was completely saturated and a large percent of the messages were unintelligible or never did get through.

Unless this problem is solved, all of the efforts of the Congress this year to aid our public safety forces will be to no avail.

While this problem is intolerably worse during times of crisis, it has plagued our public safety services for years and our subcommittee's hearings prove that it continues to plague them in their everyday operations. The burgeoning suburban areas surrounding our cities, our expanding population, the mounting crime wave across the Nation, all portend the need for more police, more firemen, and more of all the others who make up the public safety services. In addition, there is the need for a better technology to enable the public services to cope with these problems, and in part, that technology is here. We could today equip every policeman with a miniature, hand-carried radio which would permit him to constantly keep in touch with, and be instructed by, his base headquarters. The President's Crime Commission, as well as the National Advisory Commission on Civil Disorders, recommended their immediate, widespread use. But police do not presently have sufficient channels for the radios they do have, and they could never handle all these additional miniradios. Clearly this will require that more of the radio spectrum be allocated to the public services.

Modern technology also makes it economically feasible to patrol an entire city from the air by using helicopters. In Lakewood, Calif., where this has been done on an experimental basis, Deputy Sheriff John Knox termed the results a "tremendous success." He stated that the crime rate went down in Lakewood, while in the surrounding areas it went up. But this too requires an expanded communications capability and presently that capability has been expanded to the bursting point.

This is why the President's Crime Commission recommended in its report that—

> The FCC should develop plans for allocating portions of the TV spectrum to police use.

The problem is that the FCC has allocated only 1 percent of the radio spectrum to be used for public safety while commercial television—which often seems to be more "commercial" than "television"—has been allocating about 52 percent of the spectrum. Ironically, the greater portion of that 52 percent remains unused by television and unavailable to police, fire, and other emergency services who desperately need it because of the policies of the Federal Communications Commission. It is deplorable that such a situation could have been allowed to develop, and it is inexcusable that it should be allowed to continue, when the tragedies in our cities have pointed so clearly to the need for action, when our public safety officials have been pleading for help, and when two Presidential Commissions have recommended a specific course of action.

Of course, simply protecting lives and property is not enough. The roots of the civil disturbances in our cities run deep. At their base is unemployment, poor housing, inadequate educational and recreational facilities, poorly administered city services, and in general, a growing dissatisfaction with the kind of life to be found in our cities. Private businessmen who would help to provide the unemployed with jobs, building contractors helping to rebuild our cities, and many others who attempt to provide needed goods and services as widely and as cheaply as possible, all reply upon the use of two-way radio in the daily performance of their work. It is these people who provide the economic and social climate in which our cities function. If this climate is viable and healthy, those who live in the city will not be likely to be dissatisfied.

In addition, the use of two-way radio by local governments is not limited to emergency users. To efficiently control traffic, maintain streets, parks, and lights, inspect housing, pick up and dispose of garbage, operate school busses, and a host of other services, city administrators are growing increasingly dependent upon two-way radio to help them get the job done at the least cost. Not only does radio communications promote better service, but it saves tax dollars.

I shall have more to say about this in the days to come. But it is becoming increasingly clear that the Congress alone cannot provide all of the answers to our problems in the cities. The Federal Communications Commission also has a role to play, and it is now time for them to fulfill their responsibility.

A TRAGIC CUT IN THE ALLIANCE FOR PROGRESS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FASCELL. Mr. Speaker, the deep slash in the funds for the Alliance for Progress, approved by the House a few days ago, can have very serious, even tragic, consequences.

During the past 7 years we have forged a new partnership with our sister republics of the Western Hemisphere—a partnership dedicated to nothing short of a wholesale peaceful revolution in the economic and social domain.

Built on the principle of self-help, this partnership, embodied in the Alliance for Progress, is one of the keystones of our future well-being and security in a rapidly changing, dangerous world.

We had pledged to contribute up to $1 billion a year in private and public investment to Alliance undertakings. This sum, as large as it is, accounts for only a small fragment—less than 10 percent—of the total new investment in Alliance projects and programs during the last 7 years.

We are going back on that pledge this year. Unless the Senate changes the outcome of this matter, fiscal 1969 Alliance loan funds will be slashed from $625 million to $270 million.

Mr. Speaker, I was among the first in the House to urge a billion dollar cut in this year's aid program. I felt that such a cut was necessary at a time when extraordinary demands are being made of the American taxpayer, and I was delighted when the Congress went along with my proposals and reduced the foreign aid authorization by $1 billion.

At the same time, I have cautioned against indiscriminate slashes in our foreign policy undertakings, particularly those which relate to the future well-being and security of the Western Hemisphere. This is one area whose needs and problems we cannot afford to ignore.

The devastating effect of the proposed cut in the Alliance for Progress loan funds is described eloquently by Virginia Prewett in a column which she wrote for the Washington Daily News.

Miss Prewett is a very perceptive and knowledgeable observer of the Latin American scene, and her comments regarding the affect of the cuts that I described merit thoughtful consideration of every Member of Congress. While I must take issue with Miss Prewett's in-

dictment of the record of the 90th Congress—a record which I believe is notable for many positive accomplishments—I would like to commend her column to the attention of my colleagues.

The article is as follows:

SLASH OF AID TO LATINS WILL HURT

(By Virginia Prewett)

The deep House cut in Alliance for Progress loans funds has fallen as a heavy blow on Latin America.

"It could not come at a worse time, or have a worse effect," is the way the U.S. Ambassador to the Organization of American States, Sol. M. Linowitz, sums up.

If not repaired by Senate action in the present Congress or by the next Congress in January, the cuts in fiscal 1968's Alliance loan fund from $625 million to $420 million, and finally to $270 million, will prove devastating to this nation's credibility in the hemisphere.

GOOD FAITH

A $150 million or even a $355 million cut in Alliance loan funds may not irretrievably sink Latin America. But it may sink this country's good faith with Latin Americans—and for an infinitestimal fraction of our national wealth that we would lend out at interest.

The Alliance cut could not come at a worse time for the following reasons:

Latin America, after a painful period of readjustment and tooling up, has in the last year or two made basic reorientations that the U.S. urges as a spur to hemisphere development. Acceptance of the long, hard and difficult task of creating a Latin American Common Market is one example.

Latin America is going through a time of extreme uncertainty because of the increasing tendency among the industrialized countries where our neighbors sell their exports to close doors against those exports. This includes the U.S., where the tendency is strong.

Latin America in very recent weeks has been shocked throughout by the Russian invasion of Czechoslovakia.

For years, our country has been in competition with Russian ideology and with a two-pronged communist penetration attempt in Latin America. Latin American governments were already alert to Castro's overt subversion out of Cuba. But many Latin Americans have tended to distinguish sharply between Castro and an image of Russia as an essentially peace-loving nation basically interested only in trade expansion among smaller nations.

OPPORTUNITY

The rape of Czechoslovakia rudely jolted many Latin Americans. Never in recent decades has the United States had a better opportunity to consolidate its political defense and economic relations in the New World.

Then along came a Know-Nothing House of Representatives to slaughter the aid program that our entire government—including the House—has spent years building up as a symbol of friendship and good intentions in the hemisphere.

A great nation cannot behave this capriciously to its allies and not suffer for it.

AMERICAN CAMPUSES: STAGING GROUND FOR VIOLENCE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ASHBROOK. Mr. Speaker, Dr. Glenn S. Dumke, chancellor of California's State college system has predicted what many of us have feared for some time: "That this coming school year is going to be a year of even more widespread attempts at turbulence."

Dr. Dumke noted that this year, however, administrators of institutions of higher education are "combat ready." Unfortunately this is the case. They are not only "combat ready," far too many of them are combat trained and some have had a baptism by fire in the not-too-distant past. And all this to the detriment of the silent majority of students and faculty who are bent on gaining an education rather than creating turbulence. Combat conditions are certainly not conducive to the learning process and our institutions of higher education should not have to function on an alert status.

Dr. Dumke also predicts that unless administrators begin treating their problems—specifically the problems created by a fanatical fringe—the freedom which is so often the flouted excuse for campus anarchy will be the first target of external controls.

An excellent example of failure in this area is the recent decision to permit Black Panther Eldridge Cleaver to lecture at Berkeley. There can and should be ample room for exploration, discussion, and a free flow of valid ideas within the limits of responsibility and decency, but Cleaver violates even the most generous standards of both responsibility and decency.

Our colleges and universities have too frequently become staging areas for anarchy rather than staging areas for responsibility. A great deal is at stake, not the least of which is the freedom of the silent majority.

In addition, as Dr. Dumke stated:

If the college ends its objectivity by becoming a participant or protagonist, then society will be left without any institution which is given the job of confronting social problems without partisanship, in a true scholarly and objective manner. If the colleges abdicate this responsibility for the sake of being partisans, society will be in a bad way.

American colleges are faced with a major challenge and if they do not face it and meet it themselves, others must and will.

Two editorials in the September 22 edition of the Chicago Tribune elaborate on both the remarks of Dr. Dumke and the incredible acceptance into the academic community of Eldridge Cleaver:

THE UNIVERSITIES—"COMBAT-READY"

With the advent of a new academic year, the chancellor of California's vast state college system warns in a copyrighted interview with U.S. News & World Report that the campuses may expect "even more widespread attempts at turbulence" than have been witnessed in previous years. We have already been given a taste of things to come in the black vandalism in the Union building at the University of Illinois in Urbana and in the bellicose activities by student revolutionaries against the harassed administration of Columbia university in New York.

The California chancellor, Dr. Glenn S. Dumke, held out the hope that universities and colleges by now should have learned something from experience. "We're 'combat-ready,'" he told U.S. News.

We believe that the most important thing Dr. Dumke forecasts is that, if means of containing these revolutionary uprisings are not soon devised, the universities, their faculties, and the great "silent majority" of students and faculty alike are going to suffer, and that the institutions of higher education will be the less in future days.

He says that if faculties don't come up with the answer, and soon, "an answer will come—either from an outraged citizenry, the state legislature, or thru administrative edict." He says that, specifically, the faculties must determine whether the campus is to be used as a staging area for violent social change and revolution, or whether it should not.

Dr. Dumke also predicts that if this problem is not answered to the satisfaction of the citizens and taxpayers, and of their legislative representatives, then society is going to restructure higher education in a way that administrations, faculty, and students will be unhappy about.

Some of the likely changes, he says, will be legislative definitions of academic freedom, legislative and fiscal restrictions on certain types of courses, and the probable reduction of public universities and colleges from places of free inquiry to a role as training centers for certain professions and vocations.

If drama schools present objectionable plays, the chancellor believes, then drama schools will run the risk of elimination. If student publications are given to public assaults on accepted standards of public decency, then there won't be any more student publications.

It seems to us that the possibility of such developments as Chancellor Dumke forecasts might be persuasive in showing even the revolutionists and nihilists on the campuses that, if they persist, they will be cutting off their noses to spite their face. Their slogans call for unrestricted freedom, but if citizens and legislators come to decide that a continuation of campus excesses is intolerable, there is bound to be a great diminution of freedom for everyone. Faculty activists should also perceive what effect that would have upon them.

Dr. Dumke thinks that unquestionably campus agitation is the product of an international network of militants, activists, and revolutionists, not all of whom are Communists, but some of whom are anarchists and nihilists. He adds, however, that the Communists are always poised and ready to move in and exploit any inflammable situation.

If free inquiry and the scholarly pursuit of truth are to survive in this country to any degree, the time has come for the "silent majority" of students and faculty to defend their heritage from the new barbarians.

THE DEATH WISH AT BERKELEY

It is incredible that the board of regents of the University of California has allowed an invitation to stand which will bring Eldridge Cleaver to the Berkeley campus to lecture even once in a course called "Experimental Social Analysis." The invitation, made thru the Berkeley academic senate, was opposed by Gov. Ronald Reagan and Speaker Jesse Unruh of the California Assembly. Tho their fellow regents cut the number of Cleavers' appearances [and of any other outsider in a single quarter] from a proposed 10 to only one, a majority vote of 10 to 8 permitted Cleaver one lecture. Reagan may be forced to challenge the faculty on his own.

Cleaver is "minister of information" of the Black Panther party, a far-out black revolutionary organization. He has spent most of his adult life in prison. He was first convicted of possession of marijuana at the age of 18. In 1958 he was sentenced to 14 years on conviction of assault to kill and rape. He served

9 years. He is charged now in California on three counts of attempted murder and three counts of assault in consequence of a two-hour gun battle April 6 with Oakland police.

Despite this background, Cleaver was nominated for lecturer by a sociology student, and the faculty approved. The course was to be called "Dehumanization and Regeneration in the American Social Order," having to do with racism. Gov. Reagan and Unruh rarely see eye to eye, but they did on this. Reagan said he would not put up with even a single lecture. Unruh called the invitation evidence of a "death wish" on the part of the faculty.

What kind of stuff would Cleaver peddle from the lectern? We submit a few samples from his orations. First:

"We need a lawyer today who has a law-book in one hand and a gun in the other, so that if he goes to court and that doesn't come out right, he can pull out his gun and start shooting. I hope you people will take guns and shoot judges and police."

Again: "The pigs of the power structure say the people are impotent, that we can't control things any more, that we have to leave things to pigs like Dean Rusk or that Texas pig in the White House. As long as there are people on this earth they will always be able to take control of their own destiny and pull down the pigs of the power structure.

"They say if you want a bad example, look to China. Well, I ain't gonna look to China. I done looked to China. And I see Mao Tse-tung took up a gun, took the coolies away from the ricksha, and now he's got the hydrogen bomb. And I say that's all right. . . .

"I am not a freak of violence. Guns is ugly. People is what's beautiful, and when you use a gun to kill a person you're doin' something ugly. But there are two forms of violence—violence to liberate yourself and violence visited on you to keep you in your place. We have to make a choice between continuing to be the victim, or decide to take our freedom.

"If you ain't part of the solution, you part of the problem, you dig? There's no more middle ground. We gonna provide a situation that's gonna force the Babylonians to deal with it."

Cleaver ended his harangue with the threat that unless he gets his way "there going to be blood on the streets of Babylon."

Yet a Berkeley professor, defending his lectureship, said of the author of this concoction of violent and ungrammatical language that Cleaver would be much "in the tradition of the 'artists in residence'" often invited to campuses. If you lean toward artists in gunmanship and revolution, you might conceivably agree.

ADDRESS BY POSTMASTER GENERAL W. MARVIN WATSON, AT THE CHAMBER OF COMMERCE DINNER, COMMONS RESTAURANT, NORMAN, OKLA.

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ALBERT. Mr. Speaker, earlier this month Postmaster General W. Marvin Watson spent a very busy and eventful day in the State of Oklahoma. One of the major events of that day was a visit to Norman, Okla., and to the beautiful campus of the University of Oklahoma. The Postmaster General addressed the Norman Chamber of Commerce that evening. In his speech, he discussed some of the problems of the Post Office Department and the progress being made in the handling of the millions of pieces of mail delivered throughout the United States each day.

Under the unanimous consent request I include the speech delivered by Postmaster General W. Marvin Watson at Norman, Okla,, on September 16, 1968:

ADDRESS BY POSTMASTER GENERAL W. MARVIN WATSON AT THE CHAMBER OF COMMERCE DINNER, COMMONS RESTAURANT, NORMAN, OKLA.

I want to tell you how pleased I am to be with you here tonight.

That pleasure has several roots.

First, I enjoy meeting people, and having once been closely associated with the Chamber of Commerce in Texas, I particularly enjoy talking to people who speak the same language and share the same ideas.

Second, this is my fifth speech today. I began my day with a stamp unveiling ceremony up in Enid . . . at 7:30 this morning. I hope I said the right things in that speech at Enid . . . since the shock of a 7:30 speech was even more severe than I had expected.

Then I dropped down for a postal award ceremony and then a luncheon meeting and another talk in Oklahoma City. And after I said thanks to the Kiwanis Club there . . . I went back on up to Ponca City . . . inspected the post office there . . . said a few words to the employees . . . and then participated in another dedication ceremony.

After that I flew here to Norman . . . was taken on a tour of your very impressive University by Dr. Hollomon . . . enjoyed a fine reception . . . and then came over here.

So my second reason for being glad to see you is that when I look out there and see all those faces . . . I know I've somehow made it through a busy day.

I haven't had so much fun . . . since I was in the Marine Corps Boot camp . . . and my sergeant asked me gently to take the obstacle course with a full pack.

There are a few other reasons why I am pleased to be with you as well.

My good friends Senator Mike Monroney and Congressman Tom Steed originally suggested that I visit Norman . . . and see for myself that all the fine things they've told me about this city and the University were true. You know some people in Texas have the reputation of exaggerating a little bit. And Mike and Tom wanted me to know that they weren't engaging in an Oklahoma variation of the definition of a railroad tie as a Texas toothpick.

Well, I am completely convinced that their reports and the reports of my staff . . . on the quality of your university . . . are borne out by fact.

During the months I have been serving as Postmaster General . . . I have made it a policy to get away from the confines of my desk . . . to break through the chains of paper that tend to bind a man to Washington . . . and see for myself.

It is all too easy in Washington . . . to get bogged down . . . and to become a prisoner of reports . . . of documents . . . of second and third and fourth hand versions of fact.

I spent much of my adult life in the business world . . . and I learned there that correct decisions must be made on the basis of fact . . . not fancy . . . not reports.

When I worked in the steel industry . . . I made it my business to see how steel was produced.

And now I direct the nation's second largest civilian industry—for the Post Office Department ranks right behind General Motors in the number of employees.

So, in line with this policy of first hand observation . . . I have traveled 62,000 miles, and inspected 141 postal facilities in 84 cities, 29 states, the District of Columbia, the Virgin Islands, and Puerto Rico.

I have shaken hands with and exchanged views . . . with 37,500 postal employees.

Sometimes I differed with those employees . . . more often I agreed with them . . . always I learned more about this vast logistics and materials handling operation that we call the postal service.

Now I have had the opportunity to learn more about a great university. And my personal assistant, Dr. Lloyd Taylor has also been working with the University staff . . . serving as an extension of my eyes and ears . . . and I look forward to hearing a full report from him on what he has learned.

Certainly, I already have no doubt whatsoever that the University is fully capable of extending greater assistance to us in our effort to strengthen our training effort.

My friends, in the restless, ever changing world in which we live, the word "explosion" is more and more frequently used to describe current events. There is the threat of nuclear explosion, and the number of nations now holding in their hands the H-bomb has increased to five. There is the population explosion, in which nations such as India and the countries of Latin America find themselves overwhelmed, their productivity increases absorbed by ever new legions of hungry mouths. There is the violence explosion, for which our crime statistics form the fever chart.

But, from my desk in Washington, the explosion that most immediately concerns me is the "information explosion." Years back a leader of another nation threatened to bury us. Well, it often seems that we are going to bury ourselves, not with nuclear fall-out, but with piles and piles and piles of paper. This blizzard of paper is produced by the most dynamic economy in the world.

Our gross national product is about $860 billion.

We are in the 91st month of unprecedented economic prosperity.

Our index of industrial production is about 165 per cent of what it was back in 1957 to 1959.

Personal income rose to $689 billion a year as of last month.

We are better educated than ever before. The average number of school years completed per citizen is at an all-time high of 11.8. More Americans are going to school than ever before. And the Federal, State and local governments are pouring almost $30 billion into education, more than twice the entire national income of Spain and 70 per cent of the entire income of Italy.

In short, the United States right now has more people earning more and learning more than at any time in its history—or the history of any nation in the world.

What does this mean for the Postal Service? Simply that we are the mirror of this affluence, this rising standard of living and learning.

For this rising standard has produced the "information explosion" with its fall-out of paper. And much of this paper is moving through the mails. The mail statistics, my friends, are almost staggering.

Back a century ago the average mail patron wrote six letters a year; now the figure is 412 a year for every man, woman and child in the country, and seems sure to reach 500. And, of course, we have over 200 million Americans compared to 36 million in 1867.

As a result right now—this year—we are moving 84 billion pieces of mail. During the last Christmas Holiday period alone the Post Office Department delivered as much mail as is handled in France all year.

How do we keep from being smothered by this deluge of mail?

How do we reduce to the absolute minimum the direct and indirect cost of mail service to our society?

The really enormous increase in mail volume places us in a new dimension. Old ways of thought, old methods simply will not cope with this problem. In fact, I would say that right now your Post Office is in its third period of development.

The first such period was when Benjamin Franklin established the United States Postal Service. This was the period of *organization.*

The second period was when President Lincoln's Postmaster General, Montgomery Blair, paved the way for the Universal Postal Union, and established free city mail delivery, the money order system, and the railway postal service. This was the period of extension.

The third period coincides with . . . right now . . . and can be called the period of the *postal industrial revolution.*

This revolution is not alone a matter of machines . . . though new machines we have . . . including possibly one of the most complicated and advanced machines in the world—the automatic ZIP code reader.

This revolution is not alone a matter of information gathering . . . though for the first time we have one of the greatest electronic information gathering networks in the world—providing us with a kind of radar to forecast unusual mail volumes . . . so that we can prepare for them.

This revolution is not alone a matter of research . . . though for the first time in history . . . we have an Assistant Postmaster General for Research and Engineering . . . with adequate funds and staff to search out new and better ways of solving old problems.

This revolution is not alone a matter of management . . . though we have assembled the best management team we can find . . . and are combing and searching through that old Post Office Department in an intensive drive to find better . . . and cheaper . . . ways of doing our job.

This revolution, of course, involves mechanization . . . it involves information . . . it involves research—but it involves the most basic ingredient of all—people.

During my travels around the country, I have seen for myself that we have fine postal workers . . . who possess an excellent spirit of public service.

But in a post-industrial revolution society or organization . . . spirit alone is not enough.

We need trained people.

Fortunately, I am not alone in recognizing that fact.

Both Senator Monroney and Congressman Steed have given us strong support in our effort to create a training program adequate for a Twentieth Century Post Office.

I think that their interest—their true devotion to the needs of the Post Office Department—is well known to all. But I must say again that the leadership which they provide and their understanding of our problems has made a vast difference for me as Postmaster General as it has for Postmasters General in the past and will in the future.

With their assistance, we have in the past months been reexamining our training needs and requirements. The comprehensive study on which we have embarked is very nearly complete.

I have personally been deeply involved in this, both in the planning stages and during on-site inspections as I have travelled across this country. I have looked at many locations and several are under final consideration. My inspection here at Norman—and the prior inspections of my staff—places this area in that final group.

However, we have not made the last determination and I do not expect to make it until next month. At that time I will announce the results of our study and will certainly inform Senator Monroney and Congressman Steed and Dr. Holloman of any conclusions that might affect this outstanding University.

My friends, I believe we are at the threshold of great breakthroughs in postal technology.

Those breakthroughs will carry out the mandate given me by President Johnson when he asked me to "give the American people the finest mail service it has ever known through improved management, better training and through enlisting the best brains you can find."

I want you to know . . . I want Senator Monroney and Congressman Steed to know . . . that I intend to carry out the President's mandate. And I hope that effort will involve the University of Oklahoma and the many fine people who made this visit so enjoyable and such a unique learning experience.

RAYMOND BROOKS, NEWSPAPERMAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PICKLE. Mr. Speaker, the dean of the Texas newsmen quietly slipped from our midst last week. Raymond Brooks, Austin, died Thursday afternoon at the veterans hospital in Houston.

He called himself a "blacksmith of words," and indeed he was. But he was much more. He not only was dean of the Capitol correspondents but he was also a mighty man who was quick, energetic, imaginative, extremely able—and always a busy, busy man.

I treasure my associations with him over the years as one of my prized possessions. He was my good and dear friend for 30 years. He was a seasoned and balanced newsman. I never knew him to write a poor story. I never knew him to take advantage of a set of facts to the detriment of any individual. I never knew him to approach a story from anything but the positive side. He was a reporter—and interpreter by nature. And above all, he was a gentleman.

The Austin American-Statesman, his journalistic home, ran a beautiful story and editorial about this distinguished writer and historian, and I am pleased to include it in the RECORD, as follows:

RAYMOND BROOKS, NEWSPAPERMAN

He gulped his coffee steaming hot.

It would disappear before most of his cohorts could stir the sugar into their cup.

He was in and out of sight as if someone was waving a magic wand over his head. One moment he was here, the next he was there, and suddenly he was gone.

His pencil ran across the pages of his notebook with a mixture of abbreviations, long hand and shorthand; but like most old timers he preferred loose sheets of paper, and these he stuffed into his coat side pocket one atop another.

His head was a storeroom of facts and figures that rolled effortless onto the typewritten page with an accuracy that was uncanny. Many of the "playbacks" he wrote in recent years—incidents of Texas political and governmental life—were from memory and required only a minimum of checking with the official record.

Eight years ago he slid into his chair at the Capitol pressroom. It was his 65th birthday, but there was no clue from him. In the Senate close friends without his knowledge were preparing a resolution in tribute to the Dean of the Capitol Press Corps and to a former parliamentarian of the State Senate. It was in the heat of a regular session and the Senate morning call consumed more time than usual. In addition a prominent visitor was introduced. Press time for the afternoon paper was but minutes away and he broke for the press table with the intention of telephoning a few stories to the city desk.

A colleague literally held him by his coattail until Lt. Gov. Ben Ramsey could call him to the platform for the reading of the resolution, after which he was invited to address the Senate.

But the 65th birthday was only a brief milestone in the life of one of Texas' most devoted, most sincere and knowledgeable newspapermen. Until a few weeks ago his typewriter remained active. During the recent session of the legislature, from his hospital bed in Houston, and without benefit of reference books or the office files he wrote a "playback" on the legislative career of Senator Dorsey Hardeman of San Angelo, whose final term expires in January.

Like most newspapermen he had a variety of interests. He was an avid hunter, a marksman and an authority on military and hunting rifles.

In the office files there are several years of "Capitol A" columns. Some of the greatest of these are already included in documentaries on Texas government and politics. And these "playbacks," as he called them, were the direct result of his photographic memory.

Raymond Brooks was a great newspaperman.

OF THE THREE, ONLY MR. HUMPHREY OFFERS QUALITIES NATION WILL DESPERATELY NEED

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FULTON of Tennessee. Mr. Speaker, this is a year of agonizing decision for the people of the United States. America's military might is severely challenged by Communist aggression while our domestic tranquillity has been ruptured by social upheaval which, while long in ferment, has burst forth and threatens to indelibly stain our national fiber and fabric.

A time of great decision is upon the American people and that decision is whether or not we move forward with courage to face and tackle the problems which face us; do we simply hold the line or do we do an about face and threaten the very foundations of our Constitution and democratic free government?

I have read a great deal and thought even more about the crisis at hand. However, I have yet to see the issues, alternatives, and possible consequences put as lucidly as they were this past Sunday, September 22, in an editorial published in the Nashville Tennessean entitled "Of the Three, Only Mr. HUMPHREY Offers Qualities Nation Will Desperately Need."

Mr. Speaker, I include the text of this editorial in the RECORD at this point and commend it to my colleagues for their consideration:

OF THE THREE, ONLY MR. HUMPHREY OFFERS QUALITIES NATION WILL DESPERATELY NEED

As voters look to the November election in the troubled and turbulent year of 1968 there

is a cloud of uneasiness and unrest settling over the land.

The war in Vietnam threatens world peace and drains the domestic economy. Warfare in the cities threatens order and drains national self-confidence.

Old people seem unable to communicate with the young; young people say they don't trust anybody over 30. White people are hostile to black people because of riots in the cities; black people are hostile to white people because of justice too long denied; the well-to-do and the middle class think of the poor as shiftless and lazy; the poor think of the rich as arrogant and the middle class as unfeeling.

In this environment the voters enthusiastically respond to overworked political cliches as they look for too-simple solutions to the most complex equations in the history of man.

A candidate says, "let us have law and order," and this evokes an emotional outburst as if the crying needs of the cities suddenly had been met.

A candidate says, "let us get all the way in the war in Vietnam, or get all the way out," and there are cheers and ovations as if the critical conflict in Southeast Asia has been won.

It is because these simplistic, cut-and-dried statements express what people want to do—not what can be done—that Richard M. Nixon now leads in all the public opinion polls in the race for the presidency and George C. Wallace has found such widespread favorable voter sentiment.

Mr. Nixon is the master of mixed generalizations. Mr. Wallace is the master of specific generalization. In ordinary times the vague utterances of Mr. Nixon would be uninspiring and the direct slams of Mr. Wallace would be a joke.

In the current campaign there is not a single issue which Mr. Nixon has met head-on; not a single problem area for which he has offered a clear-cut, positive workable program.

And there is not a single issue for which Mr. Wallace hasn't offered a positive answer—invariably the wrong one.

In the early days of the campaign Mr. Nixon's strategy has been to obscure the issues in a smokescreen of meaningless rhetoric. Mr. Wallace has had a different approach. He has sought to set fire to the issues and let reason burn. But at some point the voters of the nation must come to see through the smoke and fire and view the future of the country in terms of what must be done and what can be done realistically.

And there is but one candidate in the race for the presidency who has demonstrated a recognition that it will take more than campaign oratory to make a successful presidency.

Hubert H. Humphrey, the public opinion polls indicate, is not ahead in the political popularity contest.

He has not sought to become an "easy answer" candidate. He knows and admits there are no easy answers. Beyond that his personality, his wisdom, his compassion and his conviction have been submerged over a period of trying years in the fog of unpopularity which has surrounded the administration of President Lyndon Johnson.

Too few people have come to see him as his own man.

But as the few remaining weeks pass before the election, the voters of the nation are going to have to ponder the true nature of the world in which they live. They are going to have to look honestly at the three men who ask for their votes and decide which one of the three can best be trusted with the trying and tremendous power of the presidency. They must ask: Can Richard Nixon be trusted? Should George Wallace be trusted?

The voters must look at each man as an individual and judge not what the man promises he will do, but what can be done to take the nation through a terribly difficult time.

It is easy to promise—as Mr. Nixon does—that he will end the war and that in the meantime he will prosecute it more effectively. It is easy to promise—as Mr. Wallace does—that he will "win the war or get out."

It is easy to promise—as Mr. Nixon does—that rioting in the streets will end when he becomes President because law and order will prevail. It is easy to promise—as Mr. Wallace does—that rioters will be shot.

It is more difficult and less popular to say candidly to the American people—as Mr. Humphrey does—that it will require still more patient, more determination and a greater effort than ever before to find a way to peace in Vietnam. It is more honest—if less attractive—to say to the American people that more and better trained and better paid police officers are needed to fight crime—but to admit that the riots and violence in the slums of the cities won't go away until conditions which create unrest are wiped out.

These are not words most Americans want to hear. Mr. Humphrey is challenging the nation at a time when its people want to turn away from reality and seek shelter from pressure and tension. But this is no time to dodge or hide.

Throughout his career Mr. Humphrey has been the apostle of the unpopular cause. If one figure in American politics has been willing to stand up against the storm and tide of extremism it has been Mr. Humphrey.

When the nation was hung up on witch hunts, and Mr. Nixon was leading the way, Mr. Humphrey was working to put down false fears and to protect the rights and reputations of innocent citizens.

When the nation was hung up on racism and Mr. Wallace was leading the way, Mr. Humphrey was working to provide laws to bring about equal justice and opportunity for every citizen.

He has been a progressive mayor, a thoughtful senator, a party leader dedicated to reform and opposed to blind reaction. If, as Vice President he has been part of an administration which seems to have been too much influenced by the military, the question now for the voters is which of the three candidates has the fortitude and integrity to break away from a course of militarism?

The answer is Hubert Humphrey.

If he has been part of an administration during which riots have developed in the streets, the question now for the voters is which of the three candidates has the judgment and compassion to find the long-range answers to social disorder?

The answer is Hubert Humphrey.

And which of the three candidates has the insight to recognize the forces at work in the world and has the capacity to deal with those forces in the search for peace?

Again, the answer is Humphrey.

Which of the three candidates has the intellect and balance and self-confidence to hold in his hands the awesome power of the nuclear bomb? That is the ultimate and dangerous question.

Certainly the answer is Hubert Humphrey.

It is true there have been some experiences that have eluded him. He never appeared on national television with a pet puppy dog to explain away questionable campaign contributions. That was Mr. Nixon's major acting role. He never appeared on national TV standing in a schoolhouse door in an effort to keep Negro students out of school. That was Mr. Wallace's scene.

Mr. Humphrey's record is not marked by scandal or stupidity and it gives insight to the sort of man he is: honest, a fighter, intelligent, loyal to a fault.

True today he seems unpopular. He is harassed and heckled. But he is no quitter.

It is in the nature of the American citizen to analyze and reflect soberly before deciding on matters of great consequence.

The coming election is of the greatest consequence. What is needed is leadership that is willing to deal with determination and conscience in the years ahead, attracting—not dismissing—the best brains available and the best talent available to move the country on a sensible and sound course.

The times are perilous. Wishing they would change and putting false hopes in phantom leaders will only make the future more difficult.

The nation needs Hubert Humphrey to be president more than Hubert Humphrey needs the office to climax a career of distinguished service.

He is the candidate who can be trusted. This newspaper endorses his candidacy, pleads his cause and urges his election.

LEADERS OF RIOT LISTED

HON. BASIL L. WHITENER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. WHITENER. Mr. Speaker, on Saturday, September 21, 1968, a column by Ray Cromley of the Newspaper Enterprise Association in the Shelby, N.C., Daily Star set forth some background information on leaders in the Chicago riots.

Mr. Cromley's column gives information which should be known by all of our people. It is regrettable that at the time of the riots in Chicago that some of the news media did not see fit to advise the public as to the past records of those who were fomenting strife during the Democratic National Convention.

I make the column a part of my remarks at this point in the RECORD:

LEADERS OF RIOT LISTED

(By Ray Cromley)

WASHINGTON.—Because there's talk they'll attempt a new "confrontation" on election day, now is a good time to jot down a few notes about three top strategists of the Chicago youth riots.

David Dellinger, 53, was born at Wakefield, Mass. In Oct. 1940, he refused to register for the draft. He balked even at registering himself as a conscientious objector.

As a result, Dellinger was indicted by a New York grand jury. He pleaded guilty and was sentenced to one year and a day in prison.

On being released, Dellinger registered for military service but said he was a conscientious objector. In June 1943, he was charged with failure to report for a physical examination. He again pleaded guilty and was sentenced in Aug. 1943 at Newark, N.J., to two years in prison.

Little was heard of Dellinger for the next two decades.

It is known that he was editor of Liberation magazine published by the Fellowship of Reconciliation and that in April, 1964, he traveled to Cuba legally as a news representative. Since then he has spoken out for the Castro regime at meetings sponsored by the Fair Play for Cuba Committee.

As chairman of the National Mobilization Committee to End the War in Vietnam, Dellinger was a major organizer of the Oct. 1967 march on the Pentagon.

Jerry Clyde Rubin, 30, was born in Cincinnati, Ohio, attended Oberlin College for one year and the University of Cincinnati

five years, ending up with a B.S. degree in American history in 1962. He later did graduate work in sociology. He traveled to Cuba illegally in 1964.

Rubin has been a full-time paid employe of the Vietnam Day Committee. At a rally sponsored by that committee in 1965, he favored "massive civil disobedience" and was quoted as saying, "We must consider treason—deliberate sabotage of the war machine."

Rubin was arrested three times in 1965–66, once in San Francisco in connection with a demonstration against Gen. Maxwell Taylor, once in Washington, D.C., for causing a disturbance during a session of the House Committee on Un-American Activities and once for demonstrating on the University of California campus.

In 1966, he helped manage the congressional campaign of Robert Scheer foreign editor of Ramparts magazine. In 1967, he was an unsuccessful candidate for mayor of Berkeley, Calif., on a platform opposing war and "American imperialism" and espousing black power and the legalization of marijuana.

As a co-ordinator of the Oct. 21, 1967 march on the Pentagon, Rubin was quoted as saying, "The peace movement is no longer one of merely protest and demonstration. We are now in the business of wholesale and widespread resistance and dislocation of the American society. We, the American people, are going to have to close down the Pentagon, the universities, the banks. . ."

On June 13, 1968, Rubin was arrested by the New York City police on a charge of possessing marijuana. He is, at present, a leader of the Youth International Party (Yippies).

Thomas Hayden, 28 was a founder of the Students for a Democratic Society (SDS), was a principal author of the 1962 Port Huron Statement, which is the basis of SDS ideology, and was an SDS national president. He is now one of the society's most prominent spokesmen.

In December-January, 1965–66, Hayden went to North Vietnam illegally with Communist Party USA theoretician Herbert Aptheker and with Staughton Lynd.

In September, 1967, Hayden and 40 other Americans went to Bratislava, Czechoslovakia, for a one-week conference with North Vietnamese and Viet Cong representatives. From there he traveled to Cambodia as representative of an American peace committee. In Nov. 1967, the Viet Cong released three U.S. prisoners of war in his custody. In Jan. 1968, he flew to Cuba as an associate editor of Liberation magazine.

Hayden was one of the instigators of the demonstrations against Dow Chemical Co., recruiters at Rutgers University. He is quoted as having said, "The issue is not that Dow Chemicals has free speech but rather that they are war criminals. . . . I think that in this case civil disobedience is justified."

HUMPHREYISM NO. 2

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SCHADEBERG. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

From a collection of Representative HENRY C. SCHADEBERG (R., Wisc.):

"I was thinking how lucky we are to be Democrats. Look at the fun we have. Look at the joy we have. Look at the spirit we have." (Speech by Hubert H. Humphrey, San Antonio, Tex., Sept. 17, 1964.)

RUMANIA REWRITES HISTORY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. DERWINSKI. Mr. Speaker, an example of deliberate Communist manipulation of history and the persistent propaganda operations of Communist governments is covered in a very fascinating article by Dumitru Danielopol of the Copley Press.

Mr. Danielopol, a diplomat in the pre-World War II legitimate Rumanian Government, is especially equipped to discuss this subject:

[From the San Diego (Calif.) Union, Aug. 31, 1968]

RUMANIA REWRITES HISTORY IN FEAR OF SOVIET UNION

(By Dumitru Danielopol)

The tragedy of Czechoslovakia may finally convince the West to ignore Communist fairy tales. The latest comes from Rumania, a country obviously frightened by the Prague coup yet obedient to Red ways.

The Rumanian latest fairy tale concerns Aug. 23, an important date in the history of the country. It was on that day in 1944 that King Michael overthrew the military regime of Marshal Ion Antonescu and brought the country out of the Fascist Axis.

Though the minuscule Communist Party in Rumania had nothing to do with the coup, and in fact opposed it, the Rumanian Reds have claimed credit for it ever since they took power.

This year's effort comes from a pamphlet issued by the Rumanian Embassy in Washington entitled "Aug. 23—A Glorious Page in Rumania's History."

It claims that "it was the historic mission of the party of the Communists to unite into a single stream the broad masses of the people, the political circles, all forces interested in the overthrow of the military-fascist dictatorship.'"

This is sheer poppycock.

Lest the Reds start believing their own lies, it behooves us to keep the record straight.

In 1944 conditions under which Rumania could escape the Axis were being negotiated in Cairo. Constantin Visoianu, who was to become Rumania's foreign minister and is now chairman of the Rumanian National Committee in Washington, spent months talking to the British and the Americans.

He represented King Michael and the three top parties of Rumania—National Peasant, National Liberal and Social Democrat. The three represented 95 per cent of the population.

Though nonexistent as a party, some Communists were kept informed as a gesture toward the Soviet Union.

The date for the king's move was fixed for Aug. 26. However the British and American negotiators wouldn't give their consent unless the Russians too approved. The Soviets dragged their feet. A Rumanian coup did not meet their plans. They preferred to take the country without an armistice. The Red army launched a massive offensive in the north.

The king and his advisers decided they couldn't wait any longer. They made their move ahead of schedule on Aug. 23.

Marshall Antonescu was summoned to the Royal Palace and arrested. King Michael went on the radio and ordered the army to stop fighting the Allies. A coalition government was sworn in.

Moscow was furious.

Two jittery leaders, who had been taken by surprise, Lucretiu Patrascanu and Emil Bodnaras, feared that Moscow would consider this a doublecross.

As a matter of fact Patrascanu, who became minister of justice in the subsequent cabinet, was later arrested by his fellow Communists, tried for deviation and treason, tortured until he lost his mind, and executed.

He has now been "rehabilitated" posthumously by his executioners.

When the king acted there were still considerable Nazi forces in Rumania. When they recovered from their surprise, they counter-attacked and tried to capture Bucharest and arrest the king and his new cabinet.

Units of the Rumanian army stopped the Germans.

"We had armed some Communists just for this purpose," recalls Visoianu, "but there was not one in sight. They disappeared with their weapons. They kept these to use them later against their own compatriots, in order to take over the country. The Communists had no more to do with the overthrow of Antonescu than the man in the moon."

Just for the record.

BIAFRAN EMERGENCY RESOLUTION

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PELLY. Mr. Speaker, like all Americans I am deeply distressed at the daily reports of starving Biafran men, women, and children. Tens of thousands of innocent die from disease and starvation of epidemic proportions. Indeed, photographs in news magazines tear at the heartstrings of every civilized person.

Mr. Speaker, the responsibility of all nations of the world grows with the death of each man, woman, and child. We can no longer be lulled by the claim that the elimination of tens of thousands of persons is merely an internal affair. To do so would be an admitted bankruptcy of our moral courage and our humane concern for others.

The United States has, as in many other cases, pledged its cooperation in providing humanitarian assistance to these suffering people. Unfortunately, however, efforts in Addis Ababa to mediate the differences which have brought on this situation have been unsuccessful. Thus, delivery of food and medical supplies has been denied these starving people.

It is out of a feeling of genuine concern for these people, Mr. Speaker, that I join with other of my colleagues in sponsoring a resolution calling upon the President to make every effort, through the U.S. delegation to the United Nations, to bring before that body, for its consideration at the earliest possible time, the matter of developing and achieving some practical means for meeting the urgent and extraordinary humanitarian relief requirements of the needy in the Nigeria-Biafra area.

This situation demands the immediate attention of the House and I am hopeful that the sense of concern expressed in this resolution will become a reality before this Congress adjourns. Let us demonstrate our concern.

PROJECT TRANSITION

HON. JONATHAN B. BINGHAM
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BINGHAM. Mr. Speaker, I recently became aware of the efforts the Department of Defense is making through Project Transition to prepare servicemen before they are discharged to take on productive and well-paying jobs upon their return to civilian life.

At my request, the Defense Department has prepared a memorandum on this excellent project which is set forth below.

The Defense Department should be commended for its wisdom in undertaking this activity so that men in uniform may be better equipped "to share adequately in the abundance of American life." The cooperation of American industry in providing the needed training is also commendable and welcome. The same is true of the cooperation of educational institutions and of local and State law-enforcement agencies which are also providing training. The various advantages of the program are summarized at the conclusion of the memorandum.

The Defense Department's memorandum follows:

THE DEPARTMENT OF DEFENSE TRANSITION TRAINING AND EDUCATION PROGRAM FOR RETURNING SERVICEMEN

Beginning this fiscal year over 900,000 men will be discharged from the Armed Forces. What will happen to this huge source of potential manpower?

Many men will be returning to jobs they held before entering service.

Others will desire to take immediate advantage of the GI Legislation for furthering their education.

A large number will hopefully utilize the civilian-related skills they acquired while in our Armed Forces in seeking direct employment in American business and industry, and in government service.

This enormous outpouring of men will be desirous of adjusting as quickly as possible to civilian pursuits.

But there does exist among our servicemen a significant number who entered the Armed Forces with low educational achievement or no skill. Many of these men have served in rigorous assignments in combat and combat-supported activities which did not permit furthering their education or acquiring a civilian-related skill. These young soldiers, sailors, airmen, and Marines want to become immediately productive. Many are not inclined toward college preparation. Some cannot afford protracted schooling. They want an immediate good paying job which will allow them to participate in the better things which American life can offer them.

We do know that American business and industry and labor, and indeed government, look continuously for individuals who can bring along a skill to do a job efficiently and economically.

Many of the returning servicemen will not be in a positive position to meet this kind of demand.

For this reason the Department of Defense is now seeking to provide to this group, during their last six months of service, maximum inservice training or education to bring them to the level of where they can be employed in a worthwhile job. The entrance badge of our technological society is a needed skill. The quicker many men can obtain this badge, the faster they become individually self-sufficient. What the Department of Defense has done in its program, identified as Project Transition, is to recognize this crucial fact. It is providing training or educational assistance for the servicemen who have no skill or have limited education below the high school level.

It has undertaken to do this in a unique way. It recognizes that many government agencies are charged with certain responsibilities to veterans. It also recognizes that American business and industry as well as local, state, and Federal agencies have continuous demands for trained people and can offer training to meet their varying manpower requirements. It also recognizes that the American serviceman has already acquired through his military training, responsibility, responsiveness, discipline, teamwork, a sense of orderliness and a desire to get a job done in a timely and effective manner.

The Department of Defense is asking American industry to provide to those men training, while still in uniform, in a job for which an industry has a specific requirement. What this offers is an opportunity for immediate placement upon separation, so that most of the economic adjustment problems will not even arise. It is also asking government agencies to provide their resources for this effort.

What the Defense Department has attempted to do is to serve as a catalyst. Over 65% of the men leaving the service who have six months of time remaining desire to participate in the transition program. Thus, Project Transition tries to bring all available government services and training resources of industry closer to the men prior to their separation. It does not itself duplicate these functions. It merely serves to make them more readily available to the men.

We have found from experience with the program since January of this year (1968) that the men welcome the opportunity in our counseling program to sort out the facts and options concerning their future prior to leaving the service. The counseling and training programs go hand in hand. These young men are already much concerned about their future. They want to share adequately in the abundance of American life. They have been mobile during their military service so that they are ready to consider going to a new community where a good job may be. They would like to anticipate a fresh new life. But they also know that life is competitive and many are impatient to make a good adjustment.

Project Transition provides an opportunity for these young men to think critically about their future, assess their own capabilities, and obtain an educational or skill level which can make them immediately productive.

There are four basic elements in the program.

First, the *counseling* session provides service personnel with an opportunity to sort out options for the future and to decide what skill training or education program can be pursued within the service time remaining.

Second, the *education* program offered is principally aimed at preparing to achieve the necessary levels to be awarded the high school equivalency diploma. Other individual academic courses to supplement skill training may also be taken. Paths are opened to higher education, primarily for careers in public service for many who had no idea of going to college.

Third, *skill training* is offered through three sources:

1. The Department of Defense utilizes its on-going formal school courses which are civilian-related. But these courses are only used when there are scheduled shortfalls in attendance for those who normally would be trained for military duties. In addition, the on-the-job training programs which utilize the many opportunities offered on a military base, are employed. Work in the local banks, the PX, computer machine room, welding shop and a whole variety of other occupational pursuits are made available if resources and time permit.

2. The Department of Defense utilizes the Manpower Development and Training Act resources of the Department of Labor. Project officers indicate the type of training desired and the Office of Education and the Department of Labor with state agencies arrange and manage the course offerings. In addition, some Federal agencies provide training to meet their own skill demands.

3. A major effort is being made with American industry to provide the skill training for the jobs it needs. The unique part of this program is that industry provides such training at its expense on or near a military base. A young serviceman obtains the training he desires and industry in turn gets a man trained against its own standards and requirements. These young men enter employment immediately upon discharge.

Fourth, the program offers *placement* services. Here the Department of Defense relies upon the United States Employment Services and the state agencies and upon business and industry to provide the placement opportunities. The program has found so far that the men are intensely interested in any training programs where training and placement go hand in hand. Thus, the offerings of American industry in Project Transition became particularly important. Industry training under the program is almost invariably linked with placement since companies have largely entered into the training in order to obtain good men.

The program outlined is an all-volunteer effort. Each soldier, sailor and Marine currently in the United States and all airmen at Air Force installations world-wide are given a questionnaire during their last six months of service. Those who indicate that they do not wish to reenlist are additionally questioned concerning their desire to enter into Project Transition. Between 65–70% of these men consistently express a wish to enter the program. When their decision is made, the counseling process begins to sort out their interests and their desires for education, training, and placement.

The program is administered on a highly decentralized basis. Under broad policy guidance from the Department of Defense, the base commanders are responsible for developing programs which can be accomplished within their regular mission and along the lines of the requirements of the men desiring to enter the program. The decision to release some men for a few hours of on-duty time or to conduct the bulk of the program off-duty, or by other combinations of time arrangements, is the commanders' option. The same decision applies to the use of the regular formal or on-the-job training programs of the base. The program is designed to be flexible in view of the basic mission and readiness requirements of the various commanders.

Through his project officers the commanders work out mutually agreed upon programs with industry, local, state and Federal agencies, schools, and colleges, and other agencies who desire to participate. When possible, the commander supplies facilities for outside agencies or arranges with them to utilize public or private off-post facilities furnshed by local government or business. Large companies which desire to train at several installations across the nation make initial arrangements with the Department of Defense and the individual Services then make further arrangements with the local commanders. Local and regional arrangements with business and industry are made by the base personnel.

While the program is primarily aimed at those without a civilian-related skill or with a low educational achievement, with emphasis upon those who have served in combat, attempts are made to provide some kind of service to others. These include some men who are retiring after 20 or more years of service, many of whom have served in the Infantry, Artillery, or in the Armor. In addition, there are some men who have learned skills while in service, but who, during the last six months want to upgrade those skills to meet industry standards. A quick move in this direction helps many to eliminate underemployment.

On the educational side the Department of Defense is receiving help from universities, colleges, and junior colleges in developing innovative programs for many men with leadership and other qualifications who heretofore, because of previous environmental limitations, had no thought of moving into college training. One college has offered ten credit hours toward a teaching career during the last six months of service for those interested in eventual teaching in the ghetto area of St. Louis. Twenty four men have already completed this program and this fall are entering into an on- and off-campus work study program in the St. Louis school system. Other colleges have been asked to provide other types of courses which will help these young men enter productive fields such as public service.

During the period this program has been in operation, the Department of Defense has found that it has been having a positive effect upon reenlistment. The counseling period has enabled many of these men for the first time to weigh both the opportunities of an Armed Forces career and the opportunities of civilian life in a proper perspective. When they have a clear picture of their investment in the Services, their opportunities and the prospects in areas where they would wish to return, many make affirmative judgments about a career in the Army, Navy, Air Force or Marine Corps.

The Department of Defense has worked closely with local and state law enforcement agencies in the development of law enforcement training. The City of Los Angeles developed a standard training program and the first class recently graduated from a program in which local and state personnel provided the training staff for soldiers from Fort Irwin, California. Another program is beginning at Camp Pendleton, California for Marines. It is hoped that these courses will spring up at many other sites to provide men for our law enforcement agencies throughout the nation. The Department of Defense is also working with the Justice Department in developing a training program to provide correctional personnel for Federal prisons.

Where does the program stand at the present time?

The goal of the Department of Defense is to provide an opportunity for expression of interest through the questionnaire to about 500,000 men each year. Of these men it is hoped also to provide some counseling which will help them decide about the future, make contacts concerning the use of their service-acquired skills, or receive inservice education and training in order to obtain a civilian-related skill. The Department of Defense, for this latter group, hopes to make available training or educational opportunities to approximately 150,000 men each year.

This goal will be reached provided good counseling staffs can be developed and maintained and the full resources of American industry, local, state and Federal government agencies can be brought to bear. The Department of Defense's financial contribution is largely in providing the administrative staff and counselors and some training, largely on the job, utilizing already available facilities and people. It has been relying upon the financial support of American industry and the government agencies who have regular responsibility for training and placement in order to provide the resources for these two vital activities.

Since January 1968 over 200,000 men have completed questionnaires. Over 150,000 service personnel have been counseled.

Of those who were counseled and chose to receive education or training during their last six months of service, about 13,000 have completed some training course and another 13,000 are now in training.

Of those who desire some opportunity for this education and training, 70% choose the skill training route and 30% select the path toward education. Most of the latter desire to receive a high school equivalency certificate before leaving the service.

Approximately 50 major American industries or business organizations are providing training and some 150 other smaller local and regional industries are supplying training support to the bases near their plant or business locations as well as placement opportunities. The Department of Defense intends to expand continuously this industry base.

A good amount of the training courses are heavily weighted in the direction of service-type occupations, such as automobile repairmen, TV and electronic equipment servicemen, small appliance repairmen, welders, computer technicians. The range also extends from pipefitters, draftsmen, office machine repairmen to sales representatives and law enforcement officers. These courses are responsive to interests of the men and to the needs in civilian life. No courses are offered for which there is no employment demand.

State and local agencies have provided over 80 courses for training over 800 personnel to date.

The Manpower Development and Training Act program provided skill courses for over 1500 men during the last four months of FY 68, and it is hoped that about 10,000 men can be so trained in FY 69. These courses are particularly tailored for those who would otherwise have no negotiable skill prior to their release from active duty.

During the six months in which the program has been in operation, certain conclusions may be drawn. The program:

1. Is reaching many men at a very critical point in their life when they want to build upon their recent military service in the very best way possible.

2. Is increasing the services to the veterans at a very critical time when they have some opportunity to reflect positively on what kind of aid they may desire.

3. Helps to counterbalance immediately some slippage in concern for the returning soldier, sailor, airman, or Marine at a time when attention is riveted upon other pressing problems.

4. Provides to the men while still in uniform a very meaningful expression of the public interest and concern for their immediate future in a manner heretofore not demonstrated to the returning serviceman.

5. Enables servicemen to make rational choices in a favorable decision-making climate while they still have the security of the uniform, including an opportunity to take a hard look at the realities of civilian life, weighing his goals against his own capabilities.

6. Provides an opportunity for those who would otherwise be returning to a critical urban or rural environment to make a choice for mobility and follow a good industry job to a new community.

7. Helps universities and colleges to provide innovative programs to men who may never have sought such training under the GI benefits.

8. Enables American industry to convert to immediate use a very ready, capable, and interested manpower pool through training according to its own requirements.

9. Enables the Armed Forces to offer a recruiting incentive to all prospective applicants by providing not only a career program with security, but an option for closing the loop back to civilian life with an educational or training advantage for all personnel when they leave the service at the conclusion of their military obligation.

10. Permits the Veterans' Administration, Department of Labor, Office of Education, Department of Commerce, Justice Department, as well as local and state governmental jurisdictions to give wider and more immediate support to the servicemen in the fields where they have the responsibility and capability.

11. Lays the basis for a more meaningful use of GI benefits to those individuals who most need to consider the value of these benefits.

12. Enables those who have developed or realized their leadership potential while still in uniform to give more positive expression to this capability by training in public service or other occupations where this leadership quality can be fully utilized.

13. Eliminates the possibility for some men entering the category of disadvantaged by giving them the opportunity to become immediately self-sufficient.

14. Enables many men who would otherwise spend long periods in job search or uncertain training to acquire a skill and enter immediately into the role of a positive economic contributor to American life.

PONTIAC, MICH., BUSINESS & PROFESSIONAL WOMEN'S CLUB

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mrs. GRIFFITHS. Mr. Speaker, the National Business & Professional Women's Club is a great organization which has existed in the United States for some 50 years. Historically, it is interesting to understand the motivation for the formation of each of these clubs and the things which brought them together as a national organization.

On Saturday evening, September 21, I was present at the 50th anniversary of the Pontiac, Mich., Business & Professional Women's Club. One of the members, Mrs. Margaret Cole, had done a great deal of research through the records and she reported on the history of that club. It was particularly interesting to me. Many of the women named as speakers or as members became the foremost women of the State of Michigan. They added greatly to the quality of American life. For the benefit of those who are interested in such historical organizations, I am pleased to spread Margaret Cole's remarks on the RECORD, as follows:

PONTIAC BUSINESS & PROFESSIONAL WOMEN'S CLUB, 1910–68: HISTORICAL HIGHLIGHTS PRESENTED AT GOLDEN ANNIVERSARY DINNER, SEPTEMBER 21, 1968

(By Margaret Cole)

According to Mrs. H. H. Thatcher, first President of Pontiac Business and Professional Women's Club (1918–19), the "Women were organized and classified in order to aid in war relief and the first gathering of this group in 1918 was sponsored by the government." That same year a group of business

women of Saginaw entertained the business women of the state, in order "to effect the organization of the Business Women's Association of Michigan and to assist in its work."

The following June a second meeting was held with Mrs. Elizabeth Sears, of New York, representing the National Business Women's Committee. At this meeting Mrs. Grace Thatcher, of Pontiac, was appointed a delegate to the Convention of the Women's Association of Commerce of the United States to be held in St. Louis in July, 1919.

In January 1920, at a board meeting in Detroit the action of the Michigan delegation at St. Louis was ratified and it was recommended that the group join the new National Federation of Business and Professional Women's Clubs. The object of the organization was "To encourage the organization of Associations of Business and Professional Women in all parts of the State of Michigan; to promote and protect the interests of women in the professional, civic and industrial world; to become the source of information with respect to new opportunities for women, and to encourage all women to greater effort in developing efficiency in the more important activities of the world's work."

At the state meeting held in Saginaw on June 21, 1919, Mrs. Thatcher was elected Treasurer, a position to which she was reelected in 1920. Pontiac also had its first national officer when Mrs. Thatcher was elected a National Vice President at the meeting held in Flint on May 20, 1922.

The name of Ann Nusbaumer appeared as a Charter Member of the Pontiac Club. 1921 records indicate there were 58 paid members, among them Grace Heitsch, still an active member, and Jessie Brewer.

Meetings were held in the Board of Commerce where the B&PW had clubrooms. One of the early community projects undertaken by the club was that of establishing an employment agency and lounge rooms for business women in the city. Too, the club was concerned with the question of coordinating with the Girls Protective League to see what could be done to make the club rooms more useful to girls.

In 1924 the advisability of the location of an information bureau for business women and the concern for closing stores on Saturday night in Pontiac was of utmost importance.

In March of that same year, the Executive Director of the Girl Scouts was employed and B&PW Club offered the use of their clubrooms as an office for the Director. Among the programs presented that year was a message from Adah Shelly, City Librarian, telling of the needs of the City Library. George H. Gardner of the Pontiac Daily Press addressed members advocating the election of Governor Grosbeck. Among those whose names appeared as active members at this time were Vera Bassett, Gertrude Hock, Ruth Kimball (Starker) and Fritzi Stoddard. That same year members voted to raise dues from $3 to $5 and assess a 10¢ fine for unexcused absences. The Little Theater of Pontiac was supported by club interest and funds.

Scholarships were the main goal for the year 1925 and this continued to be a project that has carried on through the years. It is interesting to note that concerns at that time have but been enlarged upon today. Miss Eleanor Hutzel, Bureau of Education, State Dept. of Health, in speaking to the group reported, "there is too much criticism of the boys and girls of today and not enough understanding. One thing in which the club could use its influence is in removing from the newsstands, pamphlets of an undesirable type."

The group also participated in a "City Beautiful" contest with two types of contests, (1) Paint Up & Clean Up, (2) Lawn, Flower and Shrubs.

Mrs. George T. Hendrie invited B&PW members to the Mid-western Conference of the National Woman's Party held at her home in Bloomfield Hills. As the report indicated "located near Detroit."

The club contributed to City Hospital for a "free bed" that was being maintained by the City Federation.

Dr. Farnham spoke of the inadequacy of present hospital facilities and explained the offer of the Sisters of Mercy of Dubuque, Iowa, to build here. This was to become St. Joseph Mercy Hospital of Pontiac. The club pledged toward this effort, the money raised by individual pledges.

The club also supported the Recreation Dept's Doll and Pet Show.

As a means of increasing friendliness and good fellowship in the Club, the President, Mabel Judd, (1923–1925) suggested that each member call others by their first name.

Mrs. W. H. Collier reported on the Women's World Fair held in Chicago. Emphasis was placed upon the fact that the popular type of woman today is the one who does things.

"Preparation for War and Education for Peace" was the title of an address by Mrs. A. H. Crowell the early part of 1926 during Ann Nusbauner's presidency (1925–1927) Mrs. Crowell stressed the *Preparation for War* and stated, "That great authorities in America today are discussing the inevitability of war, that education for war will not bring peace, but, as in the planting of grain, the yield is increased many times. The solution of the problem is *love* and *cooperation,* not hate."

During this same period a Mr. Rollins of Detroit spoke on "Narcotics," the problem seemingly of great concern at that time. A report from the U.S. Treasury stated that there were a million drug addicts and that the number was increasing by a thousand daily.

In keeping with their concern for scholarships, the club purchased textbooks and supported a girl attending Oakland County Normal. Equipment was purchased for a "Well Baby Center" located in the southern part of the City and directed by the Visiting Nurses Association.

During the years that Vera Bassett served as president, (1927–1929) the club contributed to funds to help defray expenses of a Vocational Teacher in our City. In March 1928 members traveled to Rochester and helped celebrate the 1st Anniversary of the Rochester Club. Pontiac B&PW Club sponsored the organization of the club the previous year. Of interest too was the fact that members participated in the parade of the new D.U.R. (Detroit United Railway) cars.

With permission from the State President, the club entertained surrounding clubs at dinner at Stevens Hall with 98 members attending.

The location of the clubs meeting place was changed during this time and records show that the meetings were held in the First Baptist Church and in Dr. Campbell's office. Later the meeting place was again changed to the Masonic Temple club rooms, during the term of office of Harriet Ratliff (1929–1931).

It was in 1933 during Margaret Hawkins presidency (1931–1933) that Vera Bassett moved and Grace Heitsch supported, "that Pontiac B&PW take out an Associate Membership in the International Federation of Business & Professional Women's Clubs," the cost being $5.00. This action carried the support of the entire membership. During this time club members were also actively protesting House Bill 381 (a bill to prevent the employment of married women). The ensuing years found such able persons as Grace Heitsch (1933–1935) and Pauline Hammond (Brodie) (1935–1936) serving as President. Club activities included the support of the Community Chest, Library, Welfare, Visiting Nurse Ass'n., Emergency Nursery Schools and Scholarships.

In January of 1937, under the leadership of Daisy Jewett, the Pontiac Club was Incorporated. 1938 found the group recommending to the Federal Communication Commission the issuance of a radio station license to Pontiac Broadcasting Company. Again, the club backed Saturday night closing of stores in Pontiac. The Red Cross Relief Fund was also supported by the club.

The following year (1938) under the leadership of Eva Dyer (1938–1940) the club furnished the Girls Club room at the Juvenile Home, provided candy and nuts at Christmastime to Whittier School children, supported the YMCA and Community Chest as well as contributed individually to the Needlework Guild. A special money-making project that provided funds for the furnishing of the room at the Juvenile Home was that of selling evergreen trees. Members sold 1,000 trees at 10c each.

Activities supported by the club during Jane Danton's presidency (1940–1942) were the Family Service Bureau, replacing and repairing furniture at the Juvenile Home. The club wrote Rep. Clark Adams opposing a minimum wage for women. A highlight of the year was the election of Daisy Jewett to the office of Secretary of the Michigan Federation of B&PW Clubs.

The Club Bulletin was named "Listening In" during Gladys Maxwell's term of office (1942–1943) and the main project of the club was that of sending kits to the boys at Battle Creek Hospital. Pontiac Club hosted the "Cabaret Party" held at the State Convention.

In 1943, under the guidance of Thelma Sharritt, the Pontiac B&PW Club was the first service club in Pontiac to recruit and sponsor a WAC (Women's Army Corps). This was Phyllis Coutenmanche, a teacher at Eastern Jr. High School in Pontiac.

1944 found Ethlynn Peterson, President. Daisy Jewett was elected to the office of President of the Michigan Federation of B&PW Clubs; Eleanor Lockman Sec./Treasurer of District One and Pontiac celebrated the Silver Anniversary of the National Federation with Lean Lake Forest as speaker. The club supported the American Red Cross and sent yarn and wheel chairs to Percy Jones Hospital in Battle Creek. A contribution to the National Federation's Chinese Nursing Fund was also made. That year the club won the Emilia Kennedy Award for stabilizing its membership. The award was presented at the State Convention.

Projects that earned the support of the club during the years 1945–1947 while Lenore Stephens and Eleanor Lockman served as presidents included: Contributed to Oakland County United War Fund, March of Dimes, Boy's Club of Pontiac, Red Cross, and the club gave an annual subscription of "Independent Woman" to the Pontiac City Library.

Margaret Cole served as president during 1947–48 and it was during this time that the club gave $800 to the Leader Dog League for the Blind. This covered the purchase of a leader dog, training of dog and training of the handicapped person to whom the dog was given. The club joined the list of Needlework Guild Contributors. A letter received from Michigan State Governor Kim Sigler stated in part, "your theme, 'We Face Tomorrow' is an example of the realism, combined with the idealism which makes the B&PW Federation a potent force."

October 1948, Pontiac B&PW Club witnessed the chartering of the Keego Harbor B&PW Club, with Eloise Varion (Riley) serving as President of Pontiac (1948–49).

Plans for a Civic Auditorium in Pontiac were being formulated and the Club supported this project along with presenting an exhibit of Harmon Foundation Portraits of famous Americans of Negro origin, during 1949–1950 when Hazel McGirr served as president.

180 members and guests attended the an-

nual guest night dinner at Stevens Hall in April of 1950 at which time Dr. H. Marvin Pollard of the University of Michigan Medical School spoke. Oakland County Medical Society and other community service clubs were guests at this meeting. Serving as president during 1950–1951 was Josephine Seeley.

The club continued to carry on its community projects during the presidencies of Harriet Gates (1951–52) and Mary Mitchell (1952–54). In December 1952 Pontiac B&PW Club announced the purchase of its third leader dog. This dog went to a young Pontiac mother who was referred to the club by the League of the Blind. In 1953 packages were sent to the American Consulate General for Youth Reconstruction and Self Help Organization. These packages of clothing were sent to Korea. It was interesting to note that at this time Fritzi Stoddard closed her shop and as the article in the Pontiac Press stated at that time, "after 40 years of bringing chic to the City."

A resolution appeared in the Michigan Business Woman's Bulletin in Sept. of 1954 upon the death of Ann Nusbaumer as well as an editorial in the Pontiac Press on Oct. 2, 1954. Both stated that Ann was the last active charter member of the Pontiac B&PW Club. In October of that same year Pontiac Club members were again saddened by the the death of Daisy Jewett. The club contributed toward the new home of the National Federation in their memory. Serving as president of the club at this time was Kay McPherson (McKenzie).

On April 9, 1955 members were happy to congratulate Mr. & Mrs. H. H. Thatcher on the occasion of their 65th wedding anniversary. To the list of community projects that the club continued to support during the presidency of Dee Salton (Nichols) (1955–57) were a $200. contribution to Girls Ranch and the placing of two roadmarkers to the entrance of the City. (These were B&PW Club Emblems.) During this time Pontiac had three District 10 Committee chairmen: Jane Danton, Cancer Fund, Eva Dyer, Parliamentarian and Margaret Cole, Membership.

Proceeds from a Bridal Fashion Show were given toward the Civic Auditorium Fund during Ora Randall (Derbyshire) presidency (1957–1959) and the club gave $150 to the Leader Dog for the Blind in the name of Nolan Kaiser. A life membership in the club was given to Mary Todd at this time.

Members participated in the Greater Pontiac Centennial celebration while Rosamond Haeberle served as president (1959–1961) and the club held a 40th Anniversary party at Devon Gables, 1959 being the 40th Anniversary year of the National Federation. Virginia Allen, Past State President and present Membership Chairman of the National Federation delivered the main address.

Although Mrs. Thatcher was unable to attend because of ill health, she sent greetings. The club gave a scholarship to Oakland University to Sandra Lemon of West Bloomfield in keeping with their scholarship interest and President Rosamond Haeberle was elected Secretary of District 10 of the Michigan Federation and Ann Stapp served as District Membership Chairman.

The Pontiac Symphony Orchestra was among the many community projects that the club participated in during the time that Anne Stapp (McGuire) was president (1961–1962) of the Pontiac Club.

Serving faithfully during 1962–1964 was Rose McDonald and during this time a scholarship was presented to a Pontiac High School senior to attend the University of Michigan's School of Nursing.

A room at Pontiac General Hospital was furnished by funds contributed by the Pontiac B&PW Club during the period 1964–1966 when Margaret Cole was returned to the office of President. It is interesting to note that installing the officers at that time was Past National President Marion McClench who is with us tonight. Your president also served as Secretary of the Michigan Federation's Revolving Cancer Fund and was one of 10 women in Michigan selected to attend a briefing of the NASA Project at Cape Kennedy in Sept. 1965. As a result of this briefing, the State Personal Development Committee held a conference (Women in the Space Age) at Oakland University on April 2, 1966 with Margaret Cole serving as chairman. Members of the Pontiac Club served as hostesses. (I might add that our speaker tonight, The Hon. Martha Griffiths, was one of the outstanding panelists at that conference).

It was in April of 1965, that Rosamond Haeberle was elected Director of District 10 and Amy Carlson, Anne Stapp McGuire and Helen Kinney served as committee chairmen.

During the past years (1967–1968) community interest was directed toward the support of activities of Pontiac's YWCA and our President, Lucinda Wyckoff, served as a member of the Board of Directors of the YWCA.

Thus far this year, President Helen Kinney, has been actively engaged in local activities and has served as chairman of the Michigan Breakfast at the National Convention. Certainly one of the highlights will be recorded as the Golden Anniversary of the Pontiac Business and Professional Women's Club (1919–1968) that we are celebrating tonight.

I cannot conclude this sketch of history of the Pontiac Business & Professional Women's Club without paying special tribute to our *oldest living* member who during the years has given so very much to each and every one of us, not only of herself but of her beautiful philosophy of life. Mary Todd, who celebrated her 99th birthday on May 13th. I wish to extend congratulations to the club on her behalf.

HIGHWAY CUTS IMPROPERLY APPLIED TO GENERAL REDUCTION IN BUDGET

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. MESKILL. Mr. Speaker, by including $200 million in Federal highway aid reductions in the $3.5 billion budget reduction figure, the Johnson-Humphrey administration is trying to fool the public—as usual.

The highway program has nothing to do with the regular Federal budget. It is paid for by the special highway trust fund. This fund receives the gasoline and other motor vehicle taxes we pay and they are earmarked solely for highway uses.

Not only is it false bookkeeping to claim these cuts as part of general budget reductions, the highway cuts themselves are unwarranted. These cuts will delay the completion of safe highways. This is at a time when 90 million vehicles are crowding the existing roads.

It is shameful that the Johnson-Humphrey administration would gamble with public safety while claiming this is part of prudence in Government. It is shameful, but I guess it has to be added to the long list of other attempts to fool the American people, all of which adds up to the infamous "credibility gap."

THE 15TH ANNUAL RED MASS OF THE ARCHDIOCESE OF DUBUQUE, IOWA—SERMON BY FATHER GERALD SHEKLETON OF DUBUQUE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CULVER. Mr. Speaker, I recently had the opportunity to attend the annual red mass of the Archdiocese of Dubuque, held this year at St. Mary's Church in Waverly, Iowa. For the past 15 years, this mass has been said every year for members of the legal profession in northeast Iowa.

But as the celebrant of the mass, Father Gerald Shekleton, of Dubuque, said in his sermon that day, this year the special mass takes on added significance "as disrespect for the legal threads of our society's existence have torn their cohesive bonds asunder."

Father Shekleton noted "The age-old moral dilemma with which every healthy society must come to terms" as the heart of our present problems in this country today—"drawing the fine line between the function of government and the obligation of the citizen to himself and to his country."

He said:

Vigorous democracy must preserve the proper balance between the duties of government and the responsibility of its citizens. When one is exaggerated at the expense of the other, the balance is lost, society suffers.

Mr. Speaker, at this critical period in our national history, I think that Father Shekleton's remarks have equal relevance for us, as legislators, as they do for the lawyers and judges of northeast Iowa. I commend his comments to my colleagues in the House, and under unanimous consent include them at this point in the RECORD:

In the Providence of God the Archbishop of Dubuque, together with a group of his clergy, the distinguished members of the Bar and Bench, guests of the Archdiocesan Lawyers Guild, members of St. Mary's parish in Waverly, the People of God, are gathered around the altar of the Lord to beg the blessings and guidance of the Holy Spirit in this annual Red Mass.

Today, Sunday, September 15, 1968, marks the 15th time this special Mass has been offered in the Archdiocese of Dubuque and all of us express public thanks to God for the many graces granted to the legal profession here in Northeast Iowa these past 15 years. Again this year we repeat the prayer priests recite today in their breviary: "Holy Spirit, one with the Father and the Son, deign at this hour to come down on us without delay, and pour out your graces over our soul."

May I be permitted a personal note? My home town is not far from here. It is Greene in Butler County. One of Iowa's most distinguished members of the bench is Judge Henry Graven, a fellow townsman of mine who is present with us today. I recall so well back in the 30's when rumor had it Attorney Graven was being considered for a federal judgeship. Naturally we were delighted, and when the choice was made public the town of Greene took on a new luster and stature.

Happily, over the years Judge Graven has acquitted himself well. He has brought new dignity and respect for the body of law.

And we salute him for his great contributions, not only to our community, but to the state and country.

Today, also, we salute all the members of the legal profession. We look upon you as the great defenders of justice, protectors of our liberty and spokesmen for what is right.

The importance and significance of the Red Mass in these delicate days cannot be minimized. A quick glance of the events, just in our country, in the past twelve months, reveals the rapid unravelling of the very fabric of our society as disrespect for the legal threads of its existence have torn their cohesive bonds asunder. Only last week we learned with regret that major crime in this country has taken a sharp turn upward, an increase of 16 per cent in one year. Serious crimes increased 89 per cent between 1960 and 1967, while violent crimes have gone up 73 per cent so far in the 60's.

These are days of crucial concern for every American. The waves of rioting, burning, and looting, the take over of administration buildings and imprisonment of officials at our colleges and universities, the open counseling of our youth to ignore and violate laws are leading to such a complete disregard and disrespect for the law that the very foundations of our democratic way of life are being undermined. Without law and order, we face complete anarchy.

At the heart of the problem is an age-old moral dilemma with which every healthy society must come to terms. It is that of balancing the rights of the individual against the good of society as a whole; drawing the fine line between the function of government and the obligation of the citizen to himself and to his country.

As lawyers you have heard it said so often that a stable, vigorous democracy must preserve the proper balance between the duties of government and the responsibilities of its citizens. When one is exaggerated at the expense of the other, the balance is lost, society suffers.

Today we are losing our perspective in the proper role of government in relation to the individual. Too many of us confuse the desire for something with the right to something. There are certain rights in a free democracy which are the function of government to guarantee and protect.

But there are other so-called rights, about which we hear a great deal lately, which are not really rights at all. They have taken on an aura of credence of rights because of the myths surrounding them. In the process of perpetuating these myths, genuine rights such as the right of the majority to freedom from fear, to portection by the law, and to the freedom to choose, have been so twisted and degraded that the true meaning of real rights has been obscured and mocked.

It is becoming increasingly fashionable today to justify almost anything by calling it a right. It is your duty, as well as mine, to see that the eternally true values of our civilization are not swept away by the torrent that now engulfs us.

Speaking in 1895 in Chicago Archbishop John Ireland of St. Paul remarked, "Law is order in liberty, and without order liberty is social chaos. The highest test of a people's fitness for free institutions is their willingness to obey law."

Violence and destruction is nothing new to America. Our history is filled with it. In the past by demanding respect for law and order we have turned back violence and restored peace and tranquility. We must do it again.

But the recent wave of civil disobedience and other infractions of law, point out so forcefully that all these antics are so contrary to the great traditions left us by the founders of this republic. Our greatest fear today is that this new massive wave of disrespect for law and authority will not only undermine the institutions of our free society, but lead us down the road to social suicide.

History teaches us that law and order is the greatest bulwark of individual liberty. It defines and protects every man's individual rights, but it also imposes individual responsibility on every man to respect and recognize the individual rights of others. When law ceases to function, tyranny begins.

Violence and disrespect for law and authority is not confined to America. We witness it in every corner of the world, in every strata of society, by individuals, groups and entire nations. Law, we know, can unfortunately be a tool of violence in the hands of the powerful against the weak, especially so when the basic rights of men are overrun.

Speaking to the graduating class of Princeton University in 1835 the forceful Judge Wm. Gaston of North Carolina, who was the founder of the Supreme Court of that state, said, "Rebellion against the law is in the nature of treason. The law deserves our obedience, it alone can reconcile the jarring interests of all and blend into one harmonious union the discordant materials of which society is composed."

We hear a great deal these days about uniting political parties. We should talk more about uniting America.

Reform and renewal is not limited to the Church. Every facet of our society is experiencing change. Some call it revolution. People are developing new values.

Reform any and every structure you desire, but they will all remain ineffective unless minds and attitudes are shown the worth of true values, and made to act in accordance with those values.

I'm afraid there is a *hesitancy* among us today to speak about the dignity of law. The American Way of justice still stresses individual liberty. It is this precious legal system which guarantees free speech, free choice of religion, free movement, free press, free trial, free choice of employment, yes, free men.

If these are days of uncertainty, and insecurity, they are also days of hope and confidence. These are days when we look with courage to the noble men of the legal profession to be the real leaders in bringing back the respect and dignity that is due the law. It should be repeated here that respect for law results only when persons understand the law and when persons feel that the law is fair and that the law itself respects all persons, regardless of race, color or creed.

In asking you to create a new era of respect for law I would remind you that law partakes in the nature of the holy. Judge and lawyer must never overlook this aspect of legal statutes. The holiness of law has been recognized by men in so many ways.

Moses legislated for his people only after conversing with God. In the psalms judges are divinely addressed in these words: "Gods you are, I myself have declared it; favored children, everyone of you, of the most High."

Judges and barristers should be holy men. Their profession demands it. They dispense justice and justice is the proper virtue of God.

There is still another virtue so closely identified with men of the bar and bench, a virtue which we need to hear more of in this age of pervasive anxiety. It is wisdom. Alfred Lord Tennyson wrote that "knowledge comes, but wisdom lingers." True wisdom, of which the world now is desperately in need, can be found only in the light of Christ atop the mountain.

Here at this Red Mass you renew your dedication to holiness, reason and wisdom. And you do so in the presence of your God.

The scales of justice are delicately balanced. It doesn't take much to throw them off. Men must respect law and order, but law and order must also respect men.

Today with St. Paul I say, I stand before the Father from "whom every family in heaven and on earth takes its name; and I pray that He will bestow on you gifts corresponding to the richness of His glory. May He strengthen your inner selves with power through His Spirit. May Christ dwell in your hearts through faith; and may love be the root and foundation of your life."

We pray God that He will make your hands, steady, enlighten your minds, strengthen your hearts, to make pure and reasonable judgments.

It is for us now to ask the Holy Spirit to "banish all trouble of mind, to bestow health and to give the good blessings of everlasting peace.

"May the blessed God, whose glory resounds through all creation, Father, Son, and likewise the Holy Spirit, grant us this. Amen."

NATIONAL HIGHWAY WEEK PROCLAIMED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CORMAN. Mr. Speaker, National Highway Week has been proclaimed by the President of the United States for September 22 to 28, 1968. There is no more important contribution to our way of life than our highways, and this proclamation is a most fitting tribute to our highway program.

Every facet of our daily life is tied to our highway system. No phase of our life—whether it be our economy, jobs, community, or cultural, recreational or educational pursuits—is carried on without use of highways. The network binds us together as a nation. The movement of people and goods, which are the mainstay of this country's growth and development, cannot exist without the arteries of the roads we have developed throughout this country.

In my own State of California the movement of people and goods is particularly dependent on good highways. California has continuing programs to finance, build, and maintain both its freeways and State highways and the essential city streets and country roads. In developing these necessary highways, California has in the past and continues to lead the world in the use of the latest techniques in design and construction, as well as in operation and maintenance. Continued study and research are leading to more effective route locations, more efficient estimates of traffic flow, better design, and as a result, better service to highway users and the community.

In the same vein, the Federal Government is continually studying and researching for ways to perfect the entire highway system, for we must have a developmental program to meet the needs of an ever-changing society. As our population centers expand, the need for expanded highways becomes essential. Every level of government has the responsibility to continue its efforts to create a system that will meet not only the needs of every American, but will protect the communities through which these highways pass. In effect, our highway system must serve the people and the community.

National Highway Week gives recognition to the gains of the highway system in the United States, and rightfully so. The attendant problems and solutions to them must also command our attention. It is a time for pride and for reflection. As President Johnson's proclamation stated:

The Federal government is concerned both with improving the quality of highway transportation and with achieving the social good that is implicit in our highway program.

THE ULTIMATE FOLLY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HALPERN. Mr. Speaker, seldom before in our history has the madness and folly of war been more tragically illustrated than in Vietnam.

For 5 long years we have fought in that distant land and 25,000 of our finest young men have died, our wounded number in excess of 170,000, another 2,000 more are either missing or captured by those whom we war against. And in this same and tragic period of time, this Nation of ours has spent untold billions of dollars, not to build or to create, but to destroy and to lay waste a land and a people.

And for what reason? Can this administration tell us why we are in Vietnam? What, I ask, in the name of reason justifies our having 500,000 American young men 12,000 miles away from home?

The late Gen. Douglas MacArthur warned us that "Men will not fight and die without knowing what they are fighting and dying for." But in Vietnam, men are both fighting and dying, without really knowing the reason why.

The President has promised us peace, but there is no peace, only more war and more killing and more wounded and more billions being wasted in a conflict that has morally weakened our posture among the community of nations.

The President has pleaded for patriotism without ever having told us what he really considers patriotism to be; he has both acted and reacted in this conflict without ever feeling any need to explain why or for what reason; in virtually all matters relating to the war he has acted as a man more concerned with his place in history, than with seeking a just and honorable end to the hostilities.

Through all of this the madness and folly goes on and no one either can or will tell us how or when or by what means it will end.

The people have grown weary of the struggle, for it has gone on for so long; and the deaths are so many; and the money wasted so great; and the lies and distortions and half-truths so numerous, that the people seek some kind of escape from the reality of this grievous tragedy. And who can blame them?

We must not—however awful its reality—forget about Vietnam and those who fight and bleed and die there, for if we do, we will have fallen victim to the same terrible malady that has laid this administration so low, a malady which forgets that soldiers and marines and sailors, are persons, too.

Victor Gollancz, in his book, "From Darkness to Light," has written:

We shall never stop war, whatever machinery we may devise, until we have learned to think always, with a sort of desperate urgency and at utter self-identification, of single human beings.

It is this fear, the fear that we will forget, that those who fight in Vietnam are not one great faceless mass, but that they are in fact men with families and friends and loved ones; with careers planned and others interrupted and still others never again to be regained, that leads me to join with my distinguished colleague, the Honorable WILLIAM MOORHEAD, of Pennsylvania, in asking that this Government begin to disengage itself from Vietnam by commencing to bring the troops home.

I am well aware that there are no simple solutions to the tragedy of Vietnam, but I also know that it can go on forever, unless we begin now, to put a stop to it, for there must be a point of beginning.

General Eisenhower once told the noted author John Gunther that "I hate war as only a soldier who has lived it can, only as one who has seen its brutality, its futility, its stupidity."

I, too, hate war and all that it involves, but more particularly Vietnam, for it is the ultimate folly. Let us then, now, resolve to put an end to it, once and for all time.

CONTINUE INSISTENT MOVES FOR PEACE

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PHILBIN. Mr. Speaker, I supported the minority report of the convention platform committee on Vietnam and Asia.

The proposal to stop bombing over North Vietnam, while continuing to provide all necessary air support and other support of American troops in the expectation of restraint and reasonable response from Hanoi is designed to spark early peace.

Over a period of time now this Government has ordered several bombing halts or reduced bombing in an effort to induce Hanoi to negotiate the peace in good faith. But there has been no real, significant response to date.

Our Armed Forces have also avoided striking at large population centers in Vietnam, although there are many so-called military target areas therein where military supplies of all kinds flow in a steady stream to permit deadly attacks upon American boys, our allies, and the indigenous population.

I have voted for a plan to favor an international presence in Vietnam to represent the world community with responsibility and authority: First, to assist in and assure the conduct of a free election; second, to assure the protection of all minorities against reprisal; third, to make arrangements and to supervise the earliest possible withdrawal of all outside military forces from Vietnam, consistent with the safety of our troops, wards, and the helpless peoples of the areas; and fourth, to facilitate the transition from war to peace.

These provisions would foster self-determination for the people of South Vietnam through free elections, so that the Government of South Vietnam can be chosen democratically by the people, and to provide free election results, full freedom for all political groups in South Vietnam, and opportunity for them to present their candidates and programs.

To my mind, this plan would continue to carry out, and would clarify in some respects, the observations and efforts for cessation of hostilities and campaigns for the establishment of peace that our Government has been conducting for some period of time without appreciable response from Hanoi.

In my estimation, this is no time for us to engage in semantics or quibble over language. The aim is peace at the earliest time, and I hope that Hanoi and the Soviet Union, and all other parties involved, will soon make up their minds to bargain in good faith at the peace conference, and in every other way, to end the fighting and agree upon a suitable peace.

We must keep in mind that up to this time the cessation of bombing over wide strategic areas in Vietnam has not been effective in securing a sincere response from Hanoi that would move toward a real truce and sincere bargaining for peace. Meanwhile, the enemy is steadily improving his striking power and strategic position and posing fresh threats of death or serious injury to American boys and our allies.

We have repeatedly and insistently held out the olive branch of peace but, in fact, it has not been accepted by the enemy.

It is a serious question how long we could continue to stop bombing and other military operations, while the enemy maintains a stony silence to our appeals and moves for honest negotiations and peace.

How long can we wait without bringing more death and destruction to our heroic boys and those fighting gallantly with them to resist ruthless aggression and make enduring peace? How can we arrange a truce to discuss cessation of hostilities and terms of withdrawal and pacification so long as the enemy will not even answer our appeals and affirmative acts to stop the fighting?

In any event let us keep trying with all our hearts.

A PLEA TO PARTICIPATE IN DEMOCRACY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BRADEMAS. Mr. Speaker, because I believe strongly, as I am sure every

Member of this House does, that it is important to encourage the widest possible participation in the workings of our democratic system, I am sending to the citizens of my district, without regard to their political affiliation or preference, the following message to encourage them to be sure to register and to vote in the forthcoming elections.

The message follows:

YOU CAN'T VOTE IF YOU'RE NOT REGISTERED

SEPTEMBER, 1968.

DEAR FRIEND: The freedom that we cherish in America depends on you, the individual citizen, and on your participation in our democracy.

Yet millions of Americans fail to register and vote for those who represent them in government at every level.

Whether you are a Democrat, Republican or Independent, be sure you are registered to vote. How you vote is your business, but be sure to vote!

The last day you can register is Monday, October 7.

If you are not yet registered, I urge you to do so at your county courthouse or with any legally authorized registration agent.

Sincerely,

JOHN BRADEMAS,
Member of Congress.

To be eligible to vote: 21 years of age on or before November 5, 1968. United States Citizen. Six months residence in Indiana. Sixty days residence in the township. Thirty days residence in the precinct.

Registration deadline: October 7, 1968.

Cautionary note: If you have moved within the same city, you can transfer your registration by notifying the Voter Registration Office in your county.

WHERE TO REGISTER

St. Joseh County: Bureau of Voter's Registration, Room 24, Courthouse, South Bend—Tel: 233-9307, Hours: Mon. thru Fri., 8:00 a.m to 4:30 pm.

Kosciusko County: Clerk's Office, County Courthouse, Warsaw—Tel: 267-5371. Hours: Mon. thru Fri., 8:00 am to 4:00 pm. Sat. 8:00 am to 12 Noon.

Marshall County: County Clerk's Office, Plymouth—Tel: 936-3520 or 936-3359. Hours: Mon. thru Fri. 8:00 am to 4:00 pm, Sat. 8:00 am to 12 Noon.

Elkhart County: County Courthouse, Main & Lincoln Streets, Goshen—Tel: 533-4610, Hours: Mon. thru Sat. 8:00 am to 4:00 pm. Closed Wed. & Sat. afternoons.

Municipal Building, Registration Office, 219 S. Second Street, Elkhart—Tel: 523-2144. Hours: Mon. thru Sat. 11 a.m to 6:00 pm.

NOTE: In each county you also can register with your precinct committeeman or woman, town clerk, or any other deputized registration agent.

You must register in person.

Any registered voter may send right now for his absentee ballot. Last day for making application for absentee ballot is November 2, 1968.

COLUMBUS LODGE NO. 2143 AN OUTSTANDING ORGANIZATION

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. GROVER. Mr. Speaker, Columbus Day, with its exciting historical implications for all Americans, will have even deeper meaning to all in 1968, for the Congress has passed into law a long-awaited move to make Columbus Day a national holiday beginning in the year 1970.

This comes as proud news to all the wonderful Americans of Italian descent in the Second Congressional District of New York, and perhaps more so to the members of one of our country's largest, most dynamic and successful, community-minded and productive fraternal lodges in the United States.

I refer to Columbus Lodge No. 2143, Massapequa, N.Y., of the Sons of Italy in America, and to honor them and the memory of Christopher Columbus, I am pleased to submit for the RECORD a short history of this great lodge.

HISTORY OF THE FORMATION OF COLUMBUS LODGE NO. 2143, MASSAPEQUA, N.Y., OF THE ORDER SONS OF ITALY IN AMERICA

(By Dominic Baranello, Ex-Venerable)

Approximately five years ago, a small group of persons of Italian heritage were discussing the national coverage by press, radio and television which were creating a distorted image of Italian-Americans as being associated with crime and violence. We believed that there should be an organized group who would promulgate and emphasize the sterling qualities of Americans of Italian origin who constitute one of the most wholesome segments of Italian life. We know that they are peaceful, law-abiding and useful citizens, making a heroic contribution to the greatness of America, in sharp contrast to the small coterie of individuals whose misdeeds have been recited, chapter and verse, across the length and breadth of our country. We were of the opinion that America is great because it consists of a combination of the best qualities of all ethnic groups. We, who have been brought up in the pleasant homes of our parents, who were Americans of Italian origin, know of the splendid qualities which are innate in persons of Italian heritage, such as wholesomeness, family pride, industriousness and a determination to inculcate into the minds of their children ideals of service so as to become splendid American citizens.

Accordingly, we reviewed the ideals and aspirations of several organizations, and it was the opinion of our group that the Order Sons of Italy in America, which is a nationwide organization of many years standing devoted to the principles of a belief in God, of Liberty, Equality and Fraternity, and to the Constitution of the United States of America, conformed to the ideals and aspirations of our proposed membership.

Various meetings were held with prominent citizens of our community in attendance, in order to develop a procedure to apply for a Charter from the Grand Lodge of the State of New York. Great assistance was rendered to us in this formative period by Joseph Nigro, Supreme Trustee: Carmine Cocchiola, Chairman of the Grand Lodge Nominating Committee; Honorable Carmine A. Ventiera, Ex-Grand Venerable of the State of New York; Gregorio Morabito, Grand Recording Secretary, and many other members of the Order.

Election of officers was held on December 4, 1963, and the following members were elected, unanimously: Venerable, P. Vincent Landi; Assistant Venerable, Angelo Roncallo; Ex-Venerable, Dominic Baranello; Orator, Gaetano Sanzone; Financial Secretary, Louis Agresta; Corresponding Secretary, Vincent J. Floriani; Treasurer, Felix Alfino; Trustees, John Musicaro, Frank Tucci, Anthony Corso, Frank Badame, Anthony Romanelli; Masters of Ceremonies, Frank DiDomenico, Joseph Cali; Sentinel, Edward Caliguri; Chaplain, Angelo Lavoro.

Application was thereafter made to the Supreme Council of the Supreme Lodge of the Order Sons of Italy in America, after recommendation and approval of the Grand Executive Council of the State of New York, by Dominic Baranello, Angelo Roncallo and P. Vincent Ladi, for a Charter to constitute a Subordinate Lodge in Massapequa, New York, under the title of Columbus Lodge #2143. Said application was granted, and the Charter was duly issued on December 12, 1963, having been signed by John Ottaviano, Jr., as Supreme Venerable; Modest Mele, Supreme Recording Secretary; Peter A. Brevett, Grand Venerable of the State of New York, and Gregorio Morabito, Grand Recording Secretary of the State of New York.

Columbus Lodge #2143 was installed at an elaborate ceremony on February 16, 1964, and approximately 300 persons initiated as members. Many officials of the Order attended and participated in the ceremony of initiation. The Sponsoring Lodge was Loggia Glen Cove #1016 of Glen Cove, New York, of which Angelo Zuccallo was the Venerable. Honorable Carmine A. Ventiera, Ex-Grand Venerable, presided, and Supreme Trustee Joseph Nigro acted as Herald.

Among the speakers who congratulated the Lodge were: Honorable Francis X. Giaccone, Ex-Grand Venerable and New York State Commissioner of Human Rights; Hon. Joseph F. Carlino, Speaker of the New York State Assembly; Honorable Joseph A. Suozzi, Justice of the Supreme Court of the State of New York; Hon. Carmine A. Ventiera, Administrative Judge of the Civil Court of the City of New York and Ex-Grand Venerable; Joseph Nigro, Supreme Trustee; Carmine Cocchiola, Chairman of the Nominating Committee; Angelo Zucallo, Venerable of the Sponsoring Lodge, and many other State, County and Order Sons of Italy in America officials.

The Lodge has acquired the following committees to conduct its various activities:

Anti-Defamation, Armed Forces Welfare, Bingo, Blood Bank, Bond, Bowling, Building, By-Laws, Columbus Day Parade, Community Welfare, Credit Union, Entertainment, Hospitality, House Committee, Insurance, Journal Committee, Lapsation, Man of the Year, Membership, Memorials, Orientation of New Members, Program, Public Relations, Raffle, Scholarship, Sports Activities, Visitation to Lodges, Welfare and Youth Activities.

The Lodge has purchased a building to be used by the members, which at present has a value of approximately $250,000. A great deal of alterations to the building have been made by the voluntary labor of our members. A portion of the building is being used by various charitable organizations, such as, senior citizens, youth activities, blood bank and bingo. The Building Committee, of which Frank Tucci and Julius Mattei are co-chairmen, has shown tremendous initiative in their plans for the buildng, the home of our Lodge. At least once a year, the Chairman of the Scholarship Committee arranges for an activities counsel lecture for high school students planning to attend college and also for the awarding of scholarship grants at the graduation exercises of our local high schools.

Each year a Man of the Year is selected, based upon his outstanding contribution to the community and to the Order. Since the inception of our Lodge, the following have been selected as our Men of the Year and have been suitably honored. Those selected were Raymond J. Lockhart, Supt. of Schools, Massapequa; Hon. John Volpe, Gov. of the Commonwealth of Massachusetts; and the Hon. Fortune Pope, Businessman and Editor of the newspaper, "Il Progresso".

The Lodge has received the splendid cooperation of our ladies who hold regular meetings to assist our Building Fund. One of the exciting features of our Lodge is our newspaper, known as the "Navigator", which is published monthly. Its first editor was

Alfonso Muscillo and its present editor is Frank DiDomenico. They both were very diligent in developing the Navigator and it is now being published on a self-supporting basis.

Together with other lodges on Long Island, Columbus Day parades have been arranged which have been a tremendous success. In some instances, as many as thirty bands have participated in the parades.

Our Lodge sponsored the formation of the Enrico Fermi Lodge of Freeport, which now has approximately 300 members and the William Paca Lodge, Lindenhurst, which presently has approximately 250 members. Prospective candidates are carefully screened by the Membership Committee prior to initiation. The present membership of our Lodge is approximately 1400 members. Our Lodge has been honored by the election at the Grand Convention of our Order of P. Vincent Landi as First Asst. Grand Venerable and Alfonso Muscillo as Grand Trustee.

The great progress of Columbus Lodge is due to the enthusiasm and cooperation of the membership and the entire Massapequa community. With God's help, we shall continue to progress during the ensuing year.

THE SOVIETS AIM AT GERMANY

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. WATSON. Mr. Speaker, the administration apparently believes in the old adage that "silence is golden," because silence is the only way to describe the State Department's reaction to the events leading up to the Soviet invasion of Czechoslovakia.

In a statement earlier this week, I pointed out that American intelligence sources must have known in advance of the invasion of Czechoslovakia and yet the public was not informed of this aggressive act until it had been virtually accomplished.

Now that the Kremlin is once again putting the pressure on West Germany it leads one to wonder if the administration will adopt an attitude of see no evil, hear no evil, or speak no evil in the event our ally, West Germany, is invaded.

Certainly, such an invasion looms as a distinct possibility, and the American people have a right to know what steps the White House is taking to prevent such an operation.

Mr. Speaker, in a recent article, my good friend, the distinguished journalist, Anthony Harrigan, described the intent of the Soviet Union in this latest power play. His analysis is not only highly perceptive and timely, but Mr. Harrigan also offers positive alternatives available to our Government in the event the Soviets decide to commit aggression in West Germany. I include the article as a part of my remarks, as follows:

THE SOVIETS AIM AT GERMANY

(By Anthony Harrigan)

While press reports dealing with the invasion of Czechoslovakia have emphasized Soviet ruthlessness and Czech misery and despair, the real meaning of the occupation may have escaped both news media commentators and the general public. It is increasingly clear that the massive Soviet troop movement should be seen as a far-ranging and daring scheme to further alter the power balance in Europe and to intimidate and demoralize West Germany.

The most significant fact in the Czech situation is not that the Czech version of communism has been crushed by the USSR but that the Soviet regime has shifted a tremendous portion of its armed forces to the West and is now poised for a massive confrontation with the NATO countries, with the apparent aim of neutralizing the Federal Republic of Germany.

Had the Kremlin been solely concerned with bringing the Czechs back into line, it could have accomplished its goal with only a modest display of armed force—one airborne division sent to Prague, for example. Instead, the Soviets shifted an estimated 650,000 troops, or 40 divisions. This amounts to almost one-third of the Soviet Army, a massive deployment that indicates commitments to a military-political objective of major proportions.

Soviet divisions formerly stationed in Iron Curtain countries, and sent into Czechoslovakia, have been replaced in their satellite bases by fresh troops from the USSR.

This is a troop movement on the order of World War II battle operations, and obviously required months of preparation and logistics planning. It is reasonable to conclude this huge, costly operation had its inception as far back as the 1966 Warsaw Pact "October Storm" maneuvers when the Red Army practiced long-range troop deployments from the Soviet heartland.

After focusing almost entirely on the tragedy of the Czech people, European observers are waking now to the strategic significance of the invasion. Lajos Lederer, a British commentator writing from Belgrade, reports that "Yugoslav military intelligence experts believe that the Soviet reinforcements of 30 to 40 divisions are not deployed across the Carpathian Mountains into the Danube Valley simply to intimidate the Czechoslovak resistance."

The real attempt at coercion seems aimed at the Germans, Dr. Kurt Kiesinger, the German Chancellor, had no sooner protested the Soviet invasion than Moscow Radio broadcast a saber-rattling statement, saying Kiesinger's remarks "can be interpreted as a declaration of war, and the necessary consequences will be drawn from this fact in Eastern Europe."

This statement underscores the Soviet intention to use its massive new power in Central Europe to exert psychological pressure against the Germans in an effort to demoralize them so that they will break away from the West.

While there is no evidence of a failure of nerve in Germany, the NATO situation suddenly is critical. Before the Czech invasion, the Soviets had only 20 divisions deployed against Germany. Now they have 40. Moreover, for the first time since the end of World War II, Soviet troops have taken up positions on the Czechoslovak-German border. NATO faces this threat with only 24 divisions.

Dr. John Erickson of Edinburgh University, a specialist in Soviet military affairs, has concisely stated the significance of the Soviet deployment:

"The disastrous consequence of the affair is that the new Soviet posture which results from it, makes Central Europe a much more dangerous place. Russian and German-American forces which were probably several days separate from each other, could now come into an explosive contact within a few hours."

What the Soviets have done is adopt a forward strategy in Central Europe. They have moved a massive ground army into frontline positions. It would be absurd, after the fact of the invasion of Czechoslovakia, to imagine that this huge military force henceforth will only be used in bluffing operations. The indications are that Soviet military thinking envisions other invasions in Central Europe and does not exclude a limited ground operation against West German territory.

The Soviets may be convinced that the United States would not use either tactical or strategic nuclear weapons in defense of West Germany, and lacks the ground forces to successfully counter a conventional Soviet advance against West Germany, for example.

As in so many other phases of defense thinking, the United States and its NATO allies have mistakenly assumed that the Soviets would exercise restraint if they were not provoked. One assumption was that the Soviets would *not* adopt a forward strategy, that they would progressively cut back on the size of their ground forces in Eastern Europe. Suddenly, however, the Soviets have escalated their military power in Europe. In recent years, the United States reduced its tactical nuclear capability in Europe, as a gesture of American restraint. Now, Soviet rocket-armed forces face U.S. and German troops in Bavaria. Meanwhile, the Soviets are taking over full command of Warsaw Pact installations, such as air defense units and radar stations in Hungary.

It is likely that the Warsaw Pact system will be completely revised, with Polish troops in Hungary and Hungarian troops in Poland—all to promote political reliability in the event of internal or external crisis.

Thus what the world sees in Czechoslovakia today is bridge-building, but not the kind envisioned by sentimentalists in the United States and Europe. For the Soviets, the bridge-building is military in character, with the bridge being constructed between the USSR and West Germany—and for military traffic to the West.

The new Soviet military presence in Central Europe is now an accomplished fact. It might have been prevented, however, had the public in the United States and free European countries been alerted to the threat of Soviet invasion of Czechoslovakia.

A question that should be answered by responsible governmental authorities in the West is: why wasn't the public told about the invasion threat? It is impossible to believe that the Soviets moved 40 divisions, and stockpiled the necessary fuel and other supplies, without Western intelligence agencies gaining knowledge of the move.

If the White House had advance intelligence information on the invasion, why were the American people kept in the dark? And why, in the face of menacing Soviet troop movements in Europe, did the administration continue to push for the "non-proliferation" treaty that would prevent West Germany from acquiring defensive nuclear weapons to protect its frontier against Soviet aggression?

As a matter of fact, the *Sunday Times* (London) reports: "The West German intelligence agency, under its dynamic new chief, Gen. Gerhard Wessel, was among the first to present concrete evidence to the Bonn government and NATO countries that the Warsaw Pact 'maneuvers' were an elaborate cover for the full-scale invasion plan."

The United States, with its "spy in the sky" satellites, also must have information on Soviet troop movements. In addition, agents in the East Bloc, as well as electronic monitoring systems, must have produced data on invasion moves well in advance of the actual crossing of the Czech border.

Had this data been made public in Washington, worldwide protests might have deterred the Soviets from completing their military move, thereby saving the Czech people from new captivity and preventing a major alteration in the strategic balance in Europe.

Americans have reason to wonder, in view of the peculiar handling of information on the invasion of Czechoslovakia, what will happen if the Soviets prepare for a lightning assault against West Berlin. Will intelligence information be forwarded to the highest

levels and be acted upon promptly, militarily and politically, to deter the Soviets? Or will the West Berliners suffer the fate of the Czech people? Will the response from Washington again be too little and too late?

The fact that this is a pertinent question illustrates the danger of demoralization in Germany. If the West Germans should become convinced that their security won't be protected, and that West Berlin may fall as Prague fell, they may opt for Cold War neutralism that will spare them occupation by the Red Army. If this should happen, the entire framework of the free world's defense against the Soviet empire would be cracked.

For the time being, the need is for the West Germans to receive the firmest and most public assurances from Washington that strong forces of U.S. troops, including formations armed with tactical nuclear weapons, will remain on hand to prevent any breaching of the frontier.

Beyond this, however, the West Germans need a permanent guarantee of security against the immense Soviet military machine in Central Europe. For the Germans, no doubt, the most effective deterrent to general war in Europe would be possession of their own defensive, tactical nuclear weapons. A beginning could be made with installation of nuclear minefields under West German control, which would be a highly credible deterrent to a Soviet assault. Until the Soviets see the Germans equipped with the strongest defensive weapons available, they will be strongly tempted to use force against the Bonn government as they used their tank power against the wayward communists in Prague.

In view of the crisis situation now prevailing in Central Europe, and the need of the West Germans for a limited nuclear capability for effective defense, it would be tragic, not merely shortsighted, for the U.S. Senate to approve the "non-proliferation" treaty. The immediate problem for the United States, as the leader of the free world, is to strengthen NATO and apply a brake to Soviet military ambitions in Europe.

NEW CHIEF OF SCS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HAMILTON. Mr. Speaker, Kenneth E. Grant, a career conservationist with the Soil Conservation Service, took charge of SCS work as State conservationist in my State just a few months before I was elected to the Congress in 1964.

I am delighted to note that his second promotion since he left our State in 1967 means that he will succeed Administrator D. A. Williams when he retires shortly.

I followed Ken Grant's career as State conservationist in Indiana very closely. He quickly earned a national reputation in soil and water conservation circles. He was the Department of Agriculture representative on the Ohio River Basin studies, first of its type to be completed, the Inter-Agency Committee for the Wabash River Basin, and the technical advisory committee of the Wabash Valley Interstate Commission.

And he received national attention for leadership in developing the first resource conservation and development project in the Nation—about 45 are underway now—and in stimulating accelerated cooperative efforts of local, State, and Federal agencies in multipurpose watershed projects.

Mr. Grant's work in Indiana was so outstanding that he was promoted to SCS Associate Administrator in March 1967.

His performance in the SCS No. 2 post resulted in his designation as Administrator to succeed Dr. Williams.

Ken Grant's many friends and admirers in the Hoosier State are happy that his career in SCS, which began in 1946 in his native New Hampshire, has been capped by arrival at the top post in his chosen field. We wish him well.

CZECHOSLOVAKIA AND THE VULNERABLE RUSSIANS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. DERWINSKI. Mr. Speaker, the further rape of the peoples of Czechoslovakia by Moscow and its puppets confirms what many of us have been propounding for years; namely, the brute force of Soviet Russian imperio-colonialism has been and is the chief enemy of the captive nations and the free peoples of the world. Those who have naively preached "bridges of understanding," the disintegration of the Red empire, the new breed of Russian Communists and the like should go into permanent hiding. Those who attempted to play down the 10th observance of Captive Nations Week in order not to irritate the Russians and to stay their hand as concerns Czechoslovakia are doubtlessly exuding with shame.

The Russian rape of Czechoslovakia is cause enough for a wholesale reevaluation and change of our policy in relation to the Red empire. Outstanding criticisms of the current, shortsighted policy can be found lucidly stated in the recently published book, "The Vulnerable Russians." Authored by Dr. Lev E. Dobriansky of Georgetown University, this instructive work provides all the essential outlines of Soviet Russian imperio-colonialism which we now see spectacularly operating in Czechoslovakia, as in Hungary 12 years ago.

The work is now available at the Georgetown University bookstore, White Gravenor, Georgetown University, Washington, D.C. The following review by Dr. José Ma. Hernandez, editor of the WACL Bulletin, a publication of the World Anti-Communist League headquartered in Seoul, Korea, amply shows the nature and worth of the book:

"THE VULNERABLE RUSSIANS" BY LEV. E. DOBRIANSKY: A REVIEW BY THE EDITOR, WACL BULLETIN

Men of today, and even the most reputedly intellectual of them, have taken it for granted that the Soviet Union is a monolithic empire and that it is as impregnable as a hermetically sealed bastion.

With a few bold and sharp blows Dr. Dobriansky smashes this myth of Russian monolithic inviolability. He presents facts and figures, against which no argument to the contrary is possible, that the Russians, after all, are not invulnerable and that, in the first place there is no such thing as a Soviet Union. It is a vast charnel house where 112 million Russians hold in the hollow of one hand the fate of 122 million Non-Russian whites the "Captive Nations" groaning beneath the heel of the Soviet Communist Party.

These helpless, helpless, but not hapless hostages to fortune are being denied the basic and irreducible rights of free men by the heartless and inhuman masters of lies, deceit, intimidation, propaganda, and the *fata morgana* peaceful co-existence.

The Free World, and notably the United States of America, are now in a state of mesmeric stupor by the Communist experts of Soviet cold war strategy and tactics, in order to drown the righteous cries and protests of the captive nations. This explains why the Captive Nations Week Resolution passed by the United States Congress in 1959 rocked the Soviet Empire to its foundations and the tremors are still being felt up to this hour. This Resolution was of such transcendental importance not only to the captive peoples under the yoke of Russian imperialism but also to the whole human race which must find in this great document the very essence of freedom without which there can be no peace on earth.

For instance, one of the most important parts of the Resolution reads: that "the imperialistic policies of Communist Russia have led through direct and indirect aggression to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cosackia, Turkestan, North Vietnam, and others . . ." It is quite clear that the Resolution is of tremendous significance in the history of man's struggle to be free from all sorts of bondage.

Needless to say the Resolution and the Proclamation that followed it immediately triggered a violent reaction in Communist Russia. Khrushchev went so far as to say, "The only enslaved peoples are in the capitalistic countries."

Dr. Dobriansky deplores the fact that in the United States there is a great deal of misunderstanding born of naivete or rank ignorance of the real nature of the Russian Empire. This ignorance has led many Americans into a maze of tragic contradictions.

The call for peaceful co-existence by the Russian Imperialists for example, has been taken at its face value without realizing that in Communist semantics an innocent-looking flower really hides a serpent beneath it. Many persons in the free world have jumped, as a consequence, to the conclusion that Soviet Russia means peace, that Soviet Russia's magnificent obsession is to establish peace all over the world.

Some influential Americans and well-meaning Europeans have even gone to the extent of believing that Russian communism will eventually evolve into a capitalistic democracy because of its apparent adoption of some of the free world's democratic economic and social measures. They point out that "the Russian doubling of the housebuilding rate, added investments in food production, the reduction of hours of labor, greater job mobility, the institution of installment credit, some market determination of production, the profit motive, and increases in pensions and peasant incomes" are sure indications of the Soviet Communists' true spirit of reconciliation with the democracies and the principle of free enterprise.

The author says with regard to this: "The bounds of human illusion are sometimes indefinable." The motivation behind all these seemingly progressive and evolutionary economic changes is still the acquisition of more

funds and resources to pursue Moscow's world-wide cold war operations.

The thesis of the whole book is quite clear. The free world and specially the United States of America must see through the make-believe front of Soviet Russia, must get deeply involved in the cold war, and beat Soviet Russia in her own game. The "*ersatz* Russian image must be destroyed." We must unmask the Russian bear and show him in his true colors. We must match his propaganda with more effective weapons of mass communication.

Dobriansky says, "On the information and propaganda front, our policy should concentrate on the captive nations, specially those in the USSR, the chief source of the world's problem on peace or war.

After building up on his thesis that Soviet Russia can be beaten at her own game, Dobriansky who is the Chairman of the National Captive Nations Committee, outlines for America and the Free World what can be done in this respect. He concludes:

"Subject to conditions, *climate*, and circumstances, these devices and their uses include the Kerstern freedom corps idea, a Freedom Commission and Academy, a Special Congressional Committee on the Captive Nations, a revitalized Voice of America and a Radio Liberation as propaganda media, aid to underground resistance groups, a communications network ranging from secret printing to space satellites, economic warfare, diplomatic manipulations, the U.N. forum, facilities of friendly and like-minded countries, subversion of Red control centers, utilization of labor unions, churches, veteran groups and other private channels, money counterfeiting, bribery programs and so forth. The devices are endless, and the enormous difference between our use of them and the enemy's use of some of them is that we could enlist vastly more among the captives to participate than he can among free men. Of incalculable advantage to us is the other important dimension of the Cold War, namely between the captive nations and the Red-controlled state. Building the Johnsonian bridges of understanding helps the state, not the people or nation."

This monumental, well-documented book will certainly make few eyebrows rise—that is, if they have not been completely browbeaten by the Russian Communists.

APOLLO PROGRAM STATUS REPORT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, last weekend the Soviet Union announced the return of its unmanned spacecraft Zond 5 from an historic flight around the moon. This scientific and technological achievement brings the Soviet Union a large step closer to the landing of a man on the lunar surface.

The American space program is not wallowing in neglect. Congressional cutbacks in NASA's budget preserved the Apollo lunar landing project virtually intact. Progress continues toward reaching the goal President Kennedy set forth almost a decade ago.

On Friday, October 11, 1968, the United States will launch a crew of three astronauts into earth orbit from Cape Kennedy. Their Apollo 7 mission calls for 10 days, 19 hours and 40 minutes in low earth orbit to test the operations and capabilities of the command service module. This section of the spacecraft when coupled with the lunar excursion module will provide the actual vehicle for our astronauts to use in traveling to the moon.

Late in December 1968, Apollo 8 is scheduled for launch. The Saturn V rocket will undergo its first manned flight then. Exact plans for the mission have not been formulated yet. They are contingent upon the results from Apollo 7, and upon the decision of whether or not to attempt a 4,000-mile earth orbit with that shot. In the first quarter of 1969, the lunar excursion module will fly aboard a second Saturn V booster. If all goes well, Apollo Missions 8, 9, and 10 will set the stage for a lunar landing on Apollo 11 before the end of calendar year 1969.

I would like to call the attention of my colleagues in the House to the following summary of the latest progress being made in preparation for these important Apollo launches:

APOLLO STATUS SUMMARY

APOLLO 7

The space vehicle Flight Readiness Test, one of the final major milestones in preparations for the Apollo 7 mission, is underway at Kennedy Space Center. The test is scheduled to reach time zero at 8:00 a.m., EDT on Friday, September 27. The prime crew of Astronauts Walter M. Schirra, Jr., Donn F. Eisele and Walter Cunningham will participate in the test in a shirtsleeve atmosphere, without space suits. The hatch will remain open.

The test schedule calls for checks of the major abort modes used in the mission as well as simulated liftoff and some six hours of plus time. The test will be followed by a data review and preparations for spacecraft hypergolic loading, scheduled for next week.

APOLLO 8

The spacecraft has been removed from the vacuum chamber and moved to a test stand in the high bay of the Manned Spacecraft Operations Building for a series of Service Propulsion System (SPS) engine modifications and checks which will continue into next week.

Manned altitude runs were successfully completed in the Apollo 8 spacecraft in the Kennedy Space Center vacuum chamber last weekend. The prime crew of Astronauts Frank Borman, James Lovell and William Anders spent some 13½ hours in the spacecraft on Friday, September 20. The backup crew of Astronauts Neil Armstrong, Edwin E. Aldrin and Fred W. Haise, Jr., completed their run in 10½ hours on Sunday, September 22.

The Apollo 8 launch vehicle is undergoing checkout in high bay #1 of the Vehicle Assembly Building, Complex 39. Modification work is scheduled this week. Sequence malfunction checks and swing arm verification will be conducted next week. Thermal insulation installation of the first stage F–1 engines is continuing.

APOLLO/SATURN 504

Lunar module #3—Manned altitude runs in the Kennedy Space Center vacuum chamber scheduled this week are Run #3 for the back-up crew and Run #4 for the prime crew. The first of four manned runs was completed on Saturday, September 21, with backup Commander Charles Conrad, Jr., and backup Lunar Module Pilot Alan L. Bean participating. A second run with the prime crew Commander James A. McDivitt and Lunar Module Pilot Russell L. Schweickert aboard was completed on Monday, September 24.

The first stage of the fourth Saturn V launch vehicle left Michoud at 7:00 a.m. September 24 aboard the NASA Barge "Orion" for the Florida launch site. It is to arrive at the Kennedy Space Center, Friday, September 27. The instrument unit will be shipped from the Marshall Space Flight Center September 30 aboard the Super Guppy aircraft.

The second and third stages of the A/S 504 launch vehicle are in work cells in the low bay of the Vehicle Assembly Building undergoing preerection checkout.

SATURN V TEST

S–II–6, the second stage for the sixth Saturn V vehicle, is scheduled to undergo acceptance testing October 1 at the Manned Space Flight Center Mississippi Test Facility. It will be fired for the flight duration of about six minutes.

DEVELOPMENT TESTS

Lunar Module Test Article Eight (LTA–8) is being readied for a series of manned vacuum chamber tests at MSC beginning in mid-October.

A total of five mannings is planned in two test phases to be conducted in Chamber B of MSC's Space Environment Simulation Laboratory. Dry runs are scheduled this week and next to checkout test procedures.

The tests will subject the lunar module to a simulated space environment in order to help verify the vehicle for lunar landing missions. A similar series of manned tests at MSC May 27–June 1, 1968, helped clear the way for manned Earth-orbital flights with the Apollo Lunar Module.

Grumman Aircraft Engineering Corporation consulting pilots Gerald Gibbons and Glennon Kingsley will be prime crewmen for the vacuum chamber tests, which are scheduled to be completed early in November, and Astronaut James Irwin will serve as a backup crewman. Irwin and Gibbons were prime crewmen and Kingsley was a backup crewman for the previous series of LTA–8 chamber tests.

LTA–8 has been modified since its previous vacuum chamber test to incorporate the latest type of thermal insulation and surface coating. The vehicle is constructed of the same basic materials and contains most of the same equipment, displays and systems as LM's to be used for manned landings on the Moon. LTA–8 is not equipped with active propulsion systems since rocket engines cannot be fired in the vacuum chamber.

SOVIET THREAT TO PEACE IN THE MIDDLE EAST

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mrs. KELLY. Mr. Speaker, much is being written concerning events in the Middle East—but relatively little about the causes of the explosive situation in that area.

Why is there so little reference to the long-range objectives of the U.S.S.R. with respect to the Middle East? The goal of the Soviet Union is to control the military, economic, and political destiny of that crucial region. The Russians make no bones about it. They want to play the same role in the Middle East as they do today in Eastern Europe.

How do they propose to achieve that objective?

In many ways. While the United States remains preoccupied with efforts to bring peace to the Far East—while many other countries recoil at Soviet actions in Czechoslovakia—the Russians are: Entering into agreements with the nations of the Middle East, supplying them with military and economic aid; building gas and oil pipelines connecting the Soviet

Union with that region; furnishing arms to several Arab States; prospecting for oil; securing drilling and oil refinery concessions; promoting economic development projects; and concluding various barter agreements.

In addition, the Soviets are endeavoring to: Maintain a sizable, modern fleet in the Mediterranean; make arrangements with the Western European countries for the delivery of 48-inch diameter pipe and other vital equipment; increase the scope and the substance of their bilateral trade agreements; tighten up the restraints on East Europe's expanding trade with the West; render Eastern Europe increasingly dependent on the Soviet economy; acquire control over strategic components of Europe's energy resources; become the keeper of the "Gateway to the East"—the Suez Canal and the eastern Mediterranean region; and, ultimately, replace the United States and other oil companies in the Middle East.

In light of this evidence, should the policy of the United States revolve around the question of sending a handful of planes to besieged Israel, or should we rather face up to the increasing Soviet penetration of the Middle East and try to cope with the real threat to peace and Israel's security? Unless we put an end to the Communist exploitation of the age-old conflicts, animosities, and insecurities prevalent in the Middle East, we will never see lasting peace in that region—or succeed in securing the primary source of Western Europe's energy resources.

Some candidates for national public office are also giving vent to their views. This may be a popular issue—but the discussion remains shallow and not very productive.

In addressing ourselves to this problem, could we not suggest some effective international arrangements to guarantee the security of the national frontiers in the Middle East—international cooperation and aid in solving that region's economic problems—and internationally accepted restraints on the shipment of arms to that area?

A peaceful settlement of the Arab-Israeli conflict remains our prime objective. We must energetically pursue this goal.

HERMAN ROSANETZ AIDS THE AGED

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. KUPFERMAN. Mr. Speaker, my constituent, Herman Rosanetz, has been diligent in his service to our aged citizens.

Some of the press comments with respect to his labors in this area are hereafter set forth:

[From the World Journal Tribune, Oct. 12, 1956]

HE WON SECURITY FOR MOM

(By Marianne Cole)

Early next month there will be a special day for Sarah Rosanetz, a 75-year-old widow living at 68 E. Third St. It will be the day she receives her first $35-a-month Social Security check.

What makes Mrs. Rosanetz's case so special is that her son, Herman, is largely responsible for the fact that his mother can collect benefits for the first time in her life even though she never worked under Social Security.

He campaigned for eight years in the face of persistent discouragement for the legislation that makes it possible for citizens over 72 to collect without having made Social Security contributions.

Previously, these senior citizens could not qualify unless they had a minimum of six calendar quarters credit.

WIDOWED MOTHER

Herman Rosanetz, a 46-year-old shipping clerk, was only six when his father died. His brother, Asher, was four. Mrs. Rosanetz took home work from the tie industry to support herself and her two youngsters. When Herman was 10 he got an after-school job as an errand boy to help out.

A bachelor, Rosanetz is now sole support of his aged mother—at least, until she gets her first government check.

Over an eight-year period Rosanetz wrote hundreds of letters and made countless trips to Washington. He appeared before the Ways and Means Committee, of which Rep. Eugene J. Keogh, D., Bklyn., is a member.

DILIGENT SERVICE

Last month Rosanetz received a letter from Keogh stating: "I want you to know that I know of no one who more diligently pursued the cause of those over 72 years who were not previously covered by Social Security."

The amendment for which he campaigned was passed by Congress last March and went into effect the first day of this month. Checks will be mailed around Nov. 3.

Persons who will be 72 this month or who are over 72 and who have applied for hospital insurance should have been contacted by their Social Security offices about the special benefits. Those who have not applied for Medicare should get in touch with their Social Security offices for information.

[From the East Side News, July 15, 1966]

EAST SIDER WINS SOCIAL SECURITY BATTLE FOR AGED CITIZENS OVER 72

East Side News extends congratulations to an East Side resident who labored most diligently and without any cooperation from any organization or individual to obtain an amendment to the Social Security Act permitting citizens over 72 years of age to receive monthly payments, even though they had not made any social security contributions.

He is no other than Herman Rosanetz, who resides at 68 E. 3rd Street. For eight long, tedious years, and in the face of persistent discouragement, he labored on in the belief that his cause was just.

During that period, Mr. Rosanetz had appeared before the Congressional Committee on Ways and Means and before the joint meeting of the Board of Estimate and the Finance Committee of the City Council, pointing out that citizens over 72 had long been forgotten and that it was high time that they should be covered by Social Security.

The amendment for which he had campaigned is now part of Section 228 of the Social Security Act. Those citizens who have not made any contributions to the Social Security Fund may visit, if they wish, their nearest Social Security office on Aug. 1 to file an application to receive benefits of $35 a month. However, if these aged citizens had applied for Medicare, which most of them have done, the Social Security office will obtain the necessary information from their applications.

It must be remembered, however, that if the aged citizens are receiving in one way or another government pensions they are not eligible to receive Social Security benefits.

This special amendment goes into effect on Oct. 1 of this year. Checks will be mailed around Nov. 3.

Mr. Rosanetz is not yet satisfied with such a small monthly benefit. He has asked President Johnson to recommend to the Congress in January of 1967 larger Social Security benefits by using general revenues of the United States Government. He believes that these elderly citizens should receive $200 a month instead of $35. He is hopeful that the President will see the light and adopt his proposal.

He deserves the gratitude of the American people for a task well accomplished. East Side News agrees with Mr. Rosanetz that no aged person in our rich land should live in poverty.

As one who has introduced and sponsored legislation for our senior citizens, I am pleased to acknowledge the work done by Mr. Rosanetz.

WIDNALL QUESTIONNAIRE RESULTS

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. WIDNALL. Mr. Speaker, in May of this year, I polled 145,000 households in my district, the Seventh District of New Jersey, on spending priorities for Federal Government programs. Considering the number of appropriation measures which are still a matter of debate for the Congress, I believe the results of this poll would be very useful to my colleagues in this evaluation.

The first question which I asked, dealt with a program known as the human renewal program which more than 70 of my Republican colleagues here in the House suggested in March of this past year. It suggested a list of immediate budget deferrals, a net cut of over $4 billion in Federal expenditures, and a redirection of several billion dollars to problems involving vocational education, low-income housing, water and air pollution control, job training, crime control, and an urban reserve fund. The support for this type of an approach, as the results indicate, was overwhelming.

Second, I listed 17 program areas and asked my constituents if they preferred to see more, less, or about the same amount of Federal funds spent in these areas. The list, which I will submit for the RECORD shows the areas in order of priorities, with air and water pollution control, education, help for the elderly, job training, and slum clearance leading the field, and space exploration, SST development, subsidies for agriculture and foreign aid trailing far behind in this list of preferences.

I include at this point a section of my Newsletter of May 1968, dealing with the human renewal fund, and the results of my questionnaire:

[Excerpts from the Widnall Newsletter, May 1968]

A PROGRAM FOR HUMAN RENEWAL

In March, I joined with seventy House Republican colleagues in calling for immediate deferrals of $6.6 billion in federal expendi-

tures to meet a growing economic crisis, and a reordering of national priorities to redirect $2.5 billion of this savings to meet urgent human needs here at home. Unlike the usual generalized calls for cutbacks or increases in expenditures we made specific program and budgetary recommendations.

The table below illustrates our proposed reordering of priorities. We have moved to implement these recommendations through manpower and employment incentive bills, which I have co-sponsored, seeking to mobilize private industry, through tax credits, to train the hard core unemployed and those whose skills need upgrading, for existing jobs. We also call for increased vocational educational and technical training, as well as a job inventory, to match existing unused skills with existing unfilled jobs nationally.

[Figures in dollars]

Urban reserve fund (to be allocated)	billion	1
Jobs	million	500
Vocational education	million	250
Housing	million	250
Pollution control	million	250
Crime	million	100
Rural revitalization	million	100
District of Columbia	million	50

New housing funds would utilize the existing rent certificate or leased public housing program which I authorized in 1965, and the National Home Ownership Foundation Act, if enacted, proposed by Senator Charles Percy of Illinois and me. Leased public housing, utilizing privately owned housing on a voluntary basis, provides immediate decent shelter to our low income citizen at far less cost than conventional Government housing programs, while keeping property on local tax rolls. The home ownership program would utilize private organizations and private capital, backed by a Federal guarantee, with a repayable interest subsidy, to provide home ownership opportunities for lower income families, increasing community responsibility and stability.

Our specal Task Force on Crime has made recommendations in five specific areas for increasing efforts against crime. I have sponsored an increase in the authorization for water and sewer facility assistance, badly needed among Bergen County communities. Another bill we have offered seeks to provide incentives for industrial development in rural areas to stem the flow of the unemployed to the cities.

The list below details proposed expenditure cuts. We have cut $71 million from the Post Office and Treasury Department Appropriations bill. The Appropriations Committee has cut $45 million from the Appalachia program and $100 million from the National Science Foundation budget, and the President has deferred new construction on public buildings. Our greatest success has been in the space program, where a total of $380 plus million of our $400 million proposed cut has been achieved.

It is not our intention to rule out other responsible budget cuts, or to ignore other possibilities for meeting human needs. Our hope is to stimulate action and debate that will be responsive both to the economic needs of our nation and of our less fortunate citizens, in light of an intolerable budget deficit and limited resources. Your reaction to this approach, and additional suggestions which you may have, which can be recorded on the questionnaire below, would be helpful and welcome.

Immediate budget deferrals

60-percent reduction of military personnel in Europe	$2,080,000,000
Supersonic transport (except R. & D.)	222,000,000
Defense-supported arms sales abroad	200,000,000
Civilian space program	400,000,000
Highway beautification	85,000,000
Longworth House Office Building renovation	$6,058,000
Madison Library	2,500,000
Government Printing Office Building (site acquisition and design)	2,500,000
USDA ($10,000 maximum subsidy limit per farm)	410,000,000
Freeze on moderate- to high-income apartment programs	400,000,000
Foreign aid	700,000,000
Forest roads construction (50 percent new)	45,790,000
Arts and Humanities Foundation	9,800,000
Public buildings (site acquisition and planning)	5,497,000
Public information	100,000,000
Post office buildings (50 percent unobligated NOA)	26,121,000
Freeze on Government civilian employment at 97 percent	961,000,000
National Science Foundation	250,000,000
Forest highways (50-percent new construction)	15,000,000
Earth description and mapping (50 percent NOA)	6,750,000
President's contingency reserve (1968 level)	400,000,000
Public works (20-percent stretchout)	200,000,000
Appalachia (1968 level)	86,900,000
Total	6,614,916,500

RESULTS OF WIDNALL QUESTIONNAIRE, MAY 1968

1. Would you support a program that would accomplish both a net reduction in expenditures and a reordering of spending priorities similar to the "human renewal" program approach discussed above?

	Percent
Yes	67
No	8
No opinion	25

2. What priorities in each of the following areas would you establish with reference to whether the Federal Government should spend more, less, or about the same next year as was spent last year?

[In percent]

	More	Less	Same
1. Air and water pollution control	71	6	23
2. Education	57	12	31
3. Help for the elderly	54	10	36
4. Job training	55	14	31
5. Slum clearance	49	19	32
6. Hospital and health care	44	16	40
7. Commuter rail transportation	43	17	40
8. Help for the needy	45	21	34
9. Low income housing	45	23	32
10. Parks, recreation, and conservation	38	18	44
11. Highway construction	31	26	43
12. National defense	20	30	50
13. Public works	19	44	37
14. Space exploration	10	63	27
15. SST development	10	69	21
16. Subsidies for agriculture	5	78	17
17. Foreign aid	3	84	13

HUMPHREYISM NO. 3

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1968

Mr. SCHADEBERG. Mr. Speaker, under unanimous consent I submit Humphreyism No. 3 for inclusion in the CONGRESSIONAL RECORD, as follows:

From a collection of Representative HENRY C. SCHADEBERG, Republican of Wisconsin.

"I'm going to run for President on the record of this Democrat Administration." (Denver, Colo., May 8, 1968.)

PUBLIC EXPECTS ADEQUATE RAILROAD SERVICE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HOWARD. Mr. Speaker, Mr. Anthony Haswell, executive director of the National Association of Railroad Passengers, has written a most interesting article for the Passenger Train Journal, which I think will be of interest to my colleagues. Mr. Haswell points out that while the railroads seek public support and understanding of the problems of railroads, they are at the same time seeking to end passenger service and are putting many of their assets into nonrailroad enterprises. Mr. Haswell argues that the railroads deserve fair treatment from the Government, which heavily subsidizes railroad transportation competitors. But the public has a right to expect adequate service from the railroads which seek its support.

PROMOTION OF WHAT?

(By Anthony Haswell, executive director, National Association of Railroad Passengers)

Much has been said in recent years about the plight of the railroads vis-a-vis their competitors in terms of taxation and government financial assistance. Some critics of the railroads believe that an important cause of the problem is that railroads are not nearly so aggressively "promoted"—both inside and outside of government—as are highways, automobiles, airports, airlines and waterways. According to this thesis, if railroads were adequately promoted, the end result would be a fair shake from government, enabling them to compete effectively and provide the modern, up-to-date freight and passenger service that everybody wants.

Recently the industry has taken two tangible steps to remedy the alleged promotional deficiency. One was their successful support of the establishment of the Federal Railroad Administration within the Department of Transportation, a policy making, promotional unit that is hoped to do the same for the railroads as the Bureau of Public Roads and the Federal Aviation Admininstration have done for so many years for highways and air transport. Second, rail leaders are pleading with their friends such as railfan groups to help gain public sympathy for railroad problems and appreciation of the value of railroads to the country.

So far, so good. But the railroad companies want to increase their profits, while the public wants better train service—that is, full development of the inherent advantages of railroads for the benefit of shippers and travelers. These objectives are in serious conflict, for rail management has determined that the surest, quickest route to increased profits is thru curtailment of passenger service and thru massive investment of assets in other modes of transportation and in nontransport enterprises—assets that would otherwise be available for improving and modernizing both freight and passenger service.

Promotion of railroad financial interests as determined by management rather than better service for the public, is clearly the approach taken by the Federal Railroad Ad-

ministration. It has said not one word of criticism of railroad investment in outside enterprises, and is publicly in favor of permitting railroads to discontinue any passenger service they see fit. At the same time, the railroads seek to persuade their friends on the outside to promote train discontinuances and outside investments on the ground that such policies will result in better service. Fortunately, enough of us have read *Alice In Wonderland.*

We do not begrudge railroad security owners of a fair return on their investment. Indeed, we believe that were railroads treated equally by government with regard to other modes, they would be able to provide excellent freight *and* passenger service *and* earn a handsome profit. We stand ready to assist the railroads in any possible way in solving their fundamental problems. But we must reject their plea that we "promote" programs designed to increase their profits without regard to whether the public interest will be served thereby. And we object to a tax-supported government agency lending its assistance in this direction.

[Correct to September 6, 1968]

NEWS SHORTS

The Interstate Commerce Commission has ordered the Penn Central to keep the Chicago to New York "Admiral" and the Pittsburgh to Chicago "Fort Pitt" running. Citing the railroad's arbitrary removal of mail and express from these trains to freights, the ICC said that any losses incurred by the trains were precipitated by the railroad. . . . The ICC also ordered the Chicago and Eastern Illinois Railroad to stay in the passenger business by ordering the "Danville Flyer" to remain in operation. The C&EI's "Flyer" (a two coach, buffet-lounge train) was hailed by the Commission as superior to alternative transportation in the area. . . .

Grand Trunk-Canadian National is working on a plan with Greyhound Lines (and perhaps one or more airlines) whereby interline ticketing could be performed by either company. GT–CN is afraid they will be left high and dry by some of their American rail connections, and so are taking proper precautionary actions. GT's westbound "Maple Leaf" may be rescheduled to arrive in Chicago earlier in order to make major westbound rail connections. Also, the Grand Trunk is adding a new stop: East Lansing, Mich. Trains will stop on Fridays and Sundays for the convenience of Michigan State University's 40,000 students.

Seaboard Coast Line wishes to end the Atlanta-Jacksonville remains of the "Dixie Flyer" as well as the local Washington to Jacksonville "Sunland". Baltimore & Ohio will end St. Louis-Cincinnati service on the "Metropolitan" (coach-only) on Sept. 12, leaving only the "George Washington" on that run. Burlington seeks to end the Alliance-Billings coach train it now operates through the Nebraska-Montana foothills, as well as the "Nebraska Zephyr" between Galesburg, Illinois and Lincoln, Nebraska.

As expected, Southern Pacific moved to end the "Cascade." Public hearings have been scheduled and a bitter fight will no doubt ensue. The "Cascade" is a vital link between GN, NP, UP and ATSF, the cutting of which would harm transcontinental service.

The Illinois Central's application for new electric commuter equipment is now in Washington awaiting approval. Quick action could give IC's commuters a break by the Fall of 1969. The cars will be electric bi-levels, a unique type of rail equipment. They will be air-conditioned and radio-equipped and will differ from other gallery suburban cars by having the engineer on the lower level (the pantograph occupies the upper space at the end of the car) and a small door at the cab end of the car in addition to the main center doors.

THE ANTIPOVERTY PROGRAM GETS RESULTS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. UDALL. Mr. Speaker, today I would like to say a few words about Leonardo Vega, a recent Job Corps graduate who hails from Nogales, Ariz. Mr. Vega has recently acquired his first job, thanks to his Job Corps experience and a new program initiated by the International Brotherhood of Carpenters. He is one of three young men from the Timberlake Job Corps Center at Ripplebrook, Oreg., to be selected for apprenticeship as a carpenter in Portland, Oreg. Mr. Vega is employed by the W. C. Silvers Co. of Portland.

The carpenter's union, under contract with the Office of Economic Opportunity, conducts preapprenticeship training in 14 Job Corps centers across the Nation. These programs enable young men like Mr. Vega to graduate from the Job Corps with ready employment in carpentry. This relationship between OEO's Job Corps and the International Brotherhood of Carpenters is indeed praiseworthy. I am pleased to know that this fine young man from Arizona is able to benefit from it.

I would like to include at this point in the RECORD, Mr. Speaker, an article carried in the September 4 Oregonian which further discusses this valuable program in which Leonardo Vega is enrolled:

JOB CORPS GRAD NOW APPRENTICE CARPENTER

An 18-year-old Job Corps youngster was working at his first job Monday—thanks to a new apprenticeship program initiated by the International Brotherhood of Carpenters.

Newest apprentice carpenter in the Portland area is Leonardo Vega of Nogales, Ariz., who until a week ago was a member of the Timberlake Job Corps Center at Ripplebrook in Clackamas County.

Vega and two other center youths recently qualified for apprenticeship following three months of intensive training by the Carpenters' Union.

The training program is part of a contract the carpenters have with the U.S. Department of Labor, U.S. Forestry Service and the Office of Economic Opportunity.

Under it, Job Corps youngsters such as Vega are given both classroom and on-the-job training. The program is supervised by Charles Miller, coordinator for the carpenters.

Lyle Hiller, international carpenters representative, observed that the union has placed its pre-apprenticeship training program in 14 Job Corps Centers across the nation.

"It's great for the youngsters," he said. "It gives disadvantaged boys a trade for life."

"The union benefits by obtaining competent apprentices trained in our own methods. There is a major need for new carpenters throughout the country—and this program is helping to provide many of them for the expanding construction industry."

Vega, who is working on the new Bank of California building, at SW Broadway and Washington Street, was hired by the W. C. Silvers Co., general contractors, at a starting wage of $3.37 an hour.

How does he like the job?

"It's wonderful," he said. "I like it very much. And I particularly like becoming an Oregonian."

TESTIMONY OF LOUIS A. LERNER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PUCINSKI. Mr. Speaker, Mr. Louis A. Lerner, executive vice president and general manager of the Lerner Home Newspapers in Chicago testified earlier today before a subcommittee of the House Judiciary Committee on the Failing Newspaper Act.

Mr. Lerner represents the largest weekly chain in America and because of the huge success of his papers, he knows well the problems the small newspaper publisher faces in America.

Louis Lerner, several years ago inherited the serious responsibility of running the Lerner chain of newspapers following the death of his father, Leo A. Lerner, who founded the Lerner Home Newspapers.

Leo Lerner was a giant among American journalists. His ability to grasp the true meaning of our democracy and to translate into words the yearnings and the longings of her people for human dignity was a source of inspiration to all of us on Chicago's Northwest side.

But Leo Lerner's fame was not limited to the Northwest side of Chicago. Over the years he developed a strong following for his philosophies and ideologies among serious thinkers all over this country and in many parts of the world.

Louis Lerner, the son, today runs the Lerner newspapers in the same spirit of fairness and dedication laid down by his late father.

It is for this reason that I particularly respect the statement made before the Judiciary subcommittee today by Mr. Louis Lerner. Obviously, we cannot take lightly the serious message Mr. Lerner presented to the committee regarding the legislation at hand.

I am placing his statement in its entirety in the RECORD so that my colleagues can appreciate the depth of understanding Louis Lerner has applied to this legislation.

I trust my colleagues can better understand the purport of this legislation by reading carefully Mr. Lerner's excellent statement which follows:

TESTIMONY OF LOUIS A. LERNER, BEFORE THE SUBCOMMITTEE NO. 5 OF THE HOUSE JUDICIARY COMMITTEE

Mr. Chairman, Members of the Committee: I am the Executive Vice President and General Manager of forty-one community and suburban newspapers in the Chicago metropolitan area. These newspapers are, according to Bryce W. Rucker of Southern Illinois University in his new book, *The First Freedom,* the largest single group of urban and suburban newspapers in the United States. Our newspapers cover an area where more than one million people live.

The total circulation of the Lerner Home Newspapers group is 326,000. We have papers on the street five days a week. The largest paper has a circulation of 54,000, and the smallest only 1,600. Of this total, 65% is paid in advance, and the balance is delivered free or on a voluntary paid basis. Our newspaper organization is bigger than 80% of the daily newspapers in America.

We cover suburbs and cities, single family

residences and large apartments, areas in need of urban renewal, and Chicago's famous Lake Shore Drive. We have a different paper for the predominantly Greek-German community of Ravenswood, and a different newspaper for the Irish-Jewish community of Rogers Park. We have a different newspaper for the Gold Coast, and a different one for the high-rise suburbs of Skokie, Lincolnwood, Glenview and Des Plaines.

There are more than 250 community and suburban papers in the Chicago area, and every one of them strives to do just this.

It is important for a newspaper to serve the interests of the local community in which it is published. It must, of course, lead the community and not follow it. This we try to do through the confidence of the neighborhood and through this rather complex and interrelated system of different papers for different communities within the city of Chicago and for the suburbs.

Our editorial direction does not change, however, What we believe in, we believe in in all 41 newspapers. We do not have, like some large daily chain publishers, one editorial policy in the north and another in the south.

It seems to me that those who are behind this bill think that there is only one medium in any city worth talking about—the daily newspaper. This is, of course, utter nonsense. There are many different media with great importance: radio, television, the weekly newspaper, the suburban newspaper, the shopping guide—everything has something to offer in terms of communication. Can it be said that the daily newspaper is the only one needing special legislation?

The daily newspaper as an institution is hide bound in tradition and is moribund in its thinking. As a matter of fact, even the spokesman for the daily publishers, the American Newspaper Publishers Association, has warned that there may not be a daily newspaper as we know it thirty years from now.

But whose fault is this? Why does this industry need separate legislation to protect itself from itself?

Let's look at some comparable circulation figures which I think would serve to illustrate my point. My figures are taken from the 1962 edition of Editor and Publisher Yearbook and from the 1968 edition. In 1961, the Chicago Daily News had a circulation of 515,000. In 1967, they had a circulation of 462,000. In 1961, the Chicago Tribune had a circulation of 854,000. In 1967, it had a circulation of 805,000. The Milwaukee Journal had a circulation in 1961 of 372,000. Last year the circulation was 368,000. These are just some examples of something that is happening in many parts of the country, and this is not necessarily due to the problems presented to this Committee and the solving of those problems thereof through the bill in question.

Who says that the future must be in the form of the daily newspaper? There are many different things on the horizon, and certainly the form of this decaying institution will change. Why must this bill save the daily newspaper publishers from themselves? Why not, for example, a special bill for blacksmiths, for crystal set makers or isenglass manufacturers?

The suburban phenomenon in newspapers is nothing new. It has been in full blast since the end of World War II. Why then all of a sudden are the daily newspapers finding it necessary to start moving in on the suburban weekly publishers? Because they finally woke up, because they finally saw what was happening.

How can we compete with the big daily newspapers? It's not easy, but we still manage to do almost six million dollars a year in volume, just a small portion of what papers like ours take in as a whole in the Chicago area.

The Chicago daily newspapers have four different methods that they use to compete with the suburban and community newspaper publisher. Method one will be covered by Stuart Paddock, and that regards the establishment of a new daily newspaper owned by the downtown daily and fed by them through transfusion in a local area.

Method number two is the method which is used by the Chicago Daily News and the Chicago Sun-Times, also Field Enterprise operations. They zone their advertising into north, south, west, and northwest areas of the city and suburbs. This special section takes advertising out of these areas and puts no local news (except for bride's pictures) back into these communities. What they are doing is insidious. They are taking the advertising base and giving very little in return. We think that when you take dollars out of a community, you have to put news back in.

Method number three, and method number four, are both used by the Chicago Tribune. It is interesting to note, by the way, that there are other Tribune-owned newspapers in Chicago; the Chicago American does no zoning whatsoever, and it is the only daily newspaper in Chicago which does not.

Method three is a zone section, similar to that used by the Sun-Times and Daily News, broken down into north, northwest, south, southwest, and west areas of the city and suburbs. This is included as a part of the Chicago Tribune, and is called the neighborhood news section. The areas which are covered by the Tribune are extremely vast in the territory they cover. For example, the north area goes from downtown Chicago to the Wisconsin state line. The Tribune, however, does give the readers some news of the area, but of course the area covered is huge, and so it does not get down to covering the specifics in the detail which we think is necessary.

Method number four is used by the Tribune in the following manner. They have started a new newspaper and have bought a commercial printer in the Chicago suburb of Hinsdale, which is west of the city. They have started a three day a week tabloid newspaper called "The Trib". This paper is distributed on a "piggy-back" basis, along with the Chicago Tribune. They cover the news in many areas on a more detailed basis than the overall neighborhood news or metropolitan zone edition does. They still, of course, cover a much broader area than the community or suburban paper involved.

This is the newest method used, and one which may be, in the long run, the most effective, although, at this time, no one can be sure.

As I said before, when you take the dollars out of a community, you have to put news back in. Unfortunately, all of the daily newspapers do not feel this way. If HR 19123 were to pass, the predatory practices of the daily newspaper could take many communities and strip them almost completely clean of any meaningful news about these neighborhoods. We think that newsprint should be spent on news and not on promotional gimmicks. Some newspapers are almost as bad as your local gas station.

So, then, the daily newspaper in format and tradition is not geared to the problems and the solutions that we need today.

The daily newspaper industry has found out a few things, however. A revolution in production via offset printing, for example, was pioneered by the weekly press in America, and the daily papers, bogged down by the tremendous investment in letterpress equipment and their lack of interest in change, are just now reaping the benefits.

Let me say that our newspapers are 100% union. We have the Printing Pressmen, the Newspaper Guild, the Mailers, the Teamsters, and the International Typographical Union. We have been able to make the new processes in offset and computer typesetting work and work well. As a matter of fact, we have just finished installing a computer with the full cooperation of the union. It is interesting to note that we have been able to make this work successfully but many daily newspapers have not, and apparently, because of their short-sightedness, they need a special bill passed for them.

We were among the first in the United States to go into the production of an offset newspaper. No one offered us a special bill if we would fail, and as a matter of fact, those were the predictions at the time.

The daily newspapers too have started to move out into other fields. The Kansas City Star owns a printer in the suburbs of Chicago. The Field Enterprises and the Tribune Company have gone into the commercial printing business. The Milwaukee Journal has bought a large commercial printer in Wisconsin. The Los Angeles Times is a story unto itself.

Many weekly publishers, including ourselves, make things a lot easier by the outside printing they do. Should the daily newspaper take this end over as well? Should the injection of more dollars into an area by a monopoly paper drive out the weekly paper and the commercial printer and other medium who has been there for years? I have no objection to competition on a profitable, costed, legitimate basis. But to accumulate profits through anti-trust exemptions and then move in does something to the law of competition as I think most of us understand it.

I would suggest that any daily newspaper publisher who owns any other enterprises, such as encyclopedias, educational or scientific organizations, outside printing plants, radio stations or television stations, be required to divest themselves of these so that we can get a true picture of what the newspaper itself is doing. I think that this would be an interesting thing to see even today. Cash conquers all, think the daily newspaper publishers, and no matter what the community thinks or needs, cash shall overcome.

What is needed in this newspaper business on all levels, daily and weekly, is thought, imaginative vision, and appreciation of the problems of the future and the industry. What is not needed is the carte blanche this bill will give the daily newspapers.

When we are asked who our competition is in Chicago, our answer is simply: "The Chicago daily newspapers." We compete for ads, we compete for readers, we compete for circulation. I am happy to say that in many areas we have them beaten. I want to give a few small examples.

About six months ago, our newspapers talked to Congressman Roman Pucinski, and he told us of President Johnson sending a foreign emissary to Hanoi to explore North Viet Nam's terms for entering peace talks and to tell Ho Chi Minh that we would stop bombing that country if Ho would promise not to increase infiltration in South Viet Nam. We ran this story on Sunday, February 11. The New York Times broke it on Tuesday, February 13. If the Lerner papers had not been covering a local congressman speaking off the cuff, that story would never have come out as it did. I am happy to say we were 48 hours ahead of the country.

On the same page, however, to go from the national to the local, is a story about a baby park that belonged to a lovely old lady who is now in a rest home. Her nephew had been anxious to sell it to clear up her estate. This small baby park was owned by the family, and the city had just leased it for many years. One morning, one of our reporters went by and noticed that it had a for sale sign on it. We got on the story right away, and after some months, through the work that our newspapers did, we were able to have the Chicago Park District buy this small baby lot.

Would the daily newspaper operate on this level? I think not, and therefore it is more important that papers like ours continue instead of leaving it all to Big Brother.

However, in a number of ways we aren't as lucky. For example, after the Tribune Company bought the American some years ago, they dropped Drew Pearson. We carried the Pearson column for a number of years on an exclusive basis in Chicago. One Friday morning as I was driving to work I heard on the radio a promotional ad for the Chicago Daily News that they were now going to carry the Pearson column starting the following Monday. I called John Osenenko at the Bell-McClure Syndicate and asked them exactly what happened, and their answer was: "Well, of course we wanted a daily outlet so we dropped your papers." They did say, of course, that we could continue to handle the column if we wanted to, but obviously we didn't care then. This is, I think, an example of the high-handed way in which the syndicates operate in collusion with the daily newspapers.

In addition to that, the weekly newspaper has a serious problem with cooperative advertising. In direct violation of the intent of Congress, many companies insist through their agent, the Advertising Checking Bureau of New York, that they cannot place their advertising in anything except the daily newspapers, or that they cannot place their advertising in anything except the newspapers audited by the Audit Bureau of Circulation. This is fairly common, but no one has told them to stop.

For example, according to a letter from the Advertising Checking Bureau to one of our advertisers: "Most co-op plans today stipulate that the Advertising Checking Bureau daily and Sunday newspaper automatically qualify, and other papers will be considered only if the dealer submits a request in advance of his advertising." This certainly seems to be a violation of the Clayton and Robinson-Patman Acts, and I believe this is a matter for the Attorney General and the Federal Trade Commission to investigate.

Let's take a hypothetical situation, in a suburb which is growing, and that the daily papers have had its eyes on for years without knowing how to get into it. One of the giants of the daily newspaper industry starts a suburban paper in a town in competition to one of ours, let's say. Circulation is going down in the inner city, and so twenty years too late the big daily starts a paper in the suburbs. He keeps it going for three years by pouring hundreds of thousands of dollars down its throat, cuts the rates, promotes like crazy, and finally, through sheer dollars, put me out of business. What then is to prevent the big publisher from closing down the failing paper, raising all the ad rates, and insisting that the advertiser now use just the original daily publication, possibly in its zone edition. There is no more competition. If a man wants to promote his retail business, he's locked in.

There are fake failings as well. Any publisher worth a lead slug can make a paper look like a loser in a minute.

This bill, as well as the original bill, would allow a rich and powerful newspaper to join with a smaller paper in another community, and by a combination of resources, rates and profits, drive out of business a less well financed competitor.

If this bill is passed, the publishers who have been counting the money for all these years without thinking about it very much are going to get smart very quickly. Their ingenuity in operating without sanctions will help to destroy the community and suburban newspaper industry. The very imagination which, had they used it well for the past thirty years, would not make this bill necessary today.

The Lerner group is the largest weekly chain in America today in numbers of papers. We would, I would imagine, with the use of House Bill 19123, and its counterpart in the Senate, swallow up some of our competition. Then, of course, with the law of the jungle rampant, we would be chewed up, and so on and on.

Is a special bill needed for the newspaper publisher? No. Let them continue to operate by serving the public and putting out the best newspaper he can put out. That, and nothing else, will solve his problems.

RICHARD M. NIXON CALLS FOR MAXIMUM U.S. AID TO STARVING BIAFRANS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. NELSEN. Mr. Speaker, the magnitude of the catastrophe which has befallen the people of Biafra has become terribly apparent for anyone willing to take but a few moments to read the reports coming from that unfortunate land. The toll that starvation is taking among these people nearly staggers the imagination. The world sits as spectator to what threatens to be the genocide of an entire people.

Pleas for help have come from organizations and persons throughout the world. On September 10, 1968, Richard M. Nixon, adding his voice to this throng, in a statement noted this terrible tragedy which is taking the lives of over 6,000 Biafrans every day. He stated that the time for talk and wringing of hands is long past and voiced the plea to President Johnson to give this crisis all the time, attention, imagination and energy that he can muster and to put the full wealth, power, and prestige of our Nation behind an effort to end the slaughter of these innocent men, women, and children who, without help, are doomed. I certainly agree with Mr. Nixon.

I place the full text of Mr. Nixon's statement in the RECORD at this point together with an article which appeared in this morning's Washington Post:

STATEMENT OF RICHARD M. NIXON

The terrible tragedy of the people of Biafra has now assumed catastrophic dimensions. Starvation is daily claiming the lives of an estimated 6,000 Ibo tribesmen, most of them children. If adequate food is not delivered to these people in the immediate future, hundreds of thousands of human beings will die of hunger.

Until now efforts to relieve the Biafran people have been thwarted by the desire of the Central Government of Nigeria to pursue total and unconditional victory and by the fear of the Ibo people that surrender means wholesale atrocities and genocide.

But genocide is what is taking place right now—and starvation is the grim reaper.

This is not the time to stand on ceremony or to "go through channels" or to observe the diplomatic niceties . . . The destruction of an entire people is an immoral objective, even in the most moral of wars. It can never be justified; it can never be condoned.

Voluntary organizations such as the Red Cross, The Church World Service and Caritas have rushed thousands of tons of protein-rich nourishments and baby foods to the vicinity of the stricken region. Much of the food remains nearby while these children starve to death.

The time is long past for the wringing of hands about what is going on. While America is not the world's policeman, let us at least act as the world's conscience in this matter of life and death for millions.

The President of the United States is a man charged with responsibilities and concerns all over the world. But I urge President Johnson to give to this crisis all the time and attention and imagination and energy he can muster. Every friend of humanity should be asked to step forward to call an end to this slaughter of the innocents in West-Central Africa.

America is not without enormous material wealth and power and ability. There is no better cause in which we might invest that power than in sparing the lives of innocent men and women and children who otherwise are doomed.

[From the Washington Post, Sept. 26, 1968]

BIAFRAN DEATHS DAILY: 6,000

SANTA ISABEL, FERNANDO PO, September 26.—The head of Red Cross operations in Biafra says deaths from starvation have stabilized at 6,000 a day. He added that sufficient supplies are now being delivered to the shrinking rebel state in eastern Nigeria to prevent an increase in the rate.

The representative, Henri Jaggi, said the 100 tons of food being flown daily from Santa Isabel and Sao Tome, and additional supplies from Gabon, are quickly distributed by 117 Red Cross people in the field.

The Red Cross has operated out of this Spanish possession off the coast of eastern Nigeria since relief operations began. At one time, about six flights per month departed from here, but these were suspended when Biafran airports were cut off by federal Nigerian troops. Now the flights have resumed, but it is not clear where they are landing.

The Biafrans are reduced to defense of one town, Umuahia. Their 7 million people once lived in an area of 29,000 square miles. Now refugees are squeezing into the 3,000 square miles left of Biafra after 15 months of civil war.

THE BIG GAME

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. DORN. Mr. Speaker, during these days of demonstrations, civil disorder and crime, we sometimes fail to recognize the good things taking place in our country.

The following article was sent to me by Mr. Gene Fuller, director of recreation for the city of Aiken, S.C., in my congressional district. I hope every Member reads it. This is the answer to crime. This is what America is all about.

THE BIG GAME

(By Eugene M. Fuller)

On February 24, 1968 in Aiken, South Carolina, a program was conducted to climax Aiken's Recreation Department's Church League Basketball season.

A basketball game was played, hot dogs served and a group of professional football players played a basketball game. This doesn't sound very earth shattering, but the basketball game played was The Big Game, where 59 teams, representing 14 different churches, 700 boys and girls, played in one game. It was labeled The Big Game—Basketball With A Halo—the largest basketball game played in the U.S.A. in 1968—the HA's vs the LO's.

Hotdogs were served to all. There was one special hotdog 59 feet long, symbolizing one foot for each team. Later a group of professional football players played a local basketball team called the Celestial Five, a team made up of the clergymen of the 14 churches that played in the big game.

There were many who contributed to the game. The ball used was sent from the biggest man in basketball, Wilt Chamberlain; a knife to cut the 59-foot hotdog was provided by the Cutlery company; letters of best wishes came from the Basketball Hall of Fame, college basketball teams and many many more . . . The Big Game was a big day in Aiken, South Carolina!

What made this such a big day? It was a living example of America in Action with free men at work and play—although different in their social and religious ways, but together. People came together and displayed perhaps the freedom our forefathers provided and guaranteed when they drew up our Constitution and Bill of Rights. Only in a free land, such as ours, could such a program be conducted. The Big Game was truly America in Action—Freedom in Action.

LONG BEACH PORT PILOT AWARDS PRESENTED TO RIVERS, HARLLEE

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. GETTYS. Mr. Speaker, it has just come to my attention that my esteemed friends and colleague, Chairman L. MENDEL RIVERS of the House Armed Services Committee and Rear Adm. John Harllee, chairman of the Federal Maritime Commission, were recently presented the "Honorary Port Pilot" award by the Port of Long Beach, Calif.

Recognition of the the contributions of these two distinguished Americans to the important field of international trade is fitting and appropriate, and I place the following newspaper report of the presentation ceremony in the RECORD:

LONG BEACH PORT PILOT AWARDS PRESENTED TO RIVERS, HARLLEE

WASHINGTON.—The Port of Long Beach, California, honored two top-ranking officials in the field of international world trade and port development here last Friday, June 14.

Representative Rivers, South Carolina, Chairman of the Committee on Armed Services, and Rear Admiral John Harllee (U.S.N., Ret.), Chairman of the Federal Maritime Commission, were presented with the Port of Long Beach "Honorary Port Pilot Award" Friday evening at a reception at the Willard Hotel.

Congressman Rivers and Admiral Harllee are well known throughout Southern California for the work they have done to assure that the Port of Long Beach has the necessary ocean shipping facilities to meet the growing demands of world markets, as well as modern facilities for the 60 steamship lines that serve the Port.

The "Honorary Pilot Awards" were presented by members of the California Congressional Delegation and officials of the Port of Long Beach.

The Port of Long Beach presented its first award, in 1954, to the President of the United States, Dwight D. Eisenhower, and, since that time, the Port has honored 24 outstanding persons for contributions to world trade.

MASS TRANSPORTATION: KEY TO URBAN DEVELOPMENT

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mrs. DWYER. Mr. Speaker, as a Member of Congress who has long and actively been concerned with the need to improve urban mass transportation facilities and services in our Nation's metropolitan areas, I am delighted to bring to the attention of our colleagues two documents of exceptional importance.

The first is the text of a speech delivered by our distinguished colleague from New Jersey [Mr. WIDNALL] before the recent convention of the American Transit Association in Cleveland. Congressman WIDNALL has provided outstanding leadership in the effort to improve mass transportation services and I am confident our colleagues will find his remarks of great value.

The second is the text of a major article published in the October 1 issue of Forbes magazine dealing with the increasingly critical transportation crisis, especailly as it affects mass transportation and other transportation services in major urban areas.

The documents follow:

A LEGISLATOR LOOKS AT THE FUTURE

(Address by Congressman WILLIAM B. WIDNALL)

The title of this address is "A Legislator Looks at the Future." I did not pick it. It was bestowed on me. I took the required look and almost cancelled the engagement. Then I remembered the "gloom and doom" base upon which most daily newspapers operate and decided to show up anyway. When I remember the dark days when the mass transit bill was in jeopardy in 1964, and contrast the ease with which we extended the funding authorization and the program's life in the Housing Bill signed August 1, I cannot help but be encouraged by the prospects we have.

I can recall, as I am sure most of you can, the agonizing days of 1964 when we first placed mass transit on the statute books. At the time, the proposal was most controversial. Gloom spilled over our conferences. Some legislative leaders were unsure of the Congress' temper and wishes. And a few tables had to be pounded by brave souls before mass transit legislation could be put to the test and passed. But it did and now we are looking to the future.

What of the future? What additional legislative tools do we need in this field? Those are not easy questions.

It is easy to propose the indefinite extension of the program and increased funding. I am for such legislative activity. But just how to do it? That is not so easy.

Since the basic law was enacted in 1964, I have not enjoyed the legislative support from the Administration that I had in that year. The Administration did not openly oppose my proposals, but it restricted them. It cut back authorizations; it looked with disfavor on an unlimited extension of the program's life.

Why? Simply, because they had budgetary requirements and what was proposed did not originate with the Administration.

Overall, at least in their estimation, we were in competition with them for their piece of the monetary pie and for such things as rent supplements and demonstration cities they had, what for them were, priority commitments.

The Housing Bill of 1968, signed into law a month and a half ago, by President Johnson authorized the spending of almost $5 billion in the next two fiscal years, 1969 and 1970. There are estimates that the costs for the next 40 years will approximate $50 billion. Now, the additional authorization in the next two years for mass transit is a large sum, just under $200 million. It is, however, small when compared with what is being committed in a variety of other causes. And, if the present Administration runs true to form, it and its adherents will not give needed support to mass transit, neither to the extension of its program nor to additional authorizations. I suggest you give attention to this problem.

At the same time, I would advise against the kind of support that was offered in a suburban Washington editorial column 10 days ago where it was suggested that the adjacent counties add an additional tax on purchased gasoline for the specific purpose of raising funds to pay for the cost of extending mass transit into their areas. It was argued that the authorization of such a tax would have a two-fold result. First, it would raise funds for mass transit. Second, it would discourage drivers from using their cars and instead induce them to ride mass transit which would produce additional revenue.

Regardless of the soundness or lack of it of these two arguments individually, their dual presentation to, I should say confrontation with, the newspaper's public convinces me of the old adage, "With such friends, who needs enemies?"

This same kind of mentality proposes using the highway trust fund, a tempting but losing proposition from the start. We must face it—there are many more people driving and riding in automobiles than there are driving and riding in mass transit. This would not preclude using such funds to provide high speed lanes for buses.

What I think we need at this point is proof of the service we render. Something beyond scale models and drawings and estimates and the courage of our convictions.

The entire annual appropriation for mass transit can be swallowed up by the project needs of Washington, Seattle, San Francisco, New York, or any of our large cities. If given to any one of them, it would still be years befor the visible justifications would be evident.

What we need is a continuing program modelled along the lines of the thinking which produced the Neighborhood Development Program of Urban Renewal Title V of this year's Housing Act.

Given that, with the program restructured to annual production results, we would have something to show, and something to improve, and add to each year. We would be building both to immediate needs and long-range goals.

Federal help to cities for physical development programs has been essential to building better neighborhoods and providing a decent home for millions of Americans.

These physical development programs have been tailored to promote and encourage local planning and local initiative. As our population has grown, the need for decision at the local level has become even more and more important.

It simply would be impossible to develop comprehensive urban rebuilding and rehabilitation programs without such techniques as urban renewal, public housing, rent certificates, lower middle-income housing, open space grants, and the whole system of FHA insurance. These programs must be continued properly administered and funded at levels adequate to assure local governments with the funds necessary at the time needed. Tying them together is mass transit.

The Federal emphasis of the last decade in the field of transportation has been the suc-

cessful effort to link together the metropolitan centers of the 48 contiguous states by means of the Interstate Highway System. Now as its completion approaches, we should refocus our attention on where another part of the problem is—the urban areas of America.

In assigning priorities to problems which confront urban America, transportation has to be among the first. We will have no chance to remedy the problems of urban decay, unemployment, civil disorders—or even the financial crisis common to most cities—if we have choked to death in our congestion. Transportation in metropolitan areas should be much more than a system by which people and goods are moved efficiently. Transportation is a land use planning tool with the capacity to enhance that which is good and help correct that which is bad. Our primary goal—in transportation as in everything else—must be the improvement of the quality of our environment.

When a new freeway is constructed, the benefits to the public are obvious—high-speed access to the central city; seventy miles an hour speeds through areas which previously had been covered at a tortuously slow pace. We start to measure distance in minutes rather than miles. What is not so obvious nor so pleasant to contemplate are the social costs which may also result: The ribbon of high-speed freeway can also result in the disruption of a city's social fabric. People, families, neighborhoods, and community growth patterns can become the victims of improper planning and of the impact of substantial land takings in metropolitan areas. This does not, however, have to be the case.

Urban transportation should be guided by the following considerations:

1. An urban transportation system should be a tool for shaping the growth of the metropolitan area and should have as its primary purpose the improvement of the quality of the environment.

2. There should be a locally worked out solution that reflects a balance of transportation types most appropriate for the particular area.

3. Preferential funding should not be the basis upon which the means selection is made.

4. In order that transportation systems can be planned and programmed intelligently, assured long-term funding for all selected types is essential.

Placement of all Federal transportation programs under the Department of Transportation should prove most helpful to urban areas. Coordination of transportation planning with other community goals through the requirements of the Federal Aid Highway Act of 1962 is essential.

Metropolitan transportation needs require that any system combine the various types of mass movement so that each plays its appropriate role. Private vehicles and buses, railways as well, all have their contribution to make.

The original Interstate System of 41,000 miles is nearing completion. This magnificent program was funded with the Federal Government providing 90% of the cost, and the local share 10%. Prudence dictates that we must be now thinking what form the Federal highway support programs will take in the future when the Interstate System is completed.

I cannot over-emphasize the importance of local determination in grant-in-aid programs. In the area of urban transportation, this is a crucial consideration. Each metropolitan area must decide for itself the solution to its transportation problem. What may be highly satisfactory for New York or Cleveland, or Los Angeles, may have little applicability to another city. Communities over 50,000 are now required to have a continuing comprehensive cooperative transportation planning program." This is a good requirement, provided it reflects an objective solution to the problem and is combined with a land use plan. Keeping planning decisions at the local level, should produce a program that will reflect the views of the citizens who will have to live with whatever solution is devised.

One local level that transportation planning has not sufficiently reached is that of the inner city worker seeking employment. Transportation networks, economic development, and job opportunities obviously go hand in hand. During the past decade, industry has migrated from North to South, from city to suburban fringe, partly, at least, on the basis of labor supply. Beltway loops and circumferential highways act as links between industrial parks.

Unfortunately, in the process, employment problems of minority groups and inner city lower income families have been increased. Old industry has left, and new job producing business has not relocated in the ghetto. According to the Bureau of Labor Statistics, 62% of valuation permits for new industrial buildings, and 52% for mercantile establishments were issued for suburban locations from 1960 to 1965. The five cities of Baltimore, New York, Philadelphia, San Francisco and St. Louis alone lost 360,000 low-skilled manufacturing jobs from 1951 to 1965.

Housing discrimination, or the lack of housing at prices they can afford, makes it difficult for minority group and other low income workers to follow where the jobs go. When they turn to the alternative of transportation from home to work, the inner city low income resident finds commuting costs, in terms of both time and money, discouraging if not prohibitive. To give but two examples: from San Francisco's Hunters Point to East Bay industrial locations in Contra Costa County, there may be three or four transfers, four or five hours of commuting time round-trip, with costs at $15 per week. A resident of Harlem commuting to an aircraft factory on Long Island would have to spend $40 per month.

Despite an estimated 1.5 million new manufacturing jobs since 1951 set up on the rim of the central cities, there is little commutation by inner city residents, especially non-white males. The 1960 Census of five selected cities showed a range from 16% of the inner city non-white work force in Baltimore to 3.1% in New York in terms of outward bound commuters. Two recent studies of the industrial growth fostered by the Washington, D.C. Beltway came to the conclusion "that the lack of public transportation makes it difficult or impossible for Central City residents who do not have private cars to follow the jobs to the suburbs."

America is a nation of automobiles. Eighty per cent of white American households own cars, including 89% of all house holds earning over $6,000 annually. Half of minority house holds do not own cars, however, and although they have more wage earners per family, lower income and minority families have fewer two car families. Operating expenses and insurance costs are much higher for the inner city resident also.

We see the results of the lack of inner city jobs, the lack of suburban low-cost housing, and adequate transportation facilities in the unemployment figures. Non-white unemployment is nearly double that of whites; 30 to 50 per cent of nonwhite teenagers are unemployed; subemployment at part-time or poverty wage jobs is as high as 35 per cent in some areas.

What can be done? What role can transit play in solving this national problem?

Some say that the black community is no longer interested in moving, that it wants to attract and own job-producing operations within the inner city. Others claim that business relocation into the ghetto is economically unfeasible and that suburbanization is the only answer.

While I see some merit in both points of view, their development will take time. Neither will provide a full answer alone to job demands, and in either case, transportation will still be vitally important. The inner city firm needs adequate freight transportation facilities. The suburban worker is already plagued by inadequate transportation to the outer industral parks. There is another way to get jobs and people together.

The Kerner Commission, however else you may view it, recognized this. One of its specific recommendations was the "provision for transportation between the ghetto and outlying employment areas," a problem which, the report said, "has received little attention from city planners and municipal officials."

From the articles in your weekly publication, I know this Association has not ignored the problem or the HUD-sponsored demonstration projects to date. Your membership will undoubtedly be called upon to play a major role as we move from experimentation and concern to application and solution.

The riders are there. For the past two years, a $2.7 million Federally-assisted research project has been carried out in Watts to assist residents not only in reaching jobs but schools, stores, medical care and other outside services. Passenger traffic on the buses has increased from 800 rides daily to as high as 2800 daily in the space of three months.

Without ruling out other forms of transit, particularly where new lines are being installed, bus service appears to have an inside track as a solution due to its flexibility. In the District of Columbia, a new bus service has been instituted directly between black southeast Washington and white upper northwest Washington during peak hours. In my own area of New Jersey, after nearly two years of planning and petitioning, a new bus franchise route has been approved by the ICC to service a large industrial park development between terminals in Paterson and New York City. Besides new routes to provide direct access to places of work, approaches such as the HUD-sponsored Los Angeles test whereby buses controlled traffic lights along their routes, cutting as much as 75% off previous delays, can be utilized.

If existing transit agencies and companies do not move to meet this need, it seems clear that others will. A black business organization called NEGRO is trying to establish a community-owned bus line in Watts. Ghetto car owners in Providence, Rhode Island, taking advantage of the fact that some cities pay transportation expenses for residents trying to reach health and welfare services, are being paid as drivers on call from a central dispatcher. So-called gypsy cabs serve areas of Harlem and Bedford-Stuyvesant in New York City.

I don't doubt that some form of subsidy, hopefully temporary, will be necessary in many cases while the passenger potential is being tapped. Such a subsidy is justified by the problem of getting information on jobs or on-the-job training to inner city workers. Studies have shown that the most effective means of transmitting job information is the informal system through friends, neighbors, relatives and others in the community. But the social and economic isolation of the ghetto dries up the grapevine. This has to be overcome.

While the problem of spreading job information is not directly your concern, it is important to remember that information on the availability of adequate transportation plays a major part in the decision of a worker to pursue these new opportunities. I mentioned before that a new crosstown bus route has been started in Washington, D.C., to assist lower income workers in their attempts to reach jobs. Apparently, from a check my office made, the only publicity carried out on this new route was in the newspapers and on the inside of other buses. It is not surprising, then, to find much of the traffic generated

using the bus as an express downtown instead of crosstown.

As we approach the establishment of service of this nature, we are going to have to use a little imagination not only in routing and equipment, but in promotion as well. Many of the potential customers, through no fault of their own, have had such poor education that they have little inclination or ability to read newspapers, even if they could afford them. They may not be riding other buses because they are unemployed, lacking the mobility the new service is designed to provide. We need to reach them through their own media, and where they live. That means easy-to-read notices in laundromats, churches, barbershops, beauty parlors, corner groceries, carryouts; that means using the grapevine of neighborhood and social workers, bloc clubs and tenant organizations, ministers, and bartenders; that means using what the kids call soul radio, as well as community newspapers.

Will interest in the transportation needs of the inner city resident forfeit the suburban support for mass transportation programs? As a suburban Congressman, I do not think so. We need all the support we can get. Our urban goals are broader than simply transporting someone into the central business district.

Transport innovation will to a large degree dictate what is possible, and the extent to which transport policy is directed to achieving urban goals will determine what is feasible.

A common interest in adequate transportation planning and policy can be assumed for both suburbanite and inner city resident. As an extra bonus, it may serve as a political and physical bond, a much-needed contact point between the two Americas many now fear are forming in relative isolation, distrust, and misunderstanding.

As a legislator looking to the future, then, I welcome your advice, your ideas, and your support, and I thank you for the opportunity to meet with you here today.

THE U.S. LOPSIDED TRANSPORTATION BUDGET

Stacked-up airplanes, jammed highways around the cities, inadequate local bus service, rundown railroad trains. What can be done about them? Most people throw up their hands in despair. They say, "The only practical solution is the injection of billions of dollars of public money," followed by "Where's the money coming from, in the face of educational needs, poverty programs, not to mention Vietnam?"

Hold a minute. That answer is not quite sound. The fact is, there is public money available for transportation needs, $5.5 billion in federal money alone, another $9 billion in state and local money. The only trouble is, it's being spent in a lopsided and basically senseless manner. There is tax money already in hand that could be spent for airports. For mass transit. For speeded-up corridor railroad trains. Unfortunately, much if not most of the money actually is going toward making it more and more difficult for most Americans to get from hither to thither.

If that sounds like an overstatement, consider this: Jets fly at 600 miles an hour, DC-3s at 200. Yet, in this age of the jet, according to a study by Lockheed, it takes "45 minutes longer on the average to get from downtown New York to downtown Washington than it did 20 years ago using DC-3s." If this affects only the more affluent portion of the population, consider this: Millions of Americans once rode to work comfortably, efficiently, inexpensively by mass transit—buses, subways, elevated trains, electric trolleys. Today that great system is only a fraction of its former size and no longer efficient or comfortable. One result is that in many areas, the jobless cannot get to where the jobs are. In other areas, working men must spend hours and hundreds of dollars a year on crowded highways. That's what our billions have accomplished.

Why has our transportation system become such a mess? There are a multitude of answers, but they all boil down to one: We are spending our billions in a way that even a Hottentot would consider irrational. Practically all the Federal Government's expenditures are for highways. Says Alan S. Boyd, Secretary of the Department of Transportation: "Everybody talks about a balanced transportation system. We've got about $4.5 billion a year going into the Highway Trust Fund. On the other side of the scale, we have $175 million going into mass transit [both rail and bus] and $65 million for airports. We've got a bucketful of money for highways and only a medicine dropperful for the rest."

In a nation with 100 million automobiles, highways are an obvious necessity. Just as obviously, however, they are not the complete solution to our transportation problems. Since 1957 the Federal Government has spent $36 billion collected from taxes on tires and gasoline to pour 220,000 miles of concrete. The state governments have spent another $58 billion. Yet, as every motorist knows, the traffic problem hasn't gotten any better; it's gotten worse in many areas.

MORE ROADS—MORE TRAFFIC

One reason, of course, is that there are more cars on the road. Another is that highways encourage people to drive more. As Harold E. Wirth, a Washington lobbyist for Firestone Tire & Rubber and chairman of the District of Columbia chapter of the Highway Users Conference (which is also a lobby), says: "Trouble is, every time you build one of these roads, they're so damned good, everybody flocks to them." He says it with a smile: He's paid to keep the concrete flowing; the theory is that highways sell rubber.

The highway lobby's solution is a variation on the hair-of-the-dog-that-bit-you theory: If you have a hangover, the cure for what ails you is another drink. If you have a traffic jam, build another highway.

It hasn't worked so far. It cannot work. Highways don't run from nowhere to nowhere. They link cities. And the cities, by their very nature, are bottlenecks. They can handle just so many cars, and that will always be true until some genius figures out a way of making streets elastic. That is why, as cars approach a city, in some places even before they reach the suburbs, traffic becomes jammed. Laying down more highways cannot possibly alleviate the problem, because the problem is the city itself. Just one car too many acts as a cork, closing the bottleneck and backing up traffic for miles. The city is the problem, but the cities are not getting the money; it's going for ribbons of concrete.

The solution clearly is to bring more people, especially commuters, into the cities by mass rapid transit, thus relieving the congestion in the streets. Most of the nation's major cities now recognize this, but it's not easy. First, where will the money come from? As Boyd has pointed out, while there's more than enough for highways, there's only "a medicine dropperful for the rest." Another reason is the highway lobby, by far the most powerful in the U.S.

The highway lobby is not a sinister thing. It represents a major part of the U.S. economy, on which millions of Americans depend for a livelihood, directly or indirectly: the oil companies, the auto companies, the tire companies, the trucking companies, the highway construction companies. It represents the man who owns an auto agency in a small New England town and the widow running a gas station along an Indiana highway. It represents the trade uinons whose members work on the highways.

The highway lobby has behind it some of the most powerful state political machines in the U.S. In many states, the highway department produces the grease that keeps the machine running. Since the gasoline pump is one of the most efficient tax-collection agencies ever devised by man, in many states it takes in more money than any other state department. It has more contracts to give out; it has more favors to offer (like running a highway past someone's land even though common sense says it should be elsewhere).

Finally, like the gun lobby, the highway lobby has the strength of a great mystique. There are millions of Americans who just plain love cars. They will make any sacrifice to own and drive a car. A car is not a necessity in New York City; it can more aptly be called an expensive nuisance. The auto insurance rates in New York are among the highest in the U.S. In some parts of the city, it costs as much as $75 a month to garage a car. In midtown, the parking lots charge as much as $1.50 an hour. The traffic is agonizing. In spite of this, 1.5 million cars are owned by New Yorkers. That's how powerful the mystique is.

GENEROSITY ON CAPITOL HILL

If all this were not enough, the highway lobby has never hesitated to spend money: an estimated $500 million a year. Part of this goes to legislators—local, state and federal. According to a recent story in the *Des Moines Register*, 13 of the 34 members of the House Public Works Committee, which has jurisdiction over highway legislation, have received campaign contributions from the highway lobby ranging from $500 to $3,000. It's also accepted practice for industry associations belonging to the Highway Users Association to ask key members of Congress to address their meetings for a fee that may run as high as $5,000.

The highway lobby makes it a practice to fight mass transportation. It argues that mass transportation is a waste of money because few people will use it since "surveys show they prefer their cars." Alan Boyd, however, disagrees: "the community hasn't had a chance to make a choice. There's money for highways, and that's it."

Basically, the highway lobby has two motives. One is obvious: The better the highways and the worse public transportation becomes, the more people will prefer to drive cars; already one family in four is a two-car family. The other motive is less obvious but equally powerful: The highway people don't want to see gasoline go the way of the cigarette so far as taxes are concerned. As things now stand, the federal gasoline tax is only 4 cents a gallon, 11% of the typical price, and typical state and local taxes run to another 7 cents, 20% of the price. By contrast, in New York City, for example, cigarette taxes run to 24 cents a pack, about 50% of the price.

Like cigarettes, gasoline is a product that people will buy at almost any price. By seeing to it that gasoline taxes go only for highways, the highway lobby interests hope to kill the temptation on the part of governments to tax gasoline for general revenue purposes.

One of the cities that has decided to fight building more highways and, instead, create a mass transportation system to bring in people is San Francisco. The Bay Area now has 3.5 million people; by 1980 it will have 12 million. To Mayor Joseph L. Alioto, a tough, former antitrust lawyer, it's obvious that there just isn't any way they will all be able to get around by car. "Some of them are just going to have to get the hell out of their cars and use other means of transportation," he says. San Francisco has launched a $1 billion Bay Area Rapid Transit project called BART, and Alioto is having the devil's own time finding the money to complete it, partly because of the highway lobby's opposition. The lobby is dead-set against BART because, says Alioto, it "looks

on BART as competitive with their automobiles. . . . I've written letters to all the company presidents concerned, telling them they should call off their dogs, explaining that they are not representing their best interests. Any answers? Just one from Standard Oil of California. They're willing to talk about it."

While fighting BART, the highway lobby is pushing for four miles of freeway through the city's recreation and watershed land. Alioto says the city doesn't want highways there. The highway lobby is also trying to build a freeway through the city's famous Golden Gate Park. "We told them [the highway lobby] they can go to hell," says Alioto. "They aren't going to build a freeway through this city unless they go underground."

Another city that has been attempting to block new highways, substituting mass transportation, is Washington, D.C. For the past five years, the U.S. Bureau of Public Roads has been trying to build a new bridge over the Potomac and a series of inner belt freeways. Citizens' groups have opposed the project on the grounds that it would destroy part of the Mall, cut through miles of park land, and further congest traffic. The lobby is going to have its way. In August Congress passed the Federal-Aid Highway Act of 1968, which *ordered* the District of Columbia to start construction of the contested project in "not later than 30 days." Mayor Walter E. Washington, and the Secretaries of Transportation, Interior, and Housing & Urban Development all urged President Johnson to veto the bill, but he signed it anyway because of what Boyd calls blackmail. Democratic Representative William H. Natcher of Kentucky, chairman of the Appropriation Subcommittee for the District of Columbia, threatened not to release one penny of the money Congress had voted for the subway Washingtonians really want "unless those highway projects get going beyond recall." Such is the power of the highway lobby.

UPROAR IN THE GHETTOS

This obsession for building highways while neglecting every other form of transportation has not only complicated the nation's transportation problem; it also has acerbated its racial problems. With freeways already linking the cities, there soon won't be any place to build more—except right inside the cities themselves. And that's what the highway lobby is pushing for. There is a certain logic in the lobby's position: Wherever the cities constitute a bottleneck, pave them over. Understandably, when an engineer plans a freeway, he picks a route that runs through relatively inexpensive property. Not always but usually, that means the Negro ghettos. It's a question of dollars and cents, not race prejudice, but it nevertheless infuriates the inhabitants of the ghettos, for it means tearing down the houses in which they live. Granted these houses freuently are slums, the inhabitants of the ghettos have no other place to live.

Urban freeways, therefore, have become a major issue among Negroes in several cities and towns in northern and border states, including Nashville, Tenn.; Ossining and Tarrytown, N.Y.; Baltimore and Philadelphia. They were a major cause of the riots that swept Newark and Detroit last year.

Partly for this reason, partly because of the other problems it causes for the city, including pollution and increased congestion, and partly because all the other means of transportation are demanding urgent attention, opposition to building more freeways is growing. So far, it has not reached such proportions that it greatly disturbs the highway lobby. Jerry W. Poole of the American Petroleum Institute, which represents the major oil companies, for example, simply dismisses the complaints of Negro leaders and of mayors like Alioto with the statement: "We *have* to relocate and tear down. You can't do this without irritating somebody." John de Lorenzi, public relations director of the diehard American Automobile Association, is even more cavalier. "Fighting freeways is an emotional thing," he says. "It seems to be the new 'in' thing. Last year, it was Vietnam; this year, highways."

One reason the highway lobby can afford to dismiss its critics is the fact that, in a sense, the highway program is self-generating. Proposals to appropriate money for airports, for mass transportation and for improving the nation's railroads all must compete with proposals to appropriate money for defense, for housing, for education, for the support of agriculture. The highway program has its private pork barrel, the Federal Highway Trust Fund. Every time a motorist or trucker buys a new tire or a gallon of gasoline, he pays a tax that goes into this fund and cannot be used for any purpose except highways, that cannot be tapped by anyone not even by the Department of Defense.

Congressmen who believe the nation's transportation is unbalanced have argued in favor of using part of the Highway Trust Fund for other means of transportation, to build new airports, for example. The highway lobby has beat them off. AAA attended both national conventions to lobby for "a plank protecting the Highway Trust Fund." De Lorenzi says: "We fight hard. You never know where the threat will pop up. Even Alan Boyd has been suggesting the use of highway money for parking lots near transit stations."

It's a fact of bureaucratic life that, if a government agency has money, it will find a way to spend it. Given the nature of the Federal Highway Trust Fund, the highway program has a never-ending supply of money.

On top of this is another fact: Under the National Highway Act, states that decide to build a highway can get 90% of the money from the Highway Trust Fund. Faced with a choice between constructing a mass-transit system that will cost it 100 cents on the dollar and a freeway that will cost it only 10 cents on the dollar, the temptation for a state to build a freeway is almost irresistible.

What about the airplanes? What has the power of the highway lobby to do with airplanes stacked up for hours over New York's Kennedy Airport or lined up on the runways at Chicago's O'Hare. The answer is: *Plenty.* Last year in the U.S., $625 million was budgeted for airport building, expansion and modernization. Of this, just $65 million, over 10%, came from the U.S. Government. This meant of course that, while local governments could build highways with 10-cent dollars, they had to build airports with 90-cent dollars. The result has been predictable, and it is going to get worse.

The airport situation is tied to the other forms of transportation in yet another way. Few people want airports near their homes: The noise is getting worse and worse. The only solution is to build new airports far out in the country. But that solution runs right smack into the problem of urban congestion: How are passengers disgorged, say, at the far tip of Long Island, going to make the 100 miles into Manhattan. By car? It would take six hours to make the trip. The solution is comfortable, efficient, high-speed rapid transit. But where is the money coming from? Not from the arlines. They are hard put to finance the fleets of new airplanes they have contracted for.

But many of the new aircraft may turn out to be unusable unless something is done about the airport situation. The airlines last year owned 2,188 planes; by 1974 they'll have 3,400. Private planes totaled 114,000 and will top 170,000 by 1974. Already the Federal Aviation Administration has ordered the airlines to reduce the number of flights into the busier airports at the busiest times. This, of course, will alleviate the situation. But it will—in the long run—cause a deterioration in comfort and convenience and reduce the range of choice available to air travelers. (Already the once-wonderfully convenient New York to Washington air shuttle has been curtailed.) Most important of all, it will limit the expansion potential of the busiest routes and lead to even greater problems for the airlines a few years from now.

Given the continuing growth of air travel, New York has to have a fourth airport. No doubt it will eventually get one—but too late to prevent continuing crises. New Jersey and New York still are at least a year or two away from agreeing on a site. Even after they do agree, it will take an estimated eight or nine years to build the airport. Once built, there will remain the problem of getting people to and from the airport.

The highway lobby has a standard answer, of course: Build another highway. Cleveland tried it, and learned that it wasn't an answer at all. The new highway quickly became as congested as the old. Cleveland has since built a rapid-transit system out to its airport, and that does work. New York, which has an even worse problem than Cleveland's since Manhattan is completely surrounded by water, is talking about extending the subway to La Guardia and the Long Island Railroad to Kennedy. The problem is: Money. New York can get all the money it wants to build a highway across Manhattan that will obliterate thousands of homes and businesses, including Chinatown, which is, among other things, a great tourist attraction, but money to bring people into New York quickly and comfortably? Congress already has decided on its priorities: $5 billion for highways; $175 million for mass transit. When that $175 million is divided among 50 states, the figure becomes meaningless.

Another example of Congress' sense of proportion: The need for a high-speed train between Washington and New York, and New York and Boston has long been obvious. Nowadays, in rush hour, a man has to spend 40 or 50 minutes getting to National Airport and an hour or more getting from La Guardia to New York, and this for a 50-minute plane ride. It wouldn't make sense if there were a high-speed train between Washington and New York.

A train going 125 miles an hour is technically feasible. Japan has one running between Tokyo and Osaka. It has been a huge success, a huge financial success. Last year, it earned $96 million on revenues of $310 million. Japan has decided to extend the line throughout the islands, 650 miles.

Penn Central is attempting to duplicate the Japanese feat. So far, it has failed. It was supposed to start operating its high-speed train in October 1967 but, says Boyd, "They're running into all sorts of technical problems on this thing." Why? "Largely because we tried to do it on the cheap."

The Japanese government spent $1.3 billion to build the Tokyo-Osaka railroad. The U.S. Government has put up $12 million for the high-speed Washington-New York train. Twelve million dollars couldn't build 14 miles of highway.

At that, Congress was generous, possibly because Congressmen spend much of the year in Washington and travel frequently to New York. High-speed trains are needed all over the U.S., wherever a megalopolis has developed—from San Francisco to Los Angeles, for example, and from Chicago to Milwaukee and Detroit. The necessity has left the legislators cold.

FROM TROUBLE TO CATASTROPHE

Until now, the nation's transportation mess has been merely an inconvenience. It has merely meant getting snarled in traffic, coming late to work on commuter trains which break down periodically, waiting hours in

airlines terminals for a plane to arrive. Unless something is done—and soon—however, there is a good chance that the mess may lead to catastrophe. Over all the nation's overcrowded airports, near-misses have become a commonplace. According to Kenneth T. Lyons, president of the National Association of Government Employees, "The safety factor at Washington's National Airport has degenerated to a point that almost daily there are reported and unreported near-misses averaging five a day." The nation's luck can't hold out forever.

The failure to spend money on mass transportation could lead to a catastrophe of another sort. To cite just one example: Over the years, the New Haven Railroad has steadily been running down. It has become so unreliable that fewer and fewer people use it every year; they just can't depend on the New Haven. Nevertheless, it still carries 30,000 commuters to and from work each day.

If the New Haven should break down completely, it would take at least 25,000 automobiles to get those commuters to work. (The average automobile carries 1.1 passengers.) In simple fact, they would never get to work, for 25,000 more cars on the highways leading into New York would create a traffic jam all the way to Greenwich, Conn. Building 50 more highways wouldn't help, since Manhattan can be entered only through bridges and tunnels. Building more bridges and tunnels wouldn't help, because Manhattan can't take any more cars; it's only 22 square miles.

Some of the nation's leading corporations, which have offices in Manhattan, would just have to declare a long holiday.

BILLIONS NEEDED

According to Department of Transportation experts, it would take a minimum of $37 billion over the next five years to make even a start on cleaning up the nation's transportation mess: $5 billion for corridor trains—Boston to Washington to New York; Chicago to Milwaukee and Detroit; San Francisco to Los Angeles—$4 billion for airports, $5 billion for airways (that is, for automated controls of flights), $8 billion for mass transit, the rest for establishing bus transit, fringe parking, automated roadways and the like. That kind of money can only come from the U.S. Government—and justifiably so, since an efficient transportation system is vital to an efficient economy.

But, to quote Alan Boyd again: "Congress appropriated only $175 million for mass transit for 50 states. At best one city, after a couple of years of haggling, might get $900,000. Now what the hell good is that going to do against $1 billion available for highway projects?"

Only three years ago, at the start of his first elected term in office, Lyndon B. Johnson had high hopes of doing something about the situation. He told FORBES at the time: "We need a transportation policy. There are conflicting interests at work. We've got to let the truckers know they can't contribute to a $100-a-plate dinner for a Congressman and then own him. The railroads can't have any more Jay Gould empires. The airlines can't just serve their own interests and tell us who's going on the Civil Aeronautics Board. But they're all children in the woods of Government. They've got to be led. Transportation [a national program] has to be sold to this country. You've got to get the people excited about it."

A first step was the establishment in 1967 of a Department of Transportation. Its mission was to see to it that the U.S. got a balanced, modern transportation system. Johnson was then at the height of his power. But then the soaring cost of the Vietnam war destroyed the possibility of getting additional money for mass transit or for air travel. Later, as the President's power and influence waned with his popularity, the vested interests, especially the highway and trucking people, were able increasingly to have their way in Congress. So much so that, in struggling to prune the budget this year, the Administration has been unable to make any important cuts in the highway program—which is certainly one of the more postponable and inflationary items in the federal budget. The best the Administraton has been able to do is to "stretch out" (i.e., postpone) $200 million, less than 5% of the $5.5-billion federal highway budget.

One solution to the problems that is gaining in support is for an Airways Trust Fund, financed by taxes on airline passenger tickets and aviation gasoline (not jet kerosene). Another possible fund might finance mass transit and railroad passenger travel. But these would be solutions of desperation. The mind boggles at the prospect of a federal budget straitjacketed by an endless series of earmarked taxes and spending mandates.

Will federal money be forthcoming for transportation in a more straight-forward and sensible way? Will the next Administration be able to come to grips with the problems? Whatever it does, one thing seems certain: It will have to consider seriously diverting some gasoline-tax revenues for other forms of transportation. Only the gasoline tax offers a convenient and relatively painless way to raise the money; there are too many other demands pressing on general revenues in an already overswollen federal budget.

But something will have to be done, because the U.S. is heading for a transportation mess that is going to affect not only the quality of life in this country but our economic life as well—to say nothing of our image as the industrial leader of the world.

KAUAI HOTEL MANAGER, GRACE BUSCHER, RECEIVES HIGH RECOGNITION

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. MATSUNAGA. Mr. Speaker, Hawaii has long been known for her natural beauty and the warmth with which she welcomes visitors. In recent years the surge of tourist travel has resulted in an incredible increase in the construction of vacation hotels and resorts; in some unfortunate cases, the natural and delightful Hawaiian setting has been sacrificed for expediency. It is therefore with a deep sense of pride and pleasure that I call to the attention of my colleagues in Congress the wonderful job that Miss Grace Buscher has done in maintaining the flavor and atmosphere of "Old Hawaii" as the manager of the Coco Palms Hotel, on my native island of Kauai.

Miss Grace Buscher's talented management of the Coco Palms Hotel has helped to maintain Kauai's unique charm and beauty, culture and tradition, despite the crush of increasing tourism and the inevitable temptation of overdeveloping. As a personal friend, I would like to extend my deep appreciation to Miss Buscher for her efforts to preserve the beauty and peace of our delightful island. The Kauai County Board of Supervisors recently passed a resolution commending her for excellent work. It is with considerable pride in the well-deserved recognition that has thus been accorded Miss Buscher that I now submit that resolution for inclusion in the CONGRESSIONAL RECORD in order that my colleagues and others may know of her efforts in preserving Hawaii's beauty:

RESOLUTION 32

Whereas, the Kauai visitor industry, nurtured through the years by public and private investment, has grown to become one of the major sectors of our economy; and

Whereas, the rapidity of this industry's growth has focused the attention of local government on the urgent need to maintain a balance between development and preservation of our Island's quality in terms of its beauty and the histories, cultures and traditions of its peoples; and

Whereas, it has been the officially stated purpose of the County of Kauai to preserve, as much as possible, the beauty, flavor, individuality and unique charm of our Island through careful attention to planning and through the legislation of ordinances which are designed to control development and encourage such to occur in keeping with our objectives; and

Whereas, an excellent example of this concept has been and is continuing to be maintained through the years in the on-going development of the Coco Palms Hotel, Wailua, Kauai; and

Whereas, the multiple aesthetic values of the Coco Palms Hotel, so evident despite its unprecedented growth, can be directly attributed to the foresight and boundless talents of one Miss Grace Buscher, its manager; and

Whereas, through her efforts, the culture of "Old Hawaii" is so effectively preserved and presented to the public in the midst of an established, profit-making enterprise which substantially contributes to the economy of our Island; and

Whereas, it is unanimously agreed that such outstanding attention to the ideals and goals of our people deserves recognition from their representative governmental body; Now, therefore,

Be it resolved by the board of supervisors, county of Kauai, State of Hawaii that Miss Grace Buscher be officially recognized and commended for her creative efforts in support of County's objectives.

Be it further resolved that copies of this resolution be forwarded to Miss Grace Buscher; to the president of Island Holidays Resorts, Inc., her employer; to The Honorable John A. Burns, Governor of the State of Hawaii; all Kauai representatives to the State Legislature; the Hawaii Visitors Bureau; the Hawaii Hotel Association; the Kauai Visitor Industry Organization; the Kauai County Advisory Committee on Tourism; and the Kauai County Advisory Committee on Economic Development.

GEN. JAMES GAVIN INTERVIEWED IN FORBES

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. MORSE of Massachusetts. Mr. Speaker, many Members of Congress has long believed that the techniques of systems analysis and systems management could have applicability to the solution of some of our most urgent social problems.

One of the chief exponents of the techniques, Gen. James Gavin, now president of the Arthur D. Little Co., warns that we cannot expect too much of them.

Interviewed in the October 1 issue of Forbes magazine, General Gavin does point out that if systems management is seen as knowing all there is to know about all the aspects of a problem, then it can be helpful in urban and related areas.

Because of the widespread interest in this topic, I include the text of the interview:

(NOTE.—An interview with General James Gavin, Chairman of Arthur D. Little Inc.: In World War II he jumped into history as commanding general of the 82nd Airborne, but, when the war ended, Lt. Gen. James M. Gavin, did not simply fade away. He achieved equal fame as the Army's director of research and development. A man constantly sparking ideas—and never afraid to express them—he eventually found himself in such profound disagreement with his fellow generals that he retired from the Army—to start a new career as U.S. ambassador to Paris. Gavin is now chairman of Arthur D. Little, Inc., the Cambridge, Mass., management development firm, and as such, a leading authority on the systems approach, the modern technique for coping with problems.)

Question. General Gavin, we've come to you with something that's been nagging at us for a long time. We keep hearing that science may be able to solve the social problems afflicting the country: Crime, race relations, education, transportation. The secret weapon is supposed to be systems analysis. The aerospace people are using it to put a man on the moon and the military uses it to accomplish the most complex tasks. We've talked to businessmen who think systems analysis can do the same for social problems. At Forbes we've been skeptical. We want to know what you think. But first of all, what is systems analysis?

GAVIN. It's an over-all view of an operation that could be industiral, social or a combination of both. When you use the systems approach, you deal with the whole package, you view all the components as a package; you don't deal with the components themselves. In the case of manufacturing autos, the package would consist of the raw materials, labor, the factories and facilities, what goes into the auto—steel, glass, paint, everything. Ideally, you could put all these things into a computer and get a mathematical picture of the whole thing.

Question. Fine, General but is it a magic formula? What are the limitations? And what are the possibilities?

GAVIN. You could have a lot of fun in an interview if I'd blast the systems approach. I'm not going to do that. But it does have its limitations. The trouble is that in our homogenized society we much prefer slogans to well thought-out sentences. You run into it everywhere: In politics, business, everything. But all of us here working on these problems are very skeptical about the wide-spread acceptance of the so-called systems approach as the open sesame, the magic word that would cause the whole thing to unfold in detail and thus provide very simple solutions to very complex problems.

In my own opinion, knowing the theory of the systems approach is nothing in getting the answers to the problems unless you know the problems. You gotta be able to ask questions. You got to know the nitty-gritty dirty details. Thus the nature of the problem changes. You have to know the people. You have to know the scales. You have to know the raw materials. You have to know the probable return for investment made on the part of anyone whether it's human energy or dollars or whatever. You must be absolutely sure of all the variables. And this is where the systems approach to social problems runs into trouble. People are volatile, unreliable, unpredictable. That makes it difficult, almost impossible sometimes to use the systems approach to social problems.

As an example, now I'm an honorary member of the youth alliance of a black group in Boston. They're interested in providing some dignity to their own community and law and order and so on, and they're succeeding. They're doing a lot. They tend to take the law into their own hands, but they're doing pretty well.

The sort of question I get is how do you identify enterprenurial skills. Who the hell is running things over there? It's hard to identify the leadership, and the leadership changes. Their business practices are so unsophisticated as to cause them to get into all kinds of ——— things that later don't work out and you have to work closely with them. You think you have something going for you and then it isn't working right. In the white community they've been doing these things so long that you know everyone. But in the black community we're trying to push them into things so fast and a lot of them are so ambitious about it that you can make some serious mistakes in identifying the business leadership and the effect of people and you have to work with people to find out how things are going. And then adjust as you go along.

I know some in Washington who are talking about systems approach in a big way. That's their business. But I like to do it my way because you know what the hell you're doing and you can see results. I've got some very able blacks in Arthur D. Little and we're working in Los Angeles, in East Cleveland, in any number of cities now and we're working right down at the nitty-gritty curbstone level. And getting things done.

There's a black group in New York's Bedford-Stuyvesant area trying to get capital to make African-type garments, colorful. The blacks will buy to identify themselves, and the whites will buy to salve their conscience for so long being so insensitive to the condition of the blacks. But these people need capital. These guys are already tied in to cosmetics in the Watts area and they've got hair spray that puts a sheen on the hair.

They have more orders than they know what to do with but they need capital. We're working hard on this now. I have great respect for this way of doing it.

Let me draw a parallel for you: Once upon a time we had to launch a satellite and Werner von Braun and I worried our hearts out about the ——— thing, because we had so many things we didn't know how to solve. We didn't know how to solve the heat problem, the reentry problem. Then you have the very difficult problem of liquid oxygen and the jet fuel. But we finally got the first one launched and in fact it was responsible for the Explorer I. We worked on what we called the building-block principle. We understood every component 100%, and if anything happened we knew what to do to help that problem. And when we finally went off the pad our system worked because we knew what the hell was in it.

We had competitors at that time who worked on the systems approach. They just dumped the complete thing, took her down and let her go. And then tried to debug her. And ——— it was a costly business. It finally only worked because the building-block knowledge that went into it made it work. The analogy fits in the race problem. You have a lot of people, you have raw materials, you have business opportunities. You have all the ingredients but you've got to understand them and understand that they change all the time. And understand that your evaluations might be quite wrong and you have to be prepared to change. And then with willingness you can go ahead and help these people do things. But you must approach it from this end. Later on as you see the thing, it turns into a system, a total, well that's OK. But, first, you've got to deal with the components. The little plastic disk that costs 25 cents could cause an orbital flight to collapse. On the pad. Because you didn't happen to understand the particular components of that little part.

Question. The building blocks in the case of the aerospace program are inanimate things. In the case of any social problem whether it's transportation, education or the slums, the building blocks are human beings. So really you have to know the human beings first. This is what your'e saying.

GAVIN. People surprise you. For example there's a black woman in a midwest city on the board of trustees of a junior college. We went out to help locate the college. The trustees proposed putting a junior college right near the edge of the black community. I think, gee this is fine: The kids can all walk to the school. But the black lady was furious. She wanted it close to the white community so it would be an integrated school and not an all-black school. But you don't know this until you talk to her and find out. In fact, the trustees on the board couldn't understand why she wouldn't go along and yet she wouldn't say what she felt. She didn't want to be an Uncle Tom about it.

Question. General, not all of the building blocks are black ones. Some of them are white. The working-class whites who resent seeing the blacks make progress, the recent immigrants and poor southern whites who vote for Wallace. And even the well-meaning whites who think the blacks should take it easy.

GAVIN. I said to one of my more affluent friends down in Cape Cod last weekend that the rich get rich and the poor get poorer. That's reality. And he didn't like it at all. Yet what I said is supportable by numbers. In this country the rich are getting richer and the poor are getting poorer. And the numbers of them are increasing. You do have a number of building blocks. There's a white withdrawal to the suburbs and their nice little garden homes and their split-level houses and this and that. Two cars. More and more poor get stuck in the city with a very rapidly deteriorating environment. And it gets worse while the other gets better.

You've got a lot more than blacks to deal with, I'd agree. Right now we're talking to businessmen, and from my experience the first thing you've got to have is a businessman who is a chief executive taking a personal interest in the problem. He can't tell his vice president for public relations to go and represent him. He's personally got to take an interest in it. It's an executive problem now. It's a chance to do something for your community. It isn't public relations.

Question. But there are a great many businessmen and even a greater number of stockholders who say: Why should these be our problems? What do we care about Negroes in the slums? What do we care about transportation? What do we care about education? What do we care about anything except manufacturing hairpins and getting an operating profit of 10%. Why should they care about any kind of problem which doesn't affect their operation?

GAVIN. You ask, "Why should industry bother?"

You don't have to be a genius nor have a crystal ball to look at where this country is in terms of where it was and where it's going. I can see the conditions now prevalent up and down the eastern seaboard and in other parts of the country. I don't see how industry can live as islands of affluence and profitability in seas of squalor and want. I don't see how industry can live like that. You can't act as though these problems aren't going to be here. And if the conditions of our environment—pollution, traffic congestion, deterioration of housing, population growth continue on and on it will create a social environment in this country that's just unbelievable. I don't see how industry can ignore it. The wise in in-

dustry have begun to deal with it now before it gets worse.

You know we don't have to live this way. We don't have to live like this. You know how I feel about it. I'm frankly worried. Business has got to deal with these problems. After all this is the mark up. These are the people who should be purchasing the pots and using the services of industry. They've got to be reasonably prosperous, contributing taxpayers. This is good business to help them get like that. It's good business to be concerned with the problems and it's better business to start dealing with them now rather than ten years from now when it's going to become appallingly out of hand.

Question. You're talking about a problem we see every day. People say; "We need more airports." But then they say, "but don't build it near my house; it will hurt my eardrums and my property values." Or, "I'm for integration, but keep 'em out of my kid's school." So even if the systems approach can view the problem whole, what good is it if the voters and taxpayers don't see it whole?

GAVIN. This is because of a leadership failure in this country. No one makes the big decisions. There's a gross failure in the Establishment, in the leadership in this country. The values of our leadership are completely out of whack with the people themselves. I think what the candidates today are saying is irrelevant to the hour. Really, I think so. Not a word came out of Miami. I went down to Miami and came back before the votes were taken. There wasn't a word said down there about the young people, about their participation in government, getting the vote to the 18-year-old. Nothing said about the specifics, about the domestic condition. All motherhood and virtue. My God, what are we talking about? What they're saying is totally irrelevant today in this country of ours. What you're seeing now is real lack of leadership, real understanding leadership at the national level.

The lack of leadership is felt because the average person on the street today knows more than a head of state knew a generation ago, because every day he looks at TV and sees Czechoslovakia being invaded; he sees riots in Cleveland; and yet all we can tell him is all you've got to do is change your representative in Congress and send someone else down there who will begin to deal with these problems in 1972.

Therefore, we're going to follow two alternatives: We're either going to have a regressive government that fails to provide the sort of leadership we need and then we're going to have very serious disorders in this country, or we'll somehow manage to find the kind of leadership we had in a comparable way in the early 1930s when we had a President who went on radio for fireside chats with the people, to talk about all the problems. He did it with great frequency and he had experts with him and he talked about this side of it and that side of it and ended up bringing about a revolution in our society. I believe, and I say this publicly, we should have an executive who comes right to the people on prime time with some frequency the moment he takes over—maybe every week or so—to talk about what the real problems are. The people must get a sense of participation in what is happening in this country. Particularly the young people need a sense of participation.

If we could achieve that we could talk about getting the electorate to respond by sonar electronic devices and we could hold a national town meeting of the country. I think that this is technically feasible. Not to vote on issues, not to bind the present to any policy but to give people a sense of participation in giving direction to this country which they now feel is totally lacking.

Question. One of the most confusing things is this: How do you identify black leadership? Who are the people you are supposed to deal with?

GAVIN. Too put it bluntly, whites are being asked to do what blacks won't do. That's the strange thing about this. A reasonably intelligent, concerned American would look at this thing and say, ———, we have a revolution on our hands in this country right now but we don't realize it. We have people like the Youth Alliance in Roxbury, wearing arm bands, having walkie-talkies, taking over law and order and not allowing the police in. They asked the police not to come in. And everybody agrees that this is the way to do it and it works. Now you have the Blackstone Rangers which is another sort of a problem. You've got the Panthers which is another kind of problem, but they're really interrelated. According to the Brandeis (University) group (studying violence), 50% of these people are armed in their homes now, the whites as well as the blacks. Mostly whites, blacks have a hard time getting weapons. It doesn't take much common sense to see you've got a revolution here. You're recognizing nonlegal bodies as being the proper appointed leaders of the community, and that's where the leadership is—strangely enough. Businessmen will have to work with these people instead of the black Harvard graduates. They've got a position of respect and leadership in the community. You've got to recognize and you've got to work with them to do certain things.

You have to look at black leadership a little differently than you look at white leadership because the way it came into being is different from most whites but not all whites. We think of it as a sort of underdeveloped-country area. You have certain raw resources there, you have people, you have materials, with a little capital and a little identification of leadership. In our own way at Arthur D. Little, we're working with their building blocks. We do jobs for federal, state, city or a small business that's trying to start in these areas. We don't do it for charity. And for this we get paid our regular consultant fees. Aside from this, it's probably the most important thing we're involved in these days.

WANTED: 45,000 DISCIPLES—THE WAR AGAINST CRIME AND RIOTS

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CRAMER. Mr. Speaker, I had the privilege of addressing the Society of National Association Publications in Washington recently at the time when Resurrection City was in existence, and shortly after the unprecedented riots and burnings in the Nation's Capital.

Under these circumstances, I felt duty bound to discuss these matters, having been in the forefront of the legislative efforts to do something about these problems, including my successful sponsorship of the Antiriot Act, numerous anticrime bills, and the attempt to get a bill passed to rid the Capital of Ressurection City and any other public property campins in the future.

I was proud to receive a very thoughtful article from the Hardware Retailer, a nationwide magazine, reflecting on this problem, which article I place in the RECORD for the attention of my colleagues:

WANTED: 45,000 DISCIPLES

(By Bob Vereen)

Most thoughtful Americans are appalled at today's rapid decay of authority, our mushrooming crime rate, the frightening tendency of the courts and do-gooders to protect the rights of criminals and minorities at the expense of crime's victims and the welfare of the majority of American citizens.

We are reaching a time in our history when prompt and definitive action must begin. We must re-establish certain basic truths upon which our government and our nation were founded—that while the rights of the individual must be protected, such protection does *not* extend *to the forceful deprivation of someone else's rights!*

This is not a political editorial, but rather, a call to action regardless of your political party. Become *involved* this election year in letting local and national candidates—especially for the House, the Senate and yes, even the Presidency—know your feelings and views on crime and lawless in America.

Last month I attended a publishing convention in Washington, D.C., where I listened to the author of our nation's Anti-Riot Law describe the behind-the-scenes carnage that was Resurrection City. I heard him outline the broken promises made by those behind the Poor People's March, heard him tell of looting, robbing, arson and killings in Washington that became so numerous that today, as you read this, bus drivers in our nation's capital will not accept cash fares during the evening hours.

If you want to ride a bus, you use paper scrip. Why is scrip necessary?

Because there have been so many robberies, muggings and even murders of bus drivers that it is not safe to use our nation's currency in our own capital.

Did you know that police—and police dogs—are on full-time duty on Capitol Hill to escort government employees from their offices to their cars or public transportation at night? It is not safe to be on the streets of Washington alone. Nor is it safe in parts of Cleveland, New York, Chicago and many other cities.

If you are as I am, you *knew* some of this. You'd read about it in the papers. But the horrifying impact of it didn't reach me until I heard Rep. Bill Cramer of Florida describe it in person.

What can you and I do? We can become concerned . . . vitally interested . . . active, regardless of political preferences. I have personaly vowed to make my feelings known to my representative and our two senators and to encourage my personal acquaintances to launch a letter campaign urging strict law enforcement and stiff penalties for criminals—especially the crimes of looting, arson and robbery. And for rioting.

Each of us can become *a missionary for law and order* in America. We must be strongly for genuine civil rights and equal opportunity, but we must also cry loudly to every politician and bureaucrat that millions of Americans demand *law enforcement* too.

Hardware Retailer's readers are respected business leaders at every level—manufacturing, wholesaling and retailing. Our readers are scattered throughout more than 10,000 cities, towns and small communities all over America. You truly blanket America.

There will be more than 45,000 copies of this September 1968 issue distributed in our industry. If each reader would become an *activist* in this cause, what an avalanche of mail we could shower on present or hopeful politicians.

Why not add the practicality of "civics" to our industry's many meetings and gatherings? Would it be wrong at sales meetings or store meetings to urge *greater participation* in local affairs? Would it be wrong to prepare a manual of instructions on better community relations? Indeed, would it be wrong to throw the spotlight on hardwaremen at any level who have *accepted* the mantel of civic responsibility and worn it well so as to

inspire even greater effort on the part of more people?

Legislative activity, as Bill Mashaw noted last month in his editorial, long has been a mainstay of Association programming and needs. But this strikes at a more fundamental problem—indeed at the very heart of America's being.

It is a common cause to *all* law abiding citizens—to your fellow merchants, whether large or small; to your employees; whether you employ 1 or 1,000; to your fellow church members; to the parents of your children's friends, etc.

Never before has it been so necessary that normally docile American citizens become aroused *to full participation* in their government. We must contribute and participate if we expect to survive.

THE STEUBEN SOCIETY OF AMERICA

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CURTIS. Mr. Speaker, it was my great pleasure to have the opportunity to address the Steuben Society of America at their 23d Biennial National Convention which was held in St. Louis, August 20–25, 1968.

The Steuben Society of America has had a long history of service to this country in the tradition of Friedrich Wilhelf von Steuben, for whom the society is named. Von Steuben emigrated to this country in 1777 after having served as a high-ranking officer in the army of Frederick William I of Prussia. His services were badly needed and his talent put to good use. After reporting immediately to Gen. George Washington in February 1778, he undertook the training of the Continental Army and served as acting inspector general. By April of that year Washington made him inspector general with the rank of major general. In the winter of 1788–89 Steuben prepared his "Regulations for the Order and Discipline of the Troops of the United States," which became the military bible of the Continental Army. At Yorktown Steuben commanded one of the three divisions of the victorious American army, and after the war Steuben assisted Washington in preparation of a plan for the future defense of the United States and in the arrangements for the demobilization of the Continental Army. He died a U.S. citizen in Onieda County, N.Y., in 1794.

The Steuben Society of America, composed of Americans of German origin, has been formed to emulate the ideals of this remarkable man. I am inserting in the CONGRESSIONAL RECORD the "Fourteen Points About the Steuben Society of America—Its Policies and Activities" together with a short history of the society prepared by the Library of Congress. In addition, I am inserting in the CONGRESSIONAL RECORD eight resolutions adopted by the delegates to the 23d Biennial National Convention of the Steuben Society which met in St. Louis, Mo., August 20–25, 1968, and the 1968–70 platform and program of the National Council, Steuben Society of America:

FOURTEEN POINTS ABOUT THE STEUBEN SOCIETY OF AMERICA

ITS POLICY AND ACTIVITIES

1.—This Society aims to loyally support the Constitution of the United States of America, advocates the proper application of its provisions, and endeavors to inculcate the principles underlying government by a Federal Republic with limited, delegated powers.

2.—This Society is dedicated to maintaining the independence and sovereignty of the United States of America and its freedom from all foreign influence.

3.—This Society engages in City, County, State and National civic affairs. The Unit attends to local matters, the District Council to a larger political division, the State Council to State matters and the National Council to National matters and Foreign Affairs.

4.—This Society pledges itself to promote the election to public office of men and women known to be reliable and worthy, who will strive to preserve and strengthen our Constitution and sovereignty, and who recognize our Constitution as the supreme law of the land.

5.—This Society uses the American language. The groups of the Society are units for the civic education and activity of members though not without social and cultural endeavor. It considers the teaching of the German language essential to the promotion of good will and friendly relations with Germany.

6.—This Society hopes to bring together all American citizens of Germanic origin for the purpose of safeguarding and promoting their political and civic stature.

7.—This Society is not a secret Society, but is of a non-public character.

8.—This Society employs a Ceremonial and Order of Business.

9.—This Society's "Constitution and Statutes" are modeled after the general principles of representative government. It provides for the opportunity of the able member to advance. There is no super-body of self-instituted and self-perpetuating governors.

10.—This Society is composed of administrative groups, known as "Units" and executive groups, called "Councils". To the District Councils are elected delegates and alternates from Units on a representative basis. To the State Councils are elected delegates and alternates from Units; Chairmen and Secretaries of District Councils are automatically delegates. The National Council is composed of delegates and alternates elected in each State on the basis of the number of Units. Such elections have the nature of promotion for ability displayed and service rendered.

11.—This Society's members must be citizens of the United States of America, must be able to vote, be of good repute and, wholly or in part, of Germanic origin. Persons who were shifters and trimmers, or who are known to possess no pride of ancestry are not eligible. Men and women alike are eligible for membership. No distinctions are drawn as to creed or political tendency.

11a.—Germanic immigrants, desirous of becoming citizens, who otherwise possess the above-mentioned qualifications may join a "Prospective Citizens League". Where such a League does not now exist, a group of 15 or more such future citizens may apply to the nearest Unit or Council of the Society for a charter.

12.—This Society holds that quality is the first consideration, quality being based not on wealth or position, but upon personal worth.

13.—This Society endeavors to maintain strict discipline. Self-seeking is made impossible by the Laws of the Society. This Society supplements the activities of German-American organizations in a hitherto neglected field, and is not in conflict with any existing organization. The Society was organized in May, 1919, and operates in many States. Public discussion of intrinsic and internal affairs and the resources of the Society by unauthorized members is not permitted.

14.—This Society is dedicated to enlightened participation in local, state and national affairs. It is not in any sense a political party, nor a group serving the purposes of any political party, nor shall it serve any individual's personal ambitions.

The policies of the Society on all issues are developed by open debate in Units, Councils and especially at the State and National Conventions. These policies on important issues are clearly stated in the State and National Platforms and Programs, issued after each convention. These Platforms, the "Steuben News," and direct communications convey our stand to the public, to our government and to our elected representatives.

THE STEUBEN SOCIETY OF AMERICA

At the turn of the century there was a strong indication that the future looked brighter and more promising for the German element in the United States. Aware of the great advantages of having a centralized organization, a small group of representative citizens of the various States decided to call a meeting to be held in Philadelphia to form a national organization. This organization was to be called the National German-American Alliance, and its aims were to be solely for the "purpose of promoting everything that is good in German character and culture, and that might accrue to the benefit and welfare of the whole American nation."

This meeting was called and took place on October 6, 1901, in the hall of the German Society of Pennsylvania. The business of the day was "combined with a celebration of the 'German Day' in commemoration of the landing of the German Pilgrims in Philadelphia on October 6, 1683." The principles adopted by this new organization were on the highest level of loyalty, patriotism, and devotion to their adopted country. "In recognition of this fact, the Alliance was, after a painstaking investigation of its aims and purposes, incorporated on February 27, 1907, by an Act of Congress."

"In accordance with its principles, the German-American Alliance promoted the culture of gymnastics, song, music, art, literature and the study of foreign languages. By lifting its members from the narrow limits of club life, it induced them to acquire the right of citizenship as soon as they were legally entitled to it, in order that they participate in all affairs of public life." The committees of the Alliance made various studies and offered certain suggestions for the "preservation and wise utilization of all natural resources of our country." By establishing Junior Orders it attempted "to inspire the younger generation to continue the good work of their fathers, and to display the same industriousness, enterprise and patriotism." Through these many works the Alliance "strove in many directions to win recognition for its motto: 'Always true to our adopted country; ever ready to risk all for its welfare; respecting the law, and sincere and unselfish in the duties of citizenship.' "

When the World War came and ill feelings toward Germany became common, the National German-American Alliance decided to dissolve of its own accord. (Senator William H. King of Utah introduced a bill to repeal the Charter of the Alliance.) The Alliance dissolved voluntarily on April 13, 1918, "a month before the charter was repealed. The funds of the Alliance, amounting to $30,000, were turned over to the American Red Cross."

Shortly after this some suggestions were made to form a new society, but a decision was postponed. Finally, in the spring of 1919, a group of men, all from New York, held meetings and discussed the idea of a new society. Thus, the "Steuben Society of America, an organization of American citizens of

German descent in honor and commemoration of the maker of the American Army," was founded. "The Society's Creed is:

"One country—A country so fair, tolerant and just that all who live in it, may love it.

"One flag—An American flag for American purposes only.

"One language—The language of truth spoken in any tongue in which one chooses to speak it."

The aims and purposes of the Society are on the highest plane of patriotism, of devotion, and of service to America. They stand for the support of the U.S. Constitution; for aid in defending the independence and sovereignty of the U.S.; for urging its members to participate in all phases of national life; for offering guidance to its members in making them better citizens of their adopted country; and for helping in "reestablishing that harmonious, neighborly cooperation and feeling of solidarity among the various racial elements of our composite population which existed before the World War."

September 17, the birth date of General Steuben, has been designated "Steuben Day" which will be celebrated "with patriotic speeches and other entertainments fit for such an occasion." The first "Steuben Day" was held in 1922 in New York with more than 1500 members in attendance.

RESOLUTION 1. THE WARREN RESIGNATION?

Resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: Earl Warren, Chief Justice of the Supreme Court has presented his resignation to President Lyndon B. Johnson, without specifying a date of resignation, but, is reported to have made the resignation conditional upon the appointment and affirmation by the Senate of a new Chief Justice, raising the question, whether, in fact, a vacancy on the court now exists; and

Whereas: Justice Warren has stated that in the event the Senate does not confirm by giving its advice and consent to the nomination of the current nominee, he would withdraw his designation. We maintain that, in fact, no vacancy does now exist; and

Whereas: This is tantamount to dictating to the Senate, the Congress and the People of the United States, by the Chief Justice of the Supreme Court as to who shall serve on that body; and

Whereas: Such form of resignation is highly irregular in the annals of the court;

Now therefore be it resolved that: We petition the Senate to refrain from giving its advice and consent to this nomination; and be it further resolved that a copy of this resolution be submitted to the members of the United States Senate and other authorities concerned.

RESOLUTION 2. THE INJUSTICES OF THE SELECTIVE SERVICE ACT

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The participation in the National Defense of the United States of America is the legal and moral obligation of all citizens and well trained armed forces are a necessity in these perilous times; and

Whereas: In order to fulfill these obligations it has been necessary to impose military training on our men; and

Whereas: There are many inequities and injustices in the present Selective Service Act and much dissension and evasion is taking place today, and while the reasons for some are fundamentally wrong, there is an urgent need for certainty in the Selective Service policies in order that our youth may be apprised of their obligations and commitments for military services.

Now therefore be it resolved that the Congress immediately come forth with a new and completely equitable program of Selective Service to rectify the present chaotic situation.

RESOLUTION 3. THE TAKEOVER OF CZECHOSLOVAKIA

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The free world has been shocked by the recent criminal invasion of Czechoslovakia by troops of Soviet Russia and several subservient Warsaw Pact nations, and;

Whereas: The Steuben Society of America has throughout the years reaffirmed its stand for all nations' right of self-determination, and;

Whereas: The Steuben Society of America has stated its opposition to the doctrines and practices of Communism, and;

Whereas: The Steuben Society of America has continually advocated non-interference in the internal affairs of other nations by military or other means, and;

Whereas: The invasion of Czechoslovakia violates the Charter of the United Nations.

Now therefore be it resolved: That this convention hereby condemns most strongly the barbarous invasion and take-over of Czechoslovakia and that we recommend to our national leaders that we withdraw all financial and material assistance to all nations that have troops participating in the take-over of Czechoslovakia.

Further, that our government be urged to stop all future aid to any nation whose government indicates a design to subjugate other nations. Further, that our government take all other necessary steps to effectuate the intent of this resolution.

RESOLUTION 4. THE ONE-MAN, ONE-VOTE DECISION OF THE SUPREME COURT

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The Supreme Court in the so called "one-man, one-vote" decision has rendered unconstitutional at least one house of most of the state legislatures; and

Whereas: representation to many areas of some states would in fact be denied representation under this rule; and

Whereas: There has been submitted to the states, a proposed amendment to the constitution to remedy this situation.

Now therefore be it resolved that: The Steuben Society of America urges support for the proposed amendment to our federal constitution to permit state legislatures to have one house of the legislature to be composed of members elected on a geographical consideration rather than by population.

RESOLUTION 5. BALANCED BUDGETS AND INFLATION

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The Federal budget deficit for the fiscal year ending June 30, 1968, exceeded the unbelievable amount of 25.4 billion dollars; and

Whereas: The massive federal deficit spending has now reached the highest level since World War II; and

Whereas: The persistent deficits of the federal government have generated oceans of inflation and caused our currency to be depreciated in buying power; and

Whereas: This trend of succeeding deficits and lack of fiscal control threatens our entire economic future and stability as a nation;

Now therefore be it resolved that: The Steuben Society of America, hereby resolves, calls and implores all Americans to demand that the Federal government immediately halt deficit spending and require that balanced budgets be the order of the day so that inflation shall be halted and economic stability again be restored before our nation is plunged into a sea of economic disaster; and

Be it further resolved that copies of this resolution be sent to all political parties having candidates for the office of President of the United States in the coming election, for their guidance and information.

RESOLUTION 6. REDUCTION OF NATIONAL DEBT

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The fiscal stability of our nation has been seriously threatened by continual deficits in our budget; and

Whereas: There have occurred instances of appropriated money for foreign aid and other purposes which have remained unspent from one fiscal period to another,

Now therefore be it resolved that: This convention go on record as urging the next congress of the United States to enact legislation to provide that all such unspent moneys shall be used to reduce the existing national debt and for no other purpose.

RESOLUTION 7. RECENT UNIVERSITY STUDENT "SIT-INS"

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: we have noted with dismay the recent succession of so called student "sit-ins" at such leading universities as the University of California at Berkeley, Columbia University and Northwestern University, to name only a few; and

Whereas: The University Administrators have tolerated such unlawful conduct on the part of the students and in many instances rewarded it; and

Whereas: These student "sit-ins" by a small percentage of the total enrollment at said universities has disrupted the entire educational process; and

Whereas: The purpose of a university is to educate and develop the character of an individual in a climate of intellectual freedom unimpaired by anarchy; and

Whereas: Tax supported or private endowed institutions of higher learning do not have as their purpose the encouragement of mob rule and anarchy;

Now therefore be it resolved that: The Steuben Society of America condemns all unlawful Student "sit-ins" and other unlawful activity and recommends that university administrators resort to immediate disciplinary action and punishment under law when necessary to correct such improper student action.

RESOLUTION 8. COMMEMORATIVE STAMP FOR JOHN AUGUSTUS ROEBLING

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: Construction of the Brooklyn Bridge was commenced in 1869; and

Whereas: Its design and engineering and the manufacture and use of wire cable therein by John Augustus Roebling were without precedent in America; and

Whereas: The said John Augustus Roebling was a naturalized citizen of German origin whose life and work were in the best tradition of the United States.

Now therefore be it resolved that: The Steuben Society of America respectfully requests that the Postmaster General of the United States issue a 100th anniversary com-

memorative stamp in honor of John Augustus Roebling and the Brooklyn Bridge.

1968–70 PLATFORM AND PROGRAM OF THE NATIONAL COUNCIL, STEUBEN SOCIETY OF AMERICA

Adopted by the 23d Biennial National Convention—St. Louis, Mo., August 20–25, 1968

PREAMBLE

In these times of increasing interdependence of nations, of newly enfranchised peoples and of social and political upheaval, the tremendous challenges confronting the United States of America compel us to champion the priceless heritage of freedom passed on to us by our forefathers and to affirm the principles of government rooted in the dignity of the individual and the equality of citizens, no matter what their race, color or creed, and to uphold and defend the Constitution of the United States.

We condemn all attempts by all groups to take the law into their own hands under any pretext whatsoever.

As are all guaranteed constitutional rights, Civil Rights are indivisible and must be applied to all persons alike.

PLATFORM

Firmly pledged to these convictions, we submit the following Platform and Program:

1. Government system

(a) We reaffirm our faith in, and pledge our allegiance to, the system of government as set forth in our Constitution: the Executive, the Legislative, and the Judiciary, each adhering to the duties assigned to it by the constitution.

(b) We advocate that any change in our system of government be made by the constitutionally directed process of amendment.

(c) We urge that all concepts of an all-powerful central government and welfare state be rejected.

(d) We support legislation which would revise the Electoral College system so the votes of the Electors may be cast in proportion to the popular vote cast for each candidate for President and Vice President in the fifty States.

(e) We advocate a constitutional amendment to make Executive international pacts and agreements subject to the advice and consent of the Senate as are international treaties.

(f) The Constitution provides that Federal Judges shall be nominated by the President, and appointed "by and with the Advice and Consent of the Senate," by majority vote, "during good Behavior."

We propose that the Constitution be amended to terminate the appointment on the judge's 70th birthday.

We maintain that the Senate has the power and the duty to prescribe a standard for "good" judicial "Behavior."

(h) We favor a roll call in both Houses of Congress on all bills and measures involving the expenditures of moneys.

(i) We urge the Congress to establish a United States Foreign Service Academy comparable to the Academies for our Military Services, to assure personnel of highest caliber and loyalty for the Department of State and the Diplomatic Service.

2. Communism—Subversion

(a) We propose to fight the doctrines and practices of communism and other forms of subversion.

(b) We advocate the exclusion or dismissal of all Communists and other proponents of subversion from public office and any other positions of public trust, and endorse the continuance of the House Un-American Activities Committee.

3. National defense

(a) We reaffirm: Congress has the sole power to declare war.

(b) We advocate adequate preparation for the defense of our country with the most sophisticated weapons. In the event of a constitutionally declared war, all the resources of the country as well as its manpower, shall be made available as the Congress shall prescribe.

(c) We urge a revision of the Military Selective Service Act of 1967 to remove its injustices and uncertainties.

(d) We strongly urge the continuance of reserve forces for the defense of our Country and that the National Guard be continued.

4. Space agency

We recommend that all space planning and development be accomplished through the joint efforts of the Federal Government within sound budgetary allotments and private industry.

5. Foreign affairs

(a) General: Conscious of the gravity of world problems, we advocate that our Government in its relations with other nations pursue policies which embody these concepts:

(1) The interdependence of the free world, of which we form an integral part, is the harsh reality of international life; however, the unity, friendship, and economic well-being of all the nations in our own hemisphere should have priority in United States diplomacy.

(2) We urge the exercise of caution in entering into international agreements, pacts, commitments and treaties.

(3) Admission to the United Nations of newly independent countries and the exercise of the full powers and rights of such membership shall be based upon national stability and political maturity. Member nations shall be denied a vote during delinquency in payments of their assessments.

(4) The constitutional guarantees and the sovereignty of the United States must not be surrendered to any suprastate or world government.

(b) Foreign Aid: We urge that all authorizations and appropriations for foreign aid be curtailed and its distribution rigorously supervised "on the spot" in the nations receiving such aid. No aid shall be given Communist or Communist-controlled nations, or nations failing to co-operate with the United States to solve its balance of payments problems.

Expropriation of American property without equitable compensation shall disqualify recipients from such aid. The principle of the sanctity of private property must not be bargained away in international agreements.

(c) Self-Determination: We advocate that the government of the United States pursue its traditonal policy of giving moral and material assistance to the reunification of Germany and all other nations which have been partitioned and are striving to reunite under the age-old law of self-determination.

We endorse the observance of Captive Nations Week.

(d) Common Market:

(1) We favor close cooperation with the European Common Market. However, should the Common Market take any action prejudicial to any segment of our economy, we recommend that the Federal Government take such supportive measures necessary to preserve our competitive position.

(2) We favor the establishment of a Common Market in our own hemisphere to obtain the potentials inherent in a Common Market.

(e) Metric System: As an instrument of industrial and commercial efficiency, we advocate adoption of the Metric System.

6. Immigration

(a) We firmly believe that the immigration laws must serve the best interests of our Nation and all of its people and that the Immigration and Nationality Act of 1965 be amended to correct present inadequacies therein, so as to achieve the intended goal of this legislation.

7. Taxation

We believe that current methods of taxation are confiscatory and tend toward the destruction of our free institutions; therefore we advocate that studies now under way of both Federal and State tax systems be expedited to achieve a more equitable tax structure.

8. Currency and balanced budget

(a) We advocate a return to sound fiscal policies directed toward a balanced budget, the maintenance of a sound currency and constant appraisal of administrative operations directed toward economy and increased efficiency in government functions.

(b) We recommend that the national debt be amortized annually.

9. Government subsidies

(a) We believe that the granting of subsidies should not be made a permanent Federal policy. Consequently, we advocate that existing subsidies, except where required for defense purposes or to meet foreign competition, be eliminated in an orderly manner so that our domestic production and markets will not be adversely affected.

(b) We advocate that United States "Counterpart Funds" be made available at low exchange rates to Americans traveling or staying in countries where such funds exist.

10. Government Employment–Civil Service

(a) We believe that government service should be fostered as a career.

(b) Qualifications for employment by the Federal Government under Civil Service jurisdiction should be based on merit only.

(c) We advocate that any public servant who under oath shall refuse to answer questions concerning his or her loyalty to this Nation, shall be suspended and his or her remuneration shall cease.

(d) Officials in positions of policy-making power shall not be protected by civil service status.

(e) We vigorously oppose the weakening of the present provisions of the Hatch Act as it applies to Government employees.

11. Veterans

We advocate that veterans receive adequate care from our Government for service-connected disabilities.

12. Business, capital and labor

(a) We advocate fair and effective enforcement of laws designed to prevent monopoly and restraint of trade, by capital and labor. The ability of small business to compete in a free market must be preserved.

(b) We believe that the incentive and initiative of the individual must be encouraged, and that government should not compete with private industry.

(c) We maintain that the public interest demands that labor and management discharge their responsibilities to achieve industrial peace and maximum efficiency in production in order to halt the wage-price spiral, and to enable the United States to compete with other countries for world trade.

(d) We advocate that labor and management take more effective measures to retrain employees whose jobs may be abolished through automation.

(e) We advocate legislation to set up binding arbitration procedure in all cases where labor and management have failed to come to an agreement in order to prevent any work stoppages affecting vital public needs, national defense, or any federal, state or municipal government operations.

(f) We favor the trial of unfair labor practice cases in Federal district courts.

Complainants should have the alternative right to present their own cases, or to have local U.S. attorneys present them.

13. Education

(a) We oppose any attempt at Federal Control of education via Federal aid to education. The principle of separation of church and state faces a serious challenge by Federal aid to parochial schools.

(b) The knowledge of foreign languages is essential for completion of scientific courses in most of our educational institutions, and for cultural, scientific, political and economic intercourse among nations. Among the foreign languages, the study of German is a more critical need and should be more effectively encouraged.

(c) We believe that school books treating with historical and cultural subjects should be based upon accurate unbiased research. We advocate that courses in the history of the United States and of civil government be required subjects in the curricula of all our institutions of learning.

We condemn all attempts to use educational institutions for the furthering of private interests or for propagation of ideas subversive to our form of government. We advocate the continued study by Government agencies and private organizations of the manifold problems facing youth today.

14. Social security

(a) We advocate that funds collected under the Social Security Act be ear-marked and used exclusively in payment of social security benefits.

(b) We advocate that social security benefits be paid to all those entitled thereto, regardless of any other income.

(c) We favor the voluntary medical insurance plan. Any extension of either the fields and/or scope of coverage beyond the present law must be on a self-sustaining sound financial basis.

15. Public health, narcotics and drugs

(a) We urge more stringent laws to control the import, manufacture and traffic in narcotics and hallucinatory drugs.

Maximum penalties must be made mandatory for the criminal pusher.

Recent Supreme Court decisions make a new approach necessary to the effective apprehension, prosecution and conviction of the violator.

(b) We advocate a comprehensive program of education on the dangers of narcotics and said drugs. We should modernize and humanize our Federal laws, so the victimized addicts may receive medical treatment, assistance and rehabilitation.

(c) We propose that maximum precautions be exercised in the use of chemicals and biological agents in products intended for public use or consumption. We urge continued measures to effectuate the objectives of the Pure Food and Drug Act.

(d) We urge the Federal Government to intensify its efforts in cooperation with the States to eliminate the pollution of our air and all bodies of water.

(e) We favor the establishment of regional medical programs to combat the major illnesses, such as heart disease, cancer and others.

16. Conservation

(a) We favor the conservation, development and effective control of our Nation's natural resources and their sound utilization for the present and future welfare of the people.

(b) We advocate the strict enforcement of the laws protecting our National Parks, all bodies of water, forests and all other natural resources affecting our national economy. We urge the preservation and protection of our monuments.

17. Historic preservation

The enhancement and protection of places which remind us of our heritage are matters of government concern and further provision therefore should be made by the Congress for such preservation.

MIAMI HERALD FAVORS FIRM U.S. STAND IN THE MIDDLE EAST

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FASCELL. Mr. Speaker, I believe that Members of the House will be interested in an editorial which appeared in the Miami Herald urging the United States to adopt a firm stance in the Middle East.

The editorial aptly points out that Russian designs on the Eastern Mediterranean can permanently alter the balance of power in that area and lead to a world conflict.

To forestall this possibility, the editorial urges that the United States make perfectly plain its national interest in the Middle East and commit itself to the continued existence of Israel through a mutual defense agreement.

Mr. Speaker, this is precisely the course which I have urged on our Government in my House Resolution 1185, which I introduced in the House of Representatives on May 23 of this year.

I urge that this proposal be given immediate attention by our Government.

Mr. Speaker, the text of the Miami Herald editorial follows:

TOUGH LINE IN MIDEAST IS PROPER U.S. STANCE

A "cease-fire" in the Middle East apparently is only a license to fire at will. Once again the big guns sound along Suez. And once again they speak not only of war between Egypt and Israel but of the dangerous Soviet involvement in this sensitive quarter of the world.

Like it or not, the United States cannot escape its own involvement. The Presidential candidates this year sense that and are committed to the defense of Israel by one means or another.

None of this has deterred the Arab states. Recently President Nasser of Egypt informed King Hussein of Jordan that he will be ready by 1970 to fight the "war of revenge" against Israel.

In Iraq, whose socialist government was overthrown by one which is equally nationalistic, General Bakr's junta has announced that it does not intend to resume diplomatic relations with the United States.

The pattern of build-up is familiar. Indeed, if history notoriously repeats itself the Middle East is a clear example. Five years ago David Ben Gurion wrote in his book, Israel: Years of Challenge, how "After the war of independence, we offered our hand in peace to the Arabs who had tried to destroy us, but they rejected it. The armistice agreements were not honored, and the Arab states warred against us by boycott and blockade, and by sending marauders across our borders. During the first nine months of 1955, incursions from the Gaza Strip alone cost us 153 dead and wounded . . ."

At the center of this pattern stands Russia, which is building up its air and naval strength in the Mediterranean area while supplying most of the Arab states with arms. The Times of London sees in this "a shift in the hitherto accepted balance of East-West power" which is of "much greater significance than the permanent posting of Russian troops in Czechoslovakia."

The latest surge in fighting does not necessarily presage a fourth round of the war but it is the kind of incident that could mushroom into a world conflict. Taking it to the United Nations Security Council, as Israel has done, is proper but probably futile.

The big powers have it within their means to cool off the Middle East if they communicate. But this they cannot seem to do. To repeat what we have said many times before, it is important that the U.S. make perfectly plain its national interest in the Middle East and its opposition to so-called wars of revenge. In short, it must commit itself to the continued existence of Israel through a mutual defense agreement. There is no answer to a tough line in these circumstances other than one just as tough.

LOS ANGELES REPRESENTATIVE EDWARD R. ROYBAL MAKES HIS 18TH REPORT FROM WASHINGTON TO THE RESIDENTS OF CALIFORNIA'S 30TH CONGRESSIONAL DISTRICT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ROYBAL. Mr. Speaker, one of the important responsibilities of a Member of Congress is to fully inform his constituents about his activities on their behalf in the Nation's Capital.

For that reason, I would like to include in today's CONGRESSIONAL RECORD the text of my 18th report from Washington to the residents of the 30th Congressional District of California.

In addition to my regular series of reports from Washington, I have also sent out 14 special reports designed to cover all other major items of legislation considered by Congress, events of national and international significance, and particularly, those matters of immediate concern to the Metropolitan Los Angeles and southern California area.

My 18th report from Washington follows:

COLORADO RIVER AGREEMENT

One of the longest and most famous water fights in the history of the West was settled by Congress this year when it gave final approval to the Colorado River Basin Project—the largest reclamation program ever authorized in a single piece of legislation.

I joined with the other members of a united California Congressional Delegation (representing all shades of political opinion and every section of the State) in sponsoring this historic compromise measure—designed to end a bitter interstate feud over use of Colorado River water that had been going on since 1922, while at the same time protect California's vital water rights in this life-giving river/artery of America's Great Southwest.

The bill guarantees Golden State water users 4.4 million 'acre-feet' annually from the Colorado, and provides a start toward the goal of a comprehensive regional water resources development program to include all the 11 States with territory West of the Continental Divide.

An act of true water statesmanship, the Colorado River legislation is an excellent example of how serious differences and basic conflicts in American life can be resolved peacefully and to the ultimate advantage of all concerned—whenever men of good will sit down together, discard narrow partisan interests, and work out equitable solutions to their mutual problems by dealing fairly with all interested parties.

FIVE MILLION DOLLAR GRANT FOR DOWNTOWN LOS ANGELES

I was pleased to announced approval of an additional $5.4 million federal grant for

our downtown Bunker Hill development complex—bringing total government assistance for the project so far to over $21 million.

The 136 acre high-density residential and commercial development plan is expected ultimately to attract a combined public and private investment of some $500 million and go a long way toward helping revitalize downtown Los Angeles.

Based on a study by the world renowned architect, I. M. Pei, the Bunker Hill project will increase the density of development in the area, re-align Flower and Hope streets to expedite through-traffic and provide direct access to parking, offer an ultramodern multi-level hilltop street system which will separate pedestrians and vehicular traffic, and provide a series of three concentrations of major high-rise buildings.

INVASION OF CZECHOSLOVAKIA

As a member of the House Foreign Affairs Committee, I have joined with a bipartisan majority of the Committee in coauthoring a sharply worded resolution calling on Congress to condemn the brutal Warsaw Pact invasion of Czechoslovakia as a "flagrant violation of Czechoslovakia's territorial integrity and political independence, an affront to human rights, and an unlawful use of force contrary to the fundamental principles of the United Nations Charter and of international law."

This tragic subjugation of a people struggling to regain at least a measure of independence ranks with the Hungarian suppression of 1956, the building of the Berlin Wall in 1961, and the Cuban Missile crisis of 1962 as visible proof of the failure of the communist system to fulfill the elemental human aspiration for an opportunity to live and grow in an atmosphere of personal dignity and freedom.

It should also serve as a timely warning to us all of the continuing need to maintain our NATO Defense Alliance in a strong and vigilant posture so that there will never be any question of our ability or willingness to adequately protect this Nation's vital interests whenever and wherever they may be threatened.

JOBS

The American free enterprise system has again demonstrated dynamic leadership qualities by coming to grips with and finding practical, common sense, workable answers to some of today's most difficult urban problems.

A recent example of this encouraging development is the remarkable success of the new JOBS (Job Opportunities in the Business Sector) program of the National Alliance of Businessmen, organized under the direction of Henry Ford II and working in close cooperation with such outstanding private industry groups as the National Association of Manufacturers.

In the first four months of operation, the JOBS program has already recruited nearly 70,000 hard-core unemployed—running far ahead of its goal to hire, train, and find permanent jobs by next summer for 150,000 men and women who are now out-of-school and out-of-work.

I enthusiastically support this kind of healthy industry-government partnership, and have introduced legislation in Congress, H.R. 17567, to provide American businessmen with a federal tax credit as an additional incentive for private enterprise to invest in nationwide job expansion programs.

GORDON L. M'DONOUGH

Los Angeles County lost one of her most outstanding public servants in the passing of Gordon L. McDonough, my predecessor as a Representative in Congress, and previously a member of the County Board of Supervisors—with a distinguished record of over 30 years of service to the citizens of Los Angeles.

For those who were privileged to have known Gordon McDonough, he set a personal example of the highest standard of sincere, dedicated, and capable public service. His passing is deeply regretted.

CALIFORNIA WORK INCENTIVE PROGRAM

Joe Pollard, Los Angeles County Board of Supervisors' Washington Representative, outlines the new $6 million, federal-state-county work incentive (WIN) program designed to give some 6,500 Los Angeles area welfare recipients a chance of training and jobs—thus enabling them to move off the county welfare rolls and into productive employment.

Part of a nationwide effort approved by Congress last year, the WIN program will provide nearly 100,000 unemployed Americans (16,000 in California alone), who are now receiving AFDC public assistance payments, with worthwhile job opportunities this year.

If administered properly, this new work incentive program can go a long way toward helping relieve our nation's increasing tax burden, while offering citizens a real chance to become contributing members of society, able to support themselves and their families in dignity and play a useful role in their home communities.

PEACE AND STABILITY IN THE MIDDLE EAST

Due to the dangerous imbalance of military power that has existed for some time in the Middle East—posing a continuing threat to the fragile peace and stability of that volative region—I introduced a resolution, H. Res. 1267, in the House earlier this year to express the sense of Congress that the United States should not stand idly by while the Arab nations rapidly re-armed with military equipment supplied by Soviet Russia and other Eastern European countries.

My resolution also declared that until permanent peace is achieved and the arms race ended, the U.S. should sell sufficient advanced military jet fighters to the Government of Israel to provide a deterrent force capable of preventing future aggression in the Middle East.

I am happy to report that this "sense of Congress" approach has now been adopted by both the House and Senate as a warning to those who would attempt to disrupt the precarious stability of this area, and ignite a spark that could easily involve the world in another tragic and unnecessary war.

We all earnestly hope that the major powers, as well as those nations most directly concerned, will be able to find a basis for an enduring and workable peace—and thus begin to look beyond the present conflicts and tension toward a new, more promising era of greater security for all.

But, until that day arrives, a realistic analysis of the situation would seem to give us little alternative but to try to maintain some kind of deterrent balance between the opposing sides—as the best practical way of keeping the peace in that ancient and strategic crossroads of civilization.

SERVICE ACADEMY EXAMS

All young men from the 30th District who are interested in competing for 1969 nominations to the Air Force, Naval, Military, or Merchant Marine Academies should plan to take the U.S. Civil Service Commission's special Academy Designation Exam scheduled to be given in Los Angeles during October and again in November. For more information, contact our District office on 688-4870.

YOUTH AND BUSINESS

Wallace Jamie, director of public relations for the Carnation Company in Los Angeles, stopped at the Capitol during a recent trip to Washington, to discuss achievements of the government's Head Start and Upward Bound programs in Southern California.

Jamie, a leader in promoting youth-oriented programs aimed at improving education and job training, has been particularly active with the Youth Opportunities Foundation, an industry-supported foundation which provides college scholarships and other educational assistance for young men and women in our low income areas.

REDWOOD NATIONAL PARK

A half century of disagreement in the battle to save California's giant redwood trees has been resolved by Congressional approval of a compromise bill establishing a 58,000 acre Redwood National Park along the Pacific Coast in Humboldt and Del Norte Counties.

As co-author of the original Redwood legislation, I had hoped for a substantially larger park area, but, under current budget and fiscal conditions, I believe the compromise agreement was a good one—providing a significant beginning toward a meaningful Redwood National Park—and representing one of the most notable conservation achievements of the 90th Congress.

Encompassing over 30,000 acres of virgin timber land, this historic action will include all of the largest and most impressive trees in both the Redwood Creek and Mill Creek drainage basins, and enable us to share with future generations of Americans this priceless California heritage of natural beauty and primeval forest.

WAR ON POVERTY

Los Angeles, already the recipient of more than $75 million in federal anti-poverty assistance, is among the chief beneficiaries of this concerted new approach to solving the tragic paradox of extreme poverty for some 30 million disadvantaged citizens, in the midst of an all-time record prosperity for most Americans.

Recent grants and contracts awarded to benefit Los Angeles area residents include: $7.6 million for Head Start pre-school training for children of low income families, including medical, dental, social and psychological services; some $850,000 to the Youth Training and Employment Project for a series of basic education, vocational training and job placement programs for young people living in East Los Angeles; more than $1 million to the Mexican American Opportunity Foundation for recruitment, in-depth counseling, job training and supplementary education; nearly $1.3 million to provide a wide range of legal services to those low income residents of Los Angeles County who are unable to secure the services of an attorney; and over $1 million to be matched by the Los Angeles City School System for a unique "New Careers" program for teacher aides and community relations specialists.

AT YOUR SERVICE

The members of my Congressional office staff in Washington, as well as those in our Los Angeles District Office, are anixous to help you in any way they can. Please continue to make full use of the many services available through our offices by contacting us whenever you feel we can be of personal assistance.

THE BACKWARD THREAT

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. RHODES of Pennsylvania. Mr. Speaker, the threat and danger of a backward reactionary trend was noted by columnist Carl T. Rowan in a recent issue of the Washington Star.

This is a timely warning, Mr. Speaker, which I include with my remarks:

A BOLD AND BOASTFUL DASH BACKWARD

(By Carl T. Rowan)

Some observers are saying, with commendable charity, that the United States is retreating into an era of deep conservatism.

A look at the 90th Congress and the current political campaign suggests that what is happening is more serious than that.

Millions of Americans, perhaps a strong majority, seem to be saying: "We've had our fling with liberalism, with charity, with 'decency,' and all we got was new evidence that this is a cruel, ungrateful world. From now on we will play it mean and tough and rough.

Why would an observer conclude that some of the heart has gone out of this society, and that it now beckons an era of repression and reaction?

He would note that the House of Representatives has cut the foreign aid program to a point where the poor nations of the world must regard it either a joke or an insult.

He would observe that powerful forces in and out of Congress are now warring on the war on poverty, bidding to douse even the faint hope that has flickered among America's 26 million poor people.

He would sense a reversion to racism that is so strong that two presidential candidates are catering to it. He would hear Richard Nixon promise to halt even the present paltry efforts to enforce a 14-year-old school desegregation decree that has been so ignored, defied, and circumvented that it constitutes a national disgrace.

He would note a growing tendency of millions of Americans to believe that, if they just double the conviction rate, build more penitentiaries, and grant wider powers to more policemen, a tranquil age of law and order will be theirs.

It is not hard to find reasons to "justify" this shift in the American mood. We have put perhaps $140 billion into foreign aid since World War II without producing a vocally grateful world, shaped in our image. We do find that, for all our welfare expenditures, America's poor are increasingly discontended. It is true that, even after passage of those civil rights laws and the hiring of a few black people at the front counters, Negroes are pouring their anger into the streets. Lawlessness does abound in every element of society with various minorities threatening to push it to the point of anarchy.

But all this does not negate the fact that the current American trend amounts to a retreat from responsibility, a rush from reason, a very dangerous flight from reality.

Consider the House's 45 percent cut in the foreign aid budget to a mere $1.6 billion. This is Congress kissing off the Alliance for Progress, reneging on the promises of John F. Kennedy and Lyndon Johnson. This is Americans saying that the "shark" of the hemisphere is going to hoard its wealth while the "sardines" of Latin America fend for themselves.

Some day down the road that callous gamble may cost us more in a Latin "Vietnam" than what we have spent in two decades of foreign aid.

And, of course, what this says to Asia and Africa is hardly likely to inspire anyone to emulate us or our institutions.

As for the reactionary drift on domestic matters, one wonders if any amount of talk or logic can reverse it. A "threatened" majority is indulging itself in a bellicose flexing of its muscles. The most bellicose believe that they have no security except to repress those who symbolize the threat. They believe their power so great that repression cannot possibly backfire into a greater tragedy.

Unhappily, the leaders of this conservative trend seem to have no eye for history or the lessons it might offer.

Apparently only the bitter taste of experience will reveal the price of this society's bold and boastful dash into the past.

PAUL O'DWYER FOR THE U.S. SENATE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PODELL. Mr. Speaker, the people of the State of New York have a unique opportunity to elect to the U.S. Senate a man who will measure up to the highest standards of integrity and performance in that body, Paul O'Dwyer, the distinguished Democratic candidate. Paul O'Dwyer became the Democratic candidate for the U.S. Senate as a result of his victory in a historic primary, the first primary used in the State for the nomination of party candidates for statewide office.

Paul O'Dwyer is a distinguished member of the New York bar who has devoted a substantial part of his professional life and a substantial part of his nonprofessional interests to improving the lot of the oppressed, the underprivileged, the alienated, and the poor. Whenever injustice rears its ugly head, Paul O'Dwyer is near by, stripped for action, ready to do battle in the interests of justice.

Paul does not boast about his dedicated devotion to the cause of the underprivileged any more than he would boast about his breakfast menu. Fighting for the underdog is as much a necessity of life for Paul O'Dwyer as food, clothing, and shelter. Certainly there is no secret about his aid to Israel, when the new state came under attack from the Arabs immediately after its creation. The civil rights movement has had no firmer friend, and, as Sidney Zion, a perceptive reporter on the New York Times recently suggested, Paul O'Dwyer has handled civil rights cases so obscure that they did not rate even a line in the Negro press. And certainly no honest union, seeking to organize underpaid, underprivileged, minority groups of workers, need be concenred about legal fees, since Paul O'Dwyer unbounded talents can always be enlisted in support of its organizing efforts.

Although he is the Democratic candidate for the U.S. Senate, Paul O'Dwyer has thus far refused to endorse the Democratic national ticket of HUMPHREY and MUSKIE. Inevitably his failure to do so has brought some threats of retaliation from some Democratic leaders in our State. I disagree with Paul O'Dwyer's refusal to support the Humphrey-Muskie ticket. Where the choice is HUBERT HUMPHREY on the one hand and on the other the likes of Richard M. Nixon or George C. Wallace, it is an affront to commonsense to proclaim neutrality in speech, in spirit, and in support.

However, I disagree sharply with those Democratic leaders who either overtly or covertly plan such retaliation. Such action is clearly offensive to the policy made public by Vice President HUBERT HUMPHREY and degrades the choice made by the enrolled voters of our party in an open primary. It is clear to me that threats of retaliation will have no effect upon Paul's ultimate judgment.

In fact that is a thing that singularly distinguishes Paul O'Dwyer from his Republican opponent. Paul is ever ready at the drop of a ballot to sacrifice electoral victory on the altar of his principles. In contrast to Paul, his Republican opponent is involved in a frenetic, contradictory, and schizophrenic effort simultaneously to engage with and disengage from the Nixon-Agnew ticket. While voicing his support for the Nixon-Agnew ticket, this Republican Senate candidate has attacked his national party candidates in a manner which would be defined as an unfair campaign practice if performed by a Democrat.

I believe it imperative for the Democrats in our State to unite behind the Senate candidacy of Paul O'Dwyer. A united party can elect Paul O'Dwyer, and Paul O'Dwyer's victory will carry not only New York State into the Humphrey-Muskie column but also the entire Nation.

"YOU ARE THE SALT OF THE EARTH"—A SERMON BY GUY F. HERSHBERGER, COLLEGE MENNONITE CHURCH, GOSHEN, IND., AUGUST 4, 1968

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BRADEMAS. Mr. Speaker, I had the privilege last month of listening to a most thoughtful sermon delivered by a distinguished religious leader in my congressional district, Dr. Guy F. Hershberger, of Goshen College.

The sermon, entitled "You Are the Salt of the Earth," was delivered at the College Mennonite Church on August 4, 1968.

The text of the sermon follows:

YOU ARE THE SALT OF THE EARTH [1]

(By Guy F. Hershberger)

Salt is a substance necessary for physical health. Because of its importance ancient peoples used it as a symbol of that which is significant spiritually. Salt has qualities of cleansing, seasoning and preservation and thus it came to serve as a symbol for what is healthful, clean and pure, zestful, constant and durable in the spiritual realm. It was associated with godly things, just as a foul smell was associated with what is evil. For this reason it was brought into the cult of the Old Testament. Salt was sprinkled on offerings to God (Lev. 2:13). The ancients bathed newborn babies in a saline solution. Salt was used to drive away evil spirits. Because of its qualities of preservation, solemn agreements between persons became binding when the parties, after making their pledges to each other, sat down to eat together—bread and salt. This is the covenant of salt referred to in Numbers 18:19. In 2 Chr. 13:5 the wickedness of Jeroboam in rebelling against the throne of David is decried as all the greater because what he did was done in violation of a covenant of salt.

Health, cleansing, seasoning, preservation—these are qualities associated with salt, and these are the qualities Jesus had in mind when he said in the Sermon on the Mount:

[1] A sermon, College Mennonite Church, Goshen, Ind., Aug. 4, 1968 Text: Mark 9: 33–50; Matt. 5: 13.

"You Are the Salt of the Earth." Jesus uses the expression in the context of Christian discipleship. A disciple is a follower of Christ, and the follower of Christ must be salt, bringing health to human society.

In Luke 14:25–35 Jesus tells the disciples that if they would follow him they must count the cost, and be prepared to carry on to the finish. They must have the qualities of endurance—the lasting, preserving, constant qualities of salt. For a church to be the church—that is a body of disciples—there must be harmony and peace within. In Mark 9 Jesus rebuked the disciples for their factionalism, and said: "Have salt in yourselves, and be at peace with one another."

What does this mean for Christians in Goshen in 1968?

Let us note a few specifics by way of illustration:

First, it means that when Christ calls his disciples the Salt of the Earth he is conferring upon them an amazing title. Those first disciples? A little band of 12 men? They the healers and preservers of the world? Yes, this little band of 12 men and every Christian who follows in their train. Yes you and I, insignificant though we be. But remember, the quantity of salt in any meal is never large. A pinch of salt, the recipes read—and it is this little pinch that makes all the difference in the world. As one cross on Calvary was sufficient to provide salvation for all men; as 10 righteous men saved the ancient city of Sodom; so small handfuls of faithful disciples in innumerable instances have been the remnant that rescued society from its own decay. No matter how insignificant you may think you are, your task is to be here in this world touching the decaying life, there to heal and through the power of God to redeem.

What does it mean to be the Salt of the Earth? It means in the second place that we must have a sound doctrine of salvation: Not a superficial, legalistic view of the atonement which says merely that Christ paid for our sins, bringing inner gladness to the soul, which is ours to enjoy, ever resting sweetly resting, and leave it at that. No—the atonement means much more than this. It means being born again, made anew, becoming at-one with Christ, laboring together with him, taking up our cross even as he took up his cross, and following him, doing his work in the world. To be the Salt of the Earth means to walk the way of the cross, as Paul describes it in Galations 2:20: "I have been crucified with Christ; it is no longer I who live, but Christ who lives in me."

What does it mean to be the Salt of the Earth? It means in the third place that we Christians must be an evangelizing fellowship of believers, working together for the advancement of the Kingdom. The final instruction of Jesus to the disciples was: Go forth, teach all peoples, and baptize them. God sent his Son that *whosoever* believeth may be saved. This *whosoever* is an important word here. In New Testament days the *whosoever* meant Jews *and Gentiles,* and Jews regarded Gentiles as dogs. In Menno Simons' day it meant German, Roman, *and Turk,* and in his day the Turk was the symbol of about everything that Europeans despised, and made people's hairs stand on end about as the sound of the word communist does to Americans today.

Christians have trouble learning what *whosoever* really means. Three times Peter on the house top in Joppa refused to eat the animals which in a vision had been sent for his meal, insisting that they were dirty, until the Lord took these "dirty" creatures straight to heaven, with the stinging rebuke: "It is not for you to call profane what God counts clean" (Acts 10:15). Not until he had thought long and hard on these words, and then had witnessed the receiving of the Holy Spirit by the Gentiles, was he able to welcome them into the fellowship of the church and say: "Truly I perceive that God shows no partiality, but in every nation any one who fears him and does what is right is acceptable to him" (Acts 10:34–35). The obvious lesson here is that whosoever responds to the Gospel of Christ today, be he black or white, rich or poor, *or whosoever,* is to be received into the fellowship as *a full participant, without distinction or discrimination.*

What does it mean to be the Salt of the Earth? It means in the fourth place that we must give attention to the weightier matters of the law, as Jesus says in Matthew 23: "Woe to you . . . hypocrites! For you tithe the mint and dill and cummin, and have neglected the weightier matters of the law, justice and mercy and faith." There is nothing wrong with owning property, for example, but when Christians are more concerned about their property rights than they are about the human and spiritual welfare of their neighbors they are no longer the Salt of the Earth. A few years ago when the Mennonite Biblical Seminary in Elkhart sold a building lot to a family whose color was different some very religious neighbors came to protest, even bringing a Bible to prove their case. As usual in such cases, one of the objections was that property values would come down. Happily, one of the objectors later had a conversion experience something like that of Peter when he had the vision of the sheet coming down from heaven. Incidentally, the house has since been built on the lot, the property is well cared for and the value of the neighboring properties has not deteriorated. We should be grateful to the Seminary for its refusal to be intimidated in the face of great opposition (the Ku Klux Klan at one point burned a cross on the Seminary grounds), for in that which they did here they were the Salt of the Earth. They did something to keep that particular spot in Elkhart County from deteriorating in the way of racial hatred and economic selfishness. Our property rights are a lesser matter of the law. The neighbor's human welfare is the weightier matter.

What does it mean to be the Salt of the Earth? It means in the fifth place that we as citizens of the Kingdom of God must not confuse the Kingdom with some other kind of kingdom. Some people seem to think the United States, or the American way of life, is the Kingdom of God. Or the capitalist system is the Kingdom of God. In Germany 30 years ago there were some professing Christians who hailed Hitler as a Messiah and identified the Third Reich with the Kingdom of God. Then since Satan is the enemy of God, Christians who are thus confused conclude that any people or nation or economic system which is different from their own belongs to the kingdom of Satan. Since on the international scene the principal enemy of the west is supposed to be communism they become emotionally involved in a "holy war" against communism, and before they know it they are sure everything they don't like is communism and everybody whose policies or program they don't like is a communist. The State Department is full of communists, they say. Since the Supreme Court has stood out for the rights of black citizens, it too is tainted with communism. So Earl Warren must be impeached, and Abe Fortas must not become chief judge. Martin Luther King was a communist, the National Council of Churches is riddled with them, and even the RSV Bible, someone said, means Russian Standard Version. Absurd as these charges are, numerous religious radio broadcasts counched in pious language repeat this line so consistently that many Christian people come to believe it. Recently it has been proposed that Elkhart County participate in a proposed COG—a Council of Governments—the merits of which I don't profess to know, except that I am certain the proposal did not originate in the Kremlin. But, sure enough, a letter to the editor of the *Goshen News* a week or so ago actually inquired whether COG was not a communist proposal.

(May I say, parenthetically, that a better knowledge of what is going on in the world might help people to get a more balanced view of matters such as these. But the reading which can produce such knowledge and such balance must go beyond the local newspaper and the *Readers Digest.*)

Atheistic communism is evil because it is atheistic, not necessarily because its economic system is different from ours. I personally prefer the free enterprise system to the opposite kind. But there are serious evils in both systems and it may well be that in some societies under certain conditions some other system is better than ours would be. At any rate, I don't think you can find the Bible supporting any one form of economic system, or any one type of government, and certainly not any one political party. The Bible recognizes that in this world there must be governments, that in this life people must have food and clothing and shelter, and that implies economics of some kind. But what form the government or the economy shall take is not said. It can take, and in the history of the world it has taken, many forms—and what the form is really doesn't matter. What does matter is that the people be Christians, seeking first the Kingdom of God, going forth in faith that whatever else is necessary will be added.

Once we come to this way of thinking we are in a position to take a Christian attitude toward the people who live in communist countries. We will endeavor to get acquainted with them and when we do so we will discover that there are many Christians among them, doing what they can to be the salt of that part of the earth. Then instead of fighting these people, whether in physical combat on the battle field, or by propaganda warfare by newspaper, radio or even from the pulpit, we will do what we can to reach them with Christian love, to extend the hand of fellowship to those who are Christians, and to win to Christ those who are not. To this end we must daily hold up in prayer our missionaries and relief workers in Vietnam who are truly a Salt of the Earth in that unhappy land. And we should rejoice that in their very difficult situation they have refused to identify themselves with the program of the American military and instead have witnessed against that program—a witness which has been put into print and has found its way into the hands of administrators and legislators alike in our government in Washington. To be the Salt of the Earth is not to confuse the Kingdom of God with some other kingdom, not even with the United States of America.

What does it mean to be the Salt of the Earth? It means, in the sixth place, that Christian disciples and the Church must be prophetic. A prophet is one who speaks for God. John the Baptist was a prophet. Jesus was a prophet, and more than a prophet. Great movements in the history of the church have always been led by prophets—men and women who had a vision of what God had to say for their time and then went forth to say it. The Anabaptist fathers were like that. Walter Rauschenbusch says it this way: The Anabaptist "communities were prophetic . . . the forerunners of the modern world. They stood against war, against capital punishment, against slavery, and against coercion in matters of religion before others thought of it." To do this they had to speak out against the beliefs and practices of many people who called themselves Christians—just as Jesus had to speak out against the beliefs and practices of the Scribes and Pharisees of his day. And, of course, when they did so they got into trouble. Jesus recognized it when he said a prophet is not honored in his own country. They finally put Jesus to death and also most of his 12 disciples. The same thing happened on a large scale in the sixteenth

century. And there may even be a few persons in our audience this morning who found themselves at least in the military guard house, if not in Leavenworth federal prison, during World War I when as conscientious objectors they stood out, and spoke out, against the evil of war.

So we must recognize that the role of the prophet is not always easy. Martin Luther King and Robert Kennedy were assassinated because they spoke out against the evils of their day. Name whom you will among the prominent Americans who have suffered violent death in the past decade and everyone I think was a person who had spoken out against something in our society which he believed to be wrong and needed to be changed. A few may have been mistaken as to what was right. But the great majority, I believe, were speaking against specific evils which needed to be spoken against.

As Christians we must maintain a prophetic voice for that which God would have us proclaim. And we must not be deterred by fear lest some people be disturbed by what we do or say. There is always the temptation to shrink from opposition and be content to simply "mind our own business." The early Quakers were noted for their prophetic witness, carrying on what they called the "Lamb's war." (The Lamb's war is a spiritual, not a carnal war). But the time came when Quakers grew weary in well doing and when, as one of their historians says, their religion instead of being a delight to the Christian, became "an awful duty." Then when some of them felt the Spirit moving them back into the Lamb's war again the complacent London Yearly Meeting counseled them to "study to be quiet and mind your own business, remembering that the spiritual Jerusalem is a quiet habitation. . . ." Now I doubt if it is possible to find any New Testament teaching that we are to mind our own business. Jesus had to tell even Joseph and Mary that he had to be about his Father's business—not his own—and so must we, if we are to be the Salt of the Earth.

What does it mean to be the Salt of the Earth? It means in the seventh place that in 1968 we must do and say something about the climate of violence in which we live today in our country. This is not going to be easy because the American people have spent 350 years building up this climate. Read John A. Lapp's article in the August *Christian Living* to see what I mean. Even children's stories of the first Thanksgiving Day in Colonial Massachusetts are illustrated with pictures of pious Puritan preachers walking to church with muskets flung over their shoulders. From Puritan Massachusetts to the gold mining operations at Sutters Mill in California the American frontiersmen shot their way across the land, killing the Indians and the animals which fed them, and keeping order not by law but by the self-appointed vigilante with his six-shooter. The *Toronto Globe* said recently that the Americans pushed across the wilderness frontier ahead of the law, and the law has never quite caught up with them, even now. It is good, now and then, to read what other peoples have to say about us.

A hundred years ago Cornelius Vanderbilt declared he could not build the New York Central Railroad and pay any attention to the laws of New York. Ku Klux Klansmen ride at night even in our time to destroy churches and men who stand for the right. We live in a free-wheeling, individualistic gun culture which assumes that ownership of guns is a basic human right like the right to food, health, happiness, or freedom of religion. Pick-up trucks have their gunracks. Toy counters at Woolworths are loaded with guns and tanks for the training of our children in the art of violence. Small boys must be fitted out with cowboy suits and at least two guns in the holsters. Until the Houston baseball players became Astronauts they were Colts. I had always thought the colts in whose honor they were named were horses until I visited Houston one time and learned that they were Colt revolvers.

Now when the public is becoming aroused about this gun culture the gun lobby is doing its best to prevent legislation for the registration and control of guns, and some are arguing piously that such would be unconstitutional because the second amendment says: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Would they have us believe that a gun in the hands of Sirhan Sirhan, James Earl Ray, or Lee Harvey Oswald constitutes a well-regulated militia? Who needs a gun anyway? And whoever does, who is he that he should object to its registration? Who is the congressman so remiss in his duty as to fail to support such necessary elementary steps for bringing order out of this chaotic situation? And finally, who is the Christian, who is the Mennonite, who does not feel moved to prophesy to his representative in Congress concerning this serious matter? Happily the congressmen of the third and fourth Indiana districts voted in favor of the mild bill recently passed by the House of Representatives, restricting a bit the mail order sale of arms (although not all Indiana congressmen did so). But this is not enough, and Congress should be urged to do more.

Then there is the television with its scenes of violence not fit for children to see. In the home where I grew up—and in which my children grew up—guns were never included in the play equipment, but I don't know whether this could have been said if these families had grown up in the TV age. For this reason I think Christians in this TV age have an obligation to pester the TV industry and the governmental agencies which regulate it until its programs cease to display violence and to feed the gun culture of our time. The TV and the mass media are in need of a generous dose of salt supplied by Christian people.

WHAT IF SALT LOSES ITS SAVOUR?

Now just a word about salt losing its savour. What does this mean? Chemists tell me that genuine salt—pure, unadulterated salt—never deteriorates. It always keeps its saltness. Never loses its savour. In ancient times, however, when salt was scarce and costly, dishonest merchants adulterated their salt with other substances. Then when the salt leached out of the mixture what was left was no salt at all. So when Jesus spoke of salt losing its savour he was talking about the counterfeit residue which remained after the real stuff was gone.

Christians are the Salt of the Earth, placed here for its preservation and health. This morning we have noted just a few of the many things in our world today to which some Christian salt needs to be applied. Are we getting it done? If not what does this mean? Does it not mean that we are but counterfeit residue? That we are of no earthly good—and if not then of no heavenly use either. Jesus puts it in pretty plain words: "It is no good for the soil or for the manure pile; it is thrown away. Listen, then, if you have ears!"

SALT MAKES FOR A GOOD TASTE

One final word: Salt in the food makes for a good taste. Christians who are the Salt of the Earth leave a good taste wherever they go. "Let your speech always be gracious, seasoned with salt," says Paul (Col. 4:6). To be the Salt of the Earth is not to open ugly wounds and run in the salt with sandpaper. It is not to go about with a sour-puss, long face, hanging crepe on every door. For people over 60 it is not to assume the role of super-critic, censuring and decrying everything younger generations are doing. This is a temptation of older people, especially if in their own best days they had over-rated their own indispensability. It might help those of us over 60 to remember now and then that Jesus was only 33 when he died. That Martin Luther was 34 when he nailed his 95 theses on the Wittenberg door. That Conrad Grebel founded the Anabaptist movement at 27. That Thomas Jefferson wrote the Declaration of Independence at 33. That Martin Luther King became the leader of black America at 27. That Robert Kennedy died at 42. That John F. Funk founded the *Herald of Truth* at 28. That Daniel Kauffman was an organizer and first moderator of the Mennonite General Conference at 33. That Harold S. Bender launched the *Mennonite Quarterly Review* on the road to the recovery of the Anabaptist vision at 29. That it was young conscientious objectors under 30 in the army camps of 1918 who by their steadfast faith paved the way for the kind of recognition which COs enjoy today. And that the 500 to 1,000 Mennonites presently engaged in Pax and voluntary service throughout the world are for the most part under 30. Indeed, one is tempted to ask whether the earth would not have the benefit of more Christian salt than is now the case if only there were a higher proportion of younger persons in positions of leadership.

But this Salt of the Earth business also has something to say to those who are under 30. They also must have salt with savour which leaves a good taste. Young cynics who scoff at their elders and decry everything done by those past 35 are doing serious harm to their own usefulness, and are themselves well on the road to becoming sour-puss old men, salt without savour. Go down the roll of young Mennonites in history called a few moments ago and see how they operated. They worked with their elders. They were laborers together with those who had gone before. They were established in the faith. They drew their inspiration from the Bible and the heroes of the Christian faith down through the centuries.

As one CO under 30 in World War I put it: "I do not believe that I am seeking martyrdom. . . . I want to go out into the world and make use of what little talent I may have acquired by long and laborious study. But . . . I dare not purchase these things at the price of eternal condemnation. I know the teaching of Christ my Saviour. He taught us . . . to love our enemies, to bless them that curse us, and do good to them that hate us. . . . We would indeed be hypocrites and base traitors to our profession if we would be unwilling to bear the taunts and jeers of a sinful world, and its imprisonment, and torture or death, rather than to participate in war and military service. We know that obedience to Christ will gain for us the glorious prize of eternal life. We cannot yield, we cannot compromise, we must suffer."

If the present generation under 30 is to make its contribution as the Salt of the Earth it must draw its inspiration from the same source that the author of this statement drew his—not from the flower children of San Francisco, nor from the so-called Students for a Democratic Society, nor from the extremists of Berkeley and Morningside Heights. The reformer too must have salt which has kept its taste. And when he speaks it will be with words of wisdom, seasoned with salt, so that even his enemies will inwardly like him even while outwardly disagreeing with him.

Salt gives zest to food, joy to the common affairs of the day, the zest of serenity, of trust, of worship. May our thoughts, our speech, and our acts, whether we are under 30, over 60, or in between, always be gracious, seasoned with salt, so that we may know what is proper to say and how to say it on every occasion. You are the Salt of the Earth, but if the salt has lost its savour, wherewith shall it be salted? Amen.

OUTLOOK

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BOW. Mr. Speaker, interest is growing rapidly in the issues raised by the proposed FAA order to restrict the use of some of our major airports.

Businessmen in my district are concerned and the economic repercussions will be felt throughout the country if these proposals are finally approved.

To further enlighten those who are interested in the issue, I include in the RECORD an editorial from Pilot, the magazine of the Aircraft Owners and Pilots Association, and an article from the same magazine which relates to the recent testimony of J. B. Hartranft, Jr., president of AOPA, before a Senate subcommittee.

Both the editorial and the article contain worthwhile suggestions which should be considered carefully in connection with the FAA proposals.

The editorial and article follow:

OUTLOOK

In a few months there will be a new President and Administration in Washington. So far as general aviation is concerned, we hope that will include the Department of Transportation. But a new DOT secretary might replace the socialized transportation notions of an Alan Boyd with just another equally uninformed or unconcerned DOT head. The basic danger remains: civil aviation cannot be subverted to the whims and notions of unqualified men. It is far too complex, dynamic and fast-moving to be toyed with by bureaucrats.

We've always had our problems with the FAA and its predecessor organizations, but the majority of FAA officials with whom we dealt seemed to understand what we were talking about. Even though general aviation has survived and grown in essentially a hostile, pro-airline atmosphere, it has grown nevertheless, and to an extent unequaled elsewhere on earth. But to subvert civil aviation to the rule of disinterested men from the world of shipping, railroading or highways, political appointees, or learned theorists from the halls of ivy, is dangerous. Congress itself recognized this in 1958 when it finally removed the FAA from the Department of Commerce and made it an independent agency. But it's now back under a non-aviation authority, and is in just as much trouble as would be the U.S. Treasury under the control of an expert in animal husbandry.

For once, the FAA itself needs help and understanding. Our emotions are mixed, of course; the hostile climate in which general aviation has grown has been nurtured largely by the FAA. But today, they can't even make their own policy. Disinterested as they have been in the past, the FAA would never have turned the airspace, airports and air navigation facilities over to the commercial airlines as DOT Secretary Boyd and his bright young theorist, Cecil Mackey, is trying to do. As a matter of fact, the FAA has actually been exhibiting a little more understanding of general aviation in recent years. Ironically, much of this has come in the regime of a nonflying ex-Air Force general, "Bozo" McKee. Now he has resigned suddenly, with the usual platitudinous exchange of letters with the White House. If the low morale of the rest of the FAA is any indicator, McKee probably resigned out of sheer disgust with DOT machinations.

With Mr. Boyd's testimony before the Monroney Committee now on the public record, it's clear that general aviation is of no interest or concern to the Johnson Administration. Once Mr. Boyd is replaced, it can very well be with a man equally as dangerous, with the FAA helpless in his hands as well. We can only conclude what AOPA's testimony advocated before Monroney: return the FAA to an independent status.

At this moment, general aviation's future is not bright. If Secretary Boyd has his way, we're going to be forced to pay great sums for facilities we have never required, nor do we now. Various "safety" rules are in the works to restrict general aviation, and give almost unrestrained priority to the airlines.

But general aviation is fighting back. Individuals in all parts of the country are making their thoughts and wishes known to their members of Congress. At this point, with the DOT having made the Administration's position clear, we have little to lose. There is the usual loose talk about the "emergency need" for expanded funds to ease the congestion on the Air Traffic Control system. However, over 90% of general aviation could continue to operate if the whole IFR system was shut down. Every major airport from Los Angeles to New York could bog down and collapse, and general aviation would still be able to operate, while the airlines would not.

AOPA, and other general aviation spokesmen, have now taken what is virtually a unanimous stand on principle. The DOT is trying to ram its destructive proposals through Congress before this session adjourns. But key members of Congress now are aware of this opposition, and they don't appear to be ready to accept the DOT-airlines thesis that this is an emergency.

Faced with a hostile DOT, at this juncture general aviation has nothing to lose by continuously and repeatedly opposing their high-handed proposals right to the end of this session of Congress.

WE'VE HAD ENOUGH OF DOT

Two years ago the U.S. Congress was considering establishment of an Executive Department of Transportation as a super-agency responsible for all modes of travel in this country. At the time, many aviation organizations in particular either strongly opposed or voiced reservations about the wisdom of including the Federal Aviation Agency as an element of that department. They recalled too well the short shrift civil aviation had received for so many years under the Department of Commerce before being accorded a comparative first class citizenship by passage of the Federal Aviation Act of 1958.

Now, after a little more than a year of watching pre-1958 treatment of general aviation revisited, at least two major representatives of that segment of civil aeronautics want out.

Testifying before the Aviation Subcommittee of the U.S. Senate Committee on Commerce recently, AOPA President J. B. Hartranft, Jr., called for reestablishment of FAA as an independent Federal agency, declaring: "We have had more than enough of the Department of Transportation." That attitude was also expressed during the same subcommittee hearing by Frank Kingston Smith (AOPA 124393), executive director of the National Aviation Trades Association, which represents about 500 leading fixed-base operators from throughout the country.

The subject of and reason for the hearings were the complex, interwoven issues of airport development, airways modernization and user charges. The flintstone that sparked the demand was comprised of increasing pressures being brought by DOT that appear to be designed to tax and regulate general aviation either out of existence or into a state of regression. Those pressures were overtly manifested by two proposed pieces of legislation fostered within DOT (see July PILOT, page 25) and by statements made by DOT Secretary Alan S. Boyd at the Senate hearings.

Boyd and other Executive Department officials, in response to a Presidential proclamation, have been contending that civil aviation is a "special benefit" and that the users of it therefore should foot the cost almost entirely for the Government to provide the airways system. They have claimed—with increasing frequency and loudness—that only the airlines contribute to the cost of the system, while general aviation sneaks in for a free ride. Therefore, they have proposed to increase fuel taxes for general aviation to an ultimate 10 cents a gallon and are openly encouraging airports to institute landing fees against private aircraft.

At the same time they claim that general aviation still would contribute less to the cost of the airways system than the airlines, so the general aviation segment would receive even less consideration for the proposed additional tax burden than it receives under the existing tax structure.

"Nonsense," Hartranft told the Senate Aviation Subcommittee. General aviation is the only segment of U.S. aviation that is paying its way and more. "Consider these facts," he said:

"The airlines enjoy a protected market to prevent destructive competition but they pay nothing for this protection; no commercial activity in general aviation enjoys the same privilege.

"The entire operation of the Civil Aeronautics Board is for the mutual protection of the airlines and their customers, but neither pays to support the operation. General aviation does not even have an equivalent source of statistical information but, as a general taxpayer, supports CAB's existence.

"NACA and NASA aeronautical research and development efforts have responded almost exclusively to space, military and airline demands; the attention to general aviation has been microscopic. The general taxpayer has supported it all.

"The airlines have a guaranteed loan program; general aviation has none.

"The airlines have a supersonic aircraft development program largely supported by the general taxpayer; general aviation has nothing remotely comparable.

"All airlines have received, and many still receive, operating subsidy at general taxpayer expense; general aviation has never had such assistance.

"For years the airlines have had some guaranteed income from mail pay; only recently have air taxis been able to penetrate this market. The rest of general aviation has nothing comparable.

"Because of operating subsidies, airline customers have been able to—and on local service airlines still can—purchase transportation at less than the full cost thereof; general aviation users have always paid the full cost of their transportation.

"Where landing fees are charged to both parties, the airlines pay at lower rates than most general aviation due to the operation of minimums and the allocation to general aviation users of costs caused by airlines.

"The airlines generally do not pay the state tax burdens for aircraft registration, airman licensing and fuel excises; general aviation does pay.

"The airlines have not built and maintained a single airport for their own or public use; general aviation has done so in 6,296 cases.

"The airlines pay less in Federal fuel excise taxes than does general aviation.

"General aviation provides all the revenue at the thousands of airports not served by the airlines. Even at those 521 airports served by the airlines upon which we have been able

to get the data . . . general aviation provides from 22% to 63% of the revenue.

"The cost of goods and services bought by general aviation on the airport includes a substantial percentage for the airport landlord.

"General aviation makes relatively few demands upon the airways system in proportion to its hours of flying; the exact reverse of the airline case.

"Those who say general aviation does not pay its way and cite figures to prove it are using mathematics to confuse rather than reveal the truth. We do, can and will pay our way in our own time."

AOPA has pointed out repeatedly that the "share of airways costs" Boyd claims is paid by the airlines is fallacious. In reality, the airlines contribute nothing from their operating revenues, other than two cents a gallon on aviation gasoline used in the comparatively few piston-engine aircraft still used in scheduled air carriers operations. Jet fuel is tax-free. Even the two cents a gallon now paid on avgas by the airlines would be eliminated under the DOT-advanced proposals.

Boyd's own callous disregard for general aviation was reemphasized when he told the Senate subcommittee: "The Federal Government has a greater interest in promoting the efficiency of the common carrier system of air transportation than it does in promoting private air transportation and, where a choice must be made, the common carrier system will receive preference."

All indications since the birth of DOT are that the choice was an immediate one. In a shortsighted, arbitrary manner, Boyd and Company have chosen to neglect or discount the economic, cultural and other contributions general aviation makes to the thousands of communities it serves, in AOPA's opinion.

The Senate Aviation Subcommittee is chaired by Sen. A. S. Mike Monroney of Oklahoma, who reportedly bridled at some aspects of the two legislative proposals submitted by Boyd. The recent hearings of the subcommittee in fact may have been partially elicited as a result of those proposals.

Sen. Monroney is not altogether averse to the concept of user charges. Apparently, however, he took exception to features of the DOT's proposed bills that would severely restrict Federal financial participation in airport development programs and that would irrevocably rule out establishment of a trust fund to finance such programs.

During the recent hearings, Sen. Monroney claimed that he had conducted a poll of all pilots residing in Oklahoma which indicated the majority favored user charges. An AOPA survey was made in that same state last month. (See accompanying article, "APOA Polls Oklahoma Pilots On User Charges.")

The Aviation Subcommittee issued a report earlier this year (see March PILOT, page 31) as a result of hearings concerning airport problems and safety that were held last summer. That report understood the apparent need for accelerated and expanded Federal participation to bring about the earliest possible completion of a national system of airports; immediate steps to alleviate congestion in the few terminal areas where it exists; and establishment of a trust fund program to partly finance the many facets of the overall aviation picture where Sen. Monroney and others believe a crisis situation has transpired.

The Senator appears to be wedded to the trust fund concept and, despite controverting testimony offered at both public hearings conducted by his subcommittee, he seems to believe that the user charge approach offers the only means to achieve it. Following the most recent hearings, Sen. Monroney immediately drafted a bill that reportedly reflected a compromise between his committee's earlier report and the DOT proposals. It also allegedly contained some of the recommendations made by AOPA and others, however.

A week after the hearings, the full Senate Commerce Committee favorably reported a Bill (S. 3641) to establish an airways-airport trust fund, double the size of the present Federal Airport Aid Program (FAAP), and provide a $1 billion guaranteed loan program for terminal area developments. The committee recommended establishment of passenger ticket taxes of 8%, air freight taxes of 5%, and excise taxes of seven cents a gallon on all general aviation fuel for a period of five years to support the trust fund. Each year, $150,000,000 of the trust fund would go for 50–50 matching grants for airport development. Another $250,000,000 would go for capital investments in airways facilities. Anything remaining in the fund would go to offset operating costs of the airways. Trust fund revenues could be expected to be short of the amounts required for all of these purposes, so some appropriations from the general fund still would be required to carry out the program.

The bill also calls for a cost allocation survey to be made by the Department of Transportation and the findings to be reported to the Congress within two years. The bill directs that the Secretary shall consult fully with and give careful consideration to the views of the users of the system."

In conducting the hearings, Sen. Monroney left the implication that he felt too much time and energy were being expended by general aviation and airline interests in clawing at one another's throats. On numerous occasions in the past he has demonstrated with both, declaring that they face a common crisis, soluble only through cooperation, compromise and the advancement of positive ideas.

AOPA does not argue with the need for positive ideas. In his statement, Hartranft advanced 14 new recommendations as well as reiterating nine previously offered suggestions that AOPA believes would, in the long run, prove mutually beneficial to all segments of aviation and the national interest.

AOPA's latest recommendations were that:

1. A grant in aid program for airport development should be authorized at a level of $100,000,000 annually for the next 10 years.

2. Complete development aid should be given only for the first 3,500 feet of each paved and lighted runway and associated taxiways, ramps and land for public use airports.

3. Improvements to existing airports that already meet the development standards above should take second priority on a 50% matching fund basis.

4. Conditions imposed on development aid should include granting of tax relief for public use portions of privately owned, public use airports; release of land not required for common public use to fee simple ownership on publicly owned airports; provision by states of aeronautical counterparts to the highway department; airport planning and design that emphasizes parallel runway development as a solution to congestion relief and utility enhancement; and provision of lease terms to concessionaires that would allow them to amortize their capital investments over a reasonable period of time.

5. A $1 billion revolving loan program with interest rates at Treasury levels should be established to accelerate development of public use airports.

6. Loans should be available to both public and private owners of public use airports without conditions other than that they be for the enlargement or improvement of runways, taxiways, ramps, terminal buildings, access roads and similar essential facilities for public use in common; that they be maintained for public use for a period of 30 years; and that adequate security be provided.

7. Conditions restrictive of traffic, in the form of required landing fees or other specific charges, "prime time" charges, prohibitions of certain kinds of classes of traffic and similar measures should be strictly prohibited.

8. The principle of "first come, first served" in airport traffic acceptance should be clearly declared.

9. Administration of the programs should be vested in the FAA Administrator, not the DOT Secretary.

10. Rather than doing so much planning and planning control at the Federal level, these matters should be left to state and local authorities who are going to have to live with the completed projects.

11. Establishment, maintenance, improvement and operation of the airways is a Federal responsibility accepted and enacted by law, stated to be in the public interest for the safety service and defense of the nation at large; therefore it should be financed from general funds.

12. Every public use airport meeting the minimum standards in paragraph 2 above should be provided with some kind of an instrument approach.

13. Emphasis should be placed on employment of low cost facilities which have proven themselves adequate for the purpose.

14. Expansion of the flight service station system to provide service where it is needed should be paced to the expansion of flight operations.

With specific regard to user charges, Hartranft said that Government programs adopted in the public interest and imposed by law should be paid for by the public. AOPA recommended to the Senate Aviation Subcommittee, therefore, that no proposal for user charges should be considered for adoption at this time. Should subsequent intensive study by the House Ways and Means Committee (the legislative body responsible for initiating revenue measures) indicate that aviation user charges are needed, the most equitable method of implementation would be in the form of a uniform excise tax on all fuels used by all aircraft operators, regardless of the nature, location or character of their activity, Hartranft told the subcommittee.

That method of inducing airline interests to contribute a true share of "user charges" would be a hard pill for DOT to swallow. There are too many officials in that agency who appear to look upon the airline industry with paternalistic protection. The distorted view that DOT seems to hold of general aviation, on the other hand, serves only to derogate private aircraft operations and defeat the sense of the Federal Aviation and Federal Airport Acts, Hartranft has charged.

"This being the kind of 'leadership' we can do without, we recommend here and now that FAA be reestablished as an independent agency," Hartranft told the subcommittee. "We cannot speak to the disillusionment, widely reported in the press, of the maritime industry, high speed rail advocates, highway trust fund contributors and other interests, but we have had more than enough of the Department of Transportation."

AMERICAN ECONOMY: STRENGTHS AND WEAKNESSES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the text of the sixth in my series of radio broadcasts on the issues facing the Nation in this election year:

THE AMERICAN ECONOMY: WEAKNESSES AND STRENGTHS

Our nation has great strength. The strength is not just the power of our bombers, the missiles, and guns. Our real strength—our greatest strength—is the production of our factories, the imagination and diligence of our people, the wealth and resources of our richly blessed land.

The American economy—envied by all the world—is the bedrock source of all our power.

Today, I want to talk to you about the state of that economy—its achievements and its weaknesses. I want to talk about debts and deficits, about government spending and inflation, about the power of the dollar and industrial growth, and what I think needs to be done to set the American economy on a steady and sure course.

These are complicated matters. And they seem far away from our everyday lives. But that is a false impression. The economy cuts deeply into the personal lives of all of us. The economy is your job, and your neighbor's job; your house and the bank's mortgage; your baby's clothes and the hospital's bills; your paycheck and the government's taxes. In the past few years, we have learned much about the workings of economic matters. Our economy has never been stronger and more vigorous than during the 1960's.

1. June marked the 88th month of uninterrupted prosperity and economic expansion. Average duration of previous periods of prosperity was about 30 months.

2. After taking into account taxes, price increases and other deductions, the average family of four in Indiana today has $1736 more disposable income than in 1960. This increase in real income amounts to 31%—an increase equal to all the gains of the preceding 19 years.

3. In the past seven years, 10 million more Americans are at work and more than 12 million Americans have moved above the poverty line.

4. Unemployment has dropped to 3.5%, the lowest it has been since 1953.

This record of accomplishment offers a stark contrast with the economic performance of the nation during the fifties. In this period, there were 3 recessions; unemployment climbed to 7%; and fiscal year 1959 produced the largest peacetime budget deficit—$12.4 billion. Expenditures as a percentage of GNP were greater during the six Republican fiscal years between 1954 and 1960 than during the past four years. Whereas federal administrative budget expenditures were 16.3% of GNP during the last six fiscal years of the 1950's; during the four years of the Johnson Administration, expenditures averaged *less than 16%* of GNP. In fiscal 1968, federal expenditures exclusive of the cost of the Vietnam war will amount to less than 15% of GNP. And even if Vietnam expenditures are included, the total federal budget expenditures in 1968 will amount to less than 17½ percent of GNP.

In short, during the 1950's spending was up, revenue was down—prices were up, jobs were down. Today that dangerous trend has been reversed. Today's economy offers much to cheer about. But there are also some trouble spots.

1. An increasing price instability.

2. The American economy is beginning to expand much too rapidly. The record increase of $20 billion in GNP during the first quarter of 1968 is dangerous to our economic stability.

3. The federal deficit in fiscal year 1968, of approximately $20 billion, has resulted in a dangerous tightening of the money supply and increased interest rates. For the first time in 50 years the Treasury has to pay 6% to borrow money. Mortgage rates are approaching 7% on the average and running above that in many areas. The major contributor to the deficit is the more than $30 billion a year needed to carry on the Vietnam War.

4. A deteriorating position with respect to our balance of payments and a decline in the strength of the dollar in the international money market. In 1967, this country ran a balance of payments deficit of nearly $4 billion. In the first quarter of 1968, we markedly improved that position. First quarter figures on an annual basis show a $2.4 billion deficit.

THE PROBLEM

The problems of the American economy are the problems of prosperity. While we have a growing economy, more people employed than ever before, and more buying power than ever before, we clearly have the beginnings of a wage price spiral, a decline in confidence in the dollar, and the possibility of chronic budget deficits slowing our real growth in the future.

RECOMMENDATIONS FOR DEALING WITH ECONOMIC PROBLEMS

1. We should first exercise fiscal restraint. This requires that we establish clear spending priorities, and then cut the federal budget to match these priorities. To do this, I propose the following cuts in the federal budget:

A. A freeze on government employment at 97% of the present employment level. This reduction in government employment would save the federal government approximately $1 billion.

B. Cancellation of the super-sonic transport, thereby saving $225 million.

C. A reduction in spending in the space program.

D. A reduction in foreign aid—particularly in the areas of military assistance, direct governmental support loans, and huge development projects. Money should be directed instead to place more emphasis on technical assistance. We should give no more aid to a country than their own bureacracy is capable of administering. Savings about $1 billion.

E. A cutback in funds allocated for research and development.

F. A deferral of public works projects.

Secondly, for the future, we must establish clear spending priorities. We must recognize and observe the limitations of our economic policy. The United States Congress and the American people must make a commitment to spend for those things that are important and necessary, and to give up those things of lesser importance. This country cannot do everything for others, or everything for itself.

Thirdly, our economic and trade policies of the future must be geared toward the goal of a world-wide trading and financial community free from restraints on exports and imports. At the same time we are lowering trade barriers, it is only fair that the government assist those businessmen, farmers, and workers who because of increased imports face serious financial problems. In the past trade adjustment assistance has been ineffective. This program needs to be replaced with a fair and workable plan. The test for eligibility should be simply: immediate relief is made available whenever increased imports are a substantial cause of injury.

Fifth, in order to continue to play upon the strength of the American economy, we must encourage competition in this country by anti-trust actions and by the removal of excessive regulations on American business.

And finally, the policies of the future must continue to be based on the economic knowledge we have gained during the Kennedy-Johnson Administration. This means an active government fiscal policy designed to keep the growth of private demand and public wages reasonably in line with the expected growth in our productive capacity, which is approximately 4 to 4½ percent per year.

The choice is, it seems to me: Are we going to retreat to the chaotic economic policies of the past—with cycles of boom and bust, feast and famine—or are we going to continue the steady, measured policies of recent years which produce consistent and enduring economic growth? Do we want to slide up and down, or do we want to march steadily, surely toward greater prosperity for all Americans.

On the whole, we are a wealthy nation—growing more prosperous every day. But that is not enough. For those to whom much is given much is expected.

We must remember that economic policies and the wealth they generate are used wisely only when they are used to serve the needs of the people. We must not judge our nation by the quantity of its goods, but rather by the quality of the lives of all the people.

Wealth brings new burdens, but they are burdens accompanied by challenge and opportunity.

I believe the suggestions I offer today to guide our economic future form a policy that can meet these demands, while continuing our growth.

They are policies of fiscal responsibility—and human responsibility. They are not radical, but contemporary; not extravagant, but progressive. They are policies which form the sure and steady course for the American economy.

GOOD GUN CONTROL BILL IS APPROVED

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. McCARTHY. Mr. Speaker, on Monday, September 23, the lead editorial in the Buffalo Courier-Express was entitled: "Good Gun Control Bill Is Approved." In the editorial, the Buffalo Courier-Express praised Congress for enacting the bill extending the mail-order ban to shotguns and rifles.

I think the Buffalo Courier-Express is to be commended for taking this enlightened stand. The Courier-Express has in the past opposed repressive antigun laws but has shown courage and enlightenment in supporting the measure that passed the Senate.

So that other Members of the House will have an opportunity to read the Courier-Express editorial, I include it in the RECORD, as follows:

GOOD GUN-CONTROL BILL IS APPROVED

The bill banning interstate mail-order sales of rifles and shotguns which the Senate has approved seems to correct adequately a defect in the Crime Control and Safe Streets Act which was passed by Congress earlier this year. The original law outlawed the interstate mail-order sale of handguns and certainly the ban should be extended to shotguns and rifles. The bill now goes to a joint House-Senate conference where early agreement on a final draft of the measure is expected.

The Courier-Express, which has strongly opposed legislation requiring federal licensing and registration of firearms, has long felt that a law against mail-order sales of long guns and handguns would be of national benefit. The problem is that the most vocal advocates of gun-control legislation have always insisted that the law go far beyond this—almost to the point, in some extreme cases, of making it virtually impossible to possess firearms legitimately. There also are die-hards who vehemently oppose any type of gun-control legislation.

Those at the extreme on both sides of the question probably will fight the Senate-

approved bill—some on grounds that it goes too far and some on grounds that it doesn't go far enough. But those who view the matter objectively, rather than emotionally, probably will agree that the measure fills a need of society without infringing on basic rights of the public.

We would suggest that those who think the federal government should go further in curbing the use of firearms should devote their efforts to the passage of legislation which would impose a mandatory long-term prison sentence on anyone convicted of using a handgun or a long gun in the commission of a crime.

If a 10-year or 15-year sentence in such cases were mandatory—not discretionary with the judge and with no possible suspension or lessening of the sentence on any grounds such as a first offense or mitigating circumstances—and if the sentence was added to any sentence imposed for the actual commission of the crime, we are certain that the use of firearms in criminal activity would be reduced substantially. Legislation of this type would strike directly and forceably at those who misuse firearms and would not affect in any way the sportsmen and others who use them legitimately.

JUSTICE DEPARTMENT COVER-UP

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ASHBROOK. Mr. Speaker, it will be recalled that back in 1963 three State Department employees testified before the Senate Internal Security Subcommittee to the effect that they knew nothing, nor were a party to, the installation of a listening device in the office of Otto F. Otepka, the State Department security officer, whose case has since become a national issue. After testifying before the subcommittee, the three later sent a letter to the subcommittee acknowledging that their previous testimony had been untrue and misleading and they did, in fact, have knowledge of the installation of a device in Otepka's telephone.

Later the three officials again appeared before the subcommittee, and this time delivered the best examples of evasion, double-talk and misrepresentation rendered by supposedly responsible Government employees in a long time.

Since that time no attempt has been made by either the State Department or the Justice Department to prosecute these three on charges of possible perjury. In 1967 I asked the Justice Department how the case was coming, having seen a letter from the State Department stating that the transcript of the hearings had been sent to Justice for review and possible prosecution. Justice wrote back and stated that no transcript had been referred to them, and that the committee before which the testimony took place refers the case to Justice for possible action.

Next, Senator STROM THURMOND sent Justice the statements of the three State Department employees, pointing out in detail the inconsistencies in their testimony. Justice replied by saying that the committee would have to refer the charges.

On June 5, 1968, the subcommittee voted to ask Justice to review the testimony.

On September 18, the Government Employees Exchange printed the partial text of a letter from the Justice Department to another Senator explaining why the Justice Department was not going to push for prosecution. One of the reasons given was the 5-year lapse of time which might prove to be a violation of the constitutional right to a speedy trial.

The Justice Department, in mentioning the speedy trial aspect, cited the case of United States against Parrott. The summary of this particular case as it appears on page 196 of the Federal Supplement 248 reads:

The District Court, Gasch, J., held, inter alia, that indictment would be dismissed for failure to afford defendants a speedy trial under record including showing that delay of at least approximately 22 months between the date when criminal reference report was referred to United States Attorney and date of indictment was the result of inaction amounting to negligence in the U.S. Attorney's Office, that no adequate explanation of that delay had been forthcoming, and that defendants were prejudiced by the delay.

So the Justice Department is citing a case in which the U.S. Govrenment was negligent in its duties to support their argument for taking no action. From what I can ascertain, it appears that the U.S. Government, through the Justice Department, has delayed this case 5 years and is now using this excuse to justify their action.

I have again written to the Justice Department asking for more particulars on their handling of the case. I include the text of my letter to Justice, along with their reply to me back in 1967, and the article, "Charges Against Reilly, Belisle. Hill Not To Be Pressed by Justice, Vinson Informs Clark," from the Government Employees Exchange of September 18, 1968, in the RECORD at this point:

SEPTEMBER 26, 1968.

Hon. RAMSEY CLARK,
Attorney General of the United States, Washington, D.C.

DEAR MR. CLARK: This inquiry concerns the delay by the Justice Department in deciding not to prosecute the three State Department employees, Messrs. Reilly, Hill, and Belisle, which case was referred to your office by the Senate Internal Security Subcommittee on June 5 of this year.

On August 8, 1967, Assistant Secretary for Congressional Relations, William Macomber, Jr., responded as follows to an inquiry from another Congressional office:

"I have been informed that the transcript of the testimony given before the Senate Internal Security Subcommittee by Messrs. John F. Reilly and Elmer Hill has been forwarded to the Department of Justice for review and recommendation on possible perjury charges against these witnesses."

At a press conference on January 4, 1968, Secretary of State Dean Rusk was asked why no action had been taken in four years on the perjury charges. He replied, "I think this is a decision of the Department of Justice, based on the record."

On December 8, 1967, Assistant Attorney General Vinson replied to my query on the possible perjury charges:

"Having searched our files and discussed this matter with Mr. Macomber, I can advise you that his information is apparently in error. There has been no such referral of the transcript of the testimony of Messrs. Reilly and Hill to this Department for review and recommendation on possible perjury charges."

The record, referred to by Mr. Rusk above, indicates that the Senate Internal Security Subcommittee began its last series of hearings on State Department Security in February, 1963; they ended in May, 1965. Otto F. Otepka was the first witness, followed by a score of other., including Reilly, Belisle, and Hill. It is my understanding that, observing a long established practice, the Subcommittee dispatched a copy of the stenographic transcripts of each witness' testimony to the Justice Department through the F.B.I. Among the transcripts were the testimony of Hill on July 6, 1963; Belisle on July 29, 1963; and Reilly on August 6, 1963 when each denied any knowledge of the tapping of Mr. Otepka's phone.

The record also indicates that testimony by State Department witnesses before the Subcommittee showed that the Department of Justice began an investigation of Mr. Otepka in July, 1963, which was to continue for some time. F.B.I. agents who talked with Mr. Otepka in August, 1963, advised him that the investigation was being made, not at the request of F.B.I. Director J. Edgar Hoover, but at the behest of the Attorney General's Office. Any investigative data obtained, including the testimony of Reilly, Belisle, and Hill, was coordinated with and furnished to the Attorney General's offices and to the Internal Security Division.

In view of the deep involvement of the Justice Department in the Otepka case, I should appreciate knowing whether the Justice Department received copies of the testimony of Reilly, Belisle, and Hill as early as 1963.

In his letter of December 8, 1967, Mr. Vinson also stated:

"Instances of possible perjury before a committee of Congress are brought to the attention of the Department of Justice for review and prosecutive determination by direct referral from the Congressional committee before which the testimony was given."

In clarification of the above statement, I should like to know what statutory or other basis is there which requires the Justice Department to suspend prosecution on possible felonies until referral by a congressional committee?

This question is especially pertinent in view of Justice Department policy in 1964. According to his testimony before the Senate Internal Security Subcommittee, Mr. J. Walter Yeagley, Assistant Attorney General in charge of the Internal Security Division, Department of Justice, required no congressional referral before initiating action. On August 14, 1964, Mr. Yeagley was asked by Mr. J. G. Sourwine, counsel for the Subcommittee:

"Mr. SOURWINE. Do you remember the referral to the Department (of Justice) of the case of William Weiland for determination as to whether the Department desired to prosecute for perjury in connection with, or growing out of his testimony before this subcommittee?

"Mr. YEAGLEY. I do not believe the Wieland case was formally referred to us for determination as to whether prosecution for perjury was feasible. His testimony, however, had been brought to our attention and *we made an examination and arrived at a determination merely because we felt it was our responsibility to do so, but I do not recall a referral.*" (Subcommittee Hearings, State Department Security—1963—696, Part 1, p. 88) [Emphasis added.]

Mr. Yeagley's Internal Security Division derives its jurisdiction regarding perjury cases involving government employees from Section 13, E.O. 10450, which states:

"The Attorney General is requested to ren-

der to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate government security program." (See U.S. Govt. Org. Manual, 1968–69, p. 222.)

This phase of my inquiry concerns the so-called "mutilation of documents" charges which were brought against Otto Otepka but which were dropped in June, 1967. An article in the Washington Post of June 7, 1967, written by George Lardner, Jr., stated:

"Irving Jaffe, Justice Department attorney representing State in the proceeding, said he moved for dismissal of the ten charged for varied, 'technical, legal reasons.'"

The article went on to say:

"Dismissal of the 'mutilation' charges, Jaffe declared, *'had nothing to do with (problems of) proof,'* but he declined to elaborate." [emphasis added]

My third question, of course, is why Otepka was not prosecuted by the Justice Department for violation of 18 U.S.C. 2071, and what were the "technical, legal reasons" for dropping the charges if, as the Washington Post quotes Jaffe, a question of proof was not involved?

Your reply to these three specific questions, all possibly involving malfeasance on the part of the Justice Department, will be appreciated.

Sincerely,

JOHN M. ASHBROOK,
Representative to Congress, 17th District.

DEPARTMENT OF JUSTICE,
Washington, D.C., December 8, 1967.

Hon. JOHN M. ASHBROOK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This is in response to your letter of November 15, 1967, in which you quote from a letter of William B. Macomber, Jr., Assistant Secretary of State for Congressional Relations, concerning testimony of Messers. Reilly and Hill before the Senate Internal Securities Subcommittee.

Instances of possible perjury before a committee of Congress are brought to the attention of the Department of Justice for review and prosecutive determination by direct referral from the Congressional committee before which the testimony was given. Having searched our files and discussed this matter with Mr. Macomber, I can advise you that his information apparently is in error. There has been no such referral of the transcript of the testimony of Messers. Reilly and Hill to this Department for review and recommendation on possible perjury charges.

Sincerely,

FRED M. VINSON, Jr.
Assistant Attorney General.

[From Government Employees Exchange, Sept. 18, 1968]

CHARGES AGAINST REILLY, BELISLE, HILL NOT TO BE PRESSED BY JUSTICE, VINSON INFORMS CLARK

In a response to an inquiry made by Senator Joseph Clark for a constituent in Upper Darby, Pennsylvania, Fred M. Vinson, Jr., Assistant Attorney General, indicated that the Department of Justice would not press perjury charges against John F. Reilly, David I. Belisle, and Elmer D. Hill growing out of their testimony before the Senate Internal Security Subcommittee in 1963.

The three men figure prominently in the Otto F. Otepka case. Senator Strom Thurmond by letter earlier this year had asked the Department to review the testimony given by the three men after it was disclosed that they had altered it at the hearings of the former top Security Evaluator at the Department of State. Mr. Otepka's appeal for reinstatement is now before the Civil Service Commission's Board of Appeals and Reviews. Mr. Thurmand's request was rejected at that time by Mr. Vinson on the contention that the Department couldn't act unless it was instructed to do so by a congressional committee. A resolution adopted by the Senate Subcommittee on Internal Security on June 5, this year, initiated the review.

Below appears a partial text of the August 21, 1968, letter addressed to Senator Clark by Mr. Vinson:

"Our examination of the record of the subcommittee's hearings, consisting of 1806 pages in twenty parts, indicated that testimony given by these individuals in July and August 1963 (Hill—July 9, 1963; Belisle—July 29, 1963; and Reilly—August 6, 1963) was substantially modified in later appearances before the committee in November 1963.

"Making the assumption that the earlier testimony was not truthful, we concluded that the matter *did not merit presentation to a grand jury at this late date.*

"The mere fact of contradictory statements under oath is not enough to establish perjury under the special rule applicable to perjury prosecutions. In view of the corrective testimony of the witnesses subsequent to their initial testimony, the case would have presented grave difficulties before a jury.

"Moreover, under the decisions of the District of Columbia Circuit where this prosecution would lie, prosecution might have already been *impossible because of the lapse of time* between the 1963 statements and the present time. The rule in that Circuit is that *substantial delay may be a violation of the Constitutional right to a speedy trial even if the prosecution is brought within the period of limitations.* United States v. Parrott, 248 F. Supp. 196 (1965).

"Sincerely,

"FRED M. VINSON, Jr.
"Assistant Attorney General."

AMERICA'S INCREDIBLE ATTORNEY GENERAL

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ROUDEBUSH. Mr. Speaker, my newsletter follows:

AMERICA'S INCREDIBLE ATTORNEY GENERAL

During his five years in office, LBJ has made some startling appointments, but the most bizarre of all has turned out to be Attorney General Ramsey Clark.

If there is one place in this country that we need a hard-nosed, no nonsense person it is in the Attorney General's office.

An effective, hard-hitting Attorney General could lead the anti-crime crusade in this nation and be a rallying point for our harassed and maligned police departments.

A tough Attorney General could also press the prosecution of those in organized crime, communist agitators who travel state to state stirring up riots, and those who break other Federal laws.

But, Clark has turned out to be super-soft on law enforcement and has actually denied there is a crime wave in this country.

And, incredibly, Clark seems more worried about "police violence" than the fact that in most cities in the United States it isn't safe on the street at night.

Clark testified recently here that "of all violence, police violence in excess of authority is the most dangerous. For who will protect the public when the police violate the law?"

Clark completely ignores the fact that violent crimes have increased 73% during the years since 1960.

And, while Clark sets up our police departments as the "bogeymen" to watch out for, he even goes further in condemning American society as one "that celebrates the power of violence."

At the same hearing in which Clark delivered his attack on the American police departments, FBI Director J. Edgar Hoover stoutly defended our police, saying:

"The violence of the criminal, often cold-blooded and calculated, is especially felt by law-enforcement officers. Crime and violence are increasing primarily because there is a mass deterioration in the respect shown for the rule of law in our nation and for some who enforce it. Heightening the atmosphere of resentment of authority and irresponsibility to others in our society is an all-too-prevalent defiance of duly established laws and rules that is euphemistically termed 'civil disobedience.' The demagogic exhortations of a number of civil rights, peace, and student leaders have done much to encourage and condone lawlessness and civil disobedience."

I believe the American people will take the word of J. Edgar Hoover over LBJ's bleeding-heart Attorney General who worries more about the police, than the fact that our cities have been wracked by riots, crime is out of control and communist-incited riots and demonstrations have become common place.

When Clark made his incredible attack on the police, we checked a local Washington, D.C. newspaper that week, to find out how bad the police were "misbehaving."

We couldn't find any accounts of police brutality, but we did note that:

1. Mayor Walter E. Washington of Washington, D.C., was victimized by a burglar in his bedroom. The mayor chased him out, but lost $70 and his wallet.

2. Two university coeds were approached by five thugs while walking near the Kennedy Center for the Performing Arts, in a fashionable neighborhood. One girl was slugged and robbed of $20, the other was raped.

3. A gunman kidnaped and assaulted a 24-year-old nurse near Dupont Circle.

4. Five bandits robbed a Washington bank of about $22,000 then traded shots with the manager of a neighboring store as they fled. From across the street, students at an elementary school lined classroom windows to watch the action.

5. In suburban Washington, two men took $3,477 from a chain food store—but were wounded and captured in a gun battle with police.

This was a typical day in the nation's capital, where the United States Attorney General sits in his office and worries about "police violence."

A church within two blocks of the Capitol dome has had to close its doors during all hours but when services are in progress, because of vandalism and theft. At the same church, a woman was stabbed at the altar while praying.

LBJ should fire Ramsey Clark immediately and appoint someone that at least recognizes the problem.

MR. NIXON AND AMERICAN POPULATION GROWTH

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PODELL. Mr. Speaker, like millions of Americans, I have been entranced by the series of radio and television commercials promoting the presidential aspirations of Mr. Richard M. Nixon, as well as by news reports setting forth Mr. Nixon's prescriptions for the cure of America's ills as he dissects the

American dilemma and subjects its bits and pieces to microscopic examination.

I must confess that I have learned to admire the objectivity of Mr. Nixon when, for example, he contrasts the economic stagnation of the Nixon-Eisenhower years with the historic growth of the gross national product with the unprecedented increase in the numbers of people gainfully employed and with the sharp decline in the unemployment rolls, which have characterized the past 7 years of Democratic administration.

I think that it is high time that some prominent national Republican figure, and I credit Mr. Nixon for taking the initiative in this respect, has called attention to the dismal failures of the likes of such as Gov. Nelson A. Rockefeller and Mayor John V. Lindsay, Republicans both, to maintain law and order with or without justice in the city of New York.

Crime in New York City during the Rockefeller and Lindsay administrations has reached such unprecedented levels that organized criminal activity takes place in broal daylight right on the steps of city hall as well as in public offices owned, maintained, occupied, but obviously not controlled, by the city's department of social services.

Indeed, so rampant has crime become in New York City that it would not cause a ripple of surprise if someday in broad daylight the city hall itself is stolen with the mayor inside his office. So it is all to the good that Mr. Nixon courageously calls the attention of the American people to the inability of the Republican State and city administrations to curb crime and maintain public order.

I might suggest to Mr. Nixon that it would serve no useful purpose on his next visit to New York City to denounce the U.S. Supreme Court for its decisions in the Miranda and Escobedo cases or other judicial decisions relating to confessions. Those decisions have in fact made no impact on law enforcement in New York City. Obviously, there can be no confession without prior apprehension. And in New York City, while the crime rate goes up, the arrest rate declines in absolute and in relative figures.

Apparently, there is one thing though about the Democratic administration during the past 7 years that bugs Mr. Nixon terribly because he harps on it so frequently. "During the 7 years of the Democratic administration," Mr. Nixon says, "population has increased 10 percent." Mr. Nixon becomes so impassioned about this statistic that he invariably splutters out the sentence in a manner that makes impossible comprehension of the missing words symbolized by the dots in the quotation.

I rather imagine that all of America shares Mr. Nixon's concern that the American population has increased "only 10 percent" in 7 years of Democratic administration. Certainly the specter of a vast continental area stretching from the Atlantic to the Pacific, from Canada to Mexico, devoid of people is indeed a frightening one.

Based on my best knowledge, information, and belief, I had had the distinct impression that Democrats were indeed doing everything in their power to promote our population growth. Evidently, Mr. Nixon does not think much of Democratic progress and achievement in this vital area. I suggest that many Democrats are prepared, in the interests of patriotism, to submerge partisan differences and cooperate fully with Mr. Nixon to improve America's world posture with respect to population growth. No decent American would support a program for a stunted American population.

All that is necessary to mobilize America's resources for this objective is for Mr. Nixon to spell out precisely and frankly what he, personally, and Republicans, generally, propose to do to increase America's population growth. I do not doubt for a single moment that the American people will wholeheartedly follow Mr. Nixon's leadership in this respect.

WHERE DOES NIXON STAND?

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. RHODES of Pennsylvania. Mr. Speaker, it is not difficult to understand why Republican leaders are doing everything possible to prevent a TV debate between presidential candidates. They are making all kinds of alibis to prevent a face-to-face discussion of the issues where everyone can best judge the views, character, personalities and ability of the three leading candidates.

It will be especially interesting to learn where Mr. Nixon stands on the important issues that face the Nation and our people.

I would like to include with my remarks, Mr. Speaker, an editorial by Robert Spivack in a recent issue of Washington, D.C., Examiner. The Spivack column, which follows, raises some interesting questions which the public is entitled to know:

LET THE PEOPLE KNOW

(By Robert Spivack)

Vice President Humphrey is trying in every way a candidate can to get former Vice President Richard M. Nixon to let the public know where he stands on the major issues of the day.

Nixon, understandably, does not want to be drawn out. He wants no nationwide TV debate, he does not meet the press for full-blown news conferences, he uses a kind of sign language to tell the public where he stands.

Now it's possible that people do understand what Nixon would do if he were elected President, along with a Republican-controlled Congress.

Sen. Strom Thurmond seems satisfied, on the one hand, and Mayor John Lindsay seems almost equally pleased. But if Thurmond and Lindsay both find the former Vice President's views okay, then maybe there is something wrong with them, with him, or with us.

The more Nixon campaigns the more difficult it becomes to visualize just what he would do about the major problems he would inherit the moment he took office.

All right, let's grant Nixon immunity from commenting on the proposed advancement of Justice Abe Fortas to Chief Justice. This is a hot and prickly issue and no matter what stand he takes there is hardly a vote to be won.

But there are other problems that will be with us after Congress goes home and the public is entitled to some specific discussion about them. People are not for Nixon because he has "charisma." And being for him because they are sore at the Administration, or the black militants, or the noisy Left public moods do not remain fixed forever.

Let's take several of the major domestic problems, since Spiro T. Agnew now says that he and the No. 1 Republican do not have any plan for ending the war in Vietnam.

For example, what about the War on Poverty? Would Nixon abolish the Office of Economic Opportunity? Would he merge it into the Depts. of Labor and H.E.W.? Would he curtail Head-start, VISTA?

Or take the question of grants for local communities of the kind now being made by the Dept. of Housing and Urban Development? Would Nixon abolish this program? Or change it? If the latter, what changes would he make?

Or what about the economy in general? Would Nixon do anything about high prices? Does he favor wage and price control? Would he curtail the power of the Federal Reserve Board, as recommended by Rep. Wright Patman? Would he roll back interest rates?

In many ways the biggest hurdle the Republicans have to leap is that feeling among many Americans that the election of the Grand Old Party means hard times. If Nixon could reassure working people and those on fixed incomes that they would have job security under Republican rule, or protection against inflation, his worries (and theirs) would be over.

It's really not a question of accommodating Hubert Humphrey to answer these questions.

When people get done talking about "law and order" or the war, they still have to worry about paying their bills, getting medical care at prices they can afford, and putting away a little for a rainy day.

These may not be the "big issues" that keep the university "think tanks" busy, but when the voter goes into the polling place these are also the things that concern him as he makes his personal, momentous decision, choosing the next President.

EDITORIAL PRAISES U.S. ASSISTANCE TO VOLCANO VICTIMS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ROYBAL. Mr. Speaker, on July 29 Mount Arenal, a volcano located some 60 miles north of San José, Costa Rica, began erupting after five centuries of inactivity. More than 65 people were killed and over 6,000 refugees evacuated in the immediate disaster area. Ash has fallen 50 miles to the north and west of the volcano, with the heaviest damage due to ash fall reportedly occurring just west of the mountain.

The United States immediately offered disaster relief assistance. Two helicopters to assist in evacuation, tents, blankets, and medical supplies were requested by Costa Rican Civil Defense authorities and flown in from the Canal Zone. In response to a request by President Trejos, President Johnson sent a special team of three leading U.S. scientists to work with the Costa Ricans in gathering data on the volcano's activity.

It is believed that the damage and

destruction constitute a serious setback to the agriculture of Costa Rica and to the country's stabilization and diversification program.

Our assisance is appreciated and I ask permission to reprint in the CONGRESSIONAL RECORD an editorial from a San José newspaper expressing gratitude to the United States for the help rendered Costa Rica during its tribulations.

[A U.S. Embassy translation of editorial in La Republica of San José, Costa Rica, Aug 2, 1968]

YANKEE IMPERIALISM

How many times have we seen the phrase "Yankee Imperalism" or some such painted on the walls of our city as a demonstration of hate toward the United States! We won't go into the political reasons for such propaganda but we do wish to call attention to it as we contemplate the generosity and altruistic spirit of the Government of the United States and the American residents in our country in these moments of intense suffering and grief for our homeland.

Far be it for us to ignore the ample humanitarian cooperation of many other sister nations, but we wish to extol especially the moral and material support of the United States because we feel its detractors should analyze the facts with more courtesy and fairness.

Lest anyone misinterpret our words, it is only fair to recognize the generous and humanitarian spirit of the American people toward all the countries of the world in time of tragedy. In the field of cooperation and friendship, few peoples can boast of more worthwhile performance.

Five years ago, when the volcano Irazu erupted, the assistance of the American government and people was immediate and ample. The people of Cartago still remember the quiet tireless work of the Seabees in defense of their city. Today history repeats itself, in its tragic consequences and in the examples of cooperation and sympathy. The American people have responded quickly and generously, not only in material goods and economic aid, but also with acts of personal courage which the Costa Rican people will never forget. A group of men left their work and their homes and marched toward the scene of the tragedy to cooperate with the rescue and refugee efforts, even at the risk of their own lives.

We don't think everything they do is good, and many times we have disagreed with their policy, attitudes and conduct: we have protested what we consider its myopia in international affairs, but in our present agony we keep silent.

So today those grimly lettered signs on our city's walls are all the more obvious and painful, because we know they do not represent the sentiment of the Costa Rican people.

We think we speak for our people—for the men who have suffered irreparable losses, for the homeless, the bereaved, for the children in their suffering—as we express our thanks to all our sister countries who have responded to our needs, and to the government and people of the United States who, with so much Christian liberality and compassion, have given us an example of their "imperialism."

HOUSE OF REPRESENTATIVES—*Monday, September 30, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Hear my prayer, O Lord, and give ear to my supplications.—Psalm 143: 1.

We thank Thee, our Father, for this moment of prayer when we turn our hearts unto Thee and in all sincerity of mind and heart receive the guidance of Thy good spirit.

Let not the glory of this day, nor the glow of good health, nor the glamour of our position blind us to the seriousness of our tasks and deceive us into thinking that we can depend upon ourselves alone. All we are and all we have is a trust, O Lord, from Thee. Help us to be wise stewards of Thy gifts and to use them for Thy glory and to make more secure the freedoms of our country.

Bless these Representatives with Thy gracious favor, our people with the fruits of Thy loving spirit and all of us together with the faith in democracy that never falters and never fails.

We pray in the name of Him for whose kingdom we labor. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 26, 1968, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, 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 House to the bill (S. 3068) entitled "An act to amend the Food Stamp Act of 1964, as amended."

The message also 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 House to the bill (S. 119) entitled "An act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes."

The message also announced that the Senate agrees 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. 3865) entitled "An act for the relief of Mauritz A. Sterner."

The message also 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. 14935) entitled "An act to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes."

The message also 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. 15758) entitled "An act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes."

The message also announced that the Senate recedes from its amendments to a bill of the House of the following title:

H.R. 17104. An act to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum.

The message also announced that the Senate recedes from its amendments to the bill (H.R. 17735) entitled "An act to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms," 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. DODD, Mr. MCCLELLAN, Mr. ERVIN, Mr. EASTLAND, Mr. TYDINGS, Mr. MAGNUSON, Mr. PASTORE, Mr. HART, Mr. DIRKSEN, Mr. HRUSKA, Mr. THURMOND, Mr. SCOTT, and Mr. PEARSON 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. 17324) entitled "An act to extend and amend the Renegotiation Act of 1951," 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. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. GORE, Mr. TALMADGE, Mr. HARTKE, Mr. WILLIAMS of Delaware, Mr. CARLSON, Mr. BENNETT, and Mr. CURTIS 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. 653) entitled "An act to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings," 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. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. WILLIAMS of Delaware, and Mr. CARLSON 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. 7735) entitled "An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore," 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. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10837, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the managers on the