nations that have volunteer forces. Though these armies are small, not having the great global responsibilities of the American forces, they provide enviable examples of high effectiveness, low turnover and contended officers. Lieut. General A. M. Sharp, Vice Chief of the Defense Staff of Canada, contends that freewill soldiers are "unquestionably going to be better motivated than men who are just serving time."

PHANTOM FEARS

Civilian reservations about volunteer armed forces also focus on some fears that tend to dissolve upon examination. Some critics have raised the specter of well-paid careerists becoming either mercenaries or a "state within a state." Nixon, for one, dismisses the mercenary argument as nonsense. The U.S. already pays soldiers a salary. Why should a rise in pay—which for an enlisted man might go from the present $2,900 a year to as much as $7,300—turn Americans into mercenaries? Said Nixon: "We're talking about the same kind of citizen armed force America has had ever since it began, excepting only in the period when we have relied on the draft." The Pentagon itself rejects the Wehrmacht-type army, in which men spend all their professional lives in service.

Nixon has also addressed himself to the possibility that a careerist army might become a seedbed for future military coups. That danger is probably inherent in any military force, but, as the President-elect points out, a coup would necessarily come from "the top officer ranks, not from the enlisted ranks, and we already have a career-officer corps. It is hard to see how replacing draftees with volunteers would make officers more influential." Nixon might have added that conscript armies have seldom proved any barrier to military coups. Greece's army is made up of conscripts, but in last year's revolution they remained loyal to their officers, not to their King.

Might not the volunteer army become disproportionately black, perhaps a sort of internal Negro Foreign Legion? Labor Leader Gus Tyler is one who holds that view; he says that a volunteer army would be "low-income and, ultimately, overwhelmingly Negro. These victims of our social order 'prefer' the uniform because of socio-economic compulsions—for the three square meals a day, for the relative egalitarianism of the barracks or the foxhole, for the chance to be promoted." Conceivably, Negroes could flock to the volunteer forces for both a respectable reason, upward mobility, and a deplorable one, to form a domestic revolutionary force.

As a matter of practice rather than theory, powerful factors would work in a volunteer army toward keeping the proportion of blacks about where it is in the draft army—11%, or roughly the same as the nation as a whole. Pay rises would attract whites as much as blacks, just as both are drawn into police forces for similar compensation. The educational magnets, which tend to rule out many Negroes as too poorly schooled and leave many whites in college through deferments, would continue to exert their effect. Black Power militancy would work against Negroes' joining the Army. Ronald V. Dellums, a Marine volunteer 13 years ago and now one of two black councilmen in Berkeley, opposes the whole idea of enlistment as a "way for the black people to get up and out of the ghetto existence. If a black man has to become a paid killer in order to take care of himself and his family economically, there must be something very sick about this society." But even if all qualified Negroes were enrolled, the black proportion of the volunteer army could not top 25%. Nixon holds that fear of a black army is fantasy: "It supposes that raising military pay would in some way slow up or stop the flow of white volunteers, even as it stepped up the flow of black volunteers. Most of our volunteers now are white. Better pay and better conditions would obviously make military service more attractive to black and white alike."

One consideration about the volunteer army is that it could eventually become the only orderly way to raise armed forces. The draft, though it will prevail by law at least through 1971, is under growing attack. In the mid '50s, most military-age men eventually got drafted, and the inequities of exempting the remainder were not flagrant. Now, despite Viet Nam, military draft needs are dropping, partly because in 1966 Secretary of Defense Robert McNamara started a "project 100,000," which slightly lowered mental and physical standards and drew 70,000 unanticipated volunteers into the force. Meanwhile, the pool of men in the draftable years is rising, increasingly replenished by the baby boom of the late '40s. Armed forces manpower needs have run at 300,000 a year lately, but they will probably drop to 240,000 this year. On the other hand, the number of men aged 19 to 25 has jumped from 8,000,000 in 1958 to 11.5 million now—and will top 13 million by 1974. The unfairness inherent in the task of arbitrarily determining the few who shall serve and the many who shall be exempt will probably overshadow by far the controversies over college deferments and the morality of the Viet Nam war. In the American conscience, the draft-card burners planted a point: that conscription should be re-examined and not necessarily perpetuated. The blending of war protest with draft protest, plus the ever more apparent inequities of Selective Service, led Richard Nixon to move his proposal for a volunteer army to near the top of his priorities.

HEALING TENSIONS

The position from which to start working for a volunteer army is that, to a large extent, the nation already has one—in the sense that two-thirds of its present troops are enlistees. Neither Nixon nor anyone else visualizes a rapid changeover. The draft will doubtless endure until the war in Viet Nam ends, but it could then be phased out gradually. After that, the draft structure can be kept in stand-by readiness, thinks Nixon, "without leaving 20 million young Americans who will come of age during the next decade in constant uncertainty and apprehension."

If Nixon and his executive staff can move ahead with legislation and the new Secretary of Defense prod and cajole his generals and admirals, the new Administration will go far toward its aim. A volunteer army might help ease racial tension, perhaps by ending the imbalance that has blacks serving in the front lines at almost three times their proportion in the population and certainly by removing the arbitrariness of the draft that puts them there. The move would also eliminate the need to force men to go to war against their consciences, and end such other distortions as paying soldiers far less than they would get if they were civilians, or forcing other young men into early marriages and profitless studies to avoid the draft. Incentives, substituted for compulsion, could cut waste and motivate pride. Not least, a volunteer army would work substantially toward restoring the national unity so sundered by the present inequalities of the draft.

SENATE—*Tuesday, January 14, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 meridian, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, the Reverend Dr. Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, grant us the mind and will to worship Thee not only in the sanctuary on one day but in our daily duties every day. So wilt Thou direct us, O Lord, in all our labors and further us in all our endeavors, that what we do this day may begin, continue, and end in Thee, to the advancement of Thy kingdom. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 13, 1969, be approved.

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

MEMBERSHIP AND SIZE OF STANDING COMMITTEES

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask that it be read.

The PRESIDENT pro tempore. The resolution will be read.

The legislative clerk read the resolution (S. Res. 13) as follows:

S. RES. 13

Resolved, That rule XXV of the Standing Rules of the Senate be amended as follows:

In paragraph (a) (dealing with the Committee on Aeronautical and Space Sciences) of subsection 1 of rule XXV, strike out the word "sixteen" and insert in lieu thereof "fifteen".

In paragraph (b) (dealing with the Committee on Agriculture and Forestry) of subsection 1 of rule XXV, strike out the word "fifteen" and insert in lieu thereof "thirteen".

In paragraph (c) (dealing with the Committee on Appropriations) of subsection 1 of rule XXV, strike out the word "twenty-six" and insert in lieu thereof "twenty-four."

In paragraph (e) (dealing with the Committee on Banking and Currency) of subsection 1 of rule XXV, strike out the word "fourteen" and insert in lieu thereof "fifteen".

In paragraph (f) (dealing with the Committee on Commerce) of subsection 1 of rule XXV, strike out the word "eighteen" and insert in lieu thereof "nineteen".

In paragraph (g) (dealing with the Committee on the District of Columbia) of subsection 1 of rule XXV, strike out the word "eight" and insert in lieu thereof "seven".

In paragraph (i) (dealing with the Committee on Foreign Relations) of subsection 1 of rule XXV, strike out the word "nineteen" and insert in lieu thereof "fifteen".

In paragraph (l) (dealing with the Committee on the Judiciary) of subsection 1 of rule XXV, strike out the word "sixteen" and insert in lieu thereof "seventeen".

In paragraph (m) (dealing with the Committee on Labor and Public Welfare) of subsection 1 of rule XXV, strike out the word "sixteen" and insert in lieu thereof "seventeen".

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In paragraph (o) (dealing with the Committee on Public Works) of subsection 1 of rule XXV, strike out the word "sixteen" and insert in lieu therof "fifteen".

The PRESIDENT pro tempore. Under the order of yesterday, the Senate will now proceed to the consideration of the resolution.

The Chair recognizes the Senator from Montana.

Mr. MANSFIELD. Mr. President, what is the situation with respect to time?

The PRESIDENT pro tempore. Each side has 1 hour, beginning with the first Senator recognized.

Mr. MANSFIELD. Mr. President, I yield no more than 5 minutes out of my time for the purpose of suggesting the absence of a quorum.

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

The bill clerk proceeded to call the roll.

The PRESIDENT pro tempore. The Chair understood the Senator from Montana to say that he yielded 5 minutes for a quorum call. The call of the roll has not been completed, but it has proceeded for 5 minutes. Does the Senator desire to yield further time, or does he desire that the order for the quorum call be rescinded?

Mr. MANSFIELD. Mr. President, if the distinguished minority whip is not prepared to start discussion, I would suggest that we continue the quorum call, with the time to be taken equally from each side.

Mr. SCOTT. We are ready.

Mr. BYRD of West Virginia. 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.

Who yields time?

Mr. SCOTT. I yield 5 minutes to the distinguished Senator from Hawaii.

The PRESIDENT pro tempore. The Senator from Hawaii is recognized for 5 minutes.

Mr. FONG. Mr. President, I ask that the resolution now pending be amended as follows:

That the third paragraph, reading "In paragraph (c) (dealing with the Committee on Appropriations) of subsection 1 of rule XXV, strike out the word 'twenty-six' and insert in lieu thereof 'twenty-four,' " be stricken.

That the seventh paragraph, which reads, "In paragraph (i) (dealing with the Committee on Foreign Relations) of subsection 1 of rule XXV, strike out the word 'nineteen' and insert in lieu thereof 'fifteen,' " be stricken.

The PRESIDENT pro tempore. Did the Senator send the amendment to the desk?

Mr. FONG. Mr. President, I have not. It is a verbal amendment.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. The Senator from Hawaii (Mr. FONG) proposes to delete sections of the resolution dealing with paragraph (c) applying to the Committee on Appropriations and paragraph (i) dealing with the Committee on Foreign Relations.

Mr. FONG. Mr. President, I ask for a rollcall vote on my amendment.

The PRESIDENT pro tempore. The Senator from Hawaii has asked for the yeas and nays. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FONG. Mr. President, I strongly object to the resolution reducing the total membership of the Committee on Foreign Relations from 19 to 15 and the Committee on Appropriations from 26 to 24.

The history of the committees' memberships indicate a need to retain the present numbers. In 1953 the Foreign Relations Committee membership authorization was increased from 13 to 15; in 1959 it was again raised from 15 to 17; and in 1965 it was raised to 19 where it has remained. The Appropriations Committee was authorized 27 members in 1959; in 1967 it was reduced to 26 members where it has remained.

It is well accepted that these increases were voted to give the junior Democrat members of the Senate an opportunity for membership on these very important committees.

One of the arguments advanced for reducing the size of these committees is that they are presently unwieldy. However, for 10 years the Foreign Relations Committee operated with over 15 members. During that period the committee membership was even raised to 19. If it is unwieldy now with 19 why was it not unwieldy 10 years ago when the membership was first increased over 15.

The Appropriations Committee membership was increased to 27 in 1959 and then in 1967 it was dropped to 26. So for over 10 years it operated with 26 or more members. If it is unwieldy now with 26 members why was it not so 10 years ago when it was initially increased. The facts proved that this argument is absurd. Furthermore, the areas of Government operation have increased tremendously and we need the counsel and expertise of other Members of the Senate on these committees.

This proposed reduction coming on the heels of substantial Republican gains in the Senate is wholly partisan in nature. It will seriously hurt not only the new Republican Senators, but the new Democrat Senators as well. In fact, it will adversely affect every Senator who does not hold a position of leadership or seniority.

These are those Democrat and Republican Senators who can be referred to as the "forgotten middle classes." These Senators number approximatly two-thirds of the total Republican Senators, and, I believe, a greater number of Democratic Senators. It is of greater detriment to Republican junior Senators than to Democratic Senators as the Republican assignment to committees is based primarily on seniority.

The PRESIDENT pro tempore. The Chair advises the Senator from Hawaii that his time has expired.

Mr. SCOTT. Mr. President, I yield an additional 3 minutes to the Senator from Hawaii.

The PRESIDENT pro tempore. The Senator from Hawaii is recognized for 3 additional minutes.

Mr. FONG. Mr. President, by decreasing the number of members on the Appropriations and Foreign Relations Committees, we will reduce the number of important committee assignments available. This will force senior Senators to take seats on other choice committees leaving only lesser committees for junior Senators.

Many of our new Senators have had years of experience as Members of the House of Representatives, Governors and legislators on the State level. All I am sure have had important roles in community, national and even international affairs. These men should have the opportunity to use their expertise on choice committees. To deny them this opportunity is a disservice to all of us, to their States and to the Nation. The freshman Senators can be given greater opportunities for service only if the present membership authorizations for the Appropriations and Foreign Relations Committees are retained. To reduce the numbers would injure the Senate down to its most junior Member.

Mr. President, I urge that my amendment be agreed to.

Mr. SCOTT. Mr. President, I yield myself 5 minutes at this time.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, the rules of politics and the rules of government ought to be as infused with a spirit of fair play and good sportsmanship as the rules of the playing field. But in this instance what we are confronted with is the ruthless, cold, and arrogant display of majority power without regard to fair dealing—one of the their favorite terms of recent years—and without regard to the fact that a victory was won by this side of the aisle by the addition of some 10 Senators, or a net gain of six Senators.

How does the rule of fair play work when the results are otherwise? One can look at the 83d Congress and the beginning of the 84th Congress, when a period of majority rule set in for the other party, and for the majority whip, later the majority leader, a very distinguished gentleman who is about to make his farewell amidst all of our best wishes this week. But during the latter's reign, the number of committee places was increased by 43. At a moment of sadness for our side in January 1959, just 10 years ago, when 13 Senators were lost on this side of the aisle, and gained on that side of the aisle, involving 26 committee seats, what did the majority leader at that time do? He added another 14 seats, included in this 43 computation incidentally, to take care of his side of the aisle.

The moment that the laurel wreath of victory descends on a few of our Senators, what happens on the other side of the aisle? Meeting in secret, they decide to deprive us of the fruits of victory and to withdraw it by cutting away some seven places, and later, with the guilty sense of the filcher, provide a couple of places on what might be called not the most important committees.

We are told about the difficulty of obtaining a quorum, the difficulty of get-

ting one more Senator. In my judgment any committee which cannot find one extra Senator around perhaps does not deserve to be meeting at that time.

I submit that what is happening to us here is not fair. I am sure many Senators on the other side of the aisle are not in sympathy with it. I am sure that among influential Members on the other side of the aisle there was opposition within their secret conclave, and I am sure they regret that certain people felt it desirable to suddenly withdraw membership on a committee at a time when the membership was about to be moved to this side of the aisle. What happens? The domino theory works with respect to those who might be otherwise advanced to the accepted committees, regarded with some interest by a great many Senators. But at this moment, the opportunity to move into those committees is denied new Senators, Senators in the entering class of this side, or Senators who entered the Senate 2 or 4 years ago are denied the opportunity to be advanced, or whatever the designation may be, to the committees which they really desire.

The PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired.

Mr. SCOTT. Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 1 additional minute.

Mr. SCOTT. Therefore, Mr. President, we know that the other side has the votes. We know that the votes cast on the other side may be greater in number than the votes cast in their secret meetings. We know, too, that when you do this to us, the time will come when we will hope to be a majority, and when we do, you are inviting a form of compensatory retaliation and you are asking for compensatory reprisal. So if you insist on doing this unfair thing—and I again condemn it as unfair in the extreme, and it is political motivation and unworthy of this great body—then the time will come when those who did it will be the first to regret it.

Mr. MANSFIELD. Mr. President, will the Senator from Pennsylvania allow me?

Mr. SCOTT. I am glad to yield.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, I have listened with great interest to the distinguished minority whip. I have noted the threats implied and stated in the words which he has spoken. He has been quite free with some of his charges and some of his labeling. He refers to this side of the aisle as being arrogant. He implies that chicanery has been used to achieve the 57-to-43 ratio on these committees, which is actually what we have agreed to on this side.

I would point out that, speaking of compensatory retaliation—and I use the Senator's exact words—I think he should be a little careful in what he says, because if we are treated in this way, and we happen to be in the position in which his side of the aisle finds itself now, we would feel that we were being treated in the only way possible.

I listened to the distinguished Senator from Pennsylvania on television last Sunday. He made a very eloquent and worthwhile telecast. During the course of that telecast he was asked a question, I believe by Mr. Rowland Evans. In response to that question—and I believe I have the Senator's exact words—the Senator from Pennsylvania said that he "understood the Democratic Steering Committee would bypass the Democratic caucus and take the matter directly to the floor."

Mr. SCOTT. Mr. President, if the Senator from Montana will yield right there——

Mr. MANSFIELD. I yield.

Mr. SCOTT. I am glad to say that I was informed by one of the Members on the Senator's side of the aisle that that was his precise fear. This program was taped several days before the meeting and I expressed the fears which were arising on the Senator's side of the aisle and expressed them accurately.

Mr. MANSFIELD. It was a prerecorded telecast.

Mr. SCOTT. It was indeed, sir.

Mr. MANSFIELD. And so stated.

Mr. SCOTT. Yes, sir.

Mr. MANSFIELD. But I would point out to the distinguished Senator that I am now beginning my ninth year as majority leader, my ninth year as chairman of the steering committee which sets the ratios and selects Members to fill vacancies, and my ninth year as chairman of the Democratic conference, and at no time—I repeat, at no time—has the Democratic conference been bypassed. At no time has an end run been attempted. At all times the cards have been laid on the table. While some of our Members may not be too happy about the assignments they received, most of them are satisfied; but to those who are not satisfied, I want to offer my apologies because it was just impossible, in view of the circumstances which existed, to comply with all the wishes and desires of all the Members.

I would point out, also, that it was the majority leader on the steering committee who made the motion to keep the Appropriations Committee and the Foreign Relations Committee at the levels they were during the past Congress. My motion was defeated. Therefore, I am now in favor of the decision of the steering committee because I believe that by their decisive action on this proposal they have made their voice heard and their decision known.

I make these remarks only to keep the record straight and to refute any and all allegations, implied or stated, that there were any shenanigans connected with the proposals which were arrived at by the steering committee and agreed to, I believe, unanimously by the Democratic conference.

The record will have to speak for itself. I am sure that the Senator from Pennsylvania knows that I am not prevaricating. I have only stated the facts as they are.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. MANSFIELD. Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator from Montana is recognized for 1 additional minute.

Mr. MANSFIELD. So far as the amendment of the distinguished Senator from Hawaii is concerned, I did offer—I repeat—in the steering committee motions to keep the Appropriations and Foreign Relations Committees at the levels at which they existed during the 90th Congress.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself 10 minutes.

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

Mr. DIRKSEN. Mr. President, I must concur in what the majority leader said about the attitude he took with respect to the reduction in the number of these committees. In the course of their first caucus or conference last week, both he and the President pro tempore stepped out and came to my office for a conference with Senator WILLIAMS and myself, and there he reaffirmed what he had to say.

Notwithstanding that, however, I do believe that the resolution should be rejected. I think that experience furnishes the reason for it. I go back to my experience in 1945 and 1946 on the Joint Committee on Reorganization of the Congress. It consisted of six House Members and six Senators. We labored earnestly for a long time. It became known as the La Follette-Monroney committee.

We tried, among other things, to streamline the Congress. The measure contained a lot of other provisions, but we reduced the number of committees in the House from 47 to 19, and reduced the number of Senate committees from 33 to 15.

It was not exactly anticipated as to what was going to take place and perhaps we were unmindful of the fact that this was an expanding Government.

The net result was, after a time, the committees began to proliferate in the form of subcommittees.

As if that were not enough, we began to set up special committees.

As if that were not enough, we began to set up select committees.

At my last count, there are 103 standing, select, special, joint, and subcommittees in the Senate.

Now, frankly, that is a testimony to governmental growth. It is also a testimony to governmental business. I do not know quite what the answer is, but I do know this: it does put an extraordinary burden on some Members of the Senate. There is a very considerable spread now, as a person is called upon to serve on one or the other of these committees.

On the Committee on the Judiciary we have any number of subcommittees. If I remember correctly, I presently serve on six, or, to put it more accurately, I ought to say I try to serve on six. Frankly, it is difficult, when one carries the burdens of the Judiciary Committee, in part, as well as those of the Finance Committee of the Senate.

Now, by this proposal, the Foreign Relations Committee is reduced by four spots. I do not know the reason for the——

Mr. FULBRIGHT. Mr. President, will the Senator yield? I shall be glad to state the reason.

Mr. DIRKSEN. I would like to make this statement first. There are today 10 consultative subcommittees on the Foreign Relations Committee—European Affairs, Disarmament, African Affairs, American Republics Affairs, Economic and Social Policy Affairs, State Department Organizations and Public Affairs, Far Eastern Affairs, International Organization Affairs, Near Eastern and South Asian Affairs, and Canadian Affairs. I just pick out one Member of our side who I know is on the Foreign Relations Committee and serves on the Appropriations Committee. I noted from this little document that we obtained from the Foreign Relations Committee that he serves on four of these consultative subcommittees.

I comprehend, knowing something about the business of appropriations, having served on that committee myself for a long time, that he probably serves on at least several of the subcommittees there. Well, one can come to any conclusion he likes, but I still insist that it is a testimony to Government growth and activity, and obviously there have to be spots on the main committee.

So I did not approve of the reduction that is before us today; namely, one on Aeronautical and Space Sciences; two on Agriculture and Forestry; two on Appropriations; one on Banking and Currency; one on Commerce; one on the District of Columbia; four on Foreign Relations; an increase of one on the Judiciary; an increase of one on Labor and Public Welfare; and a reduction of one on Public Works.

I can understand two of these, because, under the ruling, those two were to lose a member automatically on the first of January. So, in reality, what was done here was simply to make those two spots permanent. But now we are confronted, of course, with the necessity of finding and putting in proper places our new Members. And if there were no other reason for resisting the adoption of this resolution, that in itself would be enough, Mr. President.

I presume the chairman of the Foreign Relations Committee will comment on these 10 subcommittees. I can understand how they are set up and why they are set up—in the hope, of course, that they will specialize in these particular fields. But will someone tell me how one Member can serve on the Appropriations Committee and do full duty to it and then on the Foreign Relations Committee and do full duty to four subcommittees of the Foreign Relations Committee? If that is not an all-time-consuming package, then I do not know what is.

So, in order to make that spread a little easier, I had hoped we could preserve these spots, rather than reduce them.

Statements have been made on the question of a quorum. Let us see. There were 26 members on the Appropriations Committee and it is presently reduced to 24. For a 24 membership, 13 are needed for a quorum, because action cannot actually be taken, under the Reorganization Act, unless a physical quorum is present. Any number can be designated for the purpose of a hearing and one is enough. At a time when I was chairing a committee, I said the committee would meet at 10 o'clock. At 10 o'clock the gavel fell. It did not make any difference whether any other members were present or not; the committee began to do business.

What is the difference? Thirteen are needed for a quorum on a committee of 24. Fourteen are needed for a quorum on a committee of 26. The difference is one. Well, if a chairman cannot get a member out of the woodwork somewhere in order to make a quorum, then there is just something wrong with the structure and the activity of that committee; and I cast no reflection or aspersions upon any chairman whatever. He has to answer that for himself. It is his responsibility.

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

Mr. DIRKSEN. Yes; I am delighted to yield.

Mr. FULBRIGHT. The principal reason for the reduction was that the younger Members get so disgusted with the length of the hearings that they do not come. The principal reason for bringing the membership to 15 is to see that it will be sufficiently interesting for Members that they will come. The major problem is getting a quorum. Members on both the Finance Committee and the Foreign Relations Committee will go to a tax hearing prior to going to a Foreign Relations Committee, and it was almost impossible to get a quorum to vote, and we have to have a quorum to report bills to the Senate.

Mr. DIRKSEN. Oh, I recognize that; but during these hearings, particuarly when they are exploratory and highly discursive and go off in one direction and then in another, Members come and look in. They are there a little while, and then something of greater importance presses upon them and they leave and go elsewhere.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. DIRKSEN. I yield myself another 5 minutes.

I point out to my friend that the Finance Committee room—and he is on the Finance Committee—and the Judiciary Committee rooms are on the same floor in the New Senate Office Building, only about 10 doors apart. I do not know that there is a time when I am not on shoe leather or roller skates or something else commuting from one committee to the other. In fact, I did it this morning, because, as the Senator knows, we had two Cabinet nominations before us. I could stay for the one; then I had to go to the Judiciary Committee because it was considering the nomination of the Attorney General-designate.

Mr. FULBRIGHT. I think it was a great shame, because we missed the Senator. It was not nearly as effective as when he was there.

Mr. DIRKSEN. I am sure the Senator did miss me. It creates a definite deficit in my knowledge, because I wanted to hear the new Secretary of Health, Education, and Welfare—not that I could give material, but I think he could add to the sum total of human knowledge and erudition.

When it comes to quorums, the difference between 26 and 24 is one, so I do not believe there is any real validity to that argument.

I think these spots ought to be preserved. Probably we made the mistake, back in 1945 and 1946, of cutting these committees back so far that we set in motion the proliferating force, and today we have committees and subcommittees running out of our ears.

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

Mr. DIRKSEN. With pleasure.

Mr. FULBRIGHT. The Senator goes back to 1945 and 1946, and says, "You cut them down." The Senator from Illinois and every one of his colleagues who voted, save one, in March of 1967, voted to cut this committee to 15. The Senator from Illinois voted for that. So did the Senator from Pennsylvania. Every Republican except the Senator from Vermont (Mr. AIKEN) voted affirmatively to pass the bill, which provided 15 Members for the Committee on Foreign Relations. So there is no need to go back to 1946. The Senate, in its judgment, in 1967, said it ought to be 15.

Mr. DIRKSEN. It is amazing how mistaken a person's judgment can be. That was just the trouble. I think the general judgment was mistaken. So this is an effort to repair that mistake, now, and go back and pick up the stitches.

I thought we ought to preserve these committee spots in order to make way for those who, by the grace of the electorate or this country, have come into the Republican bosom. Obviously, out of affection and esteem and a regard for our obligations to them, this is what we want to do.

Speaking now in a rather personal political vein, there have been times, Mr. President, when a very close election was underway in a given State, and very often our candidate was under attack by having the opposition raise the cry that he could not get on any good committees. I do not know how many telegrams I have sent out, over the years that I have been minority leader, to assure the people, even in Texas, when JOHN TOWER was a candidate for office, that when he got here, there would be a good spot—in fact, there would be two good spots—for him.

I had somehow or other to keep faith and undertake and do the job of putting him on good committees.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. DIRKSEN. It is amazing how this time runs, is it not? Who says talk is cheap? I yield myself 5 more minutes.

It is amazingly difficult, Mr. President, trying to find spots. I may say to the Senator, I went down to the airport, as I recall, and got Senator TOWER, hauled him up to my office, and asked him about his committees. When he told me he wanted to go on the Committee on Labor and Public Welfare, I said, "Blessed be the name of Texas and you, because I am on the Labor Committee."

When my party does not know what to do with me about committee assignments, I go from one place to another. Once I landed on Interior. I do not know what in the world I should do on Interior, but that is where I landed, because that was the only spot. Then later I landed on Labor and Public Welfare. I am like the "lonesome end"; I go from one place to another.

But notwithstanding that fact, I could give him that committee, and seemingly there were not too many takers for it. But the minute you started for another committee, you were up against this Rock of Gibraltar seniority rule—and it has not been violated nor breached yet.

Incidentally, to all those smart people who write books about Congress and about this awful seniority rule, we wrestled with it for 2 solid years, and we could find no substitute for it that would work. It is the one thing that works. What some of these smart people have in mind is to throw it open for the birds. Well, then you throw it open to a campaign, and every member of the committee will start campaigning, and campaigning for the chairmanship, and it will just depend, then, on how assiduous and diligent some Senator may be as to whether he comes from the bottom right up to the chairmanship, nothwithstanding the years of service that the chairman or the ranking Member may have invested in the work of that committee.

So I see nothing for it except to preserve these spots. And who knows, as we walk down the path under what will be a great and successful administration, under the leadership of Richard Milhous Nixon, but that we may need more spots for committee members, and who knows, we may have to undo this resolution and add members.

So, for the moment at least, I do not want to backtrack. I would rather see this resolution rejected, and that we stand on the numerical committee structure as it is today.

So that, Mr. President, in my judgment is the story.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I have the greatest sympathy for the leadership on both sides. I know that all Senators, both new and old, come to them and put them on a very hot spot. I can sympathize with them.

But I wish to review a little bit. Because I suggested this, I want to fulfill my responsibility as far as the Foreign Relations Committee is concerned. I suggested in the committee and we discussed the desirability of having a committee of 15. There was no one in the committee who affirmatively opposed the suggestion. They were not all there, but there were, I think, about 13 or 14 there, and we discussed it. There was no one who affirmatively opposed a reduction. One Member said he thought 17 would be better than 15, and the rest, I believe, who were there agreed to the proposed reduction.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. The Senator is aware that I did oppose it in the committee.

Mr. FULBRIGHT. The steering committee.

Mr. MANSFIELD. Yes.

Mr. FULBRIGHT. I am talking about the Committee on Foreign Relations. I know, the Senator is quite right about what he says about the steering committee. I am talking about the first meeting we had this year of the Committee on Foreign Relations; there was one Senator who said, "I think 17 would be better than 15." No one said, "I don't think there should be any reduction."

When I came on the committee in 1949, as a result of the Reorganization Act of 1946, the membership was 13, having been reduced from 23. It stayed at 13 until 1953, when it was changed to 15, which is the size this resolution provides for. Then in 1959, I believe it was, it was increased to 17, and in 1965 to 19. Those increases did not result from a study by any committee; they were simply by a resolution which increased the number; and I do not think at this late date it will help to go into why the number was increased. Maybe it is only coincidental that that increase to 17 immediately preceded the presidential election in 1960.

But in any case, as I pointed out just a moment ago, the bill in 1967, known as S. 355, brought in, as Senators will recall, by Senator MONRONEY from the Special Committee on the Reorganization of Congress, which spent, I think, 2 years studying the matter, was debated at length. It was introduced January 16, 1967, and was debated at great length, practically item by item; and it provided on page 23, that the Senate Committee on Foreign Relations would have 15 Senators.

There was no objection to it. No fight was made on it. As I pointed out, of the Republicans 29, I believe, or 97 percent, voted "yea." Only one voted "nay." All of those not voting, of whom there were six, indicated, I believe, that they were favorable to it and that that is how they would vote.

So the RECORD shows there was only one adverse vote. That particular one, Senator AIKEN, is the ranking Republican today, and he has said he now favors the reduction. So he did not vote against it because of his position on foreign relations; he voted for some other reason. But the Senator from Pennsylvania and the Senator from Illinois both voted for that bill, which provided 15 members on the Committee on Foreign Relations. That bill was the result of long study by the Committee on the Reorganization of Congress; so I submit that the proposed reduction has a very legitimate background.

As to the merits themselves, I have been chairman, now, since 1959, and we have had a great deal of criticism because of the size of the committee, particularly in the last 2 years, from the members of the committee themselves.

The Senator from Illinois mentioned the difficulties of obtaining a quorum. The Senator from Alabama (Mr. SPARKMAN) the other day—he is not here today—testified or said before the steering committee that when I was absent last summer, in behalf of an election in my State, it was almost impossible for him to obtain a quorum. He had almost the same difficulty I have had, for various reasons, but among others the size of the committee. The size of the committee makes it very difficult for the junior members to have time to be heard. The Senator from Minnesota (Mr. MCCARTHY) the other day intimated as much in his conversation. He was a junior member of the committee since 1965, and it was very often impossible to reach him in time to allow him to question witnesses.

Quite often we have been unable to complete our hearings in the usual morning time allocated to us. That has made it difficult for Members on either side. Unless we went over until the afternoon, some Members never got a chance to have a reasonable question period. This has made it very difficult, not only while I have been chairman, but prior to that time, when Senator Connally was chairman, when Senator George was chairman, and when Senator Vandenberg was chairman. However, when Senator Vandenberg was chairman, there were only 13 members of the committee, so he did not have much of a problem. But later, even under Senator Vandenberg, there was considerable difficulty at times with respect to getting subcommittees to function.

The Foreign Relations Committee, long before I became chairman, had by tradition limited the work of its subcommittees largely to consultative matters. Most of its work is done in full committee proceedings.

Occasionally subcommittees work on substantive matters. One subcommittee, on Latin America, was created and given a special fund, as the Senate will remember, as a result of difficulties that arose when Mr. Nixon visited Latin America. The matter was of special concern, and we provided a special fund and staff. That subcommittee had a little different experience from all the others, which did not have special staffs. Some of them rarely met; perhaps once or twice a year. They do not function in the way subcommittees of the Committee on Appropriations do. This is because Members have preferred to concentrate on large issues before the full committee.

I had the same experience in the Committee on Banking and Currency. We had certain issues, such as in the case of housing. We simply assigned housing matters to a Subcommittee on Housing, and that subcommittee had full responsibility.

In the Foreign Relations Committee we have seldom found any issues which really lend themselves to this practice in a legislative way. Seldom do subcommittees of the Committee on Foreign Relations report bills. They are merely consultative. That is the way the committee has functioned—not only under my chairmanship, but under the previous chairmanships.

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

Mr. FULBRIGHT. I yield.

Mr. SCOTT. Would not the Senator agree that compared with 20 years ago, or even 10 years ago, we now have much more activity in foreign relations?

Mr. FULBRIGHT. The Senator from

Pennsylvania is quite correct. One of the purposes of this proposal is to enable this committee to function more effectively now, so that we can deal with problems of foreign relations. All that would result from having a large committee would be to slow down the activity and really restrict the committee's effectiveness. This is the attitude of the senior Republican member of the committee. The committee is not made capable of handling more business by increasing the time for meetings; that only makes the committee less efficient. That is one of the reasons for reducing its size.

Mr. SCOTT. That argument would be constructive of almost all committees.

Mr. FULBRIGHT. That is not at all true, because I think that any Senator who served on that committee would recognize the clear distinction between the character of the functions of the Committee on Appropriations, which is the largest of the committees, and the Committee on Foreign Relations. The Committee on Appropriations has always had subcommittees which hold hearings and make reports to the full committee. That has not been the practice in the Committee on Foreign Relations, even long before I became a member. The big committees may function better in that effort, both in the House and in the Senate. I do not think that is any criticism at all of the big committees.

When I served on the Committee on Banking and Currency, as I have said, we operated with subcommittees. That has not been done in the Committee on Foreign Relations. I do not say this because it has never been done; I do not think the nature or character of the Committee on Foreign Relations or responsibility lends itself to a breaking down into subcommittees.

The Foreign Relations Committee is more of a committee to influence the attitudes and policies of the State Department than it is to legislate. It is not legislative in the sense of an appropriation committee, which actually makes an allocation of money. Its functions are quite different from the major functions of a legislative committee. For example, in dealing with a treaty, how would a treaty be allocated? We could not possibly deal with a treaty that happened to relate to Europe by referring it to a Subcommittee on European Affairs. That just would not work.

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

Mr. FULBRIGHT. I yield.

Mr. SCOTT. It appears to me that the Senator's argument is more ingenious than persuasive. The argument seems to be founded on the fact that the Senator wants his committee to be different from the other committees. I must concede that these are the facts of life. What is really happening here is an obeisance to the prestige of the distinguished chairman, who is very likely to get his way. But I do not think that to have a chairman get his way is good for the Senate or for either side of the aisle.

Mr. FULBRIGHT. The Senator is quite incorrect. The whole reorganization bill passed in 1967 related very much to what I am talking about; it was not merely related to the Committee on Foreign Relations. I was not a member of the committee that reported the Monroney bill. That bill was the considered judgment of a special committee of the Senate which sought to make committees as effective as possible. I do not have a list of the members of that special committee, but it was quite an important committee.

Mr. SCOTT. Is not the Senator's argument something like the argument made 23 years ago? Does not the Senator believe the world has changed?

Mr. FULBRIGHT. I am talking about 1967. The Senator himself voted for the bill I am talking about. I have the record before me.

Mr. SCOTT. I understood that the Senator was talking about the Monroney bill which resulted in the Reorganization Act of 1946?

Mr. FULBRIGHT. This was January 16, 1967; it was not 20 years ago.

Mr. SCOTT. At that time, the committee membership was not set at 15.

Mr. FULBRIGHT. It most certainly was—in the bill.

Mr. SCOTT. In the bill, but not as adopted?

Mr. FULBRIGHT. It was adopted by the Senate, and the Senator from Pennsylvania voted for it. Insofar as that bill was concerned, the House would not have any jurisdiction to change it. In other words, the Monroney bill, S. 355, was the final voice and decision of the Senate, including the vote of the Senator from Pennsylvania, that the membership of this committee be 15. That was less than 2 years ago. That bill was approved by the Senate on March 7, 1967.

I do not know what the Senator is talking about when he says that my prestige is involved. That is nonsense. The whole Senate voted for the bill. There were 75 yeas and nine nays. That was the vote on the bill which set the membership of this committee at 15. This was not some exotic, sudden impulse on the part of the chairman; it was the clear judgment of the Senate as a whole. It was less than 2 years ago that we voted on this—in 1967.

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

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. In support of the chairman of the Committee on Foreign Relations, on which I have the privilege to serve, day after day and week after week last summer and fall, when important issues came before the committee with respect to our foreign relations, nothing was done because we could not obtain a quorum. When one goes through such an experience, one can understand why the chairman of the committee, in an effort to have his committee function on an efficient basis, desires a reduction in the topheavy membership.

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

Mr. DIRKSEN. Mr. President, on my own time, I yield myself 2 minutes.

That was the time, of course, when we were exploring everything in Asia.

Mr. SYMINGTON. If the Senator is asking what we were exploring we were into a good many things. We were not doing as much as some other committees which spend millions of dollars to investigate many things. I say that with no criticism whatever.

On the other hand, there is a belief in the Senate, growing in recent years, that the Senate should not simply lie down and roll over in matters of foreign policy. Therefore, as matters occur all over the world, along with treaties and appointments, as the chairman has ably pointed out, must be handled finally by the full committee. They cannot be put into cubbyholes.

Mr. DIRKSEN. I read all the headlines and gained the impression that we were not in sympathy with what was going on. That was true of the Appropriations Committee.

Mr. SYMINGTON. Mr. President, the Senator from Arkansas yielded.

Mr. DIRKSEN. He does not have time; I have the time.

Mr. SYMINGTON. I know the Senator from Illinois well enough to know that he will yield me some of his own time.

Mr. DIRKSEN. Why, surely.

Mr. SYMINGTON. My point is that if any committee sits day after day and week after week, trying to get its work done, but cannot because of the lack of a quorum, I know that the Senator from Illinois would feel as impatient about it also.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I have not used all my time.

Mr. DIRKSEN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 27 minutes remaining.

Mr. DIRKSEN. I yield myself 2 minutes to address a remark to the chairman of the Committee on Foreign Relations.

It seems to me now that this is an opportunity to emphasize some techniques so far as committee procedure is concerned.

No. 1, if they start on time, it will not be necessary to lose an hour and a half. Unless the committee is voting on something, it does not make any difference whether anybody is there except the chairman. Let the gavel fall and say, "The committee will come to order." That is No. 1.

No. 2, alternating from one side to the other is, in my judgment, a preferred technique. We did that this morning. We do not do it in some other committees.

Mr. FULBRIGHT. We do it in mine.

Mr. DIRKSEN. We do it in the Committee on Finance.

Mr. FULBRIGHT. There is common practice in my committee.

Mr. DIRKSEN. Exactly. And so you get further down the list in that way.

Finally, if the chairman of the committee or the committee will impose a time limit on every member and adhere to the limit, everyone will have a chance.

Mr. FULBRIGHT. We tried that, also, and we tried it in these hearings—particularly the open hearings I have mentioned. It is very difficult to manage this way. An astute witness who knows a Senator's time is limited to 10 minutes can filibuster on one question for the 10 minutes, and the committee gets nowhere. We have tried that often and have concluded that it is hopeless. You

just turn the hearing over to the witness. It is easy for an experienced witness to completely monopolize the time, and you never get to a real discussion. Time limits do not work in an important committee.

Mr. DIRKSEN. The chairman can impose a limit on witnesses, no end.

Mr. FULBRIGHT. Did the Senator ever try to put a witness on——

Mr. DIRKSEN. Say, 5 or 10 minutes.

Mr. FULBRIGHT. In an open hearing it is impossible. The Senator is talking about some of the unimportant meetings that deal with some local matter. The emotions in the open hearings become quite high. We cannot stop a Secretary of State or an Under Secretary of State from talking. Immediately, the press says, "You are harassing the witness."

Mr. DIRKSEN. They do not take too much time. Usually, the members of the committee occupy the time.

Mr. FULBRIGHT. Some do and some do not. It is just like in the Senate Chamber.

Mr. DIRKSEN. Too often, they have not done their homework, and they aimlessly speculate and look at the ceiling and wonder about some question to ask.

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

Mr. DIRKSEN. I yield myself 1 additional minute.

Mr. FULBRIGHT. The Senator is simply criticizing the manners and abilities of Senators and not the question of how big this committee should be. I cannot control my colleagues, either. Did the Senator ever try to tell his colleagues that they cannot talk?

Mr. DIRKSEN. That is right.

Mr. FULBRIGHT. Did the Senator succeed?

Mr. DIRKSEN. I think so.

Mr. FULBRIGHT. Oh, did he? I had not noticed it, either in the Senate or in the committee.

Mr. DIRKSEN. Mr. President, the chairman of the Committee on Foreign Relations made the point that the new Members at the bottom of the heap got rather restive about it.

Mr. FULBRIGHT. They certainly did.

Mr. DIRKSEN. All right, then improve the committee technique and get to them a little sooner.

Mr. FULBRIGHT. The purpose of this committee, as I see it, is not purely to entertain Members. The purpose is to perform a public function: to have hearings that are significant and to get information from the witnesses for the guidance of the Senate and the country. That is the main objective, not just to please either the senior or the junior Members.

The purpose of this move on the part of the committee is to make the committee more efficient, so it will perform its major function. We do not conceive that it has been created for the entertainment or enjoyment of its members alone.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, I support the position of the chairman of the Committee on Foreign Relations, and I should like to address a question to him, if I may.

Is it not correct that when we have the full attendance, particularly at the public meetings, it is almost impossible to finish before lunch?

Mr. FULBRIGHT. It is.

Mr. PELL. And as a result of this, as borne out by the experience of the chairman and the entire committee, it means that those of us who are toward the bottom of the totem pole now usually do not get a chance for our questions until after lunch or until everybody has gone to lunch, except the unfortunate witness.

The junior members of the committee remain the same distance from the bottom as ever, but it gives us a chance to contribute a little more to the work of the committee.

I commend the committee for holding firm on this matter, and I hope the Senate will support it.

Mr. SCOTT. Mr. President, I yield 4 minutes to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I rise in support of the amendment. I have been listening very carefully to the argument made by the distinguished chairman of the Committee on Foreign Relations. It seems to me that the idea of finishing before lunch, or the fact that junior members think they do not have an adequate chance to question is not a critical reason for doing what is being done.

I am aware of the fact that we may be outvoted on the other side simply by the sheer weight of numbers and party regularity, and this is the kind of thing that is subject to party regularity. I was one of those in our caucus who urged that this fight be made, because I believe it is right, and I should like to give the reasons for it.

First, the main thing is that it comes at the wrong time. It comes at precisely the time when a new class of freshmen has come into the Republican side of the aisle—which comes fresh from the hustings, fresh from campaigning, fresh from being non-Senators—and which has a real contribution to make. Some are on the other side, but the main influx is on this side, and the disproportionate numbers which existed before have now been corrected somewhat. It is good for the country that they have, and it is good for the country that these bright, fresh, essentially younger men are in the Senate.

The real issue is this: Shall they be given an opportunity—shall this objective be before them—of being upon this great committee which Senator FULBRIGHT heads? Indeed, I believe he should derive enormous satisfaction from the competition for a seat on that committee. Or, shall they not? Shall they be closed off in terms of their objective by the fact that there is such a drastic—and it is drastic—reduction in numbers? That is really what is at issue here.

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

Mr. JAVITS. I yield.

Mr. FULBRIGHT. The Senator from New York voted, did he not, for the Reorganization Act of 1967?

Mr. JAVITS. I did.

Mr. FULBRIGHT. It provided 15 for this committee. Why does the Senator change his mind in the course of a year?

Mr. JAVITS. The Senator from New York will state to the Senator from Arkansas that he did not consider the number of Senators on each committee, did not even know about it, at the time, though I am charged with the knowledge. I am a lawyer, and I am not claiming that that is any excuse.

But the fact is that it was by no means the critical aspect of that debate that it is now. In addition, it came before the election, and we are now after the election; and my main argument is that what has happened in the election makes this so inadvisable now.

Mr. FULBRIGHT. The Senator says he did not have any confidence before the election that he was going to gain any seats.

Mr. JAVITS. I would not say that. If I did, I would have predicted my own election, and I did not. I worked extremely hard and spent too much money, and now I owe some, which I do not like at all.

To complete this point: That is really the issue. It is a very drastic reduction, and it is hard to justify, on the ground that this is the time that we have the bulge which can give Members on our side of the aisle an opportunity which they dearly seek. It is a drastic reduction. I give one bit of experience.

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

Mr. JAVITS. I ask for 1 additional minute.

I give one bit of experience to my colleagues. I served for 8 years on the Committee on Foreign Affairs in the House. It had 29 members. I believe the Senator from Montana (Mr. MANSFIELD) was a member of that committee, also. Everybody questioned how a committee of that size operated efficiently. It was because we had a rule of 10 minutes per man, and then you came around the second time. Everybody asked questions.

Some of the best questioning I have ever heard was asked of Henry Wallace in the Foreign Affairs Committee, with 25 members.

They actually took him apart at a time when his position was seemingly very strong in the country but really untenable. He was taken apart in that committee in questioning by almost the entire committee membership. Therefore, with all respect, I do not feel that is an adequate argument for cutting down the number at a time when there is so much new and fresh blood that should have much incentive to do the work of the Senate, nor is it a time to cut this committee when foreign affairs is likely to be such a predominant issue in this Congress. We should stop arguing questions of quorum and yield to what is of greatest benefit to all the people by giving an opportunity to add new, fresh, imaginative minds to this committee in addition to the sage wisdom that exists there now.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Massachusetts, the majority whip.

Mr. KENNEDY. Mr. President, during the course of this discussion it has been suggested that the change and the alterations, as far as membership of the committees is concerned, have been based on partisanship and that for some reason or another the Democratic ma-

jority has taken advantage of our friends across the aisle. I do not believe that is the essence of the question before the Senate.

There are vacancies which have been made available on a variety of different committees. They will be filled on the Democratic side by the steering committee and on the other side by appropriate committees there. If they wish to give opportunity to the young men who have been elected, they have the opportunity to do so, just as we have the opportunity.

The mathematical formula has been established by the people of this Nation, and that is that today there are 57 Democrats and 43 Republicans, and this division will, to the extent mathematically possible, be reflected in the balance on committees.

There has been some modification on one or two committees where we can say that the younger voices will be able to have stronger and perhaps more progressive voices than they would have otherwise. For example, I refer to the Committee on Labor and Public Welfare where we add three extremely important, articulate, and creative voices to work on some most important and pressing problems facing this Nation. So I do not give much weight to the points made by our colleagues across the aisle.

I do, however, think that the makeup of these committees by the membership on each side of the aisle is something many Members on my side of the aisle are extremely interested in and concerned about. I, for one, would like to see the membership on these committees reflect philosophically, geographically, and, to the extent we can, any other considerations of what this Nation is, as reflected in the appropriate elections. I am not completely satisfied that the committees in the Senate, reflect that kind of balance. I think they should. Senators on this side of the aisle are doing everything we can to see that that kind of balance is achieved and we have seen considerable progress made in recent times by the setting up of a steering committee which is designed to reflect these kinds of balances. I am not yet completely satisfied that the steering committee does truly reflect what I think has been the philosophical outlook of the Members on my side of the aisle but I think this is something over which the Democratic caucus has control, and if they have, this is the challenge presented to them.

I know there are many Senators addressing themselves to that problem, and the Democratic caucus should reflect on that. We have tried to make progress in the committees we have. I supported my majority leader in hoping the Committee on Appropriations could remain a larger size. I think with the addition of two members there would be the opportunity for some new voices to reflect on the extremely important and basic questions in the appropriating process. But the decision of the steering committee was not to do so this year.

Thus I think today we are confronted with the facts as I have stated them—some progress achieved and much progress still to be made—and it is in that spirit that I shall support the majority leader's position.

Mr. SCOTT. Mr. President, I yield 2 minutes to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I have asked for 2 minutes, not to discuss the general question or talk about either the Committee on Foreign Relations or the Committee on Appropriations, but because silence gives consent. Therefore, I want the RECORD to show that both the Senator from Washington (Mr. MAGNUSON), who is the chairman of the Committee on Commerce, and the Senator from New Hampshire, who is the ranking member of the Committee on Commerce, were most anxious that the committee should not be increased.

The committee has gone from 15 members to 17 members, to 18 members. There was one member added during the 90th Congress with the distinct understanding it would not be taken as a permanent increase, and I find the number is now 19.

Many members of the Committee on Commerce belong to the Committee on Foreign Relations or the Committee on Appropriations, or other committees, and it is not "hogwash" at all in our situation about the difficulty many times of obtaining quorums. We have many other major committees that could not be likened to the two committees I have just mentioned.

We cover legislation on many subjects: transportation, commerce, matters regarding the merchant marine, and so on. We also have many communications upon which to recommend confirmation. More and more it has gotten to be a custom, because we could not get a quorum, to poll the committee, which in this Senator's opinion is very bad practice. I, for one, do not intend that it continue, even though it might be a hindrance sometimes in my party's administration. In the closing days of a session, the leadership has said, "Can you get this matter out or that matter out?"

I do not think it was good to increase the number from 18 to 19 Senators. Both the Senator from Washington and I would have been satisfied with 17 members, but if it were to be increased from 18 to 19, I wish to register my protest. I know it is late to do anything about it, but there may be another time coming, and I do not want to remain silent.

On behalf of the Senator from Washington and myself, I wish to say we regret this action.

Mr. MANSFIELD. Mr. President, I yield myself such time as I may desire to make reference to a matter which has appeared in the press of late and which I think fits in with the discussion now underway, and that is the position taken by the press that the Committee on Government Operations is an inferior or a secondary committee.

I want to assure my colleagues that two of the most distinguished Members on this side of the aisle would not have sought to go on the Committee on Government Operations if they thought it was of an inferior or secondary status.

Mr. President, recently, I have seen that references to the Committee on Government Operations, appearing mainly in the press, have carried the implication that this major Senate committee has somehow—and apparently without the knowledge of the Senate—been reduced to a committee of minor import and responsibility. I wish to correct that implication and set the record straight.

The Government Operations Committee has enjoyed the status of a committee of major standing. It is no wonder. Its far-reaching authority over the organization and all of the workings of the Government is not matched by any other committee; its immense investigative powers have applied to all of the affairs and activities of the Federal bureaucracy producing information that has been of the highest value to the Senate, to the Congress and to the Nation.

A reading of Senate rule XXV which outlines the jurisdiction of committees serves best to emphasize the major standing of this committee within the framework of the Senate.

The Committee on Government Operations has jurisdiction over all budget and accounting measures excepting appropriations; all reorganizations within the executive branch. I need only remind the Senate that in recent years there have been established two Cabinet-level departments not to mention the many changes in the lower structure of the Government.

Its authority extends to all reports of the Comptroller General of the United States; all studies of the operation of Government activities at all levels; all laws enacted to reorganize the legislative and executive branches of the Government; all studies of the intergovernmental relations between the United States and the States and municipalities; and between the United States and international organizations of which the United States is a member.

It seems to me that no responsibility could be more critical to the fabric and the very life of our system of Government than that of this committee. If the institutions of our Government are to be at all responsive to the needs of our society and of the people, it is this committee—the Committee on Government Operations—that will have the primary obligation to make them so. Now and in the years ahead, I can think of no greater task, no more vital responsibility. To minimize this authority and attempt to place it on the back burner so to speak I would say is to fail to understand at all the operations of the U.S. Government, much less of the U.S. Senate.

I would hope that all doubts in this matter have been dispelled. I would hope that in the future all would-be evaluators of Senate committee standings take note of the record and give to the Committee on Government Operations the status of major import it has always enjoyed and that has always distinguished its outstanding record.

Mr. COTTON. Mr. President, will the Senator from Montana yield me one-half minute?

Mr. MANSFIELD. I am glad to yield.

Mr. COTTON. I should like to express my complete agreement with every word the distinguished majority leader has just said.

When I came to the Senate as a freshman Senator, I was fortunate enough to be appointed to the Committee on Government Operations, whose chairman at that time was the present Vice Presi-

dent, and recently a candidate for President of the United States, HUBERT HUMPHREY. The chairman of the subcommittee on which I served was the late former Senator and later President of the United States, John F. Kennedy.

Service on that committee was the most educational and most fascinating of any service that I have had the privilege of rendering in the Senate. The distinguished majority leader is just 100 percent right when he protests against the downgrading of the Committee on Government Operations.

Mr. MANSFIELD. I thank the Senator. As a matter of fact, the Committee on Government Operations is the prime investigative committee of the Senate.

NOMINATION OF WILLIAM H. DARDEN, OF GEORGIA, TO BE A MEMBER OF THE U.S. COURT OF MILITARY APPEALS

Mr. RUSSELL. Mr. President, as in executive session, I ask unanimous consent to file a report of a nomination from the Committee on Armed Services.

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

Mr. RUSSELL. Mr. President, as in executive session, I ask unanimous consent to proceed to the immediate consideration of this nomination.

The PRESIDING OFFICER. The nomination will be stated for the information of the Senate.

The assistant legislative clerk read the nomination of William H. Darden, of Georgia, to be a member of the U.S. Court of Military Appeals.

Mr. COOPER. Mr. President, I am pleased to note that the Senate Armed Services Committee has reported favorably the nomination of William H. Darden, chief of staff of the Senate Armed Services Committee, to be judge of the U.S. Court of Military Appeals.

Mr. Darden was graduated from the University of Georgia in 1946 and received his law degree in 1948. After enlisting in the Naval Reserve in November 1942, he saw service in the Pacific theater and was released on inactive duty as a lieutenant, junior grade, in 1946. He was admitted to the Georgia bar in 1948 and served as secretary to Senator RUSSELL from December 1948 to April 1951. He was appointed chief clerk to the Senate Committee on Armed Services in April 1951 and chief of staff to the Armed Services Committee commencing in March 1953 to the present.

I first became acquainted with Mr. Darden some 15 years ago, when I served on the Armed Services Committee from 1953 to 1954. During this period, and in subsequent years, although I was not a member of the committee, I have had an opportunity to consult with Mr. Darden on legislation and other matters pending before the Armed Services Committee.

I would like to take this opportunity to say that his prompt attention, thoughtful suggestions, and help on subjects of interest to me in defense and military matters have contributed much to members of the committee and to the Senate. I have always found him to be a courteous, resourceful, and capable person, and I believe he will serve with distinction as judge on the U.S. Court of Military Appeals. I am very happy to support his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William H. Darden, of Georgia, to be a member of the U.S. Court of Military Appeals?

The nomination was confirmed.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

MEMBERSHIP AND SIZE OF STANDING COMMITTEES

The Senate resumed the consideration of the resolution (S. Res. 13) dealing with the membership and size of standing committees.

Mr. SCOTT. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, I wish to address myself to the amendment of the Senator from Hawaii relative to the cuts which have been proposed in the various committees as proposed by the majority steering committee through the majority leader.

These two cuts are four on the Foreign Relations Committee and two on the Appropriations Committee. I see that the distinguished chairman of the Appropriations Committee is on the floor. I have always held and continue to hold only the highest admiration and respect for him. I have sung his praises on the floor before. I shall not do so today, because I would need more time. But I must say that I disagree with his concept of the number of members who are needed on the Appropriations Committee.

The argument has been used over and over again that it is so hard to get quorums. Well, that is a matter of individual responsibility, Mr. President. The notices of meetings are always given to members of the committee. If members do not show up in sufficient number to make a quorum, it must remain the individual responsibility of Members of the Senate and members of that committee that they were not present. I know that is true on this particular committee, because we spent many hours, perhaps days in total, waiting for quorums last year. But it seems to me, here again, we are not going to solve the problem by reducing the Appropriations Committee by two and depriving, in effect, minority Members of the Senate of the opportunity to serve on it.

Mr. President, I have never served on the Foreign Relations Committee, so I am not acquainted with the particular problems which exist there. But I do know that we have had Members on the minority side of the aisle who have waited for years for an opportunity to serve on that committee. One of those Members is the distinguished senior Senator from Kentucky (Mr. COOPER) who has always had great expertise in foreign affairs. He was an Ambassador to India. Yet that distinguished Senator had to wait 14 years and five elections before he had an opportunity to serve on this committee.

To me, this all boils down to a sheer matter of equity. We are not going to get majorities of quorums present any faster if we have four extra members on the Foreign Relations Committee or two on the Appropriations Committee.

Mr. FONG. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. FONG. By cutting committees we will still have the old members on them; is that not true?

Mr. ALLOTT. That is entirely correct.

Mr. FONG. If they do not change their ways, there are still going to be quorums; is that not true?

Mr. ALLOTT. That is right. If they did not regard their obligation as to their time schedules important enough last year to be present when the committees met, it is very doubtful that they will change this year.

Mr. FONG. Thus, it is not a fault of numbers but the fault of members already on the committees; is that not true?

Mr. ALLOTT. That is entirely correct.

Mr. FONG. Therefore, we would be penalizing only the new members who would want to come in and be appointed to these committees. The older members can still be derelict in their duty if they do not come to their committee meetings; is that not true?

Mr. ALLOTT. That is correct. We would be penalizing those who would desire membership on the Appropriations Committee or on the Foreign Relations Committee, as the case may be.

Mr. FONG. I thank the distinguished Senator from Colorado.

Mr. ALLOTT. I thank the distinguished Senator from Hawaii.

Mr. President, I merely want to support the motion wholeheartedly. I am glad the distinguished Senator from Hawaii has seen fit to make it.

Mr. President, I yield back whatever time I have remaining.

Mr. SCOTT. Mr. President, I should like to conclude by simply inviting attention to the fact that the vote now occurs on the amendment of the distinguished Senator from Hawaii, to restore the cuts in the Appropriations Committee by two seats—that is, from 24 to 26, and to restore the cuts in the Foreign Relations Committee by four seats—that is, from 15 to 19. Then the vote will, of course, recur on the resolution itself.

The yeas and nays have been ordered, I believe, on the amendment.

Now, Mr. President, I ask for the yeas and nays on the resolution.

The yeas and nays were ordered.

Mr. SCOTT. Let me conclude with the statement that what is happening here by force of numbers and by majority power is eminently unfair.

I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, if I may yield myself 1 minute, then I will yield back the remainder of my time.

Of course, the hearings held by the steering committee were in secret. I am sure the committee on committees on the Republican side, when it discussed vacancies, held its hearings in secret.

I want to assure the Senate that there has been no arrogance on the part of the Democratic majority; that the resolution before the Senate calls for a 57 to 43 split. That is the way it is. That is the way it should be. And if we were in the position of the Republicans, I want to assure my colleagues that we would be willing to accept a similar situation and disposal.

I yield back the remainder of my time.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. Is it not correct that the first vote will occur on the Fong amendment; that Senators who wish to restore the cuts would vote "yea"; and that Senators who oppose the restoration would vote "nay."

The PRESIDING OFFICER. The Chair cannot interpret it. The first question is on agreeing to the amendment of the Senator from Hawaii.

Mr. SCOTT. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii. The yeas and nays have been ordered, and the Clerk will call the roll.

The bill clerk called the roll.

Mr. MUNDT (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from Colorado (Mr. DOMINICK). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the junior Senator from Kentucky (Mr. COOK). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Nevada (Mr. CANNON) would each vote "nay."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Washington would vote "nay," and the Senator from Illinois would vote "yea."

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Alabama would vote "nay," and the Senator from California would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is detained on official business.

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from California would vote "yea," and the Senator from Alabama would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Washington would vote "nay."

The positions of the Senators from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from South Dakota (Mr. MUNDT) have been previously announced.

The result was announced—yeas 36, nays 51, as follows:

[No. 3 Leg.]

YEAS—36

Allott	Fannin	Metcalf
Baker	Fong	Miller
Bellmon	Goldwater	Packwood
Bennett	Goodell	Pearson
Boggs	Griffin	Prouty
Brooke	Gurney	Saxbe
Case	Hansen	Schweiker
Cooper	Hatfield	Scott
Cotton	Hruska	Stevens
Curtis	Javits	Thurmond
Dirksen	Jordan, Idaho	Tower
Dole	Mathias	Williams, Del.

NAYS—51

Aiken	Gravel	Muskie
Allen	Harris	Nelson
Anderson	Hart	Pastore
Bayh	Hartke	Pell
Bible	Holland	Proxmire
Burdick	Hollings	Randolph
Byrd, Va.	Hughes	Ribicoff
Byrd, W. Va.	Inouye	Russell
Church	Jordan, N.C.	Smith
Cranston	Kennedy	Spong
Dodd	Long	Stennis
Eagleton	McClellan	Symington
Eastland	McGovern	Talmadge
Ellender	McIntyre	Williams, N.J.
Ervin	Mondale	Yarborough
Fulbright	Montoya	Young, N. Dak.
Gore	Moss	Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mr. Mansfield, against.
Mr. Mundt, against.

NOT VOTING—11

Cannon	Magnuson	Percy
Cook	McCarthy	Sparkman
Dominick	McGee	Tydings
Jackson	Murphy	

So Mr. FONG's amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the adoption of the resolution. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Washington would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Washington would vote "yea," and the Senator from Colorado would vote "nay."

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Alabama would vote "yea," and the Senator from California would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Colorado would vote "nay," and the Senator from Washington would vote "yea."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from California would vote "nay," and the Senator from Alabama would vote "yea."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Illinois would vote "nay," and the Senator from Washington would vote "yea."

The result was announced—yeas 56, nays 35, as follows:

[No. 4 Leg.]

YEAS—56

Aiken	Hart	Nelson
Allen	Hartke	Pastore
Anderson	Holland	Pell
Bayh	Hollings	Proxmire
Bible	Hughes	Randolph
Burdick	Inouye	Ribicoff
Byrd, Va.	Jordan, N.C.	Russell
Byrd, W. Va.	Kennedy	Smith
Church	Long	Spong
Cranston	Mansfield	Stennis
Dodd	McClellan	Symington
Eagleton	McGovern	Talmadge
Eastland	McIntyre	Tower
Ellender	Metcalf	Tydings
Ervin	Mondale	Williams, N.J.
Fulbright	Montoya	Yarborough
Gore	Moss	Young, N. Dak.
Gravel	Mundt	Young, Ohio
Harris	Muskie	

NAYS—35

Allott	Dole	Mathias
Baker	Fannin	Miller
Bellmon	Fong	Packwood
Bennett	Goldwater	Pearson
Boggs	Goodell	Prouty
Brooke	Griffin	Saxbe
Case	Gurney	Schweiker
Cook	Hansen	Scott
Cooper	Hatfield	Stevens
Cotton	Hruska	Thurmond
Curtis	Javits	Williams, Del.
Dirksen	Jordan, Idaho	

NOT VOTING—9

Cannon	Magnuson	Murphy
Dominick	McCarthy	Percy
Jackson	McGee	Sparkman

So the resolution (S. Res. 13) was agreed to.

AUTHORIZATION FOR PRINTING MISCELLANEOUS STATEMENTS IN THE RECORD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may have miscellaneous statements printed in the RECORD today.

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

PHYSICIAN TO THE CAPITOL

Mr. MANSFIELD. Mr. President, it is rare when the Senate is in unanimous accord on any question. Even more unusual is unanimity on the part of the membership of both Houses.

On one question, however, there does appear to be complete agreement. It is on the high competence, the complete dedication, and the outstanding professionalism of the physician to the Capitol, Rear Adm. Rufus Judson Pearson, Jr.

In the relatively short time that he has been assigned to the Congress, we have come to know Dr. Pearson as a warm and understanding man and an outstanding doctor. He has taken charge of the health of Congress—so to speak—in a discrete and completely reassuring fashion. Under his administration, moreover, the facilities of the Capitol medical offices have been developed and modernized. In addition, the emergency and other services which Dr. Pearson and his able staff of physicians, nurses, and technicians, render to House and Senate staff personnel and to countless visitors to the Capitol have been greatly refined and brought up to date.

Dr. Pearson is the subject of a most interesting and informative article entitled "He Takes the Pulse of the Congress," by Jack Harrison Pollack. The article appears in the November issue of Today's Health. It is a delightful account of the work of the Physician to the Capitol and the office which he administers. I commend the article to the Senate and ask unanimous consent that it be included in the RECORD at this point.

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

HE TAKES THE PULSE OF CONGRESS

(NOTE.—Dr. R. J. Pearson, Jr., attending physician for the U.S. Capitol, is one of the few individuals who can tell members of Congress what to do—and be obeyed. His primary task: to keep our national lawmakers healthy.)

(By Jack Harrison Pollack)

If you want a medical appointment with Dr. Rufus Judson Pearson, Jr., first get elected to Congress.

As the official Capitol physician for America's 535 senators and representatives, this soft-spoken, 53-year-old heart specialist is perhaps the only man who can tell lawmakers how to behave—and be obeyed. Only the second physician to hold this unique, nonpartisan position since its creation in 1928, he is a one-man lobby for lawmaker's health.

A tall, handsome Georgia charmer, he smilingly told Today's Health: "I have one of the most unpolitically sensitive jobs in Washington. But it is also one of the most satisfying. Actually, members of Congress make very good patients."

Incidents that would understandably irritate many physicians are taken for granted by the man who guards Congress' pulse. Appointments with him are broken in a moment's notice because of sudden roll calls, prolonged committee meetings, and other urgent Congressional business.

To accommodate the split-second schedules and enormous pressures of legislator-patients, the Capitol physician's office has a "no waiting" policy for all senators and representatives.

"We always see members of Congress immediately unless there is an emergency elsewhere," explains Doctor Pearson, who is a Navy rear admiral assigned to Congress. "By making sure they aren't delayed, we're saving the taxpayers' money. Each member of Congress represents about 400,000 persons. It costs Uncle Sam millions of dollars each year to maintain Congress. So, besides people, we have a big investment to protect."

Today few occupations are more dangerous to life and liver than that of these lawmakers. The work is taxing, the tensions perpetual, the responsibilities awesome.

But thanks in part to the Capitol physician's office, Congress and its 14,000 employees are kept reasonably healthy.

Doctor Pearson and his staff—two other Navy-assigned doctors and four civilian nurses—handled more than 44,000 patient visits last year. The office, located in the middle of the Capitol, is equipped to accommodate anything from simple first aid to complex medical treatment.

In the Democratic and Republican cloakrooms, it maintains emergency lifesaving equipment, including a resuscitator, oxygen, stretcher, electrocardiograph, and defibrillator machines. Crutches and wheelchairs are available for patients who need them.

Parked outside the Capitol whenever Congress is in session is an ambulance—ready to rush a patient to the Navy's Medical Center in Bethesda, Maryland, or the Army's Walter Reed Hospital in Washington. Though Doctor Pearson naturally checks on his patients' conditions in these hospitals, he doesn't treat or perform operations there.

When on busy Capitol Hill, Congress' attending physician doesn't wear a doctor's white jacket. In his high-ceilinged, chandelier-graced private office, flanked by large U.S. and Navy flags, he calmly answers telephone calls about countless medical problems.

The Capitol physician's office hours start at nine a.m. The staff is on duty as long as either chamber is in session.

To keep pace with lawmakers' hectic lives, Doctor Pearson strolls in and out of his office and laboratories all day long—all night, too, if necessary. Congress meets many evenings, especially when racing to adjourn.

"I try to get over to the floors of both houses every day just to see how everybody is doing and feeling," says Doctor Pearson. "If a member is due for a checkup, we remind him of it."

Doctor Pearson, or one of his assistants, is usually near the floor during strenuous night sessions.

Not long ago, during a late-evening debate, an elderly senator wearily stumbled off the floor after a spirited speech. Exhausted, he slumped on a cloakroom couch. Quietly, Doctor Pearson—who just "happened to be around"—checked the legislator's heart condition. Happily, it turned out to be just a minor flareup. "Just take it easy, Senator, and get some sleep. You'll be all right," he reassured the lawmaker.

Heart and other circulatory ailments, as well as digestive disturbances and ulcers, are the most prevalent Congressional ills. They often are aggravated during periods of legislative tension.

The Capitol doctor treats numerous other medical problems including diabetes, hernia, gout, bursitis, fractures, sprains, and respiratory and metabolic diseases. A member with a diseased kidney had it removed before it poisoned his system, thanks to Doctor Pearson's speedy intercession. He gives inoculations to legislators going overseas. When they return, he often treats them for gastrointestinal disturbances. Yet the Congressional doctor constantly emphasizes preventive therapy. He tries to detect potentially dangerous diseases early.

"Doctor Pearson is like a professional football-team doctor in many ways," observes a Congressman from the Midwest. "His job is to keep us in the ball game until it's over—even if he has to patch or pill us up sometimes. If an important bill I'm pushing is coming to a vote and I get sick, frankly, I don't want to be ordered to bed or to the hospital. I want some immediate medical help to keep me pitching."

Perhaps for his own health as well as medical ethics, Congress' doctor discreetly declines to discuss his patients' ailments. When asked about specific ills of prominent legislators, he pleasantly changes the subject. Many lawmakers have taken the Congressional physician into their confidence. One Capitol Hill oldtimer reflects, "If Doctor Pearson ever opened up, there could be some major changes in Washington!"

Many sensitive legislators guard their health secrets like the Strategic Air Command does its defense plans—lest opponents try to make political capital out of them. This is especially true of representatives, who must face election every two years.

But from other sources, including many lawmakers themselves, Today's Health learned about the Capitol physician's unobstrusive medical services.

When a newly elected lawmaker arrives on Capitol Hill, one of the first communications he receives is a "Welcome Aboard" letter from Doctor Pearson. The physician requests a statement of the legislator's physical condition from his regular doctor, listing any medical peculiarities which might bear watching. The Congressional doctor follows this up with an invitation for the freshman lawmaker to drop in for a chat or, better yet, a physical examination. Before the embryonic legislator realizes it, the Capitol physician's office has a full medical file on him.

Doctor Pearson doesn't attempt to replace family doctors. On the contrary, he encourages each Member of Congress to visit a family physician or specialist.

When a lawmaker has his own physician, Doctor Pearson carefully clears the patient's condition with him. "I'm not in competition with private doctors," explains the Capitol physician. "I used to be in private practice myself, and I realize that private practitioners often know more about a patient's condition than I do. In such cases, I just try to act as a clearinghouse."

For instance, one Congressman who had a skin disease was sent to a famous clinic for successful treatment after Doctor Pearson and the member's personal physician jointly assessed the problem at length over long-distance telephone. Many lawmakers with allergic conditions are given weekly allergy shots by Doctor Pearson's office staff, at the request of the legislators' hometown physicians.

Today much of the Capitol physician's time is spent battling three common health problems: obesity, sagging physical fitness, and smoking.

Many Congressmen—like many Americans—are just too fat. Overeating is just one of their occupational hazards.

"I had to go to nine Lincoln Day dinners in two weeks last February," recalls Rep. Elford Cederberg, a Republican from Michigan. "The cooking of those farm women was absolutely great, and they would have been insulted if I had not eaten. Politics requires eating."

On Capitol Hill, Doctor Pearson tries to guide the lawmakers' nutritional intake. Six-foot-one and a trim 178 pounds himself, he works behind the scenes with the House and Senate restaurant managers on low-cholesterol, low-calorie menus. But policing hungry lawmakers to make sure that they adhere to their diets is sometimes as difficult as persuading them to curtail their talking!

The Capitol doctor's most dramatic overweight achievement was the case of Rep. Robert Everett, a Tennessee Democrat who weighed 363 pounds last year. Non-admirers of his avoirdupois dubbed him "The Man Mountain of Congress."

Diplomatically, Doctor Pearson suggested that the lawmaker enter the Bethesda Naval Medical Center for treatment. There for 26 days early this year, the obese legislator was put on a rigorous diet. Result: During that period, he trimmed off 93 pounds. The Congressman's six-foot-three-inch frame now can better bear his weight.

"I've been on a dozen different diets," Congressman Everett recalls. "But I slipped back every time, even though I shouldn't have because of my diabetes. Doctor Pearson kept after me continually to lose weight, and he is still helping me to do so. He insists on seeing me regularly. Sometimes he even pulls me out of routine committee meetings for a checkup. Today I not only look but feel a lot better."

Again like most Americans, Congressmen don't exercise nearly enough. Doctor Pearson strongly urges them to do so daily. Many have taken his advice. Legislators well realize that physical exercise may help prevent heart attacks by hastening the removal of high levels of cholesterol from the blood. This blood condition is believed to lead to hardening of the arteries, precipitating heart attacks.

Today more than 800 representatives and 80 senators use the House or Senate gyms to play paddle ball, punch bags, tread bicycles, stretch pulleys, row on machines, and swim.

Some legislators exercise in other ways.

Sen. Strom Thurmond, 65, a South Carolina Republican, daily lifts heavy barbells kept underneath a table behind his desk. Sen. William Proxmire, 52, a Wisconsin Democrat, generally jogs the nine miles from his home to the Capitol and back. Another jogging enthusiast is Rep. Lester Wolff, 49, a New York Democrat, who runs outside his Washington apartment house every free morning.

Rep. Fred Schwengel, 61, an Iowa Republican, who formerly was a physical education instructor, begins each morning with several somersaults, then pushups, exercising a full hour each day. Missouri Rep. Durward Hall, 56—one of four members of Congress who also are physicians—does finger, hand, arm, and leg exercises every day. His regimen also includes a bicycle ride every day.

California Congressman Robert Mathias, 37 (Olympic decathlon champion in 1948 and 1952 and member of the President's Commission on Physical Fitness), has a daily program which includes use of an exercising device kept under the couch in his private office—a metal tension contraption which submarine sailors sometimes use to keep fit in crowded quarters.

While encouraging Congress to keep fit through exercise, Doctor Pearson heeds his own advice. Whenever he can, he walks. He climbs stairs rather than taking elevators. Every Saturday, when neither chamber is in session, he generally can be observed playing golf at a country club in Chevy Chase, Maryland. (He shoots in the low 80's.) "I'm now trying to improve a Midwestern senator's golf game," he quips. On Sundays the Capitol doctor works in the garden of his Bethesda, Maryland, home.

In common with many Americans, many Congressmen also smoke too much. But Doctor Pearson, who quit smoking five years ago, is making considerable headway on this problem.

For example, he recently told one legislator-patient, "Look, you have a bad cough, nasal congestion, headaches, weakness, and general fatigue. Your excessive cigarette smoking certainly doesn't help your physical condition. If you *really* want to buy increased longevity, you've got to throw away those cigarettes. The decision is yours." The impressed member of Congress hasn't smoked since.

Lawmakers are extremely appreciative of Doctor Pearson's medical services. House Majority Leader Carl Albert, an Oklahoma Democrat, who had a heart attack two years ago, says, "We are fortunate to have this distinguished physician and cardiologist as our Capitol physician." House Minority Leader Gerald Ford, Jr., a Michigan Republican, observes, "There has been a great improvement in the entire operation under Doctor Pearson—not only as it affects the health of members but of our employees."

The Capitol physician's office also treats hundreds of Congressional employees every year, including administrative assistants, secretaries, pages, doormen, waiters, and police.

U.S. Supreme Court members likewise receive occasional medical aid from Doctor Pearson. The white-columned high court building is only a short walk across Capitol Park.

In addition, tourists are given emergency first aid by the Capitol physician's office. Their complaints range from fainting to heart attacks. As many as 30,000 sightseers troop through the Capitol during a single busy day.

Not long ago an elderly woman collapsed while strolling through the Capitol. She was given a speedy electrocardiogram and chest examination by Doctor Pearson. When the woman was out of danger, Pearson telephoned her private physician 1000 miles away and gave the hometown doctor a report of the emergency treatment.

The families of Congressmen sometimes are treated by the Capitol physician—normally only in emergencies. Recently a legislator's wife who suffered a sudden bleeding problem had it controlled thanks to Doctor Pearson's speedy action and referral.

Dr. Rufus Judson Pearson, Jr.—who is called, "Jud" by friends—is a doctor's son. His late father was an ear, nose, and throat specialist.

Born in Atlanta on October 8, 1915, Pearson received his premedical training at the University of Florida in Gainesville, and attained his M.D. degree at Emory University in 1938. He interned for two years at Kings County Hospital in Brooklyn, New York, then was a resident at Grady Hospital in Atlanta. Later, the young physician studied cardiovascular disease under famed Dr. Paul Dudley White at Massachusetts General Hospital.

Doctor Pearson practiced internal medicine in Miami Beach before joining the Navy in 1942. After World War II, he resumed his civilian practice in Jacksonville, Florida. When the Korean War broke out, the doctor returned to active Navy duty and was promoted to the rank of captain in the Medical Corps in July 1955.

For the next 11 years, he served as chief of medicine at naval hospitals in Charleston and Beaufort, South Carolina, Portsmouth, Virginia, then as chief of cardiology and later chief of medicine at the Bethesda Medical Center.

As chief of cardiology, he became personally acquainted with many senators and congressmen. One of them was a Texas senator named Lyndon B. Johnson, who came to him for checkups after a serious heart attack in 1955.

Doctor Pearson also has found time to become a Fellow of the American College of Physicians, American College of Cardiology, and American Heart Association scientific council. He has been certified by the American Board of Internal Medicine and by the Sub-specialty Board in Cardiovascular Disease.

Today, Doctor Pearson lives in Bethesda with his wife Emily. They have two children, a boy and a girl. His son, Navy Lt. Rufus Pearson III, a 1963 graduate of Annapolis, is serving at a naval air station in California. His married daughter Virginia, a former Peace Corps nurse, now resides in New Jersey.

Doctor Pearson was appointed attending physician of the U.S. Capitol in 1966, after the retirement of the original holder of the post, 78-year-old Dr. George W. Calver. Doctor Calver recommended that Doctor Pearson succeed him; Congress agreed, and shortly thereafter Doctor Pearson was made a rear admiral in the Navy.

The Capitol physician's position was created back in 1928 after three Congressmen had collapsed during one month, and one of them had died in his office. Neither the Senate nor House then had a physician in attendance.

Aroused Congressmen asked the Navy to assign a full-time medical officer to the Capitol. Doctor Calver, then a young physician at a naval dispensary, was tapped for the job. He moved over to Capitol with his little black bag for a supposed three-year hitch. But, when he was scheduled to return to sea, lawmakers insisted that he remain as a civilian.

"I told them I couldn't lose my credentials for my Navy service," recalls Doctor Calver. "So the next day, two Congressmen asked me if I would be willing to stay on if they fixed things up with the Navy. I said I would. That afternoon they passed a law—a rider to an appropriation bill—which prohibited the Navy from transferring me." Doctor Calver stayed on for 38 years.

As Congress' attending physician for the past two years, his successor has quietly instituted many innovations.

One was giving each member a laminated pocket or wallet-sized record of his cardiogram—which is extremely useful in case of a heart attack or stroke. Rep. Roman Pucinski, an Illinois Democrat, says, "I hope that every person in America will be encouraged to carry one."

In addition, Doctor Pearson has succeeded in persuading 60 percent of the members to have comprehensive, head-to-toe physical examinations. He has improved laboratory services and the record-keeping system, added another internist to his staff, updated the Capitol pharmacy, and recently launched a lively artificial-respiration course (directed by his chief aide, Robert F. Moran, a former hospital administrator) for the Capitol police force.

Congressional pressures have multiplied since Doctor Calver first took the job. Back in 1928, Congress was in session only 91 days. In 1967, the lawmakers officially met 286 days.

Long hours, strenuous traveling, and gargantuan pressures from constituents, lobbyists, and others often make legislators ill. Not surprisingly, many of their ailments disappear after they leave Congress.

"Members have unbelievably demanding schedules, especially during campaigning," Doctor Pearson told Today's Health. "The greatest pressure cases I get are right before elections. I do what I can in a man's best medical interest. Members hate to go to the hospital at those crucial times. I explain the risks, and they have to decide for themselves. You can't *force* treatment or medicine on a person."

As a result of Doctor Pearson's quiet dedication and unsung politicking for legislative health, no one on Capitol Hill needs to ask: "Is there a doctor in the House—or Senate?" They know the Capitol physician will be on the scene before you can say "Hippocrates."

A CONVERSATION WITH RICHARD RUSSELL

Mr. HOLLINGS. Mr. President, there appeared in the December issue of the Atlantic magazine, an interview by Mr. Wayne Kelley with our distinguished President pro tempore, the Senator from Georgia.

In this article, covering a variety of subjects, Senator RUSSELL displays the wisdom, foresight, and acumen that comes with 36 years of continuous service in this body. It is altogether an amazing document; one which most certainly should be preserved for students of politics in years to come. The views expressed by Senator RUSSELL on the war in Vietnam, the role of the Federal Government, the Senate itself, and a variety of other topics, could well serve as a primer on contemporary issues.

I ask unanimous consent that the article be printed in its entirety in the CONGRESSIONAL RECORD.

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

A CONVERSATION WITH RICHARD RUSSELL

In January, Senator Richard Brevard Russell, D-Ga., will begin his thirty-seventh year as a member of the U.S. Senate. During his long and illustrious career he has gained a reputation as the most influential and most respected member of the Senate. With the convening of the ninety-first Congress his power, if this is possible, will grow even greater.

The retirement of Senator Carl Hayden, D-Ariz., makes Senator Russell, seventy-one, the top senator in terms of seniority. Only two other men, Senator Hayden and Senator Francis Warren, R-Wyo., have served longer in the Senate. Senator Russell's seniority makes the post of Senate President Pro Tempore his for the asking.

The senior Georgia senator, for sixteen years chairman of the powerful Senate Armed Services Committee, will give up that post to take over the helm of the even more potent Senate Appropriations Committee. A senator may not head more than one committee.

Senator Russell will, however, retain the post of chairman of the Defense Appropriations Subcommittee which approves all federal spending for military activities. He will also remain on the Armed Services Committee as ranking Democrat.

In addition, Senator Russell is the ranking Democratic member of the Committee on Aeronautical and Space Sciences and the Joint Committee on Atomic Energy. He is a member of the Steering Committee, which controls Senate committee assignments, as well as the Senate Democratic Policy Committee.

Few dollars are spent by the federal government without first passing through subcommittees of which Senator Russell is a key member. He sits on subcommittees that appropriate funds for federal agricultural programs, river development, education and health activities, highway construction, housing and community facilities projects, airports, space programs, and atomic energy projects. His Defense Appropriations Subcommittee approves military outlays amounting to about one-half of the national budget.

A member of the Georgia House of Representatives at age twenty-two, and the state's youngest governor at thirty-three in 1930, Senator Russell's judgment and character were forged in the politics of his native state. On two occasions, in 1948 and in 1952, his name was put forward for the Democratic presidential nomination.

Since he came to Washington in 1933, every president of the United States has sought Senator Russell's advice on military affairs. The senator has been greatly concerned with the Viet Nam War, calling it "one of the great tragedies of our history."

On October 21, 1968, at his office in Winder, Georgia, Senator Russell took time from a continuous flow of paperwork and appointments to talk about the Viet Nam War, the prospects for peace, his personal career, and, with great indulgence and good spirits, a scattering of other subjects including the fate of his trusty 1963 automobile.

Q. Senator Russell, as chairman of the Senate Armed Services Committee you have been intimately involved with the problems of the Viet Nam War from the beginning. Do you feel at this point that we can accept anything less than a total military victory?

A. Oh, yes. I am perfectly willing to accept several solutions less than a complete military victory. I am willing to accept a fairly conducted election held by impartial and neutral representatives of other governments to let the Vietnamese determine their own form of government. I would still believe in self-determination in Viet Nam even if they were to determine in a manner that was not in our own best interests. But if they have an election, we should have an assurance of a fair election.

Q. How could we be certain of a fair election in S. Viet Nam?

A. This is one way that the United Nations might justify itself, its existence. If necessary, troops from neutral nations such as Indonesia could be stationed there to see that the mandate of the people at the polls is carried out fairly. They might have to stay there for several years.

Q. The new president of the United States will certainly face some difficult decisions regarding the Viet Nam War. As the leading military expert of Congress, what would be your advice to the president?

A. I would advise him either to quarantine North Viet Nam and bring this war to a close or else to bring our troops home. Ho Chi Minh has been gambling that the United States wouldn't take any further steps in the war and that the American people would finally become tired of it and let him win the war. I think we should force him to a fair agreement on South Viet Nam which would permit the right of self-determination without the terror of the Viet Cong or of the North Vietnamese regulars hanging over the people when they go to the polls. It is not fair to keep on sending American boys over there. They have performed superbly when you consider that they are all raw recruits in a sense—no man stays over there longer than twelve months. Most of them haven't had but about four months training.

Q. What if the North Vietnamese will not agree to a free election or some similar solution? Are we capable of ending the war militarily?

A. This war has not been fought as I thought it should from the beginning. Each of our moves has been made two years later than it should have been. It is hard to conceive of any mistake in the field of international relations or military affairs that we have not made in Viet Nam. I thought that we should have quarantined all the coast of North Viet Nam, closed all of their ports. I think that would have been more effective than sending 500,000 troops over there as we have done. It would have brought them to their knees much more quickly. They can't supply themselves with food, much less with arms. If we had been bold enough to take these steps, the war would have been over. But we have fought it on their terms.

Q. Could the war still be brought to a speedy conclusion by military action?

A. If we had followed at the outset the policy or strategy that I have mentioned, the war could have been brought to an end in six months. How long it would take now I do not know. But I still think it could be done in six months. And we could do it without losing many more American lives, if we wanted to, by bombing the dikes that control the rice fields of North Viet Nam. By putting in a quarantine on shipping we could take them out of the war with little fighting on the ground anywhere.

Q. To return briefly to the possibility of free determination by elections, Senator Russel. Didn't you once express the view that the North Vietnamese would probably win such an election?

A. I don't think I expressed it exactly that way. I said I thought they would vote for Ho Chi Minh for president in South Viet Nam because all the people there knew him as a folk hero at that time. That was six or seven years ago. Now the war has been going on much longer. I doubt that he could win an election there today. But he was a folk hero, a legend in his own time, after he drove the French out of all of what used to be French Indochina which included both North and South Viet Nam, Cambodia, and Laos.

Q. Hope has been expressed that the South Vietnamese will soon be able to assume a major share of the military burden. Is that likely?

A. Anyone who thinks that the South Vietnamese will be able to assume all of the responsibility or the primary responsibility in the near future is sadly deluded, because they can't. They are taking more of the load today. They are now producing some infantry units that are good fighters. They will do the job and they are being utilized more than they have ever been in the past. But, in terms of artillery and air power and things of that kind, they just can't do it.

Q. Senator, are there any conditions under which you believe a halt to all bombing of North Viet Nam would be wise?

A. Not unless there was a very definite quid pro quo, that we could recognize as fact. Of course, if they would agree to withdrawal of the North Vietnamese soldiers from South Viet Nam and we knew they did that, and if we knew they had stopped bringing in supplies to what remains of the Viet Cong, I would agree to a bombing halt. The Viet Cong is no longer a very formidable force.

Q. How do you feel about the reservists who sued the government in an attempt to avoid being sent to Viet Nam?

A. That was a great shock and disappointment to me. Most of them were in those reserve units because they selected that method of discharging their military obligation. I was sorely disappointed. Of course we must realize that it was a very small percentage of the reserves that actually brought those suits.

Q. Supreme Court Justice William O. Douglas granted a temporary restraining order in September to prevent shipment to Viet Nam of certain reservists who filed suit. Did that disturb you?

A. I was even more disappointed that a member of the Supreme Court would have granted an injunction against the government in a case of that kind. According to this concept, one man on that court could absolutely paralyze this country and make it incapable of defending itself in time of war.

Q. Paralyze the defenses of the country by keeping such cases tied up in the courts?

A. Yes. Or by gaining an injunction during a period when the Supreme Court is not in session as was the case here. We were

fortunate in that the court was due to convene in just a matter of weeks.

Q. What is our military manpower situation now, Senator? Will draft calls be larger or is a reduction possible?

A. I think we have adequate manpower. As a matter of fact, I think we could afford to reduce it by two or three hundred thousand (men) without gravely impairing our position.

Q. The newspapers have reported that the Pentagon is now studying the feasibility of an all-voluntary peacetime military force. Do you think this is practical for the future?

A. I doubt very much whether it would be possible in today's world if we wish to maintain adequate forces. It could be done if we would renounce all the obligations and treaties that we have for mutual defense all over the world. But we cannot live up to our commitments today, in my opinion, with a volunteer army. We would be compelled to pay such enormous costs to maintain it that it would be even more burdensome to the American people than today's army is.

Q. Would a volunteer army have any inherent dangers or disadvantages?

A. I am not too sure it would be a good thing for the country. A purely mercenary army has been the means of dissolving a great many important civilizations in the past. These men who are willing to do a short hitch, come into the army and go home, are sort of a counterbalance against any military take-over in this country such as we see about us on all sides today.

Q. You guided through the Senate this year a $71.9 billion Defense Apppropriation Bill for fiscal 1969. It was the largest single appropriation bill in American history. Did the bill provide everything we need and are you pleased with our defense posture?

A. I am greatly concerned about our strength in new weapons, our reluctance to proceed with new weapons and keep pace with the revolutionary explosions that occur in weapons systems all over the world. I am also concerned because we have drawn so heavily on our reserve supplies of ammunition and equipment for the Vietnamese War. We have probably the lowest reserves of such simple things as ammunition that we have had in twenty years.

Q. Are we behind Russia now in atomic submarines and rockets?

A. We don't know, of course, exactly what the Soviets have. We spend a great deal of money to try to get hard intelligence about their military posture. I think that we are ahead now in submarines. We are behind in numbers, over all. They outnumber us three or four to one; but a great many of theirs are the type that are built to keep ships from approaching their shores and are not capable of any long-range operations. They undoubtedly have some atomic-powered submarines. And from their success in other atomic operations we must give them credit for being practically as good as ours, though Admiral (Hyman) Rickover might not agree with that statement.

However, it is hard for me to believe, though they have shown great resource in their construction program, that they have a weapon that is as powerful and accurate as our Polaris missile on our atomic-powered attack submarines.

Q. Is the United States behind in aircraft development?

A. I think they are ahead of us in the air now, but not in long-range bombers. I still thing the old B-52, though it is fifteen or sixteen years off the drawing boards, is superiod to any long-range aircraft they have. But in the fighter and interceptor field we have made so many mistakes like the TFX, the III's, that I think they are probably superior to any long-range aircraft they have. perately to catch up now.

Q. President Johnson has expressed hopes in the past that the United States and Russia will be able to reach agreement on control of nuclear weapons and other matters to reduce the chances for a tragic war. Do you see any danger to our country in the treaty, currently awaiting Senate action, which would ban the spread of nuclear weapons?

A. I am willing to enter into any kind of treaty—even to scrapping atomic weapons—if there is evidence of good faith all around by the other parties and they are willing to agree to inspection. But I am not willing to disarm on just the promise of the Russians or anybody else. I haven's studied that (nuclear nonproliferation) treaty as closely as I intend to. I have read it through one time. There are two or three weaknesses in the treaty. Whether there are advantages in it which compensate for that, I have not yet been able to determine.

Q. But you want to see clear guarantees that Russia and other countries would abide by disarmament treaties?

A. Yes. There has got to be some tangible program so we will know they are disarming. If we sign a disarmament treaty, we'll disarm. But if they sign one, I don't believe they will unless we have inspection teams there to see that they do.

Q. You mean on-site inspection.

A. Yes, on-site. Open up the country. I'm willing to open this country up—everything including the White House pantry open to inspection if we can get a treaty in good faith.

Q. What about a treaty between the United States and Russia agreeing to call off the antimissile defense race?

A. I'd be very happy to have a treaty with Russia not to build any antimissile missiles if they will agree to inspection. But they are not going to agree to any inspection of any kind. And I wish that was something that our negotiators would bear in mind.

Q. Senator, you used your influence this year to get Congressional approval for money to start an Antiballistic Missile (ABM) system. Did you favor the ABM a few years ago?

A. Oh yes, I have always been for it when we were ready to proceed. I though that some members of the Congress and of my Armed Services Committee wished to start production before we had done adequate research and development and testing. As a matter of fact, on one occasion one member of the committee went around and lobbied the committee and that was the only time I ever lost a vote in the committee. By one vote they voted to start production. I took the matter to the floor of the Senate and got a closed session. The Senate voted about 3-1 to support my position.

Q. Wasn't that Senator Strom Thurmond of South Carolina who did the lobbying for the ABM back in 1963?

A. Yes, yes, yes. He was in favor of starting production four or five years ago and I thought it would be very wasteful and extravagant and nonproductive. But now we have completed every possible research project on the missile. There comes a time in any research and development program when you have to start construction to determine whether your research proves what you think it does or whether there are weaknesses you have to eliminate. I think we are at that point today.

Q. Even the "thin" ABM system will cost several billions of dollars. Will the protection be worth the cost involved?

A. If you mean will we ever have a system that will be able to prevent any atomic bomb from penetrating this country—no, that is not possible. There is not enough money in the world and we could bankrupt ourselves and still couldn't prevent some of them from coming through.

But even Mr. (Robert) McNamara, who was opposed to the system, when he was secretary of defense, said that if we put up the "thin" system that was contemplated by the bill authorized by Congress this year, that in the event of an all-out nuclear war it would leave twenty million American citizens alive in cities. And if we built an intensive system, it would leave eighty million alive. Well, in my opinion, $5 billion to $8 billion a year, when weighed against a total military budget of seventy-odd billion dollars, is a very modest amount to save that many American lives. And I think if you went to the individuals and asked them, they would be willing to have this project even though it may cost $40 billion. If you are going to be among the eighty million that are saved, I think that you would find a unanimous agreement throughout the country to build it.

Q. Senator Russell, this so-called "thin" system is just a foot in the door to beginning construction on the full or heavy ABM system, isn't it?

A. It's a base for a system throughout the whole nation I didn't deceive anybody. When we brought it up they tried to dress it up as being a system to protect us from China. But I stated very frankly on the floor of the Senate that I consider it the foundation of a complete antimissile system that would save at least eighty million Americans against any atomic attack, however drastic.

Q. Will some ABM bases be located in Georgia?

A. Oh yes. Even the thin system contemplates one base in Georgia.

Q. A complete ABM system would mean more than one Georgia base?

A. It would just mean an extension of the other base, probably. Distance means nothing now where a rocket is concerned.

Q. Senator, you have been chairman of the Senate Armed Services Committee for sixteen years and a member of the committee of the old Naval Affairs Committee for much longer than that. Was it a difficult decision to switch over to become chairman of the Appropriations Committee?

A. It was a difficult decision. But the Appropriations Committee of course, in my mind, is the committee of the Senate. It is vital to many activities in the state of Georgia and I did not feel like I could in justice turn down that assignment, as important as it is, when I could retain the chairmanship of the money subcommittee of the Defense Department.

Q. Will you still maintain a strong voice in military affairs and policy?

A. Overall, I think that with the chairmanship of the Appropriations Committee I will have as strong a voice in the really important matters of military decision and policy as I have ever had. I will not be in as much detail work as I was as chairman of the Armed Services Committee—on authorization bills and things of that kind and minor decisions as to whether we'll construct four submarines a certain year or six, or two destroyers or four.

Q. You are in line for the post of president pro tempore of the Senate. That post is an honor that goes to the most senior member of the party controlling the senate. Will you take it?

A. Well, I expect I will. The prospects of riding in the same type of limousine that the president rides in is attractive to a country boy.

Q. Don't you have a limousine as chairman of the Armed Services Committee?

A. No. I have been in the Congress longer than any man who has a car. Much longer.

Q. How is your own Chrysler holding up?

A. It's doing pretty good. It is a 1963 model, but that was a good year for Chryslers and it still does very well. It did catch on fire one day to my surprise and disappointment and fright. But that was a shortage in the wiring and we got that straightened out.

Q. The post of president pro tempore puts you in line for the presidency right after the speaker of the House, does it not?

A. Yeah, you are in line for the presidency

but you are pretty far down the line. You are number four. Of course it is conceivable—say in the case of an atomic attack or some new disease sweeping the country that the president pro tempore might be immune to—why he might get to be president. But it is very unlikely.

Q. Would presiding as president pro tempore give you any particular influence on key issues, Senator?

A. Very slight. You would have to have the know-how to use what little you had to get any advantage out of it.

Q. As the acknowledged parliamentary expert in the Senate, you might be able to find some use for that slight advantage?

A. I might cook up one or two little ways I could. You have the right of recognition and that of itself is of some importance. Recognizing a man who might have a certain view at a time when the Senate is relatively full. There are a number of little things. But I would, of course, try to be fair to both sides. I never have believed in using the presiding officer's post to secure any unfair advantage in any instance. I didn't think so when I was speaker of the Georgia House of Representatives thirty-seven or thirty-eight years ago and I don't think so now.

Q. Senator, with your heavy burden of committee work and the countless issues and votes making demands on your time, have you developed any particular philosophy of operation?

A. I don't have time to prepare myself on all questions. That is one thing that people don't really comprehend. A man who has a direct responsibility for a gigantic activity such as the Department of Defense just cannot give detailed study to every one of them. He has to shoot from the hip. And when I am in doubt about a question, I always vote "no." I think that is the only safe plan to follow. If you are in doubt and vote yes, why you have to take responsibility for what is done. If you are in doubt and vote no, you get another look at it somewhere further down the line.

Q. Senator, during your service on the Armed Services Committee every secretary of defense—beginning with the first one, James Forrestal in 1947–49—has counseled with you. In your opinion, who was the most effective secretary of defense we have had?

A. I don't believe I have reached the stage in life where I would want to make a comparison of that kind. It would be a bit invidious. They were men of very different types and I would have to go into considerable explanation. I have managed to work with all of them though they have all been men of totally different temperaments in their approach to matters. But I don't believe I would want to get into a comparison of all the men I have worked with as secretary of defense. If I live another ten years, I'll answer that question for you.

Q. Would you discuss just one, Robert McNamara, about whom a lot was said pro and con before his resignation this year?

A. McNamara was a brilliant man. But he was also, I think, a bit too opinionated. He brought his own private braintrust into Washington and into the secretary's office. He paid a great deal more attention to them in some matters than he did the civilian personnel in the department who had been there thirty years and the military men who we train at tremendous expense in specialized fields. I think the TFX (airplane) is an illustration of how expensive Mr. McNamara's mistakes were when he made up his mind and closed it to the arguments of the professionals in the Department of Defense. That (TFX) decision was made by people who hadn't been in the Department of Defense very long and it was based on a perfect theory. That theory was universality in a plane for attack purposes, interception purposes, and likewise for the Navy to land on the decks of carriers. But in practice it is incapable of achievement.

Q. the cost-analysis type of management then does not necessarily transfer from industry to national defense?

A. It does not. And the TFX is a very dramatic and expensive illustration of it.

Q. One of the most dramatic events in your tenure as chairman of the Armed Services Committee was the hearing you called to investigate the recall of Gen. Douglas MacArthur from Korea by President Truman. Your committee never did file a formal report taking one side or the other. Would you say now if you feel President Truman was justified in the abrupt recall of General MacArthur?

A. Well, I think that it could have been handled a little better. But in his essential decision to bring MacArthur back, I think that Truman was justified because General MacArthur, though he was all-round perhaps the most brilliant and well-organized mind I have ever known, had apparently disregarded the fact that we have civilian control whether the military people like it or not. And when he did that I don't think the civilian commander-in-chief had any alternative but to remove the man from his command.

Q. Did President Truman ever contact you or ask you to handle the MacArthur hearings in any particular way?

A. President Truman himself did not. Some of the intimate members of his staff suggested that I go down and get his views after we had decided to conduct the hearings and the Senate had approved the hearings. But so did some of General MacArthur's friends. They wanted me to talk to him about his side of it. I told both of them that I would get it from the witnesses on the witness stand. I didn't want to be confused by briefings before the hearings started.

Q. Would you comment on particular military field commanders whom you thought to be outstanding?

A. Yes. MacArthur was a great field commander. He performed miracles with very few supplies and forces in the Pacific before the war in Europe was won. Of course (George) Patton was an outstanding fighter. He was the kind of man who inspired his men to really surpass their capabilities, if that is possible. And General (Omar) Bradley was a fine field commander.

Q. Senator, during the Cuban missile crisis in October of 1962, you were present at a high level strategy meeting with President Kennedy at the White House. You spoke out for an invasion of Cuban at that time, didn't you?

A. Yes, I strongly advocated taking military steps to get those Russian missiles out of Cuba, at the same time ridding this hemisphere of (Fidel) Castro and of a Communist government that I was certain then, and believe now, is going to infect and poison a number of Latin American countries in the future. I think it was a tragic mistake not to invade. I don't think we would have had the Vietnamese War if we had gone on and eliminated Castro and Communism from Cuba. If we should have a war with the Soviets, heaven forbid, they have got a base there right under our noses that they can use and exploit with missiles and with airplanes.

Q. You felt we would have been justified in an invasion at that time?

A. The main argument I made was that the missiles gave us a reason for going in there that we would not have in the future. I thought we ought to go in when we knew the Russian missiles were there to seize them and the Russian experts and hold them up as Exhibit A to show that they had violated the Monroe Doctrine. They defied the joint resolution of Congress which had been signed by the President only a matter of two or three weeks before the missiles were discovered there saying, in essence, that any offensive weapon in Cuba would be an act of aggression against this country. It seemed to me that it was almost a heaven-sent opportunity to clean up the Cuban situation when we had a real reason for doing so and were completely justified under any possible international law that might have been brought forward.

Q. A memoir by the late Senator Robert F. Kennedy on the Cuban missile crisis mentions your advice to President Kennedy. Do you recall the conversation?

A. I understand from Senator Ted Kennedy that the papers sold by Senator Robert Kennedy dwell somewhat on what I had to say at that conference. I haven't seen it and he didn't tell me the content. He (Ted Kennedy) did say that the release said that I said I couldn't live with myself if I didn't express my views. I had forgotten saying that until Senator Ted Kennedy told me about it over the phone two or three days ago.

Q. Didn't you feel at the time that a United States invasion of Cuba would trigger a war with Russia?

A. No. I did not subscribe to the theory that it would result in an all-out atomic war with Russia. Russia had not hesitated to move into Hungary just a short time before that. They killed thousands of Hungarians with no real reason for it except the fact that the Hungarians wanted to change their own government.

Q. Were the Russians less prepared for a war in 1962?

A. At that time we had weapons that were not available to the Russians, such as Polaris missiles. We had over three times as many intercontinental missiles as they had, carrying nuclear warheads. Now we are about even. We are in a much more dangerous position vis-a-vis the Soviet today than we were at that time. The fact that Khrushchev capitulated so quickly to President Kennedy's demands demonstrated that they were well aware of the fact that a war at that time perhaps would have eliminated Russia as a world power and they were not prepared to take that risk.

Castro had not been furnished any military weapons at that time of any consequence. I think that just an ultimatum and moving the marines in, we had 30,000 of them right off the shores, would have brought it to a conclusion. Not only that, but the minute we exposed these Russian missiles, world opinions would have supported us—which it hasn't in Viet Nam. Instead of having the support of the world, we have had the condemnation of the world for fighting in Viet Nam. It is 8,000 miles away. It costs fifteen to twenty times as much to supply a man in Viet Nam as it would have in Cuba and we could have wound the thing up in just a few days.

Q. Senator, to return to current events for a minute, the next Congress will undoubtedly face some monumental problems. At this moment we do not know who the new president will be. But what do you see as the main political issues in 1969?

A. It depends so much on who is elected president. (Ed. note: this interview was conducted in mid-October, before the election.) It is difficult to say. If Humphrey is elected, the main issues will be how much further and how much faster you carry all this new program of the Great Society and what additions you will make to it. If Nixon is elected, I think the reverse of that will be true. It will be a question of how much you will slow it down and whether or not you will embark on any new programs.

If Mr. Wallace is elected, why I think that the main difference will probably be in internal affairs—the matter of curbing the powers of the Supreme Court, if you can do that—and a change in attitude toward the war in Viet Nam.

Q. You gave President Johnson his start in the Senate when you helped him become whip and then majority leader. He has often

sought your advice on key issues. Yet there was a published report recently that your friendship with the president has cooled. Are these reports correct, Senator?

A. No, I don't think they are accurate when stated that way. I think our personal relations are just as they have always been. We have had some rather sharp differences of opinion on political matters and issues. President Johnson has known me pretty well. He never did expect me to be spoon-fed by his philosophy. There have been times when he has urged me to let up on different questions.

Q. Senator, you did feel, though, that one judicial appointment recommended by you was unfairly held up. Was there not a delay in the appointment of U.S. District Judge Alexander Lawrence of Savannah, a personal friend of yours?

A. Oh well, I didn't have any feeling toward the President on that. I thought that the attorney general of the United States acted like a child about it. And I still think so. I very frankly do not feel that the present attorney general is qualified to fill that position.

Q. Attorney General Ramsey Clark wanted to hold up the appointment?

A. Yes. Oh, he had not only tried to hold it up, he wanted to have it disapproved by the President. And I did have a great deal of difficulty getting it through. But I did. The only thing I resented was having to give up so much valuable time fooling with something that was so clear and apparent to me and to all the members of the Georgia bench and the Georgia Bar Association. He will make a fine judge.

SENATOR MANSFIELD'S APPEARANCE ON THE TV PROGRAM "FACE THE NATION"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the transcript of the CBS Television Network program "Face the Nation," telecast on Sunday, January 5, 1969, on which I had occasion to appear as the guest.

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

FACE THE NATION

(CBS Television Network, CBS Radio Network, Sunday, January 5, 1969; origination: Washington, D.C.)

Guest: Senator MIKE MANSFIELD, Democrat of Montana, Senate majority leader.

Reporters: George Herman, CBS News; Samuel Shaffer, Newsweek magazine; Roger Mudd, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

Mr. HERMAN. Senator Mansfield, Republican Presidents today seem traditionally less activists than the Democrats. Do you think the balance of leadership is now about to shift to some degree to the Democratic Congress?

Senator MANSFIELD. Yes, I do, because of the divided government. I think there will be more flexibility and more independence shown by the Congress.

ANNOUNCER. From CBS Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with Senate Majority Leader Mike Mansfield, of Montana. Senator Mansfield will be questioned by CBS News Correspondent Roger Mudd, Samuel Shaffer, Chief Congressional Correspondent of Newsweek Magazine, and CBS News Correspondent George Herman.

Mr. HERMAN. Senator Mansfield, the Democratic Majority Leader, under a Democratic Administration, is pretty much overshadowed by his party leader, the President. Now, you are about to be a Majority Leader under a Republican Administration, some of whose views you undoubtedly oppose. You seem likely to be the principal Democratic spokesman on Capitol Hill. How do you view your new role?

Senator MANSFIELD. Well, I view it in somewhat the same status that it was when Lyndon Johnson was Majority Leader and Eisenhower was President. The purpose will be to do our best, as a party, to be of assistance to a Republican President, because we would like to see him make a go of it. If he succeeds the country will benefit. If we oppose him, as we shall on occasion, we will try to do so constructively and offer alternatives in place of what he proposes.

Mr. SHAFFER. Senator Mansfield, before we explore the domestic picture further, I would like to ask you a question or so on the minds of a lot of Americans, on foreign policy. Forty Americans are dying daily in Vietnam while this haggling goes on, what President Johnson calls dilly-dallying on the shape of the conference table in Paris. Now, what are you, as a Senate leader and as a member of the Senate Foreign Relations Committee, going to do about this?

Senator MANSFIELD. Well, there isn't much we can do now except to deplore the fact that, while we are trying to find out what kind of a table the conferees will sit around in Paris, our men are dying in Vietnam. And I must say that I am very strongly in favor of what Secretary of Defense Clark Clifford has advocated, we ought to get down to business right away and get away from this shilly-shallying which is accomplishing nothing. As far as the table is concerned, we ought to do away with it, maybe sit like this, stand up or squat, any old way just to get negotiations going.

Mr. MUDD. Is it fair to say, Senator, that you really don't expect any progress in Paris until after the inauguration?

Senator MANSFIELD. I think it is very doubtful.

Mr. MUDD. And then what is the outlook after the inauguration?

Senator MANSFIELD. That will be largely up to Nixon, who will then be President, and I am sure he has given that a great deal of thought at the present time, but I am not in his confidence.

Mr. MUDD. Well, are you in a position now to say that peace talks in Paris should be put under some sort of time limit?

Senator MANSFIELD. No, I wouldn't say that, because we have to keep on talking to bring this killing to an end. I think I ought to point out that, when the conferees were selected in the first place, that he called Senator Dirksen and me down to the White House and asked us to be ready on short notice to go to Paris, if we could, to be of any assistance at any time.

Mr. MUDD. Who called you?

Senator MANSFIELD. The President.

Mr. MUDD. The President. You have not heard anything further?

Senator MANSFIELD. No. There was no need because nothing has been accomplished there except talk.

Mr. SHAFFER. Senator Mansfield, at his last press conference Secretary of State Dean Rusk said that the table seating impasse reflected important questions of substance. Do you agree?

Senator MANSFIELD. No, I do not.

Mr. SHAFFER. Well, let me ask you, do you think we should start a unilateral withdrawal of our troops from Vietnam?

Senator MANSFIELD. No, I don't think we can do it at this time, but I think we ought to give consideration to the possibility of decreasing our troops there if, as we have been told, the South Vietnamese Army is increasing in effectiveness and efficiency as well as in size.

Mr. HERMAN. Senator, it is one thing to deplore this hassle over the shape of the table in Paris, it is another thing to solve it or to do away with it or to cut the Gordian knot. How can it be done? Where do you have to start? Who is to blame, a country, a person?

Senator MANSFIELD. That is hard to say, but if you want an alternative I would suggest that we follow the procedure which was used by the NLF, the Viet Cong, and the American officials who met over the past two weeks to bring about the release of the three American prisoners. Now, what they did was to meet in the jungle, stand up, discuss this matter, eventually arrive at a decision.

Mr. HERMAN. But the important point there was that this was a bilateral meeting between Americans and the NLF. Now, is that suitable for the peace talks?

Senator MANSFIELD. No, but I think that we ought to have meetings between Hanoi and the United States. And if we can't get the NLF and Saigon to go together with those two, then have them meet separately and see what they can come up with in the way of a solution, then get together.

Mr. HERMAN. Will Hanoi agree to that kind of a bilateral meeting?

Senator MANSFIELD. I don't know.

Mr. SHAFFER. Well, will you, as Senate Majority Leader, and as one of the most important voices in the Democratic Party today, speak up in the Senate in an effort to break this impasse?

Senator MANSFIELD. Only if I can do so constructively.

Mr. MUDD. Senator, you have been quoted as saying that in the Nixon Administration the Foreign Relations Committee of the Senate and the Congress generally would exercise a stronger or influential voice in foreign affairs. How do you think that will happen?

Senator MANSFIELD. Well, you may recall that Senator Fulbright last year had reported out of the Foreign Relations Committee unanimously his resolution seeking to bring about a greater voice in foreign affairs for the Senate, based on the Constitution's "advise and consent" clause. That was placed on the calendar, would have been brought up had it not been for the President's March 31st speech at which he announced he would not be a candidate for reelection and that he would seek to bring about negotiations, to bring an end to the war in Vietnam. Because of that factor it was not brought up. I know that Senator Fulbright is very much interested in it, as I am, and as many members of the Senate are of all political stripes. I anticipate that, following the nonproliferation treaty, it will be reported out, placed on the calendar and brought before the Senate.

Mr. SHAFFER. Senator, as I understand it, this resolution expresses the sense of the Senate that American troops should not be committed to hostilities on foreign soil by a President, any President, without prior authorization by Congress, except to repel attack or to protect American lives and interests. What I want to ask you is this: Is such an approach practical in the nuclear age, in the mid-20th Century?

Senator MANSFIELD. Oh, I think so. The matter of nuclear emergencies would be taken care of, understood and made clear in the course of the debate.

Mr. HERMAN. You brought up the nonproliferation treaty, and I want to get to that in a minute. But first I want to ask you how can the Senate, or any part of the Congress, be as active as it would like to be in foreign affairs when only the administration has access to the vast body of secret information and facts?

Senator MANSFIELD. Well, I think that we should have access to some of that information, too, and that what we ought to do is to work cooperatively with the Executive Branch. We don't want to take away any authority from the President which is rightfully his; we would like to have some of the responsibility which is rightfully ours, and which has been eroded with the Senate's consent over the past four or five decades. We don't want to hinder the President. We know that his troubles are many and difficult. We

want to be of assistance to him and we think we can be if he will allow us to.

Mr. HERMAN. Okay. Now, the obvious question about the nonproliferation treaty, I have to ask it in a rather naive form. Since President-Elect Nixon seems to be for it, since President Johnson seems to be for it, what is holding it up?

Senator MANSFIELD. Well, the fact is that we—I hoped that it could be the first order of business, but we have a debate starting on Thursday next on a change in Rule XXII. Now, that will take up the Senate's time for some days, if not a week or longer. That means that, as a result, the nonproliferation treaty will be pushed back and will not be brought out, as I see it now, before the 20th. It is my understanding that there are some members of the Foreign Relations Committee who would like to have further hearings, short hearings. It will be reported out. It will be placed on the calendar. And as soon as it is, it will be brought before the Senate for debate and disposal.

Mr. MUDD. But even without that rules fight, there really wasn't much prospect you could have gotten that treaty through before inauguration, was there?

Senator MANSFIELD. No, but there was a chance. Now I think the chance has been obviated.

Mr. HERMAN. What is the disposal going to be?

Senator MANSFIELD. I think it will be approved. I think it should be approved. I think it is a good treaty, it is in our interests and in the interests of mankind.

Mr. SHAFFER. Senator Mansfield, it looks as if the Mideast is about to blow up again. What can we do to prevent this? And do you think—this is the other part of the question—that the United States has a commitment to go to the aid of Israel?

Senator MANSFIELD. No, I don't think we have any hard and fast commitment to go to the aid of Israel or any other country in that area, outside of those which are members of the North Atlantic Treaty Organization. As far as what the United States can do, it is hard to say, except that I believe we ought to, whenever possible, work in concord with the Soviet Union so that, through our joint efforts, we may be able in some fashion or other to bring about peace to that unstable area. There are many questions connected with the Middle East, and it seems to me that the situation is not getting any better but, in fact, is getting worse with the passage of time.

Mr. HERMAN. I presume, when you say we have no commitment, you mean a legal or a treaty commitment?

Senator MANSFIELD. That is what I mean.

Mr. HERMAN. Do we have any moral or emotional commitment?

Senator MANSFIELD. There have been statements made by Presidents over the past. I think Presidents Eisenhower and Kennedy have indicated that we do have such a position. How strong the position is indeterminate at this time.

Mr. HERMAN. Is it something which varies? Is it something which perhaps has gone down-hill a little in the face of Israel's recent aggressiveness?

Senator MANSFIELD. Oh, I think it has gone down-hill in spite of the fact which you have mentioned, and I think it is tied to a certain extent to our involvement in Vietnam. Vietnam has brought about a very changed situation in the Senate, in the thinking of many of its members about involvements in other areas of the world.

Mr. MUDD. Senator, one of the things that you pushed for over the last few years has been a streamlining of our foreign aid policy. How much cooperation do you expect to get from the new administration on that?

Senator MANSFIELD. Well, I will just have to assume the answer to that question. I would think a great deal of cooperation. I would like to see more done to help people and less done to help governments.

Mr. MUDD. Do you regard the Nixon Administration, in foreign policy, as going after the policies of ten, fifteen, twenty years ago, of reinforcing NATO and maintaining a large military commitment abroad?

Senator MANSFIELD. I would hope not, because times have changed, and what was good two decades ago is not necessarily good today. As far as NATO is concerned, I would hope that the European members of NATO would do a good deal more and that we would do considerably less.

Mr. HERMAN. Wasn't it just a year ago that you advocated a strong reduction of our troops in NATO countries?

Senator MANSFIELD. Oh, yes, and a sense of the Senate resolution was introduced, signed by forty-nine members, and it was in the process of being accepted, in my opinion, but Czechoslovakia changed the situation. For the time being at least, we cannot think of a withdrawal of U.S. troops from Europe.

Mr. SHAFFER. But will you press it sometime during this session, Senator?

Senator MANSFIELD. Oh, basically I haven't changed my opinion. I still feel the same way.

Mr. HERMAN. This seems like a good point to interrupt. We will resume the interview with Senator Mansfield in a moment.

Senator Mansfield, Herb Klein, President-Elect Nixon's chief spokesman, said on this program some time ago he thinks the new Congress is more to the center than the old one. Is it?

Senator MANSFIELD. No. I would say that, as far as the Senate is concerned, it is about the same as the last one. As far as the House is concerned, I think, based on the figures, it might be a little more liberal.

Mr. HERMAN. What is going to happen in the Rule XXII fight in the Senate that you mentioned some time ago?

Senator MANSFIELD. Well, to be honest about it, I don't think that the rule will be changed, although I personally favor a shift from two-thirds of those present and voting to three-fifths.

Mr. MUDD. Senator, were you surprised at the election by your party caucus of Edward Kennedy to be your new assistant?

Senator MANSFIELD. No, I thought it could have gone either way and would not have been surprised at any result.

Mr. MUDD. Well, what do you think accounted for his victory?

Senator MANSFIELD. Well, I think the Kennedy name had something to do with it. I think that Kennedy's attention to Senate duties, both on the floor and in committee, the fact that he is a Senate man in the strictest sense of the word, far more so than were the late President Kennedy and his brother, the late Senator Robert Kennedy. All those factors tended to react in his favor.

Mr. HERMAN. The usual cliche is that a fight of this kind, a leadership fight, leaves scars inside the party. Realistically, does this leave any scars?

Senator MANSFIELD. No, I don't think so. There may have been disappointments temporarily, but Russell Long, I thought, acted with extremely good grace. It is my belief that Ted Kennedy will apply himself assiduously to his duties and that the Senators will accept the verdict and act accordingly.

Mr. SHAFFER. Senator Mansfield, do you see Teddy Kennedy as your party's nominee in 1972?

Senator MANSFIELD. I wouldn't be in the least surprised.

Mr. MUDD. You would not be in the least surprised.

Senator MANSFIELD. I would not be in the least surprised.

Mr. MUDD. But do you think this move for the assistant leadership the other day was a first step toward the nomination?

Senator MANSFIELD. No. I think it is an indication of Senator Ted Kennedy's dedication to the Senate and the fact that he wants to participate more actively in its affairs.

Mr. MUDD. Well, now, it has been written that, if in 1970 you decide not to seek another term, Ted Kennedy would be in a position to take it all in the Senate.

Senator MANSFIELD. If that happens.

Mr. MUDD. Yes.

Senator MANSFIELD. That could happen, but I have no intention.

Mr. MUDD. No intention of what?

Senator MANSFIELD. Of retiring in 1970.

Mr. MUDD. Oh, you do not?

Senator MANSFIELD. No.

Mr. SHAFFER. You mean either from the Senate or from your leadership post?

Senator MANSFIELD. Correct.

Mr. SHAFFER. Senator Smathers said that Ted Kennedy's election will force more and more southerners into the Republican Party. I am speaking of Senator Smathers of Florida, who is retiring now. Do you agree?

Senator MANSFIELD. No, I don't, and George Smathers wouldn't have said that had he still been in the Senate.

Mr. MUDD. Do you think he is running for Governor of Florida? Is that——

Senator MANSFIELD. I don't know what his plans are. He is a good man.

Mr. MUDD. Can we get you on the record as to how you voted in caucus for the assistant majority——

Senator MANSFIELD. No. The session was executive, the vote was secret.

Mr. MUDD. Well, some have decided to make it public, and I just wanted to see what you would think about that.

Senator MANSFIELD. Well, that is their privilege.

Mr. SHAFFER. Senator, quite often a party gives its presidential candidate a second crack at the White House. Do you think Hubert Humphrey will get that second chance?

Senator MANSFIELD. He may. He will be in there. He will be a power in the party in the years ahead, and what Hubert will do, Hubert will decide.

Mr. MUDD. Senator, your answer about Edward Kennedy—your answer that you would not be at all surprised if Edward Kennedy would be your party's nominee in '72 is intriguing. There is a large body of thought that feels that really he shouldn't, simply because of what has happened before, the death of his two brothers. Do you think that has any bearing on what a nation should expect of a politician under those circumstances?

Senator MANSFIELD. I think it does have a bearing, but Ted Kennedy is a man of courage.

Mr. HERMAN. He will make his own decision, you would say?

Senator MANSFIELD. He will make his own decision.

Mr. HERMAN. Senator, in this situation now, just a year ago, with the Democratic Administration and a Democratic Congress, the Congress imposed mandatory spending levels on the administration. Is it likely that this sort of new trail is going to be blazed still further, now that you have a Republican Administration and a Democratic Congress?

Senator MANSFIELD. I would hope so, and I would hope that there would be a diminution in selected areas in government spending, because the monies we are putting out are entirely too much and I think they could be distributed——

Mr. HERMAN. Are you saying—excuse me, I didn't mean to interrupt.

Senator MANSFIELD. That's all right.

Mr. HERMAN. Are you saying a diminution by congressional order, that Congress should specify which areas should be held down?

Senator MANSFIELD. Not necessarily by congressional order, though it is our primary responsibility, but I would hope in cooperation with the President.

Mr. SHAFFER. Senator, I know you and your colleagues have talked a lot about cooperating with the New President, yet there are a number of Democratic Senators who are talking about opposing Secretary of Interior-

Designate Hickel for his post. What is your judgment on it?

Senator MANSFIELD. Well, I think that the Senate has a duty and a responsibility to look into all these candidates for the Cabinet proposed by President-Elect Nixon. And if Mr. Hickel had observed President-Elect Nixon's dictum to say nothing until January 20th, he wouldn't be in the trouble he evidently is in today. But he has made some statements which are going to be gone into quite thoroughly by the Committee on Interior and Insular Affairs.

Mr. SHAFFER. Is it within the realm of probability that his nomination might not be confirmed if he stands by those earlier statements?

Senator MANSFIELD. Oh, I wouldn't say anything this far ahead, Sam. I think the nominee should be given every opportunity to express his opinions, should be treated with fairness. And I hope he has the answers which will satisfy the committee.

Mr. SHAFFER. But you expect an inquiry in depth in this particular case?

Senator MANSFIELD. Yes, indeed. I understand that Senator Jackson, of Washington, has announced that hearings will be conducted beginning on the 15th of this month. Incidentally, I hope it will be possible, and I have asked all the Democratic Chairman of the committees to hold hearings, to have these nominees ready for confirmation on the day that Mr. Nixon is inaugurated.

Mr. HERMAN. Is there a tradition or a philosophy in the Senate that new in-coming President should have the right to the Cabinet of his choice, barring some real dereliction?

Senator MANSFIELD. Yes, indeed, and it is a good tradition.

Mr. HERMAN. And do you think that will tip the odds a little bit for Mr. Hickel?

Senator MANSFIELD. It will depend upon Mr. Hickel's testimony. He will be treated with fairness and discretion. He will not be badgered. He will have to answer some questions based on statements which he has made.

Mr. MUDD. Senator, are you in favor of a congressional pay raise?

Senator MANSFIELD. That is a tough one to ask me, but let me put it this way: I would say that it should not be on the order of the Kappel Commission's recommendations, that if there is a pay raise it should be scrutinized quite carefully and that it should be justified or not allowed.

Mr. MUDD. The Commission's recommendation was that the annual salary be jumped from $30,000 a year to $50,000.

Senator MANSFIELD. Too much.

Mr. MUDD. Too much. Would you strike a $40,000 compromise?

Senator MANSFIELD. Somewhere around there, if it was justified. But I would have to have all the facts at my disposal, speaking for myself. I can get along pretty well on what I am making. I don't come from a big state.

Mr. SHAFFER. Senator, during the campaign, you know, President-Elect Nixon spoke a great deal about the need for reorganizing the government. His powers, or the powers to do this, have lapsed. Are you disposed to get through legislation quickly to give the new President the power to reorganize the Executive Branch of the government?

Senator MANSFIELD. Yes, I would be prone to go in that direction.

Mr. SHAFFER. Do you think that Congress would feel that way, too?

Senator MANSFIELD. I would guess so, I wouldn't know.

Mr. HERMAN. Well, now, the major issue—if you finished that answer—the major issue that President-Elect Nixon campaigned on, or at least one of the major issues was crime and the disorder and lawlessness in the streets. Do you think the mood of the Congress now is such that it would accept a new load of anticrime legislation which might tip somewhat the balance between the courts and the criminals?

Senator MANSFIELD. That is a question that I couldn't answer at this time——

Mr. HERMAN. What is your own feeling?

Senator MANSFIELD. Until I see the legislation and have a chance to dissect it and interpret it. Then I could give you an opinion. As of now, I would have to withhold judgment.

Mr. SHAFFER. Senator, I want to ask you, you Democrats control Congress now, what will——

Senator MANSFIELD. On paper.

Mr. SHAFFER. On paper, yes. What will you do with this control? Will you initiate legislation or do you sit back and wait for the Republican President to submit his legislation?

Senator MANSFIELD. Basically we will wait for Mr. Nixon to submit legislation but, by the same token, we have the authority, the right and the responsibility to initiate legislation on our own. We have been prone not to assume that responsibility for all too long, and I don't think that all wisdom emanates from the Executive Branch, regardless of who is in power.

Mr. HERMAN. But isn't there actually a good deal of interplay back and forth between the Congress and the White House? For example, Mr. Nixon has talked to Mr. Mills, to ascertain his views on taxes. Doesn't it actually go in both directions?

Senator MANSFIELD. That's right, and I would hope that on legislation which the incoming administration will propose, that Mr. Nixon will follow the Johnsonian policy of calling in the chairmen and the ranking minority members of the committees concerned with the particular pieces of legislation, to get their advice and counsel.

Mr. MUDD. Senator, when and why did you decide about your 1970 retirement?

Senator MANSFIELD. Oh, when I was elected the last time.

Mr. MUDD. But you have always fudged a little on what your future plans were, and today you seem so definite that—you always used to put us off, if you remember, but now there is no question about it.

Senator MANSFIELD. There is a breaking point, even in modesty.

Mr. SHAFFER. Senator, do you think a coalition of southern conservatives, Democratic conservatives and Republicans will dominate the 91st Congress?

Senator MANSFIELD. Not in the Senate, because I think that coalition idea has not been understood thoroughly. There have been rare occasions when the southerners and some of the Republicans had gotten together, but there have been more occasions, in my opinion, when moderate Republicans and progressive Democrats have gotten together. So you have the coalitions working both ways.

Mr. MUDD. But with the shift of Richard Russell to the Appropriations Committee, is there not a stronger possibility that there would be a more conservative cast in the Senate?

Senator MANSFIELD. No, I would say the cast of the Senate would be the same this year as it was last year, fairly liberal.

Mr. HERMAN. What is the impact of having a Republican Administration over it all? Doesn't that tend to aid Democratic Party unity in the Senate?

Senator MANSFIELD. It should, but time will tell.

Mr. SHAFFER. Well, in that connection, now that you have divided party control in the two branches of government, are we going to have, despite all these pious declarations of cooperation, aren't we really going to have some frustration, some politicking, some stalemate?

Senator MANSFELD. Unfortunately, yes, but we will do our best to accommodate the President because, as I said in the beginning, he has great problems, almost insurmountable difficulties to overcome. We will try to make him a good President because if he succeeds, as I said before, the Nation will benefit.

Mr. HERMAN. The last man who held your position was Lyndon Johnson. He went on to become Vice President and President of the United States. Are you on an upwards path?

Senator MANSFIELD. Absolutely not. I am delighted just being a Senator from the State of Montana.

Mr. SHAFFER. Senator, we have passed an awful lot of legislation in the past four years, do you think we ought to keep doing it?

Senator MANSFIELD. No, I do not. I think perhaps we may have passed too much legislation, spent too much money. I think it is time to reorganize, tighten our belts, and——

Mr. HERMAN. Senator, I'm sorry, we spent too much time as well. I am sorry, our time is up. Thank you very much, Senator Mansfield for being with us here on "Face the Nation."

ANNOUNCER. Today, on "Face the Nation," the Senate Majority Leader, Senator Mike Mansfield, of Montana, was interviewed by CBS News Correspondent Roger Mudd, Samuel Shaffer, Chief Congressional Correspondent of Newsweek Magazine, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will "Face the Nation." "Face the Nation" originated, in color, from CBS Washington.

STEAM POWERPLANT SITE SELECTION

Mr. KENNEDY. Mr. President, recently the energy policy staff of the Office of Science and Technology completed a study entitled "Considerations Affecting Steam Powerplant Site Selection." The report analyzes the outlook for electric power needs in the future, and the need for powerplant sites. The bulk of the report then discusses the various environmental and other effects of large electric powerplants and the considerations which should enter into decisions on where to build the necessary plants. In its own words:

> The report assembles in a single document our present knowledge of the public interest considerations that should play a role in planning the power plants of the future.

I agree completely with the report's emphasis that—

> The siting problem is thus one that concerns not only the State and Federal regulatory agencies with long-standing responsibilities in the electric power field, but also the agencies with environmental and other public interest responsibilities. The considerations go beyond mere location and involve the extent to which special investments are required for safety, for preserving the quality of our air and water resources and for other public interest considerations.

The report underscores the need for overall planning and coordinated development in the siting of large electric powerplants.

With demand for electric power in this Nation doubling every decade, and with economies of scale dictating construction of larger and larger plants, there is a great danger that random siting of new plants will cause pollution of our natural resources and irreparable harm to the environment.

To avoid this damage, during the last session of Congress I introduced legislation calling for the development of a comprehensive national plan for the sit-

ing of large electric powerplants. The aim is to identify appropriate locations for plants to operate at maximum efficiency without harm to the environment or danger to public safety.

It has become increasingly clear that in the siting of large plants, coordinated planning is necessary to assure protection and effective utilization of environmental assets, including land, water, recreation, scenic, ecological, and historic elements.

The present report identifies many of the criteria which should be considered in the preparation of such a study and is a constructive first step in the direction of overall planning. I want to congratulate the energy policy staff for its investigation of this important area and for the high quality of its report.

I intend to reintroduce legislation calling for a national siting plan early in this session of Congress, and I am hopeful for prompt and favorable action.

Mr. President, I ask unanimous consent that the summary section, "Background and Highlights of the Report," be printed in the RECORD.

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

BACKGROUND AND HIGHLIGHTS OF THE REPORT

Everyone agrees that electric power supply is vital to the Nation and that we must find sites for the power plants needed to meet the Nation's rapidly expanding use of electricity. Nevertheless, "Don't Put It Here" is increasingly becoming the public's reaction to particular sites selected by the utilities. Furthermore, the electric utilities are facing increasing competition for sites because our land resources are limited and the ingredients of a prime site for electric generation also make it attractive to many other expanding industries.

The siting problem is thus one that concerns not only the State and Federal regulatory agencies with long-standing responsibilities in the electric power field, but also the agencies with environmental and other public interest responsibilities. The considerations go beyond mere location and involve the extent to which special investments are required for safety, for preserving the quality of our air and water resources and for other public interest considerations.

There is increasing public interest in the power plant siting problem but discussion of solutions has been inhibited by the lack of a common factual base. Commissioner James T. Ramey, of the Atomic Energy Commission, in a speech to the Federal Bar Association in October 1967, suggested the establishment of a broadly based Federal interdepartmental committee on electric power plant siting to develop a coordinated approach to the planning of ways to handle the many problems affecting siting. The agencies in the Federal Government most deeply concerned with the siting problem—the Atomic Energy Commission (AEC), Federal Power Commission (FPC), Department of the Interior, Department of Health, Education, and Welfare (HEW), Rural Electrification Administration (REA), and Tennessee Valley Authority (TVA)—were happy to cooperate with the Energy Policy Staff of the President's Office of Science and Technology in implementing this suggestion which has led to the preparation of this factual report. We have also benefited from the cooperation of the National Association of Regulatory Utility Commissioners (NARUC) and the State utility commissions throughout the Nation in providing a survey of the important work of the States on this problem.

The report assembles in a single document our present knowledge of the public interest considerations that should play a role in planning the power plants of the future. We are aware that our knowledge is incomplete, and in some areas nonexistent, but focusing attention on the need for further research is also an important function of the report.

In preparing the report we have not investigated any plant sites. Such investigations are presently the initial responsibility of the individual utilities in the various segments of the electric power industry. Our purpose was rather to attempt to compile material which could be of assistance to the industry and to the various governmental units with responsibility for approvals of sites selected by the utilities, to interested groups of citizens, and individuals.

The report contains no policy pronouncements, but it may well serve as a basis for discussion of whether additional surveys, research, or other action by the industry or government is needed to protect the public interest.

The first chapter of the report attempts to delineate the dimensions of the siting problem in the future. Our projections suggest that in the next two decades we will triple the present electric power generating capacity but we can do so with far fewer new sites than the number the industry presently occupies. The reason is that most of the new capacity in the next 20 years will come from some 250 huge power plants of 2 to 3 million kilowatts each. By contrast there are some 3,000 power plants in existence today. While there will certainly be small plants in addition to the 250 or so large plants, the siting problem in the future will not be one of finding room for a proliferation of power plants, but rather being sure that the relatively small number of mammoth-sized plants are adequately planned and located to meet the twin goals of low-cost, reliable power and preserving the quality of our environment.

The need for coordinated planning to identify the prime sites that will best satisfy the many economic and environmental requirements for future plants is rather obvious. Each of these plants with an on-site investment of some $300 to $400 million will be among the largest industrial establishments in the Nation. In the aggregate they will represent upwards of $80 billion of investment profoundly affected by the public interest.

One of the interesting results of the report has been identification of the large number of public interest factors which should be considered in the siting and construction of power plants of the future. While there are probably other factors yet to be identified, the report suggests that the plans for power plant siting should:

1. Comply with the safety criteria for nuclear plants as prescribed by AEC.

2. Comply with air pollution criteria and standards as established by the States and the National Air Pollution Control Administration of HEW.

3. Comply with the water quality standards for thermal effects as established by the States and the Federal Water Pollution Control Administration of the Department of the Interior.

4. Develop the opportunities for public recreation at plant sites and avoid impairing existing recreational areas.

5. Consider aesthetic values and give adequate attention to the appearance of power plant facilities and associated transmission lines.

6. Recognize the rural development considerations in plant siting.

7. Consider the siting and lead-time requirements for reliability of service.

8. Consider the impact on defense preparedness of particular sites and power plant capacities.

9. Consider the routing of associated transmission lines and the problems of rights-of-way at various alternative plant locations.

10. Assure that the plant will be of sufficient size to meet regional loads including mutually agreeable arrangements for meeting the bulk power needs of the small utilities.

11. Consider prospects for combining power plants with other purposes such as desalting plants, industrial centers, and even new cities.

These are all considerations over and above such basic requirements as sufficient land, the availability of transmission, fuel and the whole gamut of factors which every utility considers before deciding on the size, type, and location of a power plant.

The report identifies the physical requirements for siting the large power plants of the future. A 3,000-megawatt (mw) power station requires a very large tract of land, be it nuclear or fossil fueled. A nuclear plant of that size under existing AEC criteria would require some 200 to 400 acres, not to mention one or more rights-of-way of some 250 feet in width leaving the plant site. A fossil-fueled plant would require 900 to 1,200 acres to accommodate a large coal storage area and an area for disposal of slag, and room for SO_2 removal facilities.

Access to highway, railway and water transportation are important ingredients of a site. And for a fossil plant, access to low-cost fuel is an essential ingredient. An adequate supply of cooling water is a must and even the meteorology of the area must be studied. There are numerous demanding requirements for a prime power plant site and it is obvious that the electric power industry will be competing with other industries and other land uses for such sites in the future.

The interest in power plant siting in recent months has been accentuated by the fact that large nuclear power plants have come of age. Chapter III sets forth the criteria which the AEC applies in approving such sites today and describes its research efforts for the future. Existing safety criteria rely on distance from a population center, combined with engineered safety features to protect the public. Emphasis is being placed on high-quality engineering to assure greater reliability of operation. As more experience is gained, and safety and reliability proven, greater flexibility in nuclear plant siting will be permitted and plants will undoubtedly be located closer to population centers.

AEC is stressing the need for stricter codes and standards for quality assurance in the design and construction of nuclear plants. Areas of potential earthquake present special problems for nuclear plant siting and AEC takes a conservative approach with respect to such sites for the present. The air pollution problems at nuclear plants are minimal. Significant radioactive wastes are not generated at plant sites but are a product of processing plants which are not the subject of this report because they can be located economically in remote areas.

It is of interest that under existing law, AEC's review of nuclear power plant siting is limited to nuclear plant safety and antitrust review of commercial licenses.

Air pollution control is a most important factor in siting fossil-fueled plants. Existing power plants contribute to our air pollution problem primarily through the emission of particulate matter and sulfur oxides but also through emission of oxides of nitrogen. Chapter IV describes the problem and outlines the air pollution control program of HEW in cooperation with State agencies. Control equipment is now available to collect some 99 percent of particulate matter rather than emit it to the atmosphere. The problem area is with the pollutants that are in gaseous form.

A major research effort is under way to develop economical means of removing the sulfur after fossil fuels are burned and be-

fore the resulting gases are emitted to the atmosphere. The ability to utilize this Nation's vast coal resource for power production is dependent upon the success of such research and development efforts. Tall stacks may provide sufficient dispersion at remote sites, but there is a need for more effective controls even in rural areas. Certainly the ability to locate fossil plants in or near metropolitan centers in the future requires economic air pollution control equipment. Chapter IV also describes the techniques for promulgating air pollution standards pursuant to the Clean Air Act of 1967.

A major power plant siting consideration is the disposal of waste heat into the Nation's waterways. In recent years we have come to realize that injecting huge quantities of heat into a waterway can create a new form of water pollution and for that reason the States, in cooperation with the Department of the Interior's Water Pollution Control Administration, have adopted temperature limitations for the Nation's interstate waterways. Chapter V describes the problem and solutions which can have a profound impact on power plant siting. While the problem exists for both fossil and nuclear plants it is some 40 to 50 percent greater in light water nuclear plants because of their lower thermal efficiency and the fact that more of the heat is discharged to the atmosphere through the stack in fossil fueled plants.

Power plant siting must be responsive to the increased public concern for the quality of our environment. A giant power plant and associated transmission lines can do great damage to fish and wildlife, aesthetic and recreation values if improperly located or poorly planned. On the other hand, the same plant in the right location and with proper architectural treatment and imaginative utilization of adjacent lands can be an important recreational and educational facility in itself. Chapter VI describes these areas of concern and contains many specific suggestions which would make both power plants and associated transmission lines more compatible with their surroundings. The first step is the development of a comprehensive land use plan for the area in which a power plant is to be located.

Chapter VII highlights the rural development considerations in generating station siting. A large power plant representing an investment of hundreds of millions of dollars can profoundly affect the local economy as well as the surrounding environment, and this is especially true if the plant is located in rural America. Recreational opportunities and the clean environment are major attractions of rural areas today. The chapter points out that rural America should, therefore, not be considered a place of refuge from environmental controls. However, rural America does offer opportunities for economic power plant sites that will contribute to the full development of the Nation and these opportunities are set forth.

There is a definite relationship between the problems encountered in power plant siting and the industry's success in achieving reliability of electric power service. A reliable, stable power system requires a proper balance in the location of generation with respect to concentration of loads. It is also important that a utility be able to build and operate a plant on schedule if growing loads are to be met with reliable service. These interrelationships of the reliability and siting problems are discussed in Chapter VIII.

Power plant siting and associated transmission lines are inseparably related and must be jointly considered. With the technical breakthroughs in high-capacity, low-unit-cost EHV transmission lines, sites quite remote from loads have become economically feasible. The construction of EHV lines to achieve economies of interconnected operations is making available an interconnected grid over large regions of the Nation which is providing a great deal of needed flexibility in locating power plant sites. Chapter IX discusses these aspects of power plant siting and also suggests that a great deal of research and development will be required before transmission lines can be placed underground without major additional costs.

Today steam power plants are essentially single-purpose facilities. However, there are advantages inherent in combining steam power plants with other industrial processes and such power plants are apt to become part of multipurpose operations in the future. This is, of course, nothing new for the electric power industry since multipurpose hydroelectric plants have been part of the American scene for many decades. A combination power plant and desalting plant is already under active consideration. Chapter X also describes other possibilities, including combining a huge plant to convert coal to crude oil with a power station that would be fueled by the by-product char. Large energy centers are also being considered in which the power plant would be the hub of an agro-industrial complex.

The report would be incomplete without at least a summary description of the activities of the various State agencies that are concerned with many, if not all, of the considerations which it highlights. Chapter XI contains the results of a survey we made of the activities of the State utility commissions in licensing new thermal power plants. It also presents a summary of the activities of other State agencies concerned with the quality of the environment, recreation and related matters. Air pollution control regulations are particularly complex, due to the number of local variations. Chapter XI also discusses recent novel programs undertaken by four different States as examples of State initiatives in the area of power plant siting.

CONNECTICUT RIVER

Mr. RIBICOFF. Mr. President, the Connecticut River is one of the most beautiful rivers in the world. But its beauty is threatened by pollution.

Cleaning up the Connecticut River is a serious challenge facing all of New England.

That challenge is being met. State and Federal pollution control programs are working effectively. All sections of the river, from the Canadian border to Long Island Sound, will be swimmable in just a few years.

But progress—that is, a clean river—may create a new problem: the unchecked commercial development of the Connecticut River Valley.

A pure Connecticut River will turn the river valley—the water banks, the ponds, the meadows, the heavily forested hillsides—into some of the most popular and inviting recreational areas in the Northeastern United States.

Ironically, there is the danger, real and not far down the road, that by eliminating water pollution from the Connecticut River we may introduce scenic pollution to the river valley.

A river valley landscape scarred with hotdog stands, billboards, carelessly planned trailer parks and rundown motels and cabins would be every bit as tragic as an eternally polluted Connecticut River.

Evan Hill, a professor of journalism at the University of Connecticut at Storrs, has written eloquently of this dilemma.

In the New York Times Sunday Magazine of January 12, 1969, Professor Hill points out that in the past a polluted Connecticut River was its own best defense against the scenic pollution of the river valley. Of the river he writes:

> As long as it stank, no one wanted to be near it for long. But as soon as it runs sweet and clear again, there will be no need for anyone to keep this distance, and millions of Americans won't.

Professor Hill is not alone in his concern for future development of the valley.

It was to protect the valley from uncontrolled development—and to preserve the essential peace and dignity of the 410 miles of riverfront—that I introduced legislation in 1966 to direct the Department of the Interior to study the feasibility and desirability of a national park along the Connecticut basin.

Many Senators and Congressmen from New England supported and cosponsored this measure with me. Support and cooperation also came from State and local government officials and business and civic leaders.

After a 22-month study, the Department, through its U.S. Bureau of Outdoor Recreation, recommended creation of a four-State, 56,700-acre Connecticut River National Recreation Area.

The Bureau's report, issued last September, calls for three separate units of the national park and would include parts of Connecticut, Massachusetts, New Hampshire, and Vermont.

Key among all the recommendations in the report is a strong plea for cooperation from State and local governments and private interests in the proposed recreation area.

The proposal for a Connecticut River Valley National Recreation Area has received widespread support throughout New England.

And I plan to introduce legislation to create such a park early in this session of Congress.

I am particularly pleased, therefore, that Professor Hill has demonstrated so vividly and so accurately the reasons why the park is needed.

His article in the Times magazine is fittingly titled "Connecticut: Can the River Be Saved From Its Own Beauty?"

That title sums up the problem we face. Professor Hill describes the dilemma as few other writers have. His obvious love for the Connecticut River and river valley seems matched only by his knowledge and thorough understanding of the problems that these great natural resources are burdened with.

It is encouraging to know that such a perceptive observer and dedicated conservationist is on our side in this matter.

Others will find Professor Hill's article informative and moving. I ask unanimous consent to have printed in the RECORD the article entitled "The Connecticut: Can the River Be Saved From Its Own Beauty?" which was published in the New York Times Sunday Magazine of January 12, 1969.

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

THE CONNECTICUT: CAN THE RIVER BE SAVED FROM ITS OWN BEAUTY?

(By Evan Hill)

For the last three years a 33-minute documentary film about the Connecticut River has been touring New England high schools and service clubs. Its narrator calls the river

"the world's most beautiful landscaped cesspool."

Not so; not so now, not so in the past and, because of such concern, it will never be in the future.

True, only a few sparkling spots remain where we can speak accurately of "the purity, salubrity, and sweetness of its waters," as did Timothy Dwight in 1837 when he wrote about the river: "This stream may perhaps with more propriety than any other in the world be named the Beautiful River."

But it is not a cesspool. It is merely polluted throughout most of its 410 miles, and it is this pollution that has saved its beauty. There is no necklace strand of wooden cottages strung along it as there is now strangling lakes and ponds only a few miles from it. There are no hot-dog stands or teetering pizza palaces garlanding its banks. It is beautiful, unsullied, unspoiled for the most part, but there are few who want to touch it. Sometimes when its flow is low and it cannot properly dilute the waste man dumps into it, its attraction to the eyes is overbalanced by its repulsiveness to the nose.

On a balmy August day last summer, a middle-aged New Hampshire hardware merchant went to picnic in a lush meadow at the junction of the Connecticut and the Sugar River near Claremont, N.H. "It was pleasant until we got to within 50 feet of the water," he recalls, "and then it smelled like a septic tank when it wasn't operating right."

Later, he thoughtfully proposed that "somewhere downstream they should build a great big septic tank and run the river through it."

In effect, that's what is happening to the Connecticut right now. It is being cleansed. As a result of recent state and Federal laws equipped with legal bite, municipalities and industry must stop dumping into it. Sewage plants are being built. Within six or seven years, the river will have regained much of its purity. Perhaps not enough to merit being called the Fresh Water River, as it was in 1614 when Adriaen Block, a Dutch explorer, discovered it. But certainly enough so that its purity will be a threat to its beauty.

As long as it stank, no one wanted to be near it for very long. But as soon as it runs sweet and clear again, there will be no need for anyone to keep his distance, and millions of Americans won't.

We have access to it. Seven interstate or limited-access highways serve the Connecticut corridor. I-91—one of the world's most beautiful highways especially in Vermont—follows the river for 224 miles north of Hartford; when completed it will leave the river at Barnet, once the head of the river navigation. I-93 runs from Boston through New Hampshire to the placid meanders of the upper river. Today the headwaters of the Connecticut are only about 10 hours from Manhattan, about five hours from Boston. When the interstates are finished, even that short travel time will shrink.

We will use those highways. Hungry for clean air and a clear view, we will burst out of the cities on weekends to taste the deep-lung bite of winter air, to smell the musty earth of a valley being born again in spring, to use the river's waters in the summer—swimming in it and skiing on it.

And there are enough of us close enough to the Connecticut to quickly turn the world's most beautifully landscaped cesspool into the world's most ugly landscape. Today more than six million persons live within 50 miles of the Connecticut. Greater Boston—with its 3.5 millions—is only 100 miles away. The mouth of the Connecticut with its clean salt marshes is less than 100 miles from the mouth of the Holland Tunnel. And we continue to breed.

Even so, it seems impossible that we could spoil it. There is so much of it. Dorothy Canfield Fisher once remarked that every Vermonter should celebrate Arbor Day by cutting down a tree—in order to get a view. Her comment seems justified. More than three-fourths of the 11,243 square miles in the Connecticut River basin is forested.

The man who flies the length of the river at 1,000 feet—as I have done—is awed by the enormous amount of unpeopled land below him. The efficient geometrical mosaic of farmer's tillage, the tufted texture of *gros point* cornfields, the miles of forest reaching past the horizon.

The beauty strikes you first. The meadows of Haddam are a delight, despite the town dump glinting in the sun as it tumbles into the river. Middletown swells around the river like the bulge in a boa constrictor, but it is inoffensive, especially when you know that its municipal wharf is a lawn, where a blue-uniformed policeman meets the river boats and slips their hawsers over a bulbous iron bullhead.

Hartford is less reassuring, webbed with bridges and gray concrete cloverleaves, spreading, smoking. But it's like a burl on a rock maple trunk; beneath its twisted gnarled bark there is a solid growth of hidden beauty.

You glide over Windsor Locks and its canal, twisting parallel to the river for 5.5 miles, four years in the digging with pick and shovel 140 years ago, and used by river freight until the steam railroad put boats out of business. Then past the shallow Enfield Dam, the first of 16 on the river. Hundreds of acres of tobacco land lie below you, shaded in summer by hundreds of acres of green cheesecloth stretched so high on stilts that a tractor can drive beneath the canopy.

The river meanders, flowing placidly, and it's so fine you want to buy it all and fence it in and invite people in to look at it. There are occasional jagged, cutting edges of esthetic corruption—the scars of gravel banks, burning town dumps on otherwise beautiful hillsides, ugly petroleum tank farms and rusty railroad bridges—but there are not many, and some are understandably needed, although you wish that industry could find ways to house itself in less offensive fashion.

The river sweeps north, broad and solid, and you think of earlier travelers, using the river itself as a highway, sailing it 300 years ago in 40-foot-long wooden ships, trading for beaver and otter pelts with Indians who met them in birchbark canoes. And the later men called "River Giants," feared in every saloon along the river's banks, from its mouth at Old Saybrook up to the dam at Windsor Locks. These thick-shouldered, heavy-drinking men poled the barges north. And now the diesel river boatmen who each year carry three million tons of cargo upriver, hauling to Hartford and waypoints, and half of this is fuel oil carried in tankers.

But you know the river is no longer important as transportation; highways parallel and straddle it. Its importance now is electric power—and recreation—and you look down on it with gratitude to nature and to man, who has spoiled it so little.

Then you are in Massachusetts, and you see Springfield and Chicopee and Holyoke ahead, bleeding into the river, staining it for miles with human and industrial corruption. (Later, a young Springfield native tells you, "If you swam in it, your arm would stick to your body; it's like glue.")

Like an ugly Rorschach blotch, the Springfield area population stains the valley, moving higher into the nearby hills and clinging there for air and view.

It is then you know the valley is in danger. You know that its size can't save it. Its beauty will kill it as soon as its bloodstream is pure again. The unplanned growth below you is proof that it always has been a pushover for fast-talking industrialists and land developers.

You think of the pizza slums of coastal Maine on the "scenic route" from Kittery to Kennebunk and the overlove lavished on large parts of Cape Cod, and you remember how beautiful these places once were. Then you know better than to underestimate the despoliation power of unchecked tourist affection, of unplanned development that allows otherwise sensible Yankees to plunder their own pride—their village commons and front yards, their own seaward views, their own white-painted piazzas.

To thwart such inevitable esthetic suicide, Senator Abraham Ribicoff three years ago began to campaign to save the river from itself. Last September, as a result of Ribicoff's efforts, the U.S. Bureau of Outdoor Recreation published a 92-page report, "New England Heritage," which had taken 22 months to prepare. It proposes a National Recreation Area for the river, with three new national parks. Two—one at the mouth of the river, and the other a few miles north of Holyoke—are to be in or near densely populated areas. The third site, despite its beauty, has very little population and negligible tourism—so far. It is in northern New Hampshire and Vermont, running for 82 miles along both sides of the river, almost to the Canadian border.

Other recommended Federal action includes the construction of about 200 miles of forest trail linked in two spots with the existing Appalachian Trail—near Hanover, N.H., and in New Hampshire's Presidential Range. In addition, the report proposes the delineating of certain existing river-valley roads in the four states as part of a "Connecticut Valley Tourway" which "would wind through country villages of great charm, across sparkling streams and picturesque coves, past many schools, including several of the nation's most honored colleges and universities, and near sites of considerable architectural, historic, archaeologic and geologic importance." Total estimated cost for the Federal efforts: $58 million.

Suggested state action includes the enlargement of Cockaponset State Forest in Connecticut, of the Mount Tom Reservation in Massachusetts and of state-owned forest lands in the Connecticut Lakes region of New Hampshire. In addition, the B.O.R. recommends two new state parks in Connecticut, two more in Massachusetts and two new interstate parks between New Hampshire and Vermont.

The report says that the beauty of the river "is threatened by the ever-growing appetite of Megalopolis for land and the shortsightedness of those who would fill and pollute the river."

How soon can the B.O.R. plan save the river—*if* it can? Even its most optimistic proponents know that it will be at least three years before a man with money in his hand can walk into a farmer's field to make him an offer on his land. Hearings must be held and legislation passed and eminent domain invoked when necessary.

But the report's authors hope for cooperation—a rare characteristic among Yankee landholders. They hope that individuals and corporations and town selectmen will work with state legislators and Federal officials to save the valley. Already some private conservation groups are considering the best way of merging their land holdings with the plan for the valley.

It is quite possible that the use of "scenic easement," a comparatively new and inexpensive way of preserving natural beauty, will be an efficient tool. In his latest book, "The Last Landscape," William H. Whyte, an authority on open-space conservation programs, explains that a scenic easement is the buying away from the owner of the land "his right to louse it up. . . . we acquire from the owner a guarantee that he will not put up billboards, dig away hillsides, or chop down trees; with a wetland easement, we acquire a guarantee that he will not dike or fill his marshland. Except for the restrictions, he continues to farm or use the land just as he has before; one of the main points of the

easements, indeed, is to encourage him to do just that."

How costly could this be, and how possible?

Drive north on I-91. Cross from Massachusetts into Vermont. Keep to sixty. Since there is little traffic, you can drive safely at that speed and still appreciate the magnificent scenery as you shoot north up the Connecticut River Valley. Swing down along the big arc around Brattleboro. Then up again. Watch now.

Here comes one of the greatest views of all, sweeping for miles ahead: Vermont on your left, the river churning slowly below you on your right, and the rising wooded hills of New Hampshire above it. White paper birch and pine. Hemlock. Spruce. Clean air; clear views. Open meadows rolling along the river's edge.

Then you see them. You can't miss, for you never were intended to. The outdoor advertising people call such a place "a good shot going around a corner." And ahead of you, on the unrestricted New Hampshire side of the river—at the end of one of the best "shots" in the world—are half a dozen giant billboards, some of them several hundred feet long, painted bright, Day-glo orange, lighted at night.

They are prohibited on the Vermont side. New Hampshire does not care; it does not legislate against them. To many travelers, having ridden miles along a soothing, advertisement-free highway, they are an impertinent, polluting effrontery. The manager of one Vermont inn advertised there admits that he gets "two to three letters a week from garden-club types," who probably never stay in a hotel anyway. But he says he gets more complaints from guests who want more signs to direct them. He's convinced he needs that sign.

Not long ago the Hanover Inn, owned by Dartmouth College, advertised on that particular "shot," but was shamed away and gave up its space. It did no good, however, for another client bought the board and is polluting the view right now.

Yet, there is a view other than the purist's. Travelers do need directions. And such "shots" are revenue producers. A New England outdoor-advertising company has said it would pay $1,000 a year on a 10-year lease, with a 10-year option, as land rental to the farmer who own the land supporting an offensive (and effective) sign now advertising baskets in that area. It is not known what that farmer earns from land rental now—and the signs do not interfere with his haying or grazing—but it may well pay his taxes, and if he has dickered sharply with the advertising man, it could send him to Florida in the winter. That's what he can earn by lousing up the land.

The cost of a scenic easement to stop this sort of thing is clearly negotiable; in many cases landowners donate easements simply because they oppose scenic pollution, or feel that in the long run, beauty is a hard-cash salable commodity. Others hold out for as much as they can get. Already 1,200 acres of the Blue Ridge Parkway in Virginia and North Carolina, and 4,500 acres of the Natchez Trace Parkway in Tennessee, Alabama and Mississippi have been protected by scenic easements.

It is too early now to assess the attitude in the valley about the proposed National Recreation Area. Many of those who will be directly affected have not yet read the study, although the original printing of 10,000 copies was exhausted less than four weeks after the plan was announced.

Committed conservationists support the plan with eagerness, especially in Connecticut where population pressure is greatest. Joseph N. Gill, State Commissioner of Agriculture and Natural Resources, says, "You can't make a mistake in buying land to preserve it for beauty and conservation. It can always be sold later, but after it's bulldozed, it can't be returned to what it was."

Valley residents in New Hampshire and Vermont, with much less population density, don't feel the pressure that exists in Connecticut and Massachusetts. Thus they are inconstant conservationists; they don't believe that Manhattanites will duplicate Manhattan in Vermont if permitted to.

All in all, the chances for a national recreation area along the Connecticut seem good. Senator Ribicoff plans to introduce enabling legislation into the Congress early in its next session. All major conservation groups and the natural-resources agencies in the four involved states support the plan.

And Connecticut will preserve the river no matter what happens in Washington. George Russell, director of administrative services in the office of the state's commissioner of agriculture and natural resources, says, "We are already filling in the spaces left open between the Federal proposals." The state plans to spend about $7 million on river land acquisition and development, and already has acquired 21 miles of the abandoned riverside Middletown-Old Sayrook line of the New Haven Railroad.

Andrew George, a real-estate agent in Colebrook, N.H., says that most north country residents in the region where one of the national parks is proposed, are totally unimpressed with the scheme. "Most feel that it'll take land from the tax base," he says, "that it'll bring in people who'll clutter up the place and won't bring money in."

The New Hampshire men now fretting about a smaller tax base are typical of taxpayers faced with Federal or state land-taking. But the problem for them is indeed minor. True, the Federal Government is unlikely to give the towns tax compensation, although it has at times in the past. But the anticipated land-taking—for boat access and campsites—along the northern stretch of the Connecticut is only 1,000 acres along 82 miles of river, Such land need not be highly taxed prime farmland or timberland. In addition, studies have shown that tax earnings from private lands near parks and preserves increase after land-taking. Potential buyers are willing to pay more when they know that the beauty of the land will be preserved because their neighbor is the state or Federal Government.

Mrs. John Hennessey Jr., of Hanover, N.H., disagrees with the plan's opponents. She is chairman of the Governor's Committee on Natural Beauty. "This proposal is here in the nick of time," she says, "and perhaps not even in the nick of time. If this doesn't happen, we'll have strip development along the river, with hot-dog stands and trailer parks and run-down boat-lunch sites and shoddy 50-cent-a-night camping spots. Unplanned development will devalue property in the whole valley."

But to know a river, you must travel on it, and perhaps the most recent experts on the whole run of the river—from the Canadian border to Long Island Sound—are 20 grade-school boys and six adults from Becket Academy in East Haddam, Conn. Last August they canoed 380 miles of the river.

For eleven miles south from Lake Francis to Canaan, Vt., they drank from the river, dipping it in their dripping hands over the sides of the canoe. Then "the muck and the sewage closed in," according to 13-year-old Michael Peters.

"We wanted to see a beautiful river," says 12-year-old Dunne Iannolillo, "but sometimes we wanted to quit because it was so ugly."

Below Groveton, N.H., one boy stepped thigh-deep in human excrement. One afternoon, after hours of paddling through dead fish and raw sewage, with toilet paper hanging from the paddles, 10 of the boys and two adults threw up. Off Norwich, Vt., they saw a beer-can dump, with thousands of cans tumbling into the water.

Off Holyoke "the yellow dye running into the river looked like vomit," according to young Iannolillo. Each day they used sand to scour the scum from their aluminum canoes. At the Middletown steam-generating plant of the Hartford Electric Light Company (which consumes 3,000 tons of coal a day) they felt the heat of the river's water on their bare knees as they knelt and paddled, and they recorded the surface temperature of the water. Above the plant, 72 degrees; at the plant's outlet, 88; a half-mile downstream, 76. At the Connecticut Yankee Atomic Power Company plant at Haddam Neck, they felt the heat again. Ninety degrees at the mouth of the plant's spillway; 88 degrees a half-mile out into the wide stream.

They counted 23 town dumps on the river, and an uncountable number of private dumps. Three of the boys, assigned to count sewers, gave up on the second day. "There were just too many; we wondered if we could count that high," says 13-year-old Mark Lavigne. They paddled around wrecked automobiles dumped into the river. A man in an airplane, even as low as 1,000 feet, or driving along the river's bank, does not often see such things.

But he also does not truly sense the essence of the beauty of the river. Sidney I. DuPont, the 27-year-old teacher who directed the trip, says that "canoeing the Connecticut is like running through a chute of wilderness. You know that roads are up on the banks, but you don't see them because of the trees between you and the roads. You almost never see anything but river and sky and forest. You rarely hear anything but birds."

The boys saw deer drinking at the river's edge. An American bald eagle hovered over them as they drifted, gawking skyward. They say pintail ducks and heron, watched muskrat and otter ripple the river as they swam nearby. In the dusk they saw beaver and heard them thunder their tails against the water in warning.

Young Mike Peters soon learned that the river is as erratic in its cleanliness as are the people living on its banks. "It flushes itself out every so far and becomes clean." he says, "just in time for another town to pollute it again." (A river cleanses itself by diluting pollutants until they are harmless and by bacterial action on biological wastes. This action robs the water of oxygen, but the river aerates itself in rapids and by absorption of oxygen at the surface of the water.)

The Connecticut is not erratic in its beauty. DuPont, who has canoed six other New England rivers besides the Connecticut, calls it "the most beautiful I've ever canoed. It's clean to Groveton and Lancaster. Then bad for 30 miles. Then it cleans itself and for about 150 miles from Wells River, Vt., to Northampton, Mass., it's swimmable. I'd swim in it. Then it's very bad from Holyoke to Windsor. After that it starts cleaning up because of the tides that reach up more than 50 miles past Hartford.

"If Holyoke, Springfield, Chicopee, Groveton and Lancaster would stop dumping, the Connecticut River everywhere would be sweet and pure," he says.

If that is all it will take to clean the river—and Christopher Percy, executive director of the Connecticut River Watershed Council in Greenfield, Mass., says that DuPont's statement "is so close to being true, leave it as it is"—then the valley can be ruined sooner than we fear. DuPont saw it at its worst, when its flow was lowest, and he was enraptured by what he saw. Other months are better.

Twelve-year-old Anthony Dickey certainly remembers the beauty of the river along with its occasional ugliness, and he's impatient. "It's like killing the United States to make that valley ugly," he says. "Everybody should do something!"

True, everybody should, but will they? Everybody never has before. Indeed, why should they if doing something will cut off land rentals for giant billboards, or keep the bulldozers off the hillsides?

On the other hand, if little Mike Peters is right, there's a good reason to save the beauty of the Connecticut. "A river," he says softly, as he remembers his canoe trip, "a river forms life. It provides peace. It's life running along."

THE 19TH OLYMPIAD

Mr. MANSFIELD. Mr. President, the 19th Olympic games, held in Mexico City last October, are history. In terms of sheer size and record-shattering performances, the 1968 games were spectacular. More than 7,500 athletes from 112 nations competed at an altitude which was unprecedented for an athletic event of this stature.

Our American Olympic team performed magnificently. Every fifth medal was awarded to an American athlete. But other nations did well, too, including host Mexico with nine medals, a record for that country.

Despite dire predictions about the effects of the rarefied air of Mexico City, tragedy was averted, records fell, and glory accrued to those who shared in the 526 total medals awarded. In a larger sense, glory accrued to the host nation for assuring that the dire predictions were ill founded.

Mexico spared no effort to make the 1968 Olympic games the most successful ever. Shirley Povich, the respected sportswriter for the Washington Post, wrote:

> Mexico topped Tokyo, Rome and every other Olympic site for beauty of its installations and friendliness toward visitors.

I salute President Diaz Ordaz, his Olympic committee, and the people of Mexico for their achievement, and I ask consent that several articles describing the Olympic games be printed at this point in the RECORD.

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

UNITED STATES FINISHES WITH 107 MEDALS—80,000 WATCH OLYMPICS CLOSE

MEXICO CITY, October 27.—The controversy-riddled 1968 Olympic Games closed tonight with a burst of color and pageantry before a sombrero-waving crowd chanting college-style yells.

More than 80,000 jubilant fans, chanting "Mexico, Mexico, Mexico," saluted the flags and athletes of 112 nations at the finish of a record-shattering 15 days of athletic competition on this 1½-mile-high plateau of the ancient Aztec world.

To the strains of "Las Golondrinas," a traditional Mexican song of farewell, the Olympic flame atop the Olympic Stadium was extinguished and the giant scoreboard flashed "Munich 72" in tribute to the next Olympics.

For the United States, the games marked a return to the top position in amateur sports. After trailing Russia in total medals won for three straight Olympiads, the Americans regained the unofficial—but much-coveted—over-all team championship.

The U.S. collected 107 medals, including 45 gold. Russia, dropping to second place, won 91 medals, including 29 gold. The U.S. total was the highest ever for one nation in one Olympiad.

FINAL MEDALS

	Gold	Silver	Bronze	Total
United States	45	28	34	107
Russia	29	32	30	91
Hungary	10	10	12	32
Japan	11	7	7	25
East Germany	9	9	7	25
West Germany	5	10	10	25
Poland	5	2	11	18
Australia	5	7	5	17
Italy	3	4	9	16
France	7	3	5	15
Rumania	4	6	5	15
Czechoslovakia	7	2	4	13
Great Britain	5	5	3	13
Kenya	3	4	2	9
Mexico	3	3	3	9
Bulgaria	2	4	3	9
Yugoslavia	3	3	2	8
Denmark	1	4	3	8
Netherlands	3	3	1	7
Iran	2	1	2	5
Canada	1	3	1	5
Switzerland	0	1	4	5
Sweden	2	1	1	4
Finland	1	2	1	4
Cuba	0	4	0	4
Austria	0	2	2	4
Mongolia	0	1	3	4
New Zealand	1	0	2	3
Brazil	0	1	2	3
Turkey	2	0	0	2
Ethiopia	1	1	0	2
Norway	1	1	0	2
Tunisia	1	0	1	2
Belgium	0	1	1	2
South Korea	0	1	1	2
Uganda	0	1	1	2
Argentina	0	0	2	2
Pakistan	1	0	0	1
Venezuela	1	0	0	1
Cameroon	0	1	0	1
Jamaica	0	1	0	1
Greece	0	0	1	1
India	0	0	1	1
Taiwan	0	0	1	1

Athletes from all around the globe broke ranks and spread toward the stands at the end of tonight's closing ceremonies.

Blacks and whites, some of them in flowing African robes and others in natty sports attire, rushed toward the stands, waving hats and raising their hands in friendly salutes.

Moment's earlier, Avery Brundage, 81-year-old president of the International Olympic Committee, had stood on a small stand in the center of the infield to proclaim the end of the 19th Olympiad and summon the athletes of the world to meet in the German city in 1972.

At the conclusion of the final parade, students and gaily dressed Olympic hostesses poured from the stands to join athletes in striding arm and arm around the infield.

It was an emotional sight, one in marked contrast to bloody incidents prior to the Games when rebellious students clashed with government forces in riots which caused scores of deaths, hundreds of injuries and thousands of arrests.

There had been fear that similar riots might disrupt the competition among more than 7500 athletes, but the threat never materialized.

The U.S. delegation for the closing was a stunning one—seven athletes who won here a total of 12 gold medals.

Carrying the U.S. flag in the parade around the running track of the stadium was Al Oerter of West Islip, N.Y., who won the men's discus throw—thus becoming the first athlete in Olympic history to win the same event in four stright Olympiads.

Marching in the parade of athletes were Wyomia Tyrus of Griffin, Ga., winner of gold medals in the women's 100-meter dash and women's 400-meter relay; Debbie Meyer of Sacramento, Calif., winner of three individual gold medals in swimming; Charles Hickcox of Phoenix, Ariz., winner of three gold medals in swimming; Army Lt. Gary Anderson of Axtell, Neb., gold medalist in free rifle shooting; Army Lt. Mike Silliman of Louisville, Ky., member of the unbeaten U.S. basketball team, and George Foreman of Pleasanton, Calif., who capped the whole show for the U.S. Saturday night by technically knocking out a Russian rival to win the heavyweight boxing title.

MARKED BY CONTROVERSY

The Games had been marked by controversy almost since the time they were awarded to Mexico. There were dire predictions that Mexico City's 7350-foot elevation would prove disastrous to athletes and produce sub-par performances.

There were no fatalities, although there were many exhaustion cases. And never before have so many world marks fallen in one Game—no less than nine in men's track and field and six in women's, and one tied in each. Five world marks fell in swimming.

For the U.S., the Games were marked by the outbreak of a racial dispute, triggered when medal-winning runners Tommie Smith and John Carlos gave a black-power gesture during the medals ceremony. Smith and Carlos were subsequently dropped from the U.S. team.

America's swift track men, its youthful swimmers and its basketball team were the stars in the collection of its 107 medals. The swimming team alone won 23 gold medals.

Russia, with its huge team of 401 athletes, simply was no match for the Americans and suffered one of its most disappointing performances since entering Olympic competition in 1952.

The Russians' medals were earned largely in gymnastics, boxing and canoeing, and their women failed to win a single gold medal in track and field and their track men fell below the medal collection of little Kenya, which won nine.

The final competition ended shortly before the closing ceremonies and in it Canada won its only gold medal of the Games as Jim Elder led the Maple Leaf team to victory in the Grand Prix equestrian event.

The Canadians, not included among the favored teams when the competition opened, scored 102.75 points to win from France, 110.50, and West Germany, 117.25. The U.S. lost the bronze medal by a mere 0.25 point.

The Canadian team was made up of Elder, who rode The Immigrant, Jim Day, on Canadian Club, and Tom Gayford, on Big Dee.

HARRIS WINS BOXING TITLE

The 19-year-old Foreman's victory over Russia's Ionas Chepulis for the heavyweight boxing title came shortly before midnight Saturday and gave the U.S. its fifth gold medal of the final full day of competition in the Games.

Earlier, Ronnie Harris of Canton, Ohio, decisioned Jozef Grudzien of Poland to take the lightweight title. The third U.S. finalist in boxing, Al Robinson of Oakland, Calif., was disqualified for butting in the second round and Mexico's Antonio Roldan, bleeding from a cut over one eye, was awarded the featherweight gold medal.

Robinson won an appeal today and was awarded the silver medal which had been withheld because of his disqualification.

THREE SWIMMING VICTORIES

The other three U.S. gold medals were won by the swimming team. Michael Burton of Carmichael, Calif., set an Olympic record of 17:01.7 in winning the men's 1500-meter freestyle from teammate John Kinsella of Oak Brook, Ill., and two U.S. relay teams won in record time.

The men's 400-meter medley team of Hickcox, Don McKenzie, Doug Russell and Ken Walsh turned in a world record 3:54.9 in beating the former record-holding East German team.

The women's 400-meter freestyle team won in 4:03.5 for an Olympic record. Swimming for the U.S. were Jane Barkman, Lina Gustavson, Sue Pederson and Jan Henne.

[From the Washington Star, Oct. 8, 1968]

ON TO MEXICO—THE 19TH OLYMPIC GAMES

(By Ben F. Carruthers)

Mexico this season presents a panorama so extensive, so varied and wide ranging that an encompassing view becomes a most worthwhile effort for all who are interested in travel. For this reason, we have decided to glimpse this ever-changing picture in two installments. First we offer the story of the XIX Olympiad, October 12–27, in Mexico City and other important parts of the country, where this year in addition to the well-publicized athletic events, the cultural Olympics will be restored to the prominent position it held during the original games.

Despite the world's troubles immediately preceding the opening ceremony (held on the 476th Anniversary of the landing of Columbus), universal attention was drawn on August 23 to the rekindling of the Olympic flame from the sun's rays at Olympia in ancient Greece, site of the original Olympic games. Thereafter, the flame made a 7,000 mile journey by land and sea via Italy, Spain and the Canary Islands to Mexico. Thousands of swift Mexican runners, after receiving the flame at Vera Cruz, followed the path of Hernán Cortes westward by relays 400 miles or more over the mountains up to the Valley of Mexico, 7,500 feet above sea level, to kindle the torch at the Olympic Stadium in Mexico City. Now aflame there, the torch will burn until the closing ceremony of the athletic competition October 27.

Drawing upon the riches of her 10,000-year-old civilization, Mexico provided a uniquely dramatic note to the pre-inaugural. Before moving on to the Olympic Stadium at the National University of Mexico, a magnificent ceremony was arranged at the ancient city of Teotihuacán, where the majestic Pyramids of the Sun and Moon, predating Aztec times, preside over impressive archeological excavations rivaling anything in Greece.

Teotihuacán was illuminated for the Aztec Ceremony of the New Fire in accordance with the Aztec calendar, dividing time into 52-year cycles. A brilliant mass pageant was arranged recapturing the grandeur of Mexico before the advent of the Spanish conquerors.

Amalia Hernández, director of the world-famous Ballet Folklórico de Mexico, organized this spectacle in the Plaze de la Luna facing the Pyramid of the Moon. A thousand dancers, flanked by impersonators of the principal gods of Aztec mythology, performed from sundown until the arrival of the Olympic flame from the east. Quetzalcoatl, god of the dawn (whose symbol is the feathered serpent), Tlaloc, god of rain, and Huehueteotl, god of old age, richly garbed and accompanied by imposing retinues, presided over the ceremonies from the summits of the Pyramids of the Sun and Moon.

Mexicans view the Olympics as a symbol of international, interracial and intercultural cooperation among all men. In this spirit they willingly agreed to exclude racist South Africa despite her promises to integrate her Olympic team racially and abide by the non-discriminatory policies of the Olympics and of the host country. Moreover, Mexico withheld visas from Rhodesians on the same ground. As a nation which has largely overcome race prejudice, Mexico hopes that her Olympic guests, athletes and spectators will obey the "house rules." The entire organizing and planning of the 1968 Olympics has been in the capable hands of the Organizing Committee of the Games of the XIX Olympics, whose president is the noted Mexican architect, Pedro Ramirez Vazquez.

The Olympics will draw some 8,000 participants from 119 countries, 25 nations more than ever before attended the games. The competitors, their trainers, officials and press representatives will be housed in a brand-new, high-rise Olympic Village on the outskirts of the metropolis. The canny Mexicans built this Village so that it may be converted into apartments immediately after the Olympics and there are no doubt several thousand would-be permanent occupants on the waiting list already.

Understandably proud of having been appointed as host to the Olympics, Mexico has gone all-out in new construction, placing the universally-recognized talents of her leading architects, muralists and sculptors at the service of the great occasion. Everyone who has visited Mexico knows that there are few countries in the world which have made greater contributions to the plastic arts over the past quarter-century.

Building a World's Fair could hardly have been more ambitious than the work which went forward in Mexico for the Olympics. But apparently, even this was not enough. Mexico City, now second city of the Hemisphere, with more than six million inhabitants, is also constructing a huge new subway system and will open the first line next July—a ten-mile stretch from the International Airport to the Avenida Chapultepec "midtown." The authorities entrusted this construction to the engineering geniuses who constructed Montreal's magnificent new subway, a model for the world, where the trains run on rubber tires! In Mexico, however, there are many more problems since the entire city sits on a lake bed of mud and porous rock. Gigantic metal tubes, reinforced all around, will contain the tracks and stations and even permit trains to reach speeds of fifty miles per hour.

But the soft lake bed is not the only construction difficulty. Modern Mexico City sits above half-a-dozen previous metropolises including the great Aztec capital of Tenochtitlán which Hernán Cortes conquered early in the Sixteenth Century for the King of Spain. Subway excavation is proceeding with great regard for possible archeological discoveries and an electronic gadget has been used ahead of drills and earth-movers to detect metal and stone artifacts and other remnants of previous civilizations. The result has been warehouses filled with choice examples of these great Indian civilizations, some of which will become prize exhibits in the country's archeological museum, already the world's greatest.

The new Olympic installations—ranging from Mexico City to Acapulco where sailing competition will take place—are modern and commodious, fully equipped with the latest in telecommunications and electronics. The Olympic Stadium, where track and field events will be held, now seats 80,000 and is equipped with an ultra-modern lighting system for night events.

Soccer, the most popular sport of Europe and Latin America, and now fast growing in the United States, will be played at gigantic Aztec Stadium which seats 106,175! This magnificent creation is some three miles from Olympic Village and one of its most remarkable features is a drainage system so efficient that the field may be used one minute after a heavy downpour!

Although numerous track and field records are as a rule established at each succeeding Olympics, it is doubtful that many new marks will be set in Mexico City because of the high altitude, which is difficult for many ordinary people but perhaps also somewhat inhibiting to athletes, especially those who come from lowlands. For this reason, some of the leading contenders for Olympic medals have been training for months at comparable altitudes in their home countries. Members of the United States team, for example, have been spending a good deal of training time on the slopes of the Rockies so as to accustom their metabolisms to the Mexican heights.

On the other hand, the altitude should present no problem to such athletes as Abebe Bikila of Ethiopia, record-holder, and gold medal winner for the grueling marathon event in both the 1960 and 1964 Olympics.

This will be the third time the modern Olympic Games have been held in the western hemisphere and the first time they have been held in Latin America.

When she was named host country for 1968, Mexico decided to restore the cultural Olympics to the prominent place they held in ancient Greece alongside the athletic events. Accordingly, 31 countries accepted invitations to participate by sending representatives of their best in the lively and plastic arts. The total number of events listed is 145 ranging from nine classical ballet companies from around the world to three internationally known jazz combos. Most of these events are taking place in the Palacio de Bellas Artes, a building repleat with Mexican marble and onyx, which opened its doors in 1934 as one of the world's most ornate opera houses.

The auditorium of Bellas Artes is in such demand for use that performances are frequently given several times each day. On Sundays, for example, Mexico's own Ballet Folklórico frequently performs at 9 a.m., noon and in the evening. Fortunately, there are two companies. One is usually in residence while the other travels throughout the world. Offshoots of this successful venture, the Ballet of the Five Continents and the Ballet of the Americas also give performances at Bellas Artes.

Aside from Bellas Artes, numerous other auditoriums have been taken over for cultural events related to the Olympics. Aside from the classical ballet and jazz combo events, the season will have included the following: four opera companies including the Berlin Opera; seven symphony orchestras including the famous Hall's Orchestra from Britain, and the Paris Symphony; ten chamber ensembles including Moscow and Brussels aggregations; eight modern ballet companies (Martha Graham, Merc Cunningham, Maurice Béjart, etc.), eleven folkloric dance groups including eminent representations from the Philippines, Spain, Yugoslavia, Rumania and Argentina; thirteen theatrical groups from Japan, France, Greece, Germany, Britain and other countries, as well as Mexico herself.

Plastic arts from the United States, Ecuador, Bolivia, France, Great Britain, Cuba, Central America, Argentina, Japan, Yugoslavia, Italy, Peru and many other countries will also have been displayed during the latter half of 1968.

Aeronaves de Mexico, the Mexican national airline, is the official international carrier for the XIX Olympics. It has up-to-the-minute DC–8 and DC–9 equipment; flies from Los Angeles, Tucson and Phoenix from the western U.S.; from Houston, Detroit, Miami and New York farther east. Within the country it provides service to most of the important cities with frequent efficient service to such important tourist destinations as Acapulco and Guadalajara, besides service to many international points. The line maintains information and booking offices in the United States, in Boston, Detroit, El Paso, Hartford, Houston, Los Angeles, Miami, Newark, Phoenix, San Diego and San Francisco.

Few cities in the world have developed as many new hostelries as has Mexico City over the past 15 years. One of the most popular is the Continental Hilton at the corner of Paseo de la Reforma and Insurgentes Avenue. In Guadalajara there is a sister Hilton. Both have excellent cuisines, shopping facilities and rooftop nightclubs or "Belvederes" affording splendid views of the two cities. We have been guests at both and recommend them highly.

The next article will deal with Mexico's attractions other than the current Olympiad and give special attention to Mexico City and Guadalajara.

[From the New York Times, Oct. 8, 1968]

AT THE OLYMPIC VILLAGE

(By Arthur Daley)

MEXICO CITY, October 7.—The bus was filled with athletes as it made ready to take off from the enclave of the Olympic Village. Through the open windows came the haunting beat of drums and the plaintive wail of musical instruments, unfamiliar but giving rhythmic pleasure to the ear. Feet had to respond and so there was dancing in the aisles.

Gleaming smiles of the Africans aboard the bus shone as brightly as the Mexican sunlight and happy hearts responded with song. This was only a fragment of the many joyous scenes that seem to give a new significance to both the idea of an Olympic Village and to the Olympic movement that sponsored such a scheme for fostering amity among nations, athletic division. The United Nations should do even a fraction as well.

Scores of athletes frolicked in the swimming pool in the center of the recreational area that gives this Olympic Village something of a country club look. Hundreds more were sun bathing, including a few damsels in rather discreet bikinis. Thousands of local citizens streamed through on rubbernecking tours, gawking in wonderment at the kaleidoscopic display that flashed constantly before their eyes. Muscular young men paraded past in varicolored pullovers, the identity of each country lettered on the back.

NO INTERPRETERS

Some needed translation because countries do not necessarily follow an American—or even a Mexican—geography book or spelling. Some were as we were taught in school—Korea, Thailand, Israel, Ethiopia, Afghanistan, Uganda and so many others. But Suisse is Switzerland, Norge is Norway, R.A.U. is Egypt, Suomi is Finland, Turkiye is Turkey, Polska is Poland, CCCP is the Soviet Union and CSSR is Czechoslovakia. The Czechs by the way looked right through the Russians and never saw them.

This international sports festival is monstrous in its expanse and these are particularly light-hearted days, marked by camaraderie and the friendly mixing of the athletes of many nations. The tension will not start mounting for the competitors until Saturday's opening ceremonies approach.

If nothing else, those who criticized the award of these Olympics to Mexico City have been silent. The organizing committee here has done a magnificent job.

"These may be the finest facilities ever," said Douglas Roby, president of the United States Olympic Committee and also a member of the International Olympic Committee.

"I'd been to 13 Olympics," said Dan Ferris, the patriarch of amateur sports, "and I don't think I've seen anything to match the job the Mexicans have done."

When I saw the Olympic Village last November, the housing units were concrete shells, still struggling to rise from desolate piles of earth. Now they are sleek, handsome apartment buildings that will become middle-class condominums, so attractive that every one already has been sold.

Of all the Olympic Villages I have seen over the years, this is the most compact and perhaps the most artfully landscaped. It doesn't have the bus service that facilitated movement within the walls as was the case at Tokyo and Rome. But that's a minor complaint. Security soon will be tightened, now that there are so many more athletes and journalists.

THE WRONG CARD

Yesterday, for instance, I arrived with another typewriter pounder. He flashed his green identity folder at the guardian of the portals. Mine was inside my wallet. The only thing I had showing was a baseball writer's card. He glanced superficially at it.

"Hokay," he said, waving us in.

Tens of thousands of Mexicans wait patiently outside every day, standing in line for the escorted tours. There is pride of achievement in every face. And rightly so. But the traffic jams in the vicinity of the village are appalling. One shudders to think what it will be at the Olympic stadium when the games begin. At the moment, Mexico City is totally serene—except for the highways.

Before the Tokyo Olympics the police made a deal with the gangsters and established a truce for the duration. The Mexican police are less trusting. They've rounded up every known pickpocket they could find and clamped the light-fingered gentry into the jug.

[From the New York Times, Oct. 8, 1968]

U.S. TEAM WELCOMED TO OLYMPIC CITY IN FLAG-RAISING RITES—THREE OTHER NATIONS JOIN IN CEREMONY—DELEGATIONS FROM BURMA, COSTA RICA, HONG KONG LIFT NUMBER IN MEXICO TO 102

(By Joseph M. Sheehan)

MEXICO CITY, October 7.—Three hundred brightly caparisoned United States athletes and officials stood proudly erect this morning in the Plaza de las Banderas at the Olympic Village as the Stars and Stripes was raised.

In a stirring, colorful ceremony signalizing their official presence here for the games of the 19th Olympiad, the delegations of Burma Costa Rica and Hong Kong also hoisted their flags.

Today's four additions brought to 102 the number of national banners flying from the lofty white flagpoles that encircle the verdant plaza atop a rocky plateau that overlooks the eye-catching attractions of Mexico City's superbly equipped Olympic Village.

United States Ambassador to Mexico Fulton Freeman and Douglas F. Roby, the president of the United States Olympic Committee, collaborated in hauling up the United States flag hand-over-hand, as a Mexican army band played "The Star-Spangled Banner."

During the flag-raising, the entire United States squad, with subdued voices that brimmed with prideful emotion, sang the National Anthem. Bystanders, who had witnessed the previous flag-raising ceremonies here, said no other team had sung its anthem.

AMBASSADOR GREETS SQUAD

Then, after accepting the official bienvenidoes (welcomes) of Francisco Javier Miranda, the governor of the Olympic Village, Roby and Ambassador Freeman addressed the American squad.

Said Roby: "We are proud of this team. We feel confident that we have, for these Olympics, the finest team we have ever organized."

Ambassador Freeman told the American team, "individual prowess is important but team spirit is even more important. I urge you to make one for all and all for one your team motto."

The United States contingent assembled in military array just outside the modernistic administration building at the village's main entrance and, four abreast, marched the quarter mile to the Plaza de las Banderas.

Julian K. (Dooley) Roosevelt of Center Island, L.I., the treasurer of the United States Olympic Committee, led the parade, which was organized by Col. Donald Miller, the United States' Army's representative on the committee.

The girl members of the team, strikingly attractive in bright red jackets, white collarless blouses, royal blue skirts and white pumps, led the march. The men, in blue ties, glen plaid lightweight slacks and black loafers, followed.

The bright Mexican sun was no brighter than the happy smiles of the athletes who, for the most part, were on the threshold of the most meaningful experience of their young lives.

There was a few absentees among the athletes but they indicated dedication to do a job here rather than lack of interest in the niceties of Olympic protocol. For example the basketball team, which arrived yesterday, was eager to get to work and had a conflicting workout scheduled. So did the oarsmen, who have been working out regularly mornings at the distant course of Xochimilco.

The United States team will be complete with the arrival of the contingent by chartered jet from Denver tomorrow afternoon.

Meanwhile, in downtown Mexico City, the International Olympics Committee opened a scheduled pregames meeting. Before a large audience in the National Auditorium, which included President Gustavo Diaz Ordaz of Mexico, Avery Brundage of Chicago, the embattled 81-year-old I.O.C. president, made a ringing defense of the Olympic movement.

"The I.O.C. may be undemocratic," Brundage said, "but its members, pledged to the Olympic ideal above their own countries, have conducted the games with greater success each time.

"Many of our problems are the result of our own success," he added, citing that "many of the problems of the world have been dumped on the doorstep of the Olympic movement."

He specifically mentioned China, Germany, Korea and Vietnam, divided countries in which disputes have long raged over Olympic representation.

MEXICO SHOWS HER MUSCLE IN CULTURAL OLYMPICS

(By Jack McDonald)

MEXICO CITY.—You may come for the 19th Olympiad and stay for the cultural events.

After you've descended from one of the 105,000 seats in the Olympic Stadium, there are 20 cultural festivals to lure you—concerts, folklorica ballets, art exhibitions, theater, sculpture, basket-weaving, poetry recitals, parades, dancing in the streets and—hold onto your rockets—nuclear and space exhibits.

Mexico is the first Latin-American country to stage the Olympics. As host, she will conduct cultural events on a broader scale than any since the Games were revived in 1896. So much emphasis is being put on culture and youth, that some sports purists already are complaining that Mexican newspapers are giving culture more space than athletics.

A TRADITION

But the Organizing Committee, headed by Pedro Ramiro Vasquez, an architect who designed the huge Azteca soccer stadium, as well as the magnificent Anthropological Museum here, counters that the very founder of the modern Olympics, Pierre de Coubterin, the Frenchman, always contended the Games were not only for development of muscular strength but also for the education of youth in moral, intellectual and artistic fields.

So Mexico is thinking culture more than sports. Cultural events, with emphasis on youth and folklore, can be seen many places during the Games—in Chapultepec Park, the plazas, the opera house, the National University auditoriums, concert halls, on parade grounds of the Zocalo and even in the streets.

You'll not see such headlines as "U.S. Nabs Gold Medal in Poetry." Nor "Mexico Cops First Place in Ballet and Basket-Weaving." No prizes or medals are awarded in the cultural division.

U.S. EVENTS

The U.S. will participate in all 20 cultural events. American folklore, from New Orleans jazz to Eskimo dancing, will be presented in city parks and concert halls. Everything from Appalachian mountain clog dancing to "soul music" will be staged.

Which of the 20 cultural events will be

the most outstanding? This depends on your line, but it could be the Folklorica ballet. By temperament and tradition, Mexicans excel in this. A recent Olympics preview in Colima, produced and enacted by university students in a city of only about 100,000, saw ballet with a professional touch.

Each competing country of the more than 100 in the Olympics is sending fine art works as well as athletes to Mexico City. International sculptors have fashioned themes based on youth. The cultural aspect has brought a daily rash of artistic creations—hymns, poems, drawings, sculptures—monuments to youth and handicraft.

The festival of the Masses, part of the cultural program, will be staged in the Zocalo Plaza and will include a folklorica parade, costumes and music, a tableau with 1000 children and flags. Senora Rosa Reyna, the choreographer, is with Ballet Folklorica and she collaborated with Josefina la Valle, director of the Mexican dancing company on this pageant.

Mexicans believe their country's prestige as a modern nation is at stake. "If we are successful it will be because everyone connected with these cultural events has treated them with a sense of patriotic mission," says Vasquez.

One event in the cultural program will be the International Reunion of Poets. Robert Lowell, American, one of the 11 most noted modern poets has written one on the theme of international brotherhood and better understanding between nations. He will recite it in the National University Auditorium.

For the Ballet of the Five Continents, choreographer Alven Ailey has created a series of dances to traditional American Negro music.

There will be an Internation Festival of Sculpture in which Todd Williams will join with 17 other internationally famed sculptors, one of whom, Alexander Calder, designed a 70-foot-high steel structure named "Red Sun," which will be on display in Azteca Stadium.

The International Exhibit of Modern Art will display traditional and contemporary crafts of North American Indians—ceramics, sculpture, painting, jewelry and textiles.

Carrying out the youth theme, the Festival of Children's Painting will be held in Chapultepec Park. The Children's Art Gallery of New York is organizing U.S. participation in this event. Children from all over the U.S. competed. The best murals will be chosen and four children will be selected to come here for the showings.

The Martha Graham dance company leads an impressive list of concerts, art exhibits and dance recitals. Other headliners include Duke Ellington's orchestra and the Merce Cunningham dance company.

Rounding out U.S. participation will be an Apollo space capsule and an exhibition by the John F. Kennedy Center for the Performing Arts. Project Plowshare will show how nuclear energy can be used in mining and the construction of harbors and canals. The Exhibit of Space Research will be extensively illustrated by the U.S. Space Administration. Models of the Ranger, Mariner, Surveyor and Tiros will be shown, with American astronauts giving lectures.

[From the New York Times, Oct. 27, 1968]

ALTITUDE HAD LITTLE EFFECT ON OLYMPIC COMPETITION

(By Joseph M. Sheehan)

MEXICO CITY, October 26.—Now that the Games of the XIX Olympiad are about to end, what effect did Mexico City's high altitude (7,350 feet) have on athletes and their performances?

Even the viewers with alarm, who made dire predictions before the Games opened that competing so high above sea level would cause permanent damage to the health of many athletes, left here convinced that was not the case.

As to performances, they generally exceeded expectations, although the also-expected drop below normal levels occurred in the longer races and in events calling for continuing sustained maximum effort.

At Olympic Village today, Dr. Daniel Hanley of Bowdoin College in Brunswick, Me., the head physician of the United States team, paused in the job of packing his tons of equipment for shipment home and discussed the effects of altitude.

"There is not a shred of evidence that the altitude had any harmful after-effects on the athletes from all the nations who had participated here," he said. "Nor was any expected because we had researched this subject most carefully, starting as far back as 1964.

"Performances, we thought, were generally good. Who, for instance, ever would have dreamed that a man would long jump 29 feet 2½ inches here, as Bob Beamon did? And there was a bonus value in Kipchoge Keino's Olympic record of 3:34.9 in the 1,500 meters. That was one mark we thought would be unreachable.

"Our studies led us to conclude that at this altitude continuous maximum effort could not be sustained for a greater period than two minutes.

"Keino surprised us on that point. But the fact that he comes from Kenya and trains and lives the year round in high altitudes unquestionably had much to do with it.

"There's no doubt that athletes accustomed to high altitude had an advantage and that athletes from sea-level countries performed below their best capabilities in the distance events in both track and swimming, and particularly in rowing, which is the hardest test of all, because of no letup.

"The reason for this is that at this altitude they couldn't take in enough oxygen to fuel the glycogen (sugar) that makes their muscles work in sustained effort events.

"But with a high carbohydrate diet, good conditioning and acclimatization such as we had in our four weeks of pre-Olympic high-altitude training, no athlete had any reason to fear competing here. The reasons for so doing, were psychological rather than physical.

"We had perhaps a few more than the usual number of minor ailments. But that was attributable to other reasons than the altitude, I feel, we get that at Bowdoin and, in fact at any college, when the students get back in the fall.

"Viruses from New Jersey, Arizona, Alabama, California and wherever get to intermingling and get to affect systems that have not had a chance to develop immunity to them back home.

"It's the same thing here at the Olympic Village on a vastly larger scale. You can't expect to bring together thousands of people from more than 100 countries and not have a lot of colds, stomach disorders and the like.

"But all things considered, altitude was even less of a problem than anticipated."

[From the New York Post, Oct. 30, 1968]

WORD TO THE WISE

(By Gene Ward)

Hasta Luego . . . Arriverderci . . . Au Revoir . . . So Long, Mexico City, Oct. 29.

The Athletes of the world are saying goodbye to each other and to Mexico in a hundred different languages here today, and the Greatest Olympiad of all time now becomes just a memory.

But it is a memory which Mexico and its people will carry forever. The Olympic Games have left an indelible mark on the emerging nation. What Mexico and its people accomplished gives them a massive shot of confidence for the future.

Records were shattered right and left, and not only in the competitive events. The architectural splendor and imagination of the arenas, stadia and other facilities had to be a record. The city's muy magnifico decorations, especially those the length and breadth of Paseo de La Reforma . . . The vivid, warm colors . . . and the friendliness of the people . . . those, too, had to be Olympic records.

I'm certain that traffic jams shattered all Olympic standards, and I'm equally certain that never in the history of the Olympics has there been an emotional jamboree such as the one Mexican youth put on after Sunday's ceremony which marked the end of the games.

GAYETY SPILLED OVER INTO OLYMPIC VILLAGE

That's what touched it off, the grand finale at Estadio Olimpico. It spilled over into the Olympic Village and wended its way the length of the Reforma. Grizzled journalists, some of them veterans of the V-E Day celebration in London, stood on the sidewalks and gawked at the show which went on all night.

It was youth rioting, but friendly, boisterous rioting. Traffic was snarled all over the downtown area as thousands rode the streets in cars, on the hoods of cars and hanging on the backs of cars.

The motif of the clamorous night was the cheer—"Me-hi-co"—followed by three honks on the horn in the same cadence, as the three syllables of the cheer.

Early in the morning, the reveling horde poured into the Olympic Village, where the athletes were housed, and cheered them with a huge "serenata," with the singing and playing of "Las Mananitas," the nation's birthday serenade.

In the land of fiesta, these Olympics were the biggest fiesta of all time, and what a finish.

In a re-appraisal of the games, the U.S. team emerged as the most successful in a "no contest." The Soviet track and field contingent came up the biggest flop, even being out-medaled by Kenya's gallant 15-man crew.

The Best Male Athlete: Our own Charley Hickcox of Phoenix, Ariz., with three golds and a silver in swimming, plus a share of a world record.

VERA'S 4 MEDALS AND WEDDING RING

The Best Female Athlete: Czech gymnast Vera Caszlavska, who won four golds and a gold wedding band. Her marriage to Josef Odlozil resulted in such a crush of spectators that the bride was forced to take refuge in a television sound truck parked outside the Cathedral in Zocalo Square. The happy couple left for Prague last night with 77 other members of the Czech delegation.

Best Individual Performance: Bob Beamon of El Paso, Tex., with a kangaroo leap of 29-feet, 2½ inches in the long jump, which completely hurdled the 28-foot area.

Most Inspired Athlete: Al Oerter, the game Long Islander, who gets hot every fourth year, when the Olympic flame is lighted. He won his fourth consecutive gold in the discus throw — (Melbourne-Rome-Tokyo-Mexico) and says he'll probably try for five in Munich in '72.

Most Frustrated Athlete: Australia's Ron Clarke, holder of 17 records and rated the world's greatest distance runner. He failed to garner a gold.

Most Vivid Memories: Our incomparable Jesse Owens, quadruple gold medal winner of the 1936 Olympics in Berlin, surrounded by Mexican youth clamoring for his autograph in Estadio Olympico almost at the very moment militants John Carlos and Smith were making their completely-out-of-place Black Power demonstration on the medal podium. And our heavyweight gold medal winner, George Foreman, pulling his own tiny American Flag from the folds of his robe and planting a kiss on his Stars and

Stripes following his TKO victory over Iones Cepulis, of Russia, at Arena Mexico.

HONORING TIBIO STARTED THE BALL ROLLING

And Mexico's first gold medalist of the Games, 17-year-old Felipe (Tibio) Munoz, surprise winner of the 200-meter breast stroke, being hoisted on the shoulers of Mexican youths who had swarmed from the stands at the emotion-packed closing ceremony.

They carried Tibio around and around the tartan running track and off into the moonlight night, their pride in him and in their country releasing itself in the explosiveness of their wild gyrations.

This, more than any other single act, was what touched off the emotional Jamboree. This, more than anything that happened in this Olympiad, gave me my greatest personal thrill. Those moments will remain etched in my memory for a long, long time.

A HOUSE NOT IN ORDER—III

Mr. PROXMIRE. Mr. President, unless we put our domestic house in order, our position as the leading world power will be seriously diminished. We tolerate racial discrimination against blacks in a world community in which whites are a distinct minority. We live in a land in which we have a surplus of food but have not discovered the way to share the benefits with the poor. A century ago Disraeli warned that England was becoming two nations—one rich and one poor. Today the National Advisory Commission on Civil Disorders warns us, "two societies, one black and one white—separate and unequal."

This is not to say that no progress has been made. We have done much in the enactment of laws that govern education, jobs, housing, and civil rights, especially in the past few years. The world community has looked to us for leadership. But it is because of the high expectations aroused by these achievements that the world community cannot understand our failure to deal with the problems of our own society on the grand scale appropriate to our size and capacity.

Our action on United Nations Conventions to implement the noble principles written into the Universal Declaration of Human Rights has been negligible. Far from setting an example appropriate to a nation that proclaimed its own Bill of Rights nearly two centuries ago, the United States has ratified only two of more than 20 major human rights conventions adopted by the U.N. and its agencies. And, ratification of these two—concerning slavery and refugees—was completed within the last 3 months.

While we must meet our foreign policy priorities, we must recognize that the highest priority of all is that we improve our domestic society. We must never forget the wise observation that applies so emphatically to nations: "What you are speaks so loudly, I cannot hear what you say."

RULE XXII

Mr. MONDALE. Mr. President, once again, we are engaged in our lengthy and semiannual debate over the question of the "filibuster." I must confess that as I make this brief statement, I am aware of the growing sense of frustration which has come to characterize this effort to make the Senate a more responsive legislative body. The attack on the filibuster is developing into a ritual for the beginning of every Congress—a ritual led by the same group of Senators who make the same eminently logical arguments, only to be defeated and forced to await the beginning of still another Congress.

I would hope that we could once and for all put an end to this principle of minority control and get on to the urgent business of the day. For I have the unpleasant feeling that time is not on our side and that we cannot indefinitely afford to be bound by a rule which fosters obstructionism.

This year's attempt to end the filibuster is an attempt to amend rule XXII so as to allow three-fifths of those present and voting to end debate on any measure. But before that issue can even be reached, a more basic question is presented—Can a majority of the Senate amend its rules at the beginning of a new session of Congress? Or put another way, can the proponents of the filibuster use a filibuster to keep rule XXII intact?

The advocates of change argue that a majority of the Senate must possess the right under the Constitution to adopt new rules or to amend existing rules at the beginning of a new Congress. As the distinguished senior Senator from Idaho observed, the Senate has "the same right to determine the rules which shall bind them during the next 2 years as the Senate of the first Congress had when it met in 1789, or, for that matter, the same right that the Senate exercised in 1917, which wrote the two-thirds rule that we now propose to amend."

The proponents of rule XXII, on the other hand, argue that Congress is a continuing body and that any attempt to amend the rules must be based on the rules themselves. Accordingly, if a filibuster is mounted to stop a vote on a rules change, a two-thirds cloture vote is required to bring debate to an end.

Thus, the effort to end the filibuster takes on an "Alice in Wonderland" quality, as a majority's desire to change the rule is thwarted by the rule itself. As a result, the argument over a change in the rules soon becomes an argument over the nature of the Senate; in the process, the American people soon lose sight of what is really at stake, that is, the efficacy of their legislative system.

Obviously, I am in complete agreement with my colleagues, and with two Vice Presidents, that a majority of the Senate at the beginning of a new Congress has the power to change the rules of the Senate. And with all due respect to my colleagues who believe that this position will threaten the stability of the Senate, I think that their argument is based on a "parade of imaginary horribles." When in the history of the Senate has a majority threatened to "run wild" and do grave damage to our basic institutions? Is there any evidence whatsoever that 51 Senators are any more likely to tear up the Senate rules than 67 Senators? I think not.

When we come to the specific issue as to how many Senators should be required to invoke cloture, the proponents of the filibuster conjure up the same specter of a tyrannical majority. We are told that the minority can only be protected when 67 Senators decide to end debate. But what is so sacred about the two-thirds requirement? Are 67 Senators any less tyrannical than 60 or 51?

My colleagues who oppose any change in rule XXII argue that extended debate is the hallmark of the Senate. But I do not think that the cause of full and free debate is served by a filibuster, which as we all know quickly becomes an endurance contest.

We are also told that to allow even 60 Senators to invoke cloture amounts to "gag rule". I would think that this charge would more appropriately be applied to the present state of affairs under rule XXII, where a small minority of the Senate can thwart the will of even 66 Senators. The true victims of "gag rule" are the majority of Senators who want to bring an issue to a vote but are prevented from doing so by a minority. Similarly, those who are forced to "trade off" major provisions of a bill because of the threat of a filibuster are in effect gagged by being prevented from even having their colleagues pass judgment on their proposals.

In this day and time, we simply cannot afford the luxury of such archaic procedures. With the many pressing and complex issues which are facing the country and will soon be facing the Senate, we can no longer accept the spectacle of round-the-clock "debate" by a handful of Senators to prevent an issue from even coming to a vote. The attempt by any minority of Senators to impose its will on a majority by the use of a filibuster is not justifiable.

I accept the principle that three-fifths of the Senate or even a simple majority should be allowed, at some point, to bring an issue to a vote. I am willing to take my chances and I ask the rest of my colleagues to do the same.

TAX-LOSS FARMING

Mr. McGOVERN. Mr. President, the National Farmers Union last Saturday held a seminar on tax loss and corporation farming in Des Moines, Iowa, which was attended by more than 500 farmers, small businessmen, labor and church leaders, Congressmen and Senators from 30 States.

The attendance and the unanimity of this group on the need to exclude nonfarm interests from agriculture if the family farm is to survive, and the migration from farms to cities is to be stemmed, was a considerable surprise not only to the press and public generally, but even to the sponsors of the conference.

The conference adopted a seven-point program of recommendations, headed by enactment of the Metcalf-McGovern bill which would limit the writeoff of taxable nonfarm income against farm losses by wealthy urbanites who get into agriculture to convert high-bracket urban earnings into capital gains taxable at lower levels. These tax-loss farmers are little concerned with low farm prices, for their gain is in avoiding taxes, not in profitable agriculture. I ask unanimous consent to place in the RECORD the state-

ment and recommendations of the conference.

The keynote speech at the seminar was delivered by our able colleague, Senator LEE METCALF, of Montana.

Last year Senator METCALF introduced S. 4059, a bill designed to remove the inequities between legitimate farm operators and taxpayers who are more interested in farming the Internal Revenue Code than they are the land. I was one of the original cosponsors of that legislation in the 90th Congress and when the bill is reintroduced shortly, I intend to resume my efforts to get this legislation before the full Senate.

This legislation has the support of all those who are sincerely interested in the working farmers of our Nation. For example, it has been endorsed in principle by both the Farmers Union and the American Farm Bureau Federation. Last year both the Treasury and Agriculture Departments submitted reports to the Senate Finance Committee, citing the need for legislation of this type. In the House, companion legislation was introduced last session and will be reintroduced again this year.

The problem which exists is that tax accounting rules designed for actual farmers are being abused by urbanites who want to convert high-rate tax income into capital gains. The principal economic activity of these tax farmers ranges from oil exploration or motion picture production to running brokerage houses or practicing medicine. These taxpayers, both individual and corporate, acquire farms and livestock for the purpose of creating paper losses which can be used to offset large amounts of their nonfarm income.

In his speech, Senator METCALF cites Treasury's assessment of the current situation:

> This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

Mr. President, I think it is important for further discussion that other Senators have the benefit of the full text of Senator METCALF's remarks on this subject. Therefore, I ask unanimous consent that his speech of January 11 be printed at this point in the RECORD.

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

NATIONAL SEMINAR ON TAX-LOSS AND CORPORATION FARMING STATEMENT AND RECOMMENDATIONS

Throughout the years, family farm agriculture in the United States has proved to be a remarkably efficient system for the production of abundant supplies of food and fibre and the conservation of the nation's land and water resources.

The family farm provides, in thousands of rural communities, the economic and social basis for community life for farm families and non-farm rural people. It nourishes the vitality of a host of small business enterprises on the Main Streets of these rural villages and towns.

An alarming trend in our time is the massive invasion of agriculture by corporate and non-farm interests. There is evidence that these interests are utilizing a number of devices, including vertical integration of food production by conglomerate corporations; purchases of huge blocks of land for hedging and speculative purposes, and undermining of farm markets by price manipulation, bypassing of competitive markets, and mutually advantageous agreements with chain stores and food handlers. The manipulation of markets and the movement toward monopoly bodes ill for the consumer as well as for the farmer.

These devices are made possible and abetted by the availability of virtually unlimited capital and credit in the hands of these corporate giants; and by the provisions of tax laws which make it possible for corporations or investors who are not primarily engaged as farm operators to take advantage of tax-loss deductions on their farm operations against income produced from nonfarm enterprises.

The activity of corporate and non-farm interests in agriculture has resulted in commodity market price manipulation, unrealistically high prices for farm land, and the driving of farm families off the land. These farm families are frequently forced to migrate to urban centers and into situations for which they are ill-prepared which further aggravates the explosive problems of our central cities and urban areas, including flooding of the labor market with unskilled workers.

If large corporations and non-farm interests become predominant in agriculture, the need for many Main Street businesses, schools and churches and municipal facilities will be eliminated. It will destroy jobs and opportunities for merchants, bankers and professional men. The decline of the rural community will also result in an enormous waste of existing schools, churches, hospitals and municipal facilities.

This impact on community life makes the corporation farm invasion a human, as well as an economic problem. It is a problem which demands the concern of all Americans.

ACTION RECOMMENDATIONS

We Recommend:

(1) the enactment of the Metcalf Bill which would limit the write-off of taxable non-farm income against farm losses;

(2) the enactment of federal legislation which would prevent corporations whose primary sources of income are not derived from farming, from engaging in farm production;

(3) the enactment of HR 676, introduced by Congressman Neal Smith, which would place weekly limits on the number of cattle slaughtered by meat packers from their own feedlots;

(4) the enactment of legislation similar to that introduced by Senator Gaylord Nelson which would make credit available to young farmers on a long term, low interest basis.

(5) the enactment of legislation to give farmers bargaining power as a countervailing force to the economic power of corporations;

(6) the strict enforcement of the 160-acre limitation provision in federal reclamation law and the sale of excess irrigated land held by large landowners to family farmers at reasonable prices;

(7) the enactment by state legislatures of anti-corporation farm acts which would prohibit or sharply curtail the activity of corporation in farming.

SPEECH BY SENATOR LEE METCALF BEFORE THE SEMINAR ON CORPORATION FARMING, DES MOINES, IOWA, JANUARY 11, 1969

In the second session of the 90th Congress, I introduced S. 4059, a bill designed to remove the inequities between legitimate farm operators and taxpayers who are in the business of farming mainly because of the tax advantages that serve to put their nonfarm income in a lower tax bracket. It was my announced hope then that introduction of the bill before Congress adjourned would provide the impetus for an exchange of views among all interested, such as yourselves, business and farm groups, in preparation for hearings which we hope will be held early in the ninety-first Congress. And when I say "we" I mean just that. By the time Congress adjourned last year a bipartisan group of twenty other Senators had joined as cosponsors. All twenty-one of us are back to pick up the fight where we left off. What is more, a solid group of House members introduced companion legislation last year, and all of them are back to resume their efforts this session.

You know it never ceases to amaze me—the more efficient someone becomes in his non-farm interests, the more money he makes—and the more money he makes, the more money he loses farming. Last April the Joint Committee on Internal Revenue Taxation, at my request, analyzed Internal Revenue statistics on individual income tax returns and prepared a table which provided a further insight into this problem.

The table prepared by the joint committee showed the total net farm loss, the number of individual income tax returns on which a net farm loss was entered, and the average net farm loss per return in each of nine adjusted gross income classes.

The most important and obvious fact one gets from the table is the persistent rise in average net farm loss as adjusted gross income increases. In addition, the table showed that in seven of the nine adjusted gross income classes there has been an increase in the last two years for which statistics were available in the number of returns which claim a net farm loss. For example, in 1964 there were 17,969 loss returns filed in the fifteen to twenty thousand dollar class, but by nineteen hundred and sixty-six the number of loss returns filed in that same class rose to thirty-one thousand six hundred and sixty-seven. Turning to the five hundred thousand to one million dollar class, the figure has risen from one hundred and forty-five loss returns filed in nineteen hundred and sixty-six while at the same time the average loss in that category rose from about thirty-six and a half million dollars to a figure in excess of thirty-nine million. In general, this table proved that farm losses increase as the size of non-farm income increases.

The problem which now exists is that liberal tax accounting rules designed for the benefit of the ordinary farmer are being manipulated by what I call tax farmers. Tax farmers are people who engage in farming for the purpose of creating losses which can be used to offset substantial amounts of their non-farm income. And as the Treasury Department pointed out in July of last year, the tax losses which these high-bracket taxpayers show are not even true economic losses. Treasury went on to point out that when a taxpayer purchases and operates a farm for tax purposes, it inevitably leads to a distortion of the farm economy. The tax benefits allow an individual or a corporation, whatever the case happens to be, to operate a farm at an economic breakeven or even a loss and still realize a profit.

I think it is important to stress just how strongly Treasury feels about the present situation. I might add that the Department of Agriculture has expressed publicly similarly strong views in favor of this legislation. But here is some more of what Treasury had to say about the current situation when reporting on the predecessor of S. 4059, the bill which was introduced last September.

And I quote . . . "For example, for a top bracket taxpayer, where a deduction is associated with eventual capital gains income, each dollar of deduction means an immediate tax savings of seventy cents to be offset in the future by only twenty-five cents of tax. This cannot help but result in a distortion of the farm economy, especially for the ordi-

nary farmer who depends on his farm to produce the income needed to support him and his family.

"This distortion may be evidenced in a variety of ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes. Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources."

Treasury then went on to suggest certain modifications in the operation of S. 2613, the predecessor of the bill which I introduced last September. The bill introduced last fall contained Treasury's suggestions as to method of approach. As I am sure you all know, citrus farming and cattle raising are two areas of economic activity where the practice of tax farming is particularly widespread.

Now I would like to talk about the substance of the bill itself. The bill that was introduced last fall is basically the same bill that I shall reintroduce this month. However, the new bill will reflect the constructive suggestions that have been presented during the adjournment period.

The bill permits farm losses to be offset in full against non-farm income up to fifteen thousand dollars for those whose non-farm income does not exceed that amount. This means that persons not only engaged in farming but also employed perhaps on a part-time basis in a neighboring town, will be entirely unaffected by the limitation I have provided in this bill.

For those with non-farm income in excess of $15,000, the amount against which the farm losses may be offset is reduced dollar for dollar for income above $15,000. In other words, those with non-farm income of $30,000 or more cannot generally offset farm losses against their non-farm income.

There is an important exception to this rule, however. The bill in no event prevents the deduction of farm losses to the extent they relate to taxes, interest, casualty losses, losses from drought, and losses from the sale of farm property. An exception is made for these deductions since they are in general deductions which would be allowed to anyone holding property without regard to whether it was being used in farming or because they represent deductions which are clearly beyond the control of the farmer; such as losses from casualties and drought.

Even if farm losses should be denied under the provisions I have explained up to this point, they still will be available as offsets against farm income for the prior three years and the subsequent five years. In this case however, they may not exceed the income from farming in those years.

Still one more feature of the bill remains to be discussed. The limitation on the deduction of farm losses is not to apply to the taxpayer who is willing to follow, with respect to his farming income, accounting rules which apply generally to other taxpayers; that is, using inventories in determining taxable income and treating as capital items—but subject to depreciation in most cases—all expenditures which are properly treated as capital items rather than treating them as expenses fully deductible in the current year.

It is important to note that this provision merely provides an opportunity for those who would otherwise distort the farm economy to follow instead regularly established, generally applicable accounting rules. No incentive to shift to an accrual accounting system is provided by this bill for anyone who derives his income largely from farming, or even from non-farm income if it does not exceed $15,000 a year. It is fully recognized that true farmers have good reasons for not always following accrual accounting methods and there is no intent here, directly or implied, to make a change in this respect.

The dollar figure as to the exact amount of non-farm income against which farm income may be offset represents an analysis of available statistics as well as discussion generated by the introduction of S. 2613, the original bill. Substantially all the rest of the provisions of the new bill, however, represent suggestions contained in the reports of the Treasury and Agriculture Departments issued in July of last year.

It is apparent from all of the discussion that has taken place since the original bill was introduced in November of 1967 that this use of farm losses to offset other income is an ever increasing problem in large part because this is creating a new breed of person, the tax farmers, who are more interested in farming the Internal Revenue Code than they are the land, and who are making it increasingly more difficult for true farmers to earn a fair and an adequate rate of return on their effort and investment.

The intent of my bill is to eliminate the provisions of the tax laws which presently grant high-bracket taxpayers substantial tax benefits from the operation—usually indirectly—of limited types of farm operations on a part-time basis. The principle economic activities of these taxpayers is other than farming—often running a brokerage firm, law business, practicing medicine or deriving income largely from the stage or motion picture productions.

While I am on the subject of motion picture productions, just last month I read an article by Jack Lefler in the Des Moines Sunday Register. The article was captioned Cattle Buying—A Tax Shelter for Movie Stars. Here is what Mr. Lefler had to say about this. And I quote—"There's a new bull market on Wall Street but it doesn't have anything to do with stocks and bonds. It's a heightened interest in investing in cattle.

"With brokers earning big commissions from heavy trading volume on the securities exchanges, they are turning to the 'tax shelter' offered by the ownership of cattle.

" 'Wall Street's interest has been growing fast the last two years and now the new young executives are jumping in,' says Richard Bright, executive vice-president of Oppenheimer Industries of Kansas City and head of its New York office.

"Oppenheimer Industries is a cattle management firm which handles 220,000 head of cattle on more than 100 ranches in 17 states.

"These cattle are owned by investors who most likely never see them.

"When an investor buys cattle he becomes a farmer from a tax standpoint and is eligible for advantages. He puts in dollars that depreciate or are deductible and takes out capital gains.

"This means that a person in the 60 per cent bracket would be taxed on income from the sale of cattle at a 25 per cent rate instead of the 60 per cent rate on his other income.

"Oppenheimer buys cattle for its investing customers and places them on ranches, whose operators are paid for feeding and caring for them. Cattle owned by several different investors often are on the same ranch.

"Oppenheimer charges an initial fee of 5 and three quarters to 8 and one half per cent of the purchase price of the cattle. Subsequently, it charges an annual management fee in the same range.

"Bright says an investor can make about a 25 per cent profit on his investment after taxes. But there are risks of declining market prices, disease and bad weather.

"The minimum investment accepted by Oppenheimer is $10,000, which would buy about 100 head of beef cattle. The company's biggest client owns 25,000 head, worth about $2.5 million."

Skipping over some self-serving statements by Mr. Bright—I plan to let him argue his own case when the Finance Committee holds its hearings—the article goes on to inform us that—

"Oppenheimer Industries was founded in Kansas City in 1953 by Harold L. Oppenheimer. It now has offices in New York, Washington, D.C., Los Angeles and Denver."

I might add at this point that I must be doing something right—my office has already been visited by the head of the Washington, D.C. office who picked up reprints of everything I've said about the bill since its introduction last September. But I will say that General Styles (that's the name of the man who heads the Washington office) did turn around and send us autographed copies of no less than three books totaling about 1100 pages and written by the head man himself on this subject. As a point of information, those books are entitled—Cowboy Arithmetic, Cowboy Economics and Cowboy Litigation. And I understand that a new book is now in the mill entitled Cowboy Politics. Now that's one I definitely want to read.

Now back to Mr. Lefler's article. "Oppenheimer's father-in-law, Jules Stein, chairman of Music Corporation of America, interested motion picture stars in investing in cattle. Among them, says Bright, were Jack Benny and John Wayne."

(So you can see even Jack Benny is fiddling around in this area.)

"After the New York office was opened we began to attract brokers, corporate executives and television people such as Arlene Francis and Hugh Downs," says Bright.

"Each owner has his personal brand on his cattle. Some of these amateur cattle owners have bizarre ideas about their brand designs," Bright says.

"He recalls an art designer who formed the Broken Dollar Cattle Company and came up with a brand in the form of a dollar sign split down in the middle.

"Then there was the business executive whose brand was a Lazy B. He said he decided on that because his wife's name was Bea and she was lazy."

Last year, Time magazine appropriately dubbed General Oppenheimer, the Bonaparte of Beef. I shared that article with my colleagues by referring to it in a statement on the Senate floor. According to Time, other Oppenheimer clients in addition to those previously listed include Banker Robert Lehman and actress Joan Fontaine. Oppenheimer is quoted by Time as having said—Any day of the week, I'd rather have a Marine officer handling a roundup than a farmer.

Death and tax are inevitable, but the latter apparently are much less so than the former. That's the lead into another very recent revealing article on this subject. This one was written by John Lawrence of the Los Angeles Times. Once again, Oppenheimer Industries gets star billing. I'm not going to comment on this article. I think it's so important to our discussion today that I want to share with you the uncut version.

MANY WITH BEEF OVER TAXES NOW BUY CATTLE FOR RELIEF

Death and taxes are inevitable, but the latter apparently are much less so than the former.

Blocked by the Internal Revenue Service from using one popular tax shelter, wealthy individuals are rushing to get under another—by buying cattle. Trouble is, so many are trying to get under the newly popular shelter so fast that some aren't going to make it this year. There aren't enough cattle.

Investments in cattle have been growing rapidly in recent years. And so have companies that line up the cattle and manage the investments for upper-income bracket taxpayers.

The appeal is an immediate tax reduction covering the cost of handling and feeding the herd, usually paid a year in advance. In the case of breeder cattle, as opposed to those purchased simply to feed and fatten, there's also a depreciation allowance. In other words, part of the cost of the herd itself can be written off.

INTEREST DEDUCTION

What has made the program so much more attractive currently was the move by the IRS a few weeks back to practically eliminate prepaid interest on loans as a legitimate tax deduction. Previously, those seeking to limit their tax liability could purchase real estate, take out a huge mortgage and prepay a number of years' worth of the interest on the loan. They then could deduct that interest payment from current taxable income.

The IRS ruling restricting such deductions caught a number of individuals by surprise and left them to scramble for some other way out. Some of them have found it with Oppenheimer Industries, Inc., a cattle management concern.

J. P. Jones, 34-year-old vice president and western manager for the company, says he expected his business to rise 30 to 40 per cent this year from last. But thanks to the IRS, "we'll be up 80 per cent." He figures he has a waiting list of clients with well over one million dollars they'd like to invest before year end, "and that's probably conservative."

The problem is lining up the cattle. "We're contacting all sources we can, trying to find acceptable ranchers," he says. One problem is "we're the bad guys in the city," making it tough to convince some of the folks on the range they should sell. The advantage to them is that they still make money for handling the herd, but they are able to get some of their capital out of the animals and use it for something else. In short, it shifts some of the risk to the city folk.

Meanwhile, in his Beverly Hills office, Jones reports the average request he's getting is for 400 to 500 head, or an outlay of about $50,000. Oppenheimer's minimum investment program calls for about $12,000 in outlay and this program winds up giving the investor a tax deduction on the order of $14,600.

How can he deduct more than he spends? Simple. He puts down only 10 per cent of the $20,500 cost of 100 head, gets to deduct a year's interest on the loan that covers the rest of the purchase price. That's $1,300. Then he prepays the cost of next year's feed, breeding fees and other maintenance costs, adding up to $8,600. Then, assuming the taxpayer is filing a joint return with his wife, he can take a depreciation deduction on the order of $4,700.

Oppenheimer manages some 150,000 head of breeder and 75,000 head of feeder cattle on 110 ranches in some 25 to 30 feed lots around this country, Jones says. To keep track of it all, Oppenheimer employs about two score agriculture school graduates.

Jones, whose background is finance rather than farming, despairs of lining up enough cattle for his clients with so few days to go this year. Hence, he's advising some to give up for this year but come back earlier next. Cattle can be a good investment, not just a tax saving, and both can be improved with proper planning, he observes.

Just last year I saw an ad in a magazine called the Airline Pilot that read in part—"Own a citrus grove using tax dollars as your total investment." The ad was headed "Tax Shelters for 1968." I promise you that I'm going to do all I can in the 91st Congress to prevent that ad from being run again next year.

Another example, last year's Barron's did a two part series on the tax farming situation. Here are just some excerpts from what they had to say: "Last year, 34 per cent of all U.S. farm acquisitions were made by nonfarmers. The United States Department of Agriculture estimates that within 10 years, another 100,000 doctors, lawyers and businessmen will become absentee owners of agricultural properties. Who they are and what they buy makes quite a story . . . Corporation farming currently accounts for about 5 per cent, or 2 billion, of the 40 billion dollars worth of food and livestock raised on U.S. land. . . Many bona fide farmers are beginning to chafe at the competition generated by outside businessmen. Large-scale tax avoidance by non-farm investors—the IRS figures that 680,000 non-farmers (industrial firms as well as individuals) took over a billion dollars in tax losses in a recent year—also troubles the Federal government."

Here are some of the newsworthy names listed in the Barron's article.

Kern County Land (recently taken over by Tenneco, Inc.); CBK Industries; Black Watch Farms (acquired by Berman Leasing); New Mexico and Arizona Land Company (50 per cent—owned by the St. Louis-San Francisco Railway); Alico Land Development Co.; Gates Rubber Co.; Tejon Ranch; Scott-Mattson Farms (owned by Gulf and Western); Oppenheimer Industries, a subsidiary of Atlas Acceptance Corporation; the privately held Doane Agricultural Service, Inc., and King Ranch; Arizona-Colorado Land and Cattle Co. and American Agronomics—the last named pair by the way have now gone public.

So much for the list that appeared in Barron's. Now I want to share with you just a couple of the interesting phone calls that have come into my office since this all started. First, there was a call from the Washington office of Radio Corporation of America. The call went something like this—There is a man in New York who would like very much to have anything you have available about the bill. Could you send it to our Washington office and then we in turn will forward it to him? When the suggestion was made that we could save everyone some time by sending it to him directly, the embarrassed response was: Oh that's allright, he would rather handle it this way. I'm still wondering who the mystery man is.

Then there was the call that came in from Oppenheimer Fund (no relation to Oppenheimer Industries). Seems that as a mutual fund they were shareholders in one of the corporations listed in the Barron's article. According to the call that came from New York, they wanted an explanation of the bill over the telephone. When it was suggested that a package could be mailed out promptly, the caller cried out in despair. No, no, you don't understand how it works with the stock market. Since your new bill went in, the stock we are holding has dropped 10 points and we don't know whether to hold or sell, so could we please go over the bill on the telephone in advance of anything you can send us.

In closing, I want to share with you just one of the many letters I have received since this bill was introduced. This letter came in from a farmer in Hallsville, Texas. In addition to being a farmer he also happens to be an Internal Revenue Agent so you might say he has a little extra insight into this problem. For obvious reasons, I shall omit his name from my reading of his letter. Here is what he wrote:

"DEAR SENATOR METCALF: I wish to commend you on your proposed (S. 4059) legislation on farm losses. I am a farmer and an Internal Revenue Agent. I am keenly aware of the tax shams wealthy businessmen call farms. This abuse is very rank in this area. Longview, Texas is a real industrial area for North East Texas. Thousands of average income families desiring to live out of town buy farms where they have 3 or 4 horses for riding, two or three cows for milk and deep-freeze calves and deduct the related expenses. There is no income.

"On the other end of the pole, the rich merchants, oil men, doctors and lawyers have farms where they lose from 5,000 to 200,000 dollars each year. These people intend to operate at a loss. They improve the land and depreciable property including fences and barns. They dig ponds and clear land and plant expensive grasses. They take ordinary losses (except land clearing when we catch them) against their large incomes and then sell the improved land at capital gains rates. The Southwest Regional Appellate Division of the IRS at Dallas allows the operating losses if they say they intended to make a profit.

"As a farmer, I say they are not fairly competing with me and the other farmers. We strain to produce a $100 calf which costs us $60 or $75 while they produce a $100 calf which cost them $200. This practice sure puts the pressure on a person trying to make money from farming.

"I'm backing your bill 100% and trying to let my neighbors see benefits through November 1968 Farm Journal article 'Crackdown on Income Tax Farming' by Jerry Carlson. Keep up the good work.

Sincerely,

_____ _____."

Everything I have read has proven to me that corporations are moving into farming at an increasing rate. I regret this trend. A strong agricultural citizenry—independent farmers—are infinitely preferable to corporation farming with hired labor. Family type agriculture results in a better community, with more churches, better schools, more business opportunities and a generally higher social organization than will be found in a hired labor community. But the bill I have introduced does not forbid corporations getting into farming. Lawyers tell me that is a job for the States. The bill will, however, eliminate the possibility of corporations getting Federal tax rewards for engaging in loss operations in the farming field. I hope I can count on each of you for your support.

THE GOVERNOR OF ALASKA

Mr. STEVENS. Mr. President, there has been a steady and substantial flow of telegrams and letters to my office from Alaskans regarding the Governor of Alaska. I ask unanimous consent to have five of these telegrams printed at this point in the RECORD.

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

ANCHORAGE, ALASKA,
January 14, 1969.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.:

I have sent following telegram to Senator Jackson:

"DEAR SCOOP: Hickel has a good conservation record in Alaska and I am sure he will be eminently satisfactory for all conservationists as well as others if you confirm him as Secretary of Interior.

"Anchorage Times has followed his executive abilities closely and we have rarely, if ever, had occasion to be critical of his actions or views toward water, air pollution, fish, game, timber, oil, and other resources. He has initiated such vigorous programs in behalf of Alaska natives land claims that a statewide committee on nonnatives is being organized this week for the purpose of endeavoring to avoid possibility of nonnative 'backlash.' I hope you will vote for Hickel. Best regards."

Best regards,

BOB ATWOOD,
Anchorage Times.

FAIRBANKS, ALASKA,
January 13, 1969.

Senator TED STEVENS,
Senate Office Building,
Washington, D.C.:

The Fairbanks Native Association unequivocally endorses Governor Walter J. Hickel for the post of Secretary of Interior in the Cabinet of President Richard Nixon. We feel this would be in the best interest of Alaska and the Nation. Governor Hickel is an Alaskan. As Alaskans we feel that he has made great strides toward understanding and attempting to solve problems facing the people of Alaska, particularly in the fields of education and native land rights. We feel that as Secretary of Interior Governor Hickel will continue to work toward solving these problems.

GERALD IVEY,
President, Fairbanks Native Associations.

JUNEAU, ALASKA,
January 14, 1969.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.:

Am sending today the following wire to Senator Jackson, Chairman, Interior Committee, quote: As an Alaskan born lifelong Democrat and former Alaska legislator, I wish most emphatically to endorse Walter Hickel as Secretary of Interior. A review of Governor Hickel's highly successful business background viewed in the light of the tremendous strides in virtually every field that Alaska has made in only two short years under his administration indicates that the United States can also benefit under his dynamic and informed leadership. One of Governor Hickel's outstanding virtues is his most obvious ability to create a highly qualified cohesive working team and in this area in particular he should be most welcome in the Nation's administrative branch. Any unbiased consideration of Governor Hickel's activities the past two years will show nothing to support the unjust criticisms that extremists have made in recent weeks. I join with those who know Walter Hickel's qualifications best in urging his confirmation as Interior Secretary unquote.

CURTIS G. SHATTUCK.

FALLBROOK, CALIF.,
January 14, 1969.

THEODORE F. STEVENS,
Senate Office Building,
Washington, D.C.:

The appointment of Walter J. Hickel (Gov. of Alaska) as Secretary of Department of Interior certainly warrants the approval by Committee on Interior and Insular Affairs and its recommendation for confirmation by the United States Senate. Having worked with him on projects of territorial, State and national scope, I have been impressed with his knowledgeable approach to all problems. I was appointed to the Alaska Purchase Centennial Commission by former Alaska Governor William A. Egan and served to the completion of the project, for the last two years under Governor Walter J. Hickel. He has done an outstanding job as our Governor and can be depended upon to do as well in the new appointment.

ARTHUR F. WALDRON,
Member, Trustees of Alaska Methodist University.

VALDEZ, ALASKA,
January 12, 1969.

Senator TED STEVENS,
U.S. Senate, Interior Committee,
Jefferson Hotel, Washington, D.C.:

Following is a copy of the telegram sent to the Committee on Interior and Insular Affairs, United States Senate, "Governor Hickel has done a tremendous job for the State of Alaska in the development of natural resources, in the prevention and control of pollution, and in conservation of wildlife. Consequently, I can assure you the man will do an outstanding job in these areas for all of our fifty States in the capacity of Secretary of Interior."

JOHN T. KELSEY,
President, Alaska State Chamber of Commerce.

URBAN COALITION WORKS IN MINNEAPOLIS

Mr. MONDALE. Mr. President, one of the distinct pleasures of representing the State of Minnesota is the way in which our people dedicate themselves to solving their problems.

A case in point is the work of the Urban Coalition in Minneapolis. As an article in the January 6 issue of the Minneapolis Tribune illustrates, this group has become a powerful force for change in the city, identifying critical problems, seeking solutions, and then working to put them into effect.

In 1 year of effort, this coalition has reached the stage where the Tribune reporter, Howard Erickson, could truthfully say about their influence on a specific matter:

> To those familiar with the power the coalition packs, that is no real surprise.

Minneapolitans believe their problems can be solved, and they work hard to solve them. The result in this case is cooperative effort between various levels of government and the private sector that is going to change Minneapolis and the State of Minnesota and ought to become a model for the Nation.

Mr. President, I ask unanimous consent that the article from the Minneapolis Tribune, "Urban-Coalition Weight Gives Poor New Leverage—Group Cited Among Best in United States," be placed in the RECORD at this point.

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

URBAN-COALITION WEIGHT GIVES POOR NEW LEVERAGE—GROUP CITED AMONG BEST IN UNITED STATES

(By Howard Erickson)

When Mayor Arthur Naftalin vetoed the City Council's limited expansion of a public housing program last week, his decision was influenced heavily by the Urban Coalition of Minneapolis.

To those familiar with the power the Coalition packs, that is no real surprise.

The Coalition had met Thursday night, only hours before Naftalin announced his veto Friday and urged that the City Council expand scattered site, low income housing into all parts of the city, not just four new neighborhoods.

"When I walked into the Coalition meeting Thursday night, I figured I'd probably sign the thing, with a suggestion that it be expanded city-wide very soon," Naftalin told a reporter Saturday.

"But when the Coalition voted to endorse city-wide expansion right now, there was only one dissenting vote," the mayor said.

No one can say, of course, that Naftalin might not have decided for some other reason to issue that veto.

Nor can anyone prove that any of a number of other key decisions made during the past 12 months might not have been made as they were, without the existence of an organized Urban Coalition.

But the Minneapolis Coalition, that year-old grouping of 70-some business, religious, labor, education, civil-rights and local-government agencies—bolstered with the continued interest and support of men like Donald Dayton, John S. Pillsbury Jr., Gen. Edwin Rawlings, John Cowles Jr., Judson Bemis, Atherton Bean, F. Van Konynenburg, Earl Ewald and others—in effect, the local Establishment, carries a weight that cannot be dismissed lightly.

As a result, there is at least a casual link between Coalition members—deeply involved community leaders who often wear several hats—and these steps at removing the deeply rooted potential causes of racial disorder:

The two-month campaign to persuade five Republican aldermen to switch their votes and confirm Ronald A. Edwards, a controversial young black man with a police record, as a member of the city's new Commission on Human Relations a year ago.

The recent new roster of YMCA programs, and last month's switch in emphasis by the United Fund in the programs and agencies it supports, both geared to greater attention to inner-city problems.

The naming of Negro leader Harry Davis to the city's Civil Service Commission, which sets hiring policies for city jobs—including the all-white, 562-man Fire Department and the nearly all-white Police Department.

Moving up from 1969 to last summer the landscaping and equipping of 10 children's playgrounds in poverty neighborhoods.

Local support for the California grape boycott, reaffirmed last week, though no local grocery chains have stopped stocking grapes.

Hiring of 14 additional building inspectors by the city, to check complaints of substandard or unsafe rental housing.

A new city ordinance to prevent tenants from being evicted for reporting their landlords' building-code violations to the city.

Lobbying by Coalition members with local Congressmen to fight attempts to cut federal anti-poverty, Model Cities and food-stamp appropriations.

Stephen F. Keating, president of Honeywell, Inc., was the Coalition's president last year. Dean McNeal, group vice-president of the Pillsbury Co. succeeds Keating for 1969. Both agree the major accomplishment for the Coalition's first year was getting organized on a broad base with good representation from important segments, and gaining early and continued support from key community decision-makers.

What may have been just as important was the selection of Harry Davis, a Negro spokesman respected equally by both races, as a vice-president—and last July as full-time executive director of the Coalition staff.

National Urban Coalition officials now consider the Minneapolis group one of the best-organized of 40 or so coalitions in major American cities, along with those in Detroit, Mich., and New York, N.Y.

Mayor Naftalin, one of 40 members of the National Coalition's steering committee, goes further.

"There's no doubt in my mind, from what people in other cities tell me, that Minneapolis has the best-functioning coalition in the country.

"When I tell them that we have a full-time staff of 12 persons, they're just amazed," said Naftalin. He has spoken about the Coalition to groups in Cleveland, Ohio, Chicago, Ill., and Kansas City, Mo., in hopes of spurring formation of coalitions in those cities. Davis has made similar speeches in Milwaukee, Wis., and St. Louis, Mo.

For all of Minneapolis' apparent success, however, it is not hard to find an opposite man-on-the-street view. That view says the city's Establishment has done little to solve the real roots of poverty and discrimination. It says the Coalition's efforts are a short-term, "cool-it" gesture, whose major success was in the city's freedom last summer from the racial disturbances that marked 1966 and 1967.

Not so, replies Keating, the powerful, hand-

some, 50-year-old executive who directs a 75,000-employe, world-wide organization.

"If we just wanted to put out fires, we would have closed down in September," Keating said quietly with just a trace of irritation.

He has never said, he adds, that the problems the Coalition faces are anything other than complex ones that demand long years of attention to solve them.

"It's true, we could have done more last year. We operated for a long time with almost exclusively volunteer help and a very small staff. We weren't as efficient as we should have been."

McNeal adds some criticisms of his own.

"In finding jobs for the hard-core unemployed, we feel we were successful, but the summer jobs for youth—we weren't quite ready for it.

"We hadn't really recognized the importance of transporting these kids to the job. And the follow-up—if a kid misses two or three days on the job, sending somebody out to ask why—that wasn't as good as it should have been," the Pillsbury executive said.

How does the Coalition work?

"We decided, right at the start, that we would not become just another agency, piled on top of all the other agencies," said McNeal.

"We merely planned to encourage, aid, cooperate with—and prod, too, if you want—existing agencies, to urge them to do more," said McNeal, who as vice-president the first year did vast amounts of legwork in setting up the task forces and meetings where much of what the Coalition accomplished was planned.

For 1969 McNeal foresees these extensions of the Coalition's program:

"Jobs were the first thing the inner-city representatives wanted to talk about in 1968, and they will continue to be important in 1969," he said. So, while the Coalition-aided National Alliance of Businessmen placed 1,121 hardcore unemployed persons in permanent jobs last summer, and placed 748 youths in summer jobs (despite 1,785 openings lined up), this year the goals will be higher.

The Housing Task Force, which in 1968 used $30,000 in donations from Minneapolis-based charitable foundations as down-payments for 81 poverty-level families to buy houses, will solicit new money to continue it in 1969.

The 75 minority-race young people who were enrolled in Minnesota colleges through Coalition efforts in 1968 will grow in number this year, McNeal expects. The Education Task Force is also informally running the current effort to raise $100,000 in public donations to expand the Minneapolis Head Start program for 4-year-olds.

The Business Development Task Force will expand the effort that rounded up $225,000 in contributions from 17 local foundations last year and approved "seed money" loans to eight Negro small businessmen who now await approval of additional loans from the U.S. Small Business Administration.

Sensitivity training sessions for employes of major corporations, and measures to attack the latent white racism uncovered by last May's survey of Hennepin County church-goers in 238 congregations, will be continued in 1969 by the Community Information Task Force.

Discriminatory practices of . . . will be attacked, and young lawyers will be recruited to aid poor people, by a new Legal Aid Task Force, which prominent lawyer Peter Dorsey will head. Basis for his work is an October study by volunteer lawyers James T. Halverson and John J. Held Jr., which recommended changes.

Another possible new task force, to deal with the worsening problem of police relations with minority races, is being studied by a committee headed by Rabbi Max Shapiro. His group will also look into ways in which the city and county attorneys' offices can be of greater assistance to poverty classes.

"At least, during 1968, we got a meaningful, continuing dialogue going," McNeal said. "Sometimes, at the start of the year, we'd sit and talk with poverty or minority-race groups for two or three hours—and get nowhere.

"That doesn't happen any more. Now we're moving."

DONALD WILLIAMS RETIRES

Mr. McGOVERN. Mr. President, a noted South Dakotan, Donald A. Williams, retired as Administrator of the Soil Conservation Service on January 10, 1969.

When Mr. Williams' retirement was first announced last year, I commented on it and paid tribute to him in the Senate.

Some of the Administrator's colleagues have now documented the great record the Soil Conservation Service has made in 15 years under his leadership in a little memorandum, "Highlights of Conservation Progress, 1953–69." It is a more eloquent tribute to Don Williams than anything that might be said about him—the facts of a solid record of accomplishments.

I ask unanimous consent, Mr. President, that it appear in the CONGRESSIONAL RECORD.

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

HIGHLIGHTS OF CONSERVATION PROGRESS, 1953–69 [1]

At the end of fiscal year 1952 the program activities of the Soil Conservation Service consisted primarily of technical assistance for erosion control and water management on farms and ranches in 2443 soil conservation districts and flood prevention operations in eleven large watersheds authorized by the Flood Control Act of 1944.

From fiscal year 1953 through 1968 SCS has assisted with the following major activities and accomplishments:

1. SCS assistance is being provided to 3007 soil conservation districts, an increase of 569. Today, 99 percent of all farms and ranches and 96 percent of all lands in farms and ranches in the United States are in soil conservation districts.

2. Soil surveys have been made during this period on more than 410 million acres, bringing the total acreage surveyed and mapped by our soil scientists to 731 million acres. These surveys have been interpreted for agricultural and non-agricultural uses.

3. More than two million owners and operators of agricultural land are cooperating with soil conservation districts. This number has doubled in the 15-year period. Conservation plans cover 553 million acres, an increase of 288 million acres.

4. Plant materials centers have tested, proven and made available to commercial outlets a wide variety of plants for conservation uses in major plant growth regions of the country.

5. Water supply forecasting, based on snow surveys in the mountainous western states, has been extended in coverage and made more precise. The work of measuring snow and soil moisture is being shifted to electronic measurement and estimates.

6. SCS provided approximately 185,000 conservation consultive services to non-agriculturel users of land to reduce sedimentation and to adapt land use to soil suitability in fiscal 1968. This represents a substantial increase over the preceding year, and continues a rising trend in such services.

7. State and county governments have increased their financial participation in soil and water conservation efforts many fold as a protection to their tax base.

8. Land treatment and upstream water control structures are underway or completed on 285 subwatersheds of the original eleven flood prevention projects. The authority to deal with agricultural water management, fish and wildlife, recreation, and municipal and industrial water supply has been added to original projects.

9. The pilot watershed activity, authorized by Congress in 1953, proved conclusively the effectiveness of a combination of land treatment and engineering works to reduce damaging floods on agricultural lands in the Nation's small watersheds. Fifty-four projects have been carried through to completion, with SCS providing technical help and cost-sharing to local interests.

10. More than 800 small watershed projects under Public Law 566, passed in 1954, have been completed or approved for construction; another 600 are being planned, and 1,300 other project applications have been received. Like other SCS flood prevention activities, these projects invariably exert a strong influence on economic life of the watershed area, an influence reflected in the formation of new businesses, the expansion of community services, in new employment opportunities, and in the general enhancement of community well-being.

11. Development of income-producing recreation as an appropriate use of land—an activity in which the SCS primary responsibility in the U.S. Department of Agriculture—has enabled many landowners to solve land and water problems and at the same time upgrade their own economic state. This activity has been especially significant in the watershed and rural community development activities of SCS.

12. SCS is participating in 59 comprehensive river basin surveys, in cooperation with other Federal, State, and local agencies. The purpose of these studies is to identify water and related land use problems within water resource regions, and to provide alternative approaches to solutions of these problems.

13. SCS has been responsible for providing USDA leadership on the interdepartmental Water Resources Council of Representatives. In this capacity it coordinates the interests of all USDA agencies with those of other Departments and reflects their participation in the development of national water policy.

14. Resource Conservation and Development projects, authorized by the Food and Agriculture Act of 1962, currently number 51 and 39 States. These cooperative multi-county projects are bringing about effective use and management of regional land and water resources and of local talents and skills. These projects, in addition to intensified conservation, are resulting in new job opportunities, provision of needed community facilities and a sound base for future progress. These projects, with those in the watershed programs of SCS, are helping to slow down and even to reverse the long-prevailing migration of rural populations to the urban centers.

15. Nearly 32,000 Great Plains Conservation Program contracts covering 57 million acres have been signed by cooperators in the Great Plains states since 1956 to effectively attack wind erosion and other conservation problems in a region of severe climatic conditions.

16. SCS has supplied the basic technical foundation essential to financial assistance to farmers and other rural people in Agricultural Conservation Program cost-sharing and Farmers Home Administration soil and water loans.

17. SCS is training more than 300 foreign

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[1] 15-year-period that Donald A. Williams was Soil Conservation Service Administrator.

technicians, representing 52 countries, each year in our own techniques of effective soil and water conservation. Others receive training in their own countries from technician teams assisting with conservation programs provided through international conservation assistance programs.

18. The National Inventory of Conservation Needs, completed in 1962, is being updated in 1969. This inventory provides the best available insight into modern land conditions, watershed potentials, and land use trends.

THE HIJACKING OF AIRPLANES

Mr. PEARSON. Mr. President, the continuing incidents of hijacking have been a major concern to me in the past year. These repeated and numerous hijackings are a matter of great potential tragedy. Last year, there were 18 such incidents involving American planes and numerous others involving countries in our hemisphere. In the first few days of this year, there have been three hijackings and more attempted hijackings. I feel this apparent acceleration of hijackings requires the Federal Government to take an active role in finding a solution to this problem.

Thus far, the loss can be characterized as economic to the airlines and in terms of inconvenience to the passengers, and to date no one has been harmed. Because there has been no loss of life and because the treatment of the passengers has been reasonable, these hijackings have even caused humorous comments throughout the Nation. In fact, a near carnival atmosphere has pervaded these incidents. I wish to say loudly and clearly at this time that these incidents are most serious and dangerous and are no cause for humor. There is continual threat of danger posed by potential loss of life to pilot and passengers through gun shot or through the piercing of the pressurized cabin by gunshot. Almost any such occurrence could cause a plane wreck and create certain tragedy.

There is no lack of legislation concerning penalty for the hijacker once he is apprehended. A 1961 law provides penalty of death or a minimum of 20 years in prison for such an offense. The U.S. Government has also offered rewards for information leading to arrest and conviction for anyone who attempts to hijack an airplane. However, to date there have been few prosecutions under these legal provisions.

A number of Federal agencies have become involved in the research effort to find an adequate solution to this problem. All types of detection devices are under study. Efforts to reach agreements with the Cuban Government have also been proposed. The FAA with State Department cooperation has led these efforts to come up with a practical solution.

Unfortunately, almost all the suggestions of potential solutions fall short of offering a solution. The problems of search and X-ray devices, rewards, the arming of the airlines crew, or some agreement with the Cuban Government either adds to the problem creating a more dangerous situation or is not practicable. Wherever you have a situation involving individuals criminally inclined or mentally unbalanced, who have a safe haven to which to fly, the problem is most difficult.

Because there is need to clarify this potentially dangerous problem, I have asked Senator WARREN MAGNUSON, chairman of the Commerce Committee, to hold hearings at the earliest possible date. These hearings, possibly executive session, followed by public, in the discretion of the chairman, can closely examine the existing alternatives and maybe provide an official channel for coming up with some answers. Also a public discussion of this issue may assist in bringing new ideas to light. I think there is a particular need to focus official and public attention upon the serious nature of these incidents.

One area to be explored more thoroughly is the possibility of going directly to the basis of the problem—the current noncommunicative relationship between the Cuban Government and our own Government. With the number of other hemispheric nations suffering from these incidents, pressure might be brought to bear by all of us to seek an end to these unlawful acts by returning all hijackers to the custody of the respective governments.

Another real possibility is the number of electronic devices which may detect a potential hijacker before he boards the plane. Although the FAA is searching into these alternatives and seeking the assistance of other governmental research activities, no practical results have been found. If it is found necessary, I will introduce legislation to provide extra funding for research efforts specificaly designed for this detection problem.

ORDER FOR RECESS UNTIL 8:30 P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in recess until 8:30 this evening, at which time the Senate will proceed in a body to the Hall of the House of Representatives.

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

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the state of the Union address this evening, the Senate adjourn until 12 meridian tomorrow.

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

(Subsequently, this order was modified to provide for a recess.)

SOCIAL HOUR FOR PRESIDENT

Mr. MANSFIELD. Mr. President, I wish to read to the Senate a letter which was sent to the President of the United States by the distinguished minority leader and me:

JANUARY 13, 1969.

The Honorable LYNDON BAINES JOHNSON,
The President,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We have discussed with colleagues the possibility of asking you to favor the Senate by attending a reception in your honor on Thursday, January 16, 1969 at 5:00 p.m. in room S-207 of the Capitol. They are unanimous in their wish that this invitation be extended to you.

We would like in this manner to express the affection and high esteem in which the former Majority Whip, Minority Leader and Majority Leader of the Senate is still held. It is an affection and esteem which, for some of us, grows out of our long association with you in the House of Representatives and the Senate of the United States and, for all of us, out of an appreciation for the total dedication with which you have served the nation in the Presidency.

It is our hope that you will permit us to extend to you this small tribute by favoring us with an acceptance.

With best personal wishes, we are

Respectfully yours,

MIKE MANSFIELD,
EVERETT MCKINLEY DIRKSEN.

I am happy to report that since this letter, sent by the joint leadership, has been received by the President, he has consented to be with us at 5 o'clock on Thursday next, in room S-207.

MAJORITY PARTY'S MEMBERSHIP ON COMMITTEES

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read the resolution (S. Res. 14), as follows:

S. RES. 14

Resolved, That the following shall constitute the majority party's membership on the standing committees and the Select Committee on Small Business of the Senate for the Ninety-first Congress:

Committee on Aeronautical and Space Sciences: Mr. Anderson (Chairman), Mr. Russell, Mr. Magnuson, Mr. Symington, Mr. Stennis, Mr. Young of Ohio, Mr. Dodd, Mr. Cannon, and Mr. Holland.

Committee on Agriculture and Forestry: Mr. Ellender (Chairman), Mr. Holland, Mr. Eastland, Mr. Talmadge, Mr. Jordan, Mr. McGovern, and Mr. Allen.

Committee on Appropriations: Mr. Russell (Chairman), Mr. Ellender, Mr. McClellan, Mr. Magnuson, Mr. Holland, Mr. Stennis, Mr. Pastore, Mr. Bible, Mr. Byrd of West Virginia, Mr. McGee, Mr. Mansfield, Mr. Proxmire, Mr. Yarborough, and Mr. Montoya.

Committee on Armed Services: Mr. Stennis (Chairman), Mr. Russell, Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Cannon, Mr. Young of Ohio, Mr. Inouye, Mr. McIntyre, and Mr. Byrd of Virginia.

Committee on Banking and Currency: Mr. Sparkman (Chairman), Mr. Proxmire, Mr. Williams of New Jersey, Mr. Muskie, Mr. McIntyre, Mr. Mondale, Mr. Hollings, Mr. Hughes, and Mr. Cranston.

Committee on Commerce: Mr. Magnuson (Chairman), Mr. Pastore, Mr. Hartke, Mr. Hart, Mr. Cannon, Mr. Long, Mr. Moss, Mr. Hollings, Mr. Inouye, Mr. Tydings, and Mr. Spong.

Committee on the District of Columbia: Mr. Tydings (Chairman), Mr. Bible, Mr. Spong, and Mr. Eagleton.

Committee on Finance: Mr. Long (Chairman), Mr. Anderson, Mr. Gore, Mr. Talmadge, Mr. McCarthy, Mr. Hartke, Mr. Fulbright, Mr. Ribicoff, Mr. Harris, and Mr. Byrd of Virginia.

Committee on Foreign Relations: Mr. Fulbright (Chairman), Mr. Sparkman, Mr. Mansfield, Mr. Gore, Mr. Church, Mr. Symington, Mr. Dodd, Mr. Pell, and Mr. McGee.

Committee on Government Operations: Mr. McClellan (Chairman), Mr. Jackson, Mr. Ervin, Mr. Muskie, Mr. Ribicoff, Mr. Harris, Mr. Metcalf, Mr. McCarthy, and Mr. Allen.

Committee on Interior and Insular Affairs: Mr. Jackson (Chairman), Mr. Anderson, Mr. Bible, Mr. Church, Mr. Moss, Mr. Burdick, Mr. McGovern, Mr. Nelson, Mr. Metcalf, and Mr. Gravel.

Committee on the Judiciary: Mr. Eastland (Chairman), Mr. McClellan, Mr. Ervin, Mr. Dodd, Mr. Hart, Mr. Kennedy, Mr. Bayh, Mr. Burdick, Mr. Tydings, and Mr. Byrd of West Virginia.

Committee on Labor and Public Welfare: Mr. Yarborough (Chairman), Mr. Randolph, Mr. Williams of New Jersey, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, and Mr. Hughes.

Committee on Post Office and Civil Service: Mr. McGee (Chairman), Mr. Yarborough, Mr. Randolph, Mr. Hartke, Mr. Burdick, Mr. Hollings, and Mr. Moss.

Committee on Public Works: Mr. Randolph (Chairman), Mr. Young of Ohio, Mr. Muskie, Mr. Jordan of North Carolina, Mr. Bayh, Mr. Montoya, Mr. Spong, Mr. Eagleton, and Mr. Gravel.

Committee on Rules and Administration: Mr. Jordan of North Carolina (Chairman), Mr. Cannon, Mr. Pell, Mr. Byrd of West Virginia, and Mr. Allen.

Select Committee on Small Business: Mr. Bible (Chairman), Mr. Sparkman, Mr. Long, Mr. Randolph, Mr. Williams of New Jersey, Mr. Nelson, Mr. Montoya, Mr. Harris, Mr. McIntyre, and Mr. Gravel.

Mr. DIRKSEN. Mr. President, in connection with the list I would like to ask the majority leader when the ratios have now been fixed so that for both standing committees and select committees we can feel the ratio will be 5 to 4. I would assume that is about as close an approximation as one can make.

Mr. MANSFIELD. It comes out almost exactly 57 to 43. How that could be rounded out, I do not know.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. WILLIAMS of Delaware. It comes out to the 57 to 43 ratio when the grandfather clauses are ignored. When the so-called grandfather clauses are taken care of it is about a ratio of 41.5 percent and 58.5 percent.

Mr. MANSFIELD. The Senator is correct, but certainly every Senator knows the situation in which the grandfathers, so-called, on committees have been raised from secondary to major status. I am sure the Senator knows the position we are in on this side of the aisle.

Mr. WILLIAMS of Delaware. I am just pointing the matter out so the record will be straight.

Mr. MANSFIELD. The Senator is correct.

Mr. WILLIAMS of Delaware. It is the result of the earlier rule of the Senate 3 or 4 years ago.

Mr. MANSFIELD. The Senator is correct.

Mr. DIRKSEN. Perhaps I should say to the distinguished Senator from Delaware that at some time or other we should clarify this grandfather business because we have one member on our side who is actually two grandfathers, because that is the way it came out. However, this is not the time.

Mr. WILLIAMS of Delaware. This is not the time. I realize the facts of life and that we do not have the votes to do it today.

NOTICE OF MEETING OF REPUBLICAN CONFERENCE AND REPUBLICAN POLICY COMMITTEE

Mr. DIRKSEN. Mr. President, I would like to announce that the Republican conference will meet at 3 o'clock p.m. in room 3333 of the Old Senate Office Building. The Republican policy committee will meet in room S-124 in the Capitol at 4 p.m., which is downstairs in the corner.

PROGRAM

Mr. DIRKSEN. Mr. President, I wish to ask the majority leader about the schedule for the rest of the day. I am advised that a cloture motion will be filed some time this afternoon. If that be the case, then of course, under the rule we would not get around to a vote on it until Thursday.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, what he has just said is correct, at least as far as I know.

It is my understanding that a cloture motion will be filed shortly; and under the rule, of course, it will not be voted on until 1 hour after we meet on Thursday next, 1 day and 1 hour intervening.

I think I should say also that I hope it will be possible to bring up the presidential pay raise bill this week, because to be effective for the next President, who will be inaugurated at noon on January 20, it must be considered and agreed to before that time.

Then, I would hope that the committees would get together informally for the purpose of considering the nominees of the President-elect to fill the Cabinet appointments which are, of course, his prerogative. It would be the intention of the leadership before this qualification to endeavor to bring up under unanimous consent those nominations which may be reported on Monday or Tuesday next, depending. This is a matter which I think should be discussed with the Democratic caucus and we will have a meeting shortly to that effect.

If there are nominees about whom questions or objections have been raised, the distinguished minority leader will understand the situation, and we will guide ourselves accordingly.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. The Committee on Commerce has already assigned hearings tomorrow with respect to two of the designees. In view of the fact that the Republicans have not yet assigned committee members, I am wondering how the majority leader and minority leader would like us to treat this matter.

Mr. DIRKSEN. The members have been assigned, and I am hoping, in view of the fact there will be but one long speech this afternoon, that we can meet, since we have completed the list, so that it can be confirmed today.

Mr. PASTORE. The Senator would suggest that we leave the assignment undisturbed.

ORDER FOR RECESS AT CONCLUSION OF JOINT SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for adjournment tonight be changed to provide that the Senate recess at the conclusion of the joint session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

COMMITTEE ASSIGNMENTS

The Senate resumed the consideration of the resolution (S. Res. 14) making majority party committee assignments.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

PROGRAM

Mr. DIRKSEN. Mr. President, one other question, in case the matter has not been fully explored. My understanding is that after hearings are held on the nominees for the Cabinet, the committees can informally recommend approval and they can incorporate a phrase to the effect that nominations will be approved when the new President takes the oath of office, so that on January 20 I am hoping we can come back into session, have a brief session, consider them en bloc, and approve them.

Mr. MANSFIELD. If that is the position, the leadership on this side of the aisle will do its best to accommodate the suggestion made by the distinguished minority leader. If it is not possible on that day, of course, we wil. make it an order of business the next day, Tuesday.

Several Senators addressed the Chair.

AMENDMENT OF RULE XXII

The Senate resumed the consideration of the motion of the Senator from Michigan (Mr. HART) to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

CLOTURE MOTION

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state by title.

The LEGISLATIVE CLERK. A motion to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

Mr. CHURCH. Mr. President, I send to the desk a motion signed by myself and 19 colleagues to bring to a close the debate on the motion to proceed to the consideration of Senate Resolution 11. In filing the motion we continue to proceed under constitutional rights and privileges to change the rules of the Senate agreed to at the opening of the session.

Mr. HOLLAND addressed the Chair.

The VICE PRESIDENT. The clerk will state the motion.

The legislative clerk read as follows:

MOTION FOR CLOTURE

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 motion to proceed to the consideration of Senate Resolution 11, a resolution amending the Standing Rules of the Senate.

FRANK CHURCH, JAMES B. PEARSON, GEORGE MCGOVERN, JOSEPH D. TYDINGS, PHILIP A. HART, HUGH SCOTT, EDWARD W. BROOKE, QUENTIN BURDICK, MIKE MANSFIELD, EDMUND S. MUSKIE, CLINTON P. ANDERSON, STEPHEN M. YOUNG, CLIFFORD P. CASE, HIRAM L. FONG, GAYLORD NELSON, JACOB K. JAVITS, FRANK E. MOSS, WALTER F. MONDALE, EDWARD M. KENNEDY, WILLIAM PROXMIRE, JOHN O. PASTORE, HARRISON WILLIAMS, VANCE HARTKE, CHARLES GOODELL, LEE METCALF.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. CHURCH. Mr. President, under the terms of the cloture motion just filed, the Senate will proceed to vote on the question of closing debate on next Thursday, 1 hour after the Senate convenes. It is the view of most of those Senators signing the cloture motion that with respect to questions proposing changes in the Senate rules at the opening of a new Congress, the requirement of rule XXII for an affirmative vote of two-thirds of those Senators present and voting to invoke cloture is an unconstitutional restriction on the right of the Senate to amend its rules at the opening of a new Congress. The parliamentary inquiry, therefore, is:

If a majority of the Senators present and voting, but less than two-thirds, vote in favor of this motion for cloture, will the motion have been agreed to?

The VICE PRESIDENT. The Chair would advise the Senator from Idaho——

Mr. ERVIN. Mr. President, I should like to propound a parliamentary inquiry——

The VICE PRESIDENT. The Chair would like to respond to the Senator from Idaho, as he has placed a parliamentary inquiry. May the Chair respond to that inquiry first and then the Chair will recognize the Senator from Florida and the Senator from North Carolina.

Mr. ERVIN. I wanted to ask a question——

The VICE PRESIDENT. The Chair would ask the Senator from Idaho, Does he wish to yield for that purpose?

Mr. CHURCH. No. I should like to have a response from the Chair to my parliamentary inquiry first.

The VICE PRESIDENT. The Chair wants to say, first of all, in order to handle these parliamentary inquiries that are so intricate, the Chair will try strictly to enforce the procedures of this body, so that we will have as complete and accurate thought as possible.

The Senator from Idaho has directed a parliamentary inquiry to the Chair. The Chair is aware of Senators' interest in this, and wishes to state that the Chair believes the Senate should fully understand both the Chair's views as to the parliamentary situation and the Chair's intentions with respect to the motion for cloture should a majority, but less than two-thirds, of the Senators present and voting, approve it.

There is perhaps no principle more firmly established than the constitutional right of the Senate under article I, section 5 to "determine the rules of its proceedings." The right to determine includes also the right to amend. No one has ever, to the Chair's knowledge, seriously suggested that a resolution to amend the Senate rules required the vote of more than a simple majority.

On a par with the right of the Senate to determine its rules, though perhaps not set forth so specifically in the Constitution, is the right of the Senate, a simple majority of the Senate, to decide constitutional questions.

If a majority—this is the view of the Chair—but less than two-thirds, of those present and voting, vote in favor of this cloture motion, the question whether the motion has been agreed to is a constitutional question. The constitutional question is the validity of the rule XXII requirement for an affirmative vote by two-thirds of the Senate before a majority of the Senate may exercise its right to consider a proposed change in the rules. If the Chair were to announce that the motion for cloture had not been agreed to because the affirmative vote had fallen short of the two-thirds required, the Chair would not only be violating one established principle by deciding the constitutional question himself, he would be violating the other established principle by inhibiting, if not effectively preventing, the Senate from exercising its right to decide the constitutional question. The Chair does not intend to violate both these principles.

It is the view of the Chair, just as it was the view of an earlier President of the Senate, who is now the President-elect, that, at least, at the opening of a new Congress:

> The majority has the power to cut off debate in order to exercise the right of changing or determining the rules. (Nixon, CONGRESSIONAL RECORD, vol. 105, pt. 1, pp. 8–9.)

In response to the parliamentary inquiry of the Senator from Idaho, therefore, the Chair informs the Senate that in order to give substance to the right of the Senate to determine or change its rules and to determine whether the two-thirds requirement of rule XXII is an unconstitutional inhibition on that right at the opening of a new Congress, if a majority of the Senators present and voting but fewer than two-thirds, vote in favor of the pending motion for cloture, the Chair will announce that a majority having agreed to limit debate on Senate Resolution 11, to amend rule XXII at the opening of a new Congress, debate will proceed under the cloture provisions of that rule.

The Chair notes that its decision that debate will proceed under the cloture provisions of rule XXII is subject to an appeal if it is taken before any other business intervenes. The Chair would place the appeal before the Senate for an immediate vote since rule XXII provides that appeals from the decision of the Chair, under cloture procedure, shall be decided without debate.

The Chair has set forth this response to the inquiry of the Senator from Idaho so that all Members of the Senate will have adequate opportunity to acquaint themselves with it and calls attention to the fact that there is now time under the terms of the cloture procedure for the Senate to debate the implications of this response and consider its own reaction to the motion for cloture in the light of the Chair's announced course of action.

Mr. CHURCH. I thank the Chair for his advisory opinion.

The VICE PRESIDENT. Now the Chair recognizes the Senator from Florida (Mr. HOLLAND).

Mr. HOLLAND. Mr. President, I invite attention first to the fact that the cloture motion, by its very terms, is lodged under rule XXII of the Senate. Is the Chair familiar with that fact?

The VICE PRESIDENT. The Chair is very well familiar with that fact. The Chair has tried to take note of the fact that the question relates to the section of rule XXII, the two-thirds requirement at the opening of a new Congress as to whether that is unconstitutional when the Constitution provides that a majority may transact business and that the Senate shall make its own rules for its own procedures.

Mr. HOLLAND. Mr. President, the Chair has made very clear what his ruling would be, and I think he has just stated that part of the question is a constitutional question.

At what stage in the proceedings can the constitutional question be raised by those who are opposed to the amendment of rule XXII? The Senator from Florida wishes to raise the constitutional question which the Chair has already stated exists within this entire package, and he wants to know at what stage that question may be properly raised.

The VICE PRESIDENT. Under the terms governing the Senate's procedure under rule XXII, when the time has expired on the matter—that would be Thursday of this week—there is a time, under rule XXII, at which the Senate will cast its vote. The question before the Senate will be: Is it the sense of the Senate that the debate shall be brought to a close?

It is at that point where the Chair has indicated that, if a majority of the Senate votes in the affirmative to close debate, under the Chair's interpretation of the constitutional right of every Member of the Senate, and the right of the Senate, at the beginning of a new Congress, to make its own rules of procedure, a majority would prevail and that debate would be limited, and that the action of the Senate under the balance of rule XXII would proceed under the cloture provisions.

It is at that point that the appeal will be placed immediately before the Senate for decision, as to whether or not the Chair's ruling is to be upheld or the Chair's ruling is to be cast aside.

Mr. HOLLAND. Suppose the opponents to this action, of which the Senator from Florida is one, instead of voicing an appeal, raise the constitutional question at that time. What would then be the attitude of the Chair?

The VICE PRESIDENT. All constitu-

tional questions are subject to the decision of the Senate itself, and the Chair would place the question before the Senate.

Mr. HOLLAND. In that case the question would be subject to debate; would it not?

The VICE PRESIDENT. Not under the cloture procedure. The cloture motion would have been filed and the provisions under the cloture proceedings would be adhered to.

Mr. HOLLAND. In effect, the Chair is ruling that he will not permit any appeal as to the unconstitutionality of the proposed ruling of the Chair. Is that correct?

The VICE PRESIDENT. The Chair has expressed today his views and his intention in order to forewarn the Senate—what the Chair believes is necessary fairplay. Senators are now on notice that it is the intention of the Chair—and I will repeat, so that there will be no doubt about what the Chair thinks—to rule, if a majority of the Senators present and voting, but fewer than two-thirds, vote in favor of the pending motion for cloture, that a majority having agreed to limit debate on the motion to consider Senate Resolution 11, to amend rule XXII at the opening of a new Congerss, debate will proceed then under the cloture provisions of that rule. In other words, debate will be limited except, insofar as the cloture provisions are concerned, with respect to the application of the time under the provisions of rule XXII.

The Chair wants to note that that decision, which will proceed under the cloture provisions of rule XXII, is subject to appeal, if it is taken before any other business intervenes, because we are dealing with the Chair's interpretation of the Constitution and the constitutional rights of each Member of the Senate. That constitutional issue should not be decided by the Chair, and must be decided by the Senate itself. The procedure which the Chair enunciates today permits—in fact, requires—the Senate to make the decision.

Mr. HOLLAND. Mr. President, at what stage can the constitutional question be raised under the procedure outlined by the Chair?

The VICE PRESIDENT. Under the appeal provision provided under rule XXII.

Mr. HOLLAND. But, as the Senator from Florida understands it, the Chair has ruled that when the ruling is appealed, there will be an immediate vote and no time for debate.

The VICE PRESIDENT. There would be no debate on the appeal; that is correct.

Mr. HOLLAND. If it is the intention of the learned Vice President to rule that, in effect, no chance to present the constitutional question can be had and no constitutional appeal can be made, except an appeal from the ruling of the Chair, in the opinion of this Senator that ruling, in effect, would deprive the Senate of any chance to discuss the constitutional aspects of this very serious matter; and the Senator from Florida protests vigorously against that sort of conclusion.

The Senator from Florida also calls attention to the fact that while the Chair and his distinguished friend from Idaho both say that they are proceeding under rule XXII, they proceed only so far. They proceed to the filing of the motion, under rule XXII, with the signatures of 16 Senators appended to the motion; they proceed up to the time of the setting of the vote upon the so-called cloture as it is set by rule XXII; they allow that vote to be held; and yet, in spite of the other portions of the rule, requiring that a two-thirds vote shall prevail in order to effect cloture, they insist that, under this condition, at the beginning of a Congress, a simple majority vote will permit cloture.

It seems to the Senator from Florida that, in effect, this attitude completely rewrites rule XXII and proceeds under a rule that is nonexistent. There is no rule existent for cloture of debate except upon casting of a two-thirds affirmative vote to close debate. It is that fact that the Senator from Florida wants to call to the attention of the learned Presiding Officer.

Mr. President, we will not attempt to solve the matter at this time except in respect: I want to serve notice that any way we can find to present the constitutional question for debate, notwithstanding the announced intention of the Presiding Officer to rule against debate upon the constitutional question, will be presented, and we shall ask for the opportunity to debate it. I want to serve notice to that effect.

The VICE PRESIDENT. The Chair wishes to respond briefly to the comment of the Senator from Florida. The purpose of the Chair in stating the Chair's intention relating to the parliamentary inquiry posed by the Senator from Idaho is to afford the Senate and its Members every opportunity to debate the constitutional question; and now under rule XXII time is provided for that. It is not as if the debate were foreclosed. It is, however, necessary, in order to get the constitutional question, to apply the established precedent of the Senate on an appeal from the Chair's ruling on constitutional questions; and rule XXII itself provides that such appeals, if there is no intervening business, shall be voted upon without debate.

Second, in reference to the rules, it has been held, not only by this Presiding Officer but by others—and I quote from the ruling in 1959, or the advisory opinion, I should say, in 1959——

Mr. HOLLAND. That was not a ruling of the Chair.

The VICE PRESIDENT. Advisory opinion. The Chair corrected himself.

In 1957, 85th Congress, Vice President Nixon gave an advisory ruling as follows, CONGRESSIONAL RECORD, volume 103, part 1, page 178:

> It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.
>
> Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule 22 in practice has such an effect.

That is the section which requires two-thirds——

Mr. RUSSELL. Mr. President, will the Presiding Officer be gracious enough to read all of the former Vice President's ruling, in which he also said if we proceeded under the rules of the preceding Congress, this advisory opinion would not be valid?

The VICE PRESIDENT. The Chair is quoting from the advisory opinion of the preceding Presiding Officer of the Senate. This Presiding Officer is announcing his intention of ruling that if a majority, less than two-thirds, but a majority of the Senators, vote in the affirmative on the motion of the Senator from Idaho, the Chair will rule that the proceedings under the cloture proceeding shall be in effect.

Mr. RUSSELL. If I understand the situation, the Chair is reversing the opinion that he made here 4 years ago. I just came into the Chamber. The Chair is quoting as an authority an advisory opinion of a former Vice President of the United States. While I have not looked it up in several years, if my memory serves me correctly, in that same advisory opinion he stated that if the Senate proceeded under the rules of the other session previously adopted, the advisory opinion would not be in effect, because it would mean that the rules had been adopted.

In the case, today, we have moved all the way up to the filing of the cloture motion.

The VICE PRESIDENT. The Chair wishes to note that it is his view that those rules that continue over from one Congress to another, that are not challenged at the opening of the new Congress or do not violate the constitutional provision of majority rule, are valid. That is the Chair's opinion. All of this is subject to appeal, once the ruling is made. The Chair has announced his intention to make a ruling. That appeal on constitutionality can only be settled by the Members of the Senate. But we have debated this question over the years, and it seems to this Presiding Officer that the time is at hand to have a decision.

Mr. RUSSELL. Mr. President, will the Chair advise just when a new Congress begins, and the old Congress ends? The Chair keeps referring to "the new Congress." The rules, of course, provide that they can only be changed in the manner prescribed therein specifically and definitely. But the Chair used the term "challenged at the opening of the new Congress." When does the new Congress begin?

The VICE PRESIDENT. The Chair responds, first, by saying that the Senator from Idaho has raised the question in his cloture motion that that section of the rule which requires a two-thirds vote is unconstitutional, and the Chair intends to make his ruling on that matter, and then the Senate will have its opportunity to decide. There has never been any question but that the rules, unless contested at the opening of the Senate, shall continue in effect. They continue by passive assent. As to whether there is a new Congress or not, I only refer

the Senator to the fact that I have before me an issue of the CONGRESSIONAL RECORD regarding the proceedings and debates of the 91st Congress. That opened on the 3d day of January. The other Congress was the 90th Congress.

Mr. RUSSELL. The Chair had said that it must be during the new Congress. It seemed to me that if the challenge would apply today, it would apply in August.

In other words, take rule XL, for example, which prescribes that the rules of the Senate can only be suspended by a two-thirds vote, after notice given in writing of 1 day. Is it in order, now, to declare that unconstitutional?

The VICE PRESIDENT. I say to the Senator that if some Senator wishes to challenge it, that is his right, and the Chair would place that question before the Senate.

Mr. RUSSELL. When would that right expire?

The VICE PRESIDENT. The Chair would say to the most learned Member of this body on the rules——

Mr. RUSSELL. I thank the Chair.

The VICE PRESIDENT. You may change the rules any day that you wish. The Chair advises the Senator that it is his understanding that the Senate may change its rules any time it wishes. There is a procedure for doing that.

Mr. RUSSELL. On motion made from the floor?

The VICE PRESIDENT. If you can obtain unanimous consent. Otherwise you will have to proceed under the normal processes of the Senate.

Mr. RUSSELL. Mr. President, I thought it was unquestioned that the rules of the Senate could only be changed by written resolution.

The VICE PRESIDENT. There is no question that there is a body of rules before the Senate at this time. There is no question about that. The question as posed by the Senator from Idaho is the right of a Senator, with new Senators and a new Senate, to challenge, at the opening of a Congress, how the rules can be changed.

Mr. RUSSELL. Mr. President, I am still confused as to when a Senator is no longer a new Senator, and when a Congress is no longer a new Congress. I had always considered that each and every one of the 100 Members of the Senate were equals, and it made no difference when they entered the Senate. I think the most eloquent, or one of the most eloquent speeches that Webster ever made was in proclaiming the equality of every Senator on the floor of the Senate. I cannot conceive of a more vague or meretricious ruling than that. Simply because we have new Senators here, and a new Congress, a different state of facts exists with respect to the rules.

The VICE PRESIDENT. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, first I ask unanimous consent that the entire advisory opinion of the former Vice President, Richard Nixon, be printed in the RECORD at this point.

The VICE PRESIDENT. The Chair appreciates that, and intended to so request. Is there objection? The Chair hears none, and it is so ordered.

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

VICE PRESIDENT NIXON'S RULING

In 1957, during the debate on the rules at the opening of the Senate of the Eighty-fifth Congress, Vice President Nixon gave an advisory ruling as follows (CONGRESSIONAL RECORD, vol. 103, pt. 1, pp. 178–179):

"It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

"Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule 22 in practice has such an effect.

"The Chair emphasizes that this is only his own opinion, because under Senate precedents, a question of constitutionality can only be decided by the Senate itself, and not by the Chair.

"At the beginning of a session in a newly elected Congress, the Senate can indicate its will in regard to its rules in one of three ways:

"First. It can proceed to conduct its business under the Senate rules which were in effect in the previous Congress and thereby indicate by acquiescence that those rules continue in effect. This has been the practice in the past.

"Second. It can vote negatively when a motion is made to adopt new rules and by such action indicate approval of the previous rules.

"Third. It can vote affirmatively to proceed with the adoption of new rules.

"Turning to the parliamentary situation in which the Senate now finds itself, if the motion to table should prevail, a majority of the Senate by such action would have indicated its approval of the previous rules of the Senate, and those rules would be binding on the Senate for the remainder of this Congress unless subsequently changed under those rules.

"If, on the other hand, the motion to lay on the table shall fail, the Senate can proceed with the adoption of rules under whatever procedures the majority of the Senate approves.

"In summary, until the Senate at the initiation of a new Congress expresses its will otherwise, the rules in effect in the previous Congress in the opinion of the Chair remain in effect, with the exception that the Senate should not be bound by any provision in those previous rules which denies the membership of the Senate to exercise its constitutional right to make its own rules."

Mr. HOLLAND. Mr. President, I also wish to call attention to the fact that I know of no precedent whatsoever, and I cannot conceive of any precedent, whereby a ruling should be made that a proceeding can be undertaken under an existing rule, and follow it meticulously in every respect except one, and that is that after the vote is taken, the Presiding Officer shall decide that the rule does not apply, and hold that the objectives of the rule to close debate may be attained by a lesser and a smaller vote than that announced by the rule. It seems to me that such a ruling, on the very face of it, is not only without precedent, but is without logic, and we should find any means that we can to dispose of the ruling of the Presiding Officer.

I might say, in closing at this time, that it seems to me that, having chosen to proceed under this rule, as the petitioners do, and having signed their names under the petition, saying on its very face that this petition is brought under rule XXII, and having invoked the provisions of the rule itself to limit the debate between the presentation of the rule and the taking of the vote upon the rule, that then, to declare after the vote is taken that after all, they were only joking up to that point, because they had no intention of observing the requirements of the rule as to the number that was required to vote affirmatively to bring about cloture, presents a perfectly ridiculous situation. I cannot help but say that for the RECORD at this time, with all respect, and great respect, to the Presiding Officer.

Several Senators addressed the Chair.

Mr. HOLLAND. I am happy to yield to the Senator from Georgia.

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

Mr. HOLLAND. I yield.

Mr. RUSSELL. Will the Senator ask unanimous consent that the ruling by the same Presiding Officer on this subject 4 years ago likewise be printed in the RECORD?

Mr. HOLLAND. Mr. President, I make the request at this time that the ruling of the learned Vice President 2 years ago be printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Chair hopes that the Senate will learn as the Chair has.

The VICE PRESIDENT. The Chair feels that it is its obligation at this point, in light of the point of order raised by the Senator from Illinois, to state its view on this matter.

The point of order made by the Senator from Illinois involves or raises the question of the constitutionality of the motion of the Senator from South Dakota. On many occasions questions have been raised regarding the constitutional right of the Senate to act in a given manner, and the precedents are uniform. The Chair, on all these occasions, has submitted such questions to the Senate for its consideration.

The Chair is sure that Members of the Senate are well aware of the Presiding Officer's record as a U.S. Senator, at that time as an advocate of a point of view. The Chair is now the Presiding Officer of the entire Senate and stands as a servant of the Senate, rather than as an advocate within it.

Therefore, the precedent, which is a part of Senate history—namely, that the Chair has submitted constitutional questions to the Senate for its decision—the Presiding Officer believes to be a sound procedure. It has not been considered the proper role of the Chair to interpret the Constitution for the Senate. Each Senator takes his own obligation when he takes his oath of office to support and defend the Constitution. The Presiding Officer is aware of no sufficient justification for reversing this procedure.

Because the point of order made by the Senator from Illinois involves the constitutionality and propriety of the motion of the Senator from South Dakota—and at this time the Senate is attempting to modify its rules at the opening of Congress under rule XX on matters relating to questions of order—

the Presiding Officer may submit any question of order for the decision of the Senate.

Therefore, following the precedent of the Senate, the Chair submits to the Senate the question: Shall the point of order made by the Senator from Illinois be sustained? That question is debatable.

Mr. DIRKSEN. Mr. President, only for clarification—and this is a parliamentary inquiry—I think the RECORD should show now that an appeal from the ruling of the Chair will be disposed of by a majority vote.

The VICE PRESIDENT. The Senator is correct.

Mr. JAVITS. Mr. President, the papers from former Vice President Nixon, which have been placed in the RECORD, contain the following statement made at the beginning of the session in 1959:

Under the advisory opinion, the Chair rendered at the beginning of the last Congress, it is the opinion of the Chair that until the Senate indicates otherwise by its majority vote the Senate is proceeding under the rules adopted previously by the Senate . . . but, as the Chair stated earlier today, and as he expressed himself more fully in an advisory opinion at the beginning of the last Congress, in the opinion of the Chair the rules previously adopted by the Senate and currently in effect are not, insofar as they restrict the power of the Senate to change its rules, binding on the Senate at this time.

I make this parliamentary inquiry: In the judgment of the Chair, does that precedent which the Chair has cited apply to rules by number or to any part of any rule if it can be applied without vitiating what the Chair considers to be the constitutional right of the majority of the Senate?

The VICE PRESIDENT. It would be the view of the Chair that the opinion given by the former Vice President applies to a part of the rules or could apply to the entire body of the rules.

Mr. JAVITS. Mr. President, one other parliamentary inquiry: Is it a fact that upon more than one occasion—upon several occasions—assurance was given by the majority leader, by the President pro tempore of the Senate, and by the minority leader that no rights of any kind were being waived to raise this question by virtue of the proceedings which have taken place since the opening day of this Congress, January 3?

The VICE PRESIDENT. It is the view of the Chair that such assurances have been given at the opening of this Congress and in previous Congresses.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

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

Mr. JAVITS. I yield.

Mr. RUSSELL. I think it should be made clear that that also applies to the Presiding Officers other than those the Senator mentioned.

Mr. JAVITS. Of course. Is it not also a fact that the Chair, upon the opening day, followed an order of business for that day which began with a call to order, a prayer, the presentation of election certificates, the administration of oaths, a call of the roll, the receipt and referral of messages from the President, a resolution to notify the President that a quorum of the Senate had convened, the designation of a President pro tempore, and announcement of the order of business, and that then I asked, as a parliamentary inquiry, whether it was not in order to deal with the rules of the Senate.

The VICE PRESIDENT. It is the view of the Chair that that was the situation.

Mr. JAVITS. So this presents to the Senate the pattern of what was done as a regular pattern of procedure.

One final question: I find in another part of the opinion, which the Chair said was his opinion, that this is the way the Chair would rule if he had the opportunity:

A constitutional question would be presented if the time should come during the course of the debate when action on changing the rules should seem unlikely because of extended debate. At that point any Member of the Senate, in the opinion of the Chair, would have the right to move to cut off debate. Such a motion would be questioned by raising a point of order.

I ask the Chair if it is not a fact that that was precisely the procedure which was employed in 1967, when the Chair—the presently presiding Vice President—stated that if a motion to table the point of order, which was made precisely in that way, was unsuccessful, he would construe that to mean a decision on the constitutional question by the Senate.

The VICE PRESIDENT. That is the recollection of the Chair as to the situation that prevailed here in 1967.

Mr. JAVITS. I thank the Chair.

Now I should like to proceed in my own time for a few minutes. I have not yet finished. I think that at long last the Senate of the United States has reached a historic moment, when we have a Vice President who has faced the issue and decided that he is an officer having power and authority, and that he is here to do something other than to be ministerial; that he has finally tried to bring to resolution a long-standing question which, in my judgment—I speak as only one Senator—has disgraced the Senate. This problem is epitomized by the fact that we were so involved in our own footwork in terms of procedure in the Senate that we could not move, whatever might be the law or whatever might be the Constitution, without the consent of two-thirds of the Senate; epitomized by the fact that on one occasion a Vice President put to the Senate this very question, "Shall debate be closed?" but he said that that question was debatable, and that was the end of the matter. The Senate again was tied up in its own feet and its own procedure and could not move a step beyond that.

I should like to say that, in my judgment, without the persiflage and flattery that goes into so many speeches—we all do it, including myself—but just calling it straight, the Vice President of the United States has today performed one of the most historic services known to the history of this country. I may not live to see it, nor any of us here, but if this ruling stands up—and I think it will—one day the Vice President's name will be blessed, because we will have a decision which will have been made, and which cannot be vetoed by one-third of the Senate, even though a majority wants it to take place.

As one Senator, I wish to express the enormous satisfaction with our processes of government which at long last have been put on a track on which a majority of the Senate may be permitted to do its duty.

Mr. HOLLAND. Mr. President, the Presiding Officer is, of course, familiar with section 2 of rule XXXII, which reads:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

My parliamentary inquiry is: What weight, what importance, what effect does the Presiding Officer give to section 2 of rule XXXII, under the course of action which he has outlined as intended to be followed by him?

The VICE PRESIDENT. It is the view of the Chair that there is no rule of the Senate that can violate the Constitution, and the petition of the Senator from Idaho does not violate the rule.

Mr. HOLLAND. If the learned Presiding Officer means what I understand him to mean, he is holding that section 2 of rule XXXII is completely unconstitutional.

The VICE PRESIDENT. Not at all. The Chair is not holding that at all. That is not the question. The question before the Senate is the question posed by the Senator from Idaho relating to section 2 of rule XXII, which requires a two-thirds vote of the Senate in order to comply with the procedure for cloture. That question will be raised at the appropriate time, and the vote will come on Thursday as to whether or not it is a constitutional provision.

The Chair has expressed his intention of following what he believes the Constitution requires, namely, that the Senate shall make its own rules of procedure, but also that a majority shall constitute a quorum for the purpose of doing business.

It is the view of the Chair that in light of those constitutional provisions and precedents, the majority can cut off debate in this instance, at the beginning of a new Congress, in matters of rules. That is the view of the Chair.

Mr. HOLLAND. Then, the Presiding Officer is ruling that the words "unless they are changed as provided in these rules," which certainly mean as provided by section XXII, as by other rules——

The VICE PRESIDENT. As it may be amended.

Mr. HOLLAND. That that section is inapplicable.

The VICE PRESIDENT. No, the Chair is not ruling that at all. The question before this body is the amendment of rule XXII. That is the question. At that point, the issue of constitutionality arises, as to whether or not a majority can, at the beginning of a new Congress, exercise its right to modify, change, or adopt new rules or amend old rules. That is the question. When that is resolved, if, for example, it is agreed subsequently that three-fifths of the Senators could cut off debate, then that rule—what is the number?

Mr. HOLLAND. Rule XXXII, section 2.

The VICE PRESIDENT. That rule

would apply, because the Senate has expressed its will.

The Chair is attempting to place before the Senate a question that has been debated in this Chamber for years, as to whether or not the two-thirds vote requirement of section 2 of rule XXII is constitutional at the beginning of a new Congress when Senators, at the beginning of a new Congress are attempting to amend, change, and adopt the rules.

Mr. HOLLAND. Mr. President, does the question not go further than that? This section provides that changes in the rules cannot be made "unless they are changed as provided in these rules." Is not the Presiding Officer ruling that that part is inapplicable?

The VICE PRESIDENT. Not at all. The Chair is not so ruling at all.

The question before the Senate is on the right of the Senators—each and every Senator—and this body, at the opening of a new Congress, to adopt its rules of procedure. Since there is no express provision in the Constitution for a two-thirds requirement on rules, but rather that the Senate shall make its own rules of procedure and a quorum shall constitute a majority for the purpose of doing business, the question then arises as to whether or not any procedure that inhibits or violates that majority rule is constitutional at this point in the proceedings.

Mr. TALMADGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TALMADGE. Ninety Congresses of the United States and the U.S. Supreme Court, in the case of McGrain against Daugherty, handed down in 1926, reported in 273 U.S., page 135, have held that the Senate is a continuing body. I quote from the case of McGrain against Daugherty.

> The rule may be the same with the House of Representatives, whose Members are all elected for a period of a single Congress, but it cannot well be the same with the Senate, which is a continuing body, whose Members are elected for a term of six years and so divided into classes that the seats of one-third only become vacant at the end of each Congress, two-thirds always continuing into the next Congress, save as vacancies may occur through death or resignation.

Now, since 90 Congresses of the United States have held that this is a continuing body, since the Supreme Court of the United States has held that this is a continuing body, since the rules of the Senate provided that these rules will remain in effect except when changed by the Senate in accordance with these rules, when did this body cease to be a continuing body?

The VICE PRESIDENT. Is the Senator asking the Chair for his opinion?

Mr. TALMADGE. I am asking the Chair a parliamentary question. When did the Senate cease to be a continuing body?

The VICE PRESIDENT. The Chair has not thought that the Senate ceases to be a continuing body. In other words, if the Senator argues that the Senate is a continuing body, it is his right.

Mr. TALMADGE. I am. I am quoting the Supreme Court and the precedent of 90 Congresses.

The VICE PRESIDENT. The Chair does not dispute that. The only question that the Chair will place before the Senate is the point of the Senator from Idaho, which challenges the constitutionality of section 2 of rule XXII. That is all.

Mr. TALMADGE. Do I correctly understand the ruling of the Chair to be that the Senate is a continuing body?

The VICE PRESIDENT. The Chair has not ruled on it, but it is the view of the Chair that the Senate is a continuing body, and he does not feel it is relevant to the issue.

Mr. TALMADGE. That is what the Supreme Court says, and I congratulate the Chair on agreeing with the Supreme Court in that instance.

The VICE PRESIDENT. The Chair has agreed with the Supreme Court on other occasions.

Mr. TALMADGE. If it is a continuing body, how can the Senate change its rules except in accordance with the rules of the Senate?

The VICE PRESIDENT. It is the view of some Senators, apparently, that a rule of the Senate which in the view of Senators—one or more—violates the constitutional rights of a Senator is subject to challenge. Also, it is the view of some Senators—and it is concurred in by the Chair—that at the opening of a new Congress, even of a continuing Senate, each Senator has all the rights and privileges under the Constitution that were present in the first Senate, and that the Constitution prescribes that a majority shall be a sufficient quorum for the purpose of doing business, that all legislation shall be passed by a majority, and that the Senate shall adopt its own rules of procedure.

The question is not whether the Senate is a continuing body. The question is posed by the Senator from Idaho, and it has nothing to do with a continuing body.

Mr. TALMADGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TALMADGE. Do I correctly understand the ruling of the Chair to be that if more than a majority vote for the cloture motion next Thursday, a Senator can proceed to speak then only in accordance with the cloture rules?

The VICE PRESIDENT. That is the intention of the Chair, and the Chair has given the Senate that forewarning.

Mr. TALMADGE. A Senator, who has been elected by his constituency and sent to the Senate, can be gagged by a ruling of the Vice President after speaking for 1 hour? Is that the ruling of the Chair?

The VICE PRESIDENT. Rule XXII does the gagging, if any gagging is to be done. It is not the Chair who does the gagging.

Mr. TALMADGE. The Vice President has held that rule to be unconstitutional in part and valid in other parts. Is that the ruling of the distinguished Vice President?

The VICE PRESIDENT. The Chair observes that questions of constitutionality are brought by the Chair to the Senate for the Senate's decision. The Chair is not ruling on constitutional questions.

So that there may be no question, the Chair believes it would be well, for purposes of understanding, to repeat what the Chair has in mind.

The Chair informs the Senate that in order to give substance to the right of the Senate to determine or change its rules and to determine whether the two-thirds requirement of rule XXII is an unconstitutional inhibition on that right at the opening of a new Congress, if a majority of the Senators present and voting, but fewer than two-thirds, vote in favor of the pending motion for cloture, the Chair intends to announce that a majority having agreed to limit debate on Senate Resolution 11, at the opening of a new Congress, debate will then proceed under the cloture provisions of that rule.

The Chair knows that its decision that debate will proceed under the cloture provisions of rule XXII is subject to an appeal if it is taken before any other business intervenes. The Chair will place that appeal before the Senate for an immediate vote, since rule XXII provides that appeals from the decision of the Chair, under cloture procedure, shall be decided without debate.

It all boils down to the fact that what the Chair is attempting to do is to simplify this issue to permit the Senate to work its will as to whether or not the two-thirds requirement of section 2 of rule XXII which is being challenged at the opening of this Senate is unconstitutional.

Mr. TALMADGE. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TALMADGE. As I understand rule XXII, it provides that only two-thirds of the Senate present and voting may gag a Senator. Is that not correct?

The VICE PRESIDENT. I believe that is correct.

Mr. TALMADGE. Under what authority does the Vice President propose to gag Senators if the rule does not give him that authority?

The VICE PRESIDENT. The Vice President, as the Presiding Officer, would place the question before this body so that the body itself may decide whether or not that provision of rule XXII is or is not constitutional; but the Chair is expressing the desire to help the Senate work its will. It is time to face up to it.

Mr. TALMADGE. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TALMADGE. As I understand the distinguished Vice President intends to use the very rule he says is unconstitutional to gag a Senator who desires to speak for his State.

The VICE PRESIDENT. The Chair does not seek to use any rule except those rules applied by Senators. The Chair does not initiate proceedings. The matter has been initiated by the Senator from Idaho.

The Chair responded to an inquiry by the Senators from New York that a rule or a portion of a rule can be contested as to its constitutionality, and that is what is happening.

The debate is not with the Chair but

with the Senator's colleagues. That may be the different point of view. The purpose of the Chair is to precipitate decision.

Mr. TALMADGE. I most respectfully disagree with the ruling of the Vice President. Ninety Congresses have taken a contrary view. The Supreme Court has taken a contrary view, which I have read to the distinguished Vice President.

The distinguished Vice President has said in effect that rule XXII itself is unconstitutional and yet he purports to use that same rule to gag Senators from 50 States sent to the Senate to represent them.

The VICE PRESIDENT. The Chair responds most respectfully that the Chair has not said rule XXII is unconstitutional. The Chair has not contested the continuing body nature of the Senate.

The Chair merely said that the question posed by the Senator from Idaho in his motion is one that challenges the constitutionality of section 2 of rule XXII; and under all the understandings in this body, in this the 91st Congress, and in preceding Congresses, the statements of the majority leader and minority leader and others, none of the rights of any Senator shall be prejudiced by the transaction of business taken in these early days of a new Congress. It has been understood that Senators could test the rules and portions thereof as to constitutionality.

Mr. TALMADGE. If rule XXII is unconstitutional, we have no cloture rule whatever. Not only a majority could not gag the Senate, but 99 Senators could not gag the Senate, if any Senator wanted to speak, if rule XXII is unconstitutional.

The Vice President is proceeding to attempt to gag Senators under the very rule that he held to be unconstitutional.

The VICE PRESIDENT. The Chair would only respond that cloture proceedings are not the subject being contested.

Mr. THURMOND. Mr. President, I cannot hear.

The VICE PRESIDENT. It is the two-thirds that is required to cut off debate under rule XXII which the Senator from Idaho challenges on a constitutional basis. That question can be decided only by the Senators who debate the question, and not by the Chair.

The Chair is attempting to precipitate a decision by a procedure he outlined in advance so the Senate will be on notice. The Chair has not ruled that rule XXII is unconstitutional.

The Chair indicated his intention that when the vote is called on the cloture motion, the one filed by the Senator from Idaho, if a majority, or less than two-thirds, a majority vote to sustain the motion, then it will be the view of the Chair that the body of rule XXII, the cloture proceedings, will prevail.

Mr. TALMADGE. If I recall correctly, 4 years ago when this question came before the Senate the distinguished Vice President ruled that he thought rule XXII was unconstitutional but he held it to be a constitutional question and submitted it to the Senate, and the Senate only could make the decision. At that time he did not attempt to try to gag Senators from the States. Therein lies the difference in the ruling.

The VICE PRESIDENT. May I say respectfully to the Senator, for whom I have the highest regard, that the Chair in this instance is not attempting to gag the Senate. The Chair is attempting to assist the Senate to meet the issue. That is the responsibility of the Presiding Officer in many of these highly controversial matters. The Chair has drawn the issue, but it is subject to appeal; it is a constitutional question which can be decided only by the Senate so the Senate can work its will. The Chair seeks to facilitate the business of the Senate; not inhibit it.

Mr. TALMADGE. If the Chair allows a Senator to speak at his sufferance for only 1 hour, he has gagged that Senator.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, the present occupant of the chair needs no defense from any Member of this body or anyone else, either as to his integrity or skill in performing the functions of his difficult position which he is now performing. However, I would like to say this. Any suggestion that the Chair is overreaching or will overreach by following the procedure he intends to follow is utterly without foundation. The Chair will have no choice when the time comes to vote on the cloture motion but to put the question, and then, the vote having been taken, to rule, as the Chair must always rule, whether a motion has been adopted or not. So he is only performing his function in doing so. In the procedure which he has announced he will follow, he is following strictly all the precedents of this body, and it is a basic rule that the Senate decides constitutional questions.

So that decision will be made, as the Chair so clearly stated and reiterated, despite efforts made to confuse the question upon appeal from his ruling, a ruling which he must make. This is the action of the Senate itself and the Chair is absolutely correct in his statement that the rules require that appeals made during rule XXII proceedings shall be voted upon without debate. The Chair, it seems to me, is following strictly the rules of this body and the Constitution.

If I may just avert to one statement made earlier by the Senator from Georgia, I think it was, in regard to the proposition that if rule XXII is not applicable then there is no right because the Constitution requires that all Senators be allowed to speak without any restriction whatever upon their debate. There is no such provision in the Constitution. The only provision of the Constitution in that matter is that the Senate has a right to make its own rules. This entire matter of unlimited debate is something that has grown up as a practice, and not the wisest practice in all cases. There was a time in history when this body operated under proceedings by which the Chair would cut off debate when in his sole judgment he thought a man was talking in a tiresome way or in a dilatory fashion.

So there is no provision for unlimited debate; only that the Senate make its own rules. The Senate has made its own rules. The Senate made the rules here.

I have one other point. In 1959 we adopted the provision changing former rule XXII so that a two-thirds vote of those present and voting, as opposed to the two-thirds vote of the total authorized membership of the Senate, would be sufficient to adopt a cloture motion under rule XXII. As part of the price exacted for that was this little tricky provision that rule XXII shall continue from Senate to Senate unless changed as provided in these rules. At that time many of us were fully aware that literally interpreted that might prevent the kind of proceeding at the beginning of each new Congress which we are engaged in right now.

We announced that we would not accept and could not, indeed, because the constitutional rights of all Senators, then and forever in the future, would be affected, and that could not be done by any Senate action; that that provision, insofar as it might, in the future, operate to restrict the right of the Senate at the beginning of each new session to change them, would be invalid. So no one was lulled into any kind of misapprehension that the position we took then, and have always taken since, would not be taken in the future.

One further point and I shall finish. I think that not only do I fully agree with everything the Senator from New York and other Senators have said about what the President of the Senate has said, but it is not only a courageous act, it is also a fair and decent act, not to wait until the time of a vote, or the time the vote will occur and then make an announcement as a surprise, but to state now and between the time the vote is taken that Members of the Senate, agreeing or disagreeing, can fully put on the record their thoughts about this issue and what they are going to do. There will be no surprise, no entrapment, and no defrauding of anyone.

It is in accordance with the way the present occupant of the Chair has conducted himself throughout his public career. I applaud him for it, as well as for the great courage and honesty of his position.

Mr. ERVIN. Mr. President, if I understand the Chair correctly, the Chair, in the final analysis, bottoms his announced view of his proposed ruling in the ultimate analysis on the constitutional provision that says that a majority of each House of Congress shall constitute a quorum.

The VICE PRESIDENT. For the purpose of doing business.

Mr. ERVIN. Yes. Now the Chair stated that at the beginning of a session of Congress, a majority could change rules and anything that prevented them from doing so is not valid. Is that the essence of the Chair's ruling?

The VICE PRESIDENT. May the Chair state most respectfully to the Senator from North Carolina that the rules can be changed at any time by a majority.

Mr. ERVIN. That is exactly the point I was trying to make.

The VICE PRESIDENT. They may be changed at any time.

Mr. ERVIN. The power of the Senate is exactly the same every day it is in session, whether at the beginning of a

session, in the middle of a session, or at the last part of a session, is it not, under the Constitution?

The VICE PRESIDENT. Is the Senator asking for a ruling of the Chair?

Mr. ERVIN. That being true, the Senate is powerless, under the Constitution, to make any rule that a majority could not set aside any time during the session of the Senate and change it; is that not correct?

The VICE PRESIDENT. Is the Senator asking for the Chair's opinion?

As it stands now, the Senate has the right, by majority vote, to change its rules. However, the Chair must observe that the Senate also has a rule that says, under rule XXII, it will take a two-thirds vote to limit debate.

Mr. ERVIN. If this Senator understands the ruling of the Chair, the Chair has ruled, in effect, that the part of the rule is unconstitutional; is that not correct?

The VICE PRESIDENT. The Chair has had that matter placed before him not at his own volition. This is not exactly a pleasant experience for the Chair. He had this question placed before him by the Senator from Idaho. The Chair has examined it very carefully. The Chair has examined this question over the years and has tried to find what was the better way to pose this question to the Senate.

The Chair is of the opinion, and so intends to rule, that when this question comes up for decision, if there are less than two-thirds, but over a majority, of Senators present and voting, and they vote in the affirmative, the Chair intends to rule that the proceedings under the cloture provision of rule XXII apply. That is subject to an appeal, an appeal on the basis of the ruling of the Chair as to the constitutionality, and will be settled by the Senate itself.

Mr. ERVIN. Well, it seems to me—I do not know whether I understand the Chair's ruling—but it seems to me that the Chair's ruling is essentially based upon the theory that since a majority of the Senate constitutes a quorum, any rule which prevents a majority from acting at any time is unconstitutional. Is that not essentially the ruling of the Chair, at least the opinion of the Chair, in announcing what ruling he will make?

The VICE PRESIDENT. It is the opinion of the Chair, in light of the proposition or the motion posed by the Senator from Idaho relating to the two-thirds requirement in section 2 of rule XXII which carries over, unless it is challenged, that if that question is raised as to whether that is an unconstitutional provision, the Chair will rule that a majority has the right to decide it.

Mr. ERVIN. The Chair will rule, in effect, that the Chair will not enforce a rule as written by the Senate in that event?

The VICE PRESIDENT. The Chair will rule that a majority, or more, having cast their votes in the affirmative, at the beginning of a new Congress, when said new Congress has the right and obligation to set its rules, a majority will be sufficient to limit debate until the Senate establishes or amends its rules of procedure.

Mr. ERVIN. How can it do that if the power of Congress is exactly the same at the beginning of a session, in the middle of a session or at the end of a session? How can Congress establish rules under the Chair's ruling that will prevent a majority from doing what it wants at any time?

The VICE PRESIDENT. By the Senate itself making its own decisions. The Senate is the judge of its own rules.

Mr. ERVIN. The Senate has the same power each day it is in session.

The VICE PRESIDENT. No doubt about it.

Mr. ERVIN. The Congress, as I interpret the proposed ruling, does not have the power to establish a ruling requiring 60 percent to cut off debate which is binding on the majority.

The VICE PRESIDENT. That is one of the motions on the calendar.

Mr. ERVIN. Does not the ruling of the Chair hold it to be unconstitutional for the Senate to establish any rule requiring more than a bare majority to silence all Senators?

The VICE PRESIDENT. The Chair will observe that since the Chair is stating opinions, and does not particularly desire to debate, when the Senate finally decides on its rules, it can decide any kind of rules it wants, by majority vote. If done under section 2 of rule XXII, they can have it, but at the beginning of a new Congress, it is the view of the Chair that it has been the long-established precedent of this body that none of the rights of any Senator are to be denied or prejudiced in any way. The right of the Senate to limit debate on a change of its rules by majority vote is a constitutional question, and that question will be placed before this body.

Mr. ERVIN. I would be more enlightened if the Chair would tell me in what part of the Constitution there is any provision which says the Senate has that power at the beginning of a session, and not all through it.

The VICE PRESIDENT. The Chair believes that the inherent right of Congress to establish its rules of procedure is there, at the beginning.

Mr. ERVIN. If I understand the Chair correctly, the Chair is also going to rule that if an appeal is made from the Chair's ruling, in case a majority but not two-thirds vote for cloture, the Chair will hold that the appeal from the Chair must be decided without debate.

The VICE PRESIDENT. That is the rule as provided in rule XXII.

Mr. ERVIN. Yes. And under that rule how could the Vice President adjudge that a previous Congress can silence all the Senators of the 50 States and hold that none of them shall be permitted to say a mumbling word. If the Vice President is right in other respects, he would have to hold that particular rule as inconsistent with the Constitution. It not only silences a majority. It silences all.

The VICE PRESIDENT. The requirement, as the Chair understands it, is that if there was not any satisfaction in that procedure, there is always the right of a Senator to move to table.

Mr. ERVIN. That would be a decision by the Senate and that would be vastly different from the Chair ruling that a previous Senate cannot prevent a majority from acting, but can prevent all from acting.

Mr. President, I would like to have this placed in the RECORD. It is a statement made by one of the wisest liberals who ever sat in the Senate and one of the greatest constitutional lawyers this country has ever known; namely, our late, beloved friend, Senator Joe O'Mahoney.

I read his statement:

I am also utterly unable to understand how anybody can argue that the Vice President of the United States has any constitutional power to declare unconstitutional a rule which the Senate may make.

CONSTITUTION AUTHORIZES SENATE TO WRITE ITS OWN RULES

The Constitution is clear. It is very simple. Nobody can misunderstand it.

Section 5 of article I provides:

"Each House may determine the Rules of its Proceedings—"

That is all it says about making of the rules. The authority is granted to the Senate and to the House to make their rules and to no other branch or official of the Government.

The Senator from New York offers an amendment to the pending resolution offered by the leadership for both sides to make paragraph 2 of section 3 of the pending resolution read as follows:

"The rules of the Senate shall continue from one Congress to the next Congress unless they are changed."

The Senator from New York wants to strike out the words "as provided in these rules."

VICE PRESIDENT HAS NO AUTHORITY TO DECLARE RULES UNCONSTITUTIONAL

The Constitution of the United States, in the clause I have just read, gives to the Senate the right to write its rules. Who is it that has the right to prevent the Senate from writing its rules? It is said the Vice President has that right. I interrogated the Vice President a few days ago in an effort to discover upon what basis he claimed this authority. I have been unable to find such authority in the Constitution and he has been unable to hand it down.

Of course, he made the ruling in a previous Congress, say those who claim that the Vice President has the right to declare a rule of the Senate to be unconstitutional. But it is impossible to find constitutional support for such a provision.

THESE ARE CONSTITUTIONAL DUTIES OF VICE PRESIDENT

Who is the Vice President? His office was created by the Constitutional Convention when the Founders were creating the Presidency. It was set forth in the Constitution that in the electoral college, when the votes were counted, the man who had the second largest vote for the Presidency should become Vice President. That was changed, of course, when it was provided by amendment that nominations should be made for Vice President as well as for President. But in the section which creates the Vice Presidency we find a clause which prescribes his duty. This is paragraph 5 of section 1 of article II of the Constitution:

"In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

Having proceeded that far, the constitutional fathers, having found no duty for the Vice President to perform, decided they would make him President of the Senate. This is the only other clause of the Constitution I can find referring to the Vice President.

"The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided."

That means that he may enforce the rules the Senate makes for itself. He cannot alter them. He cannot hold them unconstitutional.

VICE PRESIDENT HAS NO POWER OVER MAKING OF RULES

I find no word or phrase or clause in this provision saying that "the Vice President may give advisory opinions to prevent the Senate from exercising its constitutional powers to make its rules."

Can anybody point out such powers? Can anybody point to any provision in the Constitution which gives the Vice President authority to render the decision the present Vice President did when he assumed the right to find some rule already made by the Senate to be unconstitutional?

The Constitution does not give that power to the Vice President. The Constitution gives to the Senate, and only the Senate, the power to make its rules. It does not say "shall"; it says "may." It does not say "why." Why was it the Constitution provided that each House may make its own rules?

According to the fundamental basis of the ruling which the Vice President has announced he proposes to make in a certain event, the Senate is totally without power to adopt any effective rule, which could prevent a majority of the Senate from doing anything it sees fit at any time. For all practical purposes, that theory nullifies the constitutional provision authorizing the Senate to determine rules for its own proceedings.

Mr. HOLLINGS. Mr. President, the only rule in issue is section 2 of rule XXII. Is that correct? What I am trying to do is distinguish exactly the proposed ruling.

The VICE PRESIDENT. Section 2.

Mr. HOLLINGS. Of rule XXII?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. And none of the other rules are in issue?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. As a matter of fact, I think at the beginning of the session we adopted all of the rules save the discussion on rule XXII, so all the other rules are in force and effect as of this time?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. And that means that all of them have been constitutionally adopted. Is that correct?

The VICE PRESIDENT. No opposition was raised.

Mr. HOLLINGS. And, therefore, they are considered to be constitutionally adopted?

The VICE PRESIDENT. May the Chair just state for a moment that when the majority leader indicated, in response to inquiry from Senators on rule XXII and the possibility of filing of resolutions to modify rule XXII, that none of the constitutional rights of any Senator relating to amending that rule would in any way be prejudiced by the fact that the Senate was conducting business, it was understood at that time that such other rules, unless they were openly contested, were passively accepted.

Mr. HOLLINGS. So they have been accepted and we do have a constitutionally adopted set of rules save the question of rule XXII. Is that the Presiding Officer's view?

The VICE PRESIDENT. That is the Presiding Officer's view, with this proviso: that no section of any other rule which the Senate itself may judge unconstitutional can prevail.

Mr. HOLLINGS. In so far as any of the other rules are concerned, no question has been raised, and they have been constitutionally adopted by the Senate?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. And we are to be guided by them?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. They have been constitutionally adopted. They have also been adopted by the majority will of the Senate?

The VICE PRESIDENT. That is the opinion of the Chair.

Mr. HOLLINGS. So, with respect to all the rules save rule XXII, the Senate has, by its constitutional processes, exercised its will?

The VICE PRESIDENT. That is the view of the Chair. Of course, those rules are always subject to change by majority vote, and the majority has a right at the opening of a Congress to read and amend them.

Mr. HOLLINGS. The reason for the questions of the Senator from South Carolina is based on the tenor and temper of the Chair's ruling to the effect that somewhere, somehow—the Chair employed the expression of "dancing around the fire"—the Senate has been frustrated from exercising its will, and the Chair has only been trying to expedite the exercise of that will, and wishes to pinpoint this once and for all and permit the Senate to exercise its will.

The VICE PRESIDENT. That is the purpose of the Chair. The Chair may not be doing it well, but that is the purpose.

Mr. HOLLINGS. As far as the other rules are concerned, there is no "dancing around the fire," there is no question of constitutionality, and there is no question of the Senate's exercising its will, because the Senate has done that.

The VICE PRESIDENT. Unless a Senator raises the question.

Mr. HOLLINGS. And no Senator has raised the question.

The VICE PRESIDENT. Not thus far.

Mr. HOLLINGS. Rule XXXII, section 2, provides:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

That is the U.S. Senate, as the Chair has just stated, now exercising its free will constitutionally, because no question was raised about it.

The VICE PRESIDENT. The Chair will observe that Congress cannot exercise unconstitutional action constitutionally; and if a Senator challenges the constitutionality of an action, then the Senate must stand in judgment.

Mr. HOLLINGS. That is right. No question has been raised about rule XXXII, section 2, and as the Chair has stated, that rule has been adopted.

The VICE PRESIDENT. The Chair understands the line of inquiry the Senator is following. The Chair wants to make it explicitly clear that no action of the Senate, even though it may be a precedent, can be justified if it proves to be unconstitutional, any more than any law passed by the Congress, which may well have applied for many years, and is subsequently challenged in court and held to be unconstitutional.

Mr. HOLLINGS. I think the Senator from South Carolina and the Chair are in agreement on that; and therefore there is nothing unconstitutional about rule XXXII, section 2, is there?

The VICE PRESIDENT. The Senator from New Jersey raised a point, some moments ago, that at the time that rule was adopted, there were those who made it very clear from the floor that, despite the language of the rule, nothing in said rule which violates the Constitution can be declared constitutional simply because the Senate has adopted it.

Mr. HOLLINGS. But there is nothing the Senator from New Jersey has stated that has questioned the constitutionality of rule XXXII, section 2.

The VICE PRESIDENT. That is the understanding of the Chair. It would be better to inquire from the Senator from New Jersey as to that. It is the understanding of the Chair that the Senator does not feel there is any ruling of the Senate that would in any way inhibit the Senator from challenging the constitutionality of rule XXII.

Mr. HOLLINGS. Rule XXXII has been the free expression of the will of the Senate; is that the Presiding Officer's feeling?

The VICE PRESIDENT. The Senator is correct.

Mr. HOLLINGS. So we have not been frustrated with respect to amending our rules?

The VICE PRESIDENT. The Senator is correct.

Mr. HOLLINGS. So if we wanted to change the proportion, under our rules, to a simple majority, three-fourths, or any proportion whatsoever, the will of the Senate has not been frustrated; a way has been shown, has it not, in the rule itself, under section 2?

The VICE PRESIDENT. That is the Senator's interpretation.

Mr. HOLLINGS. And then, having shown the way, is not the question really, not whether or not the will of the Senate should be expressed, but which will? It is the contention, obviously, of the Senator from Idaho and others, that they want to change the two-thirds and make it a simple majority. Has not the Presiding Officer really amended the rules, in contradiction of rule XXXII, section 2, by the ruling he has made today?

The VICE PRESIDENT. The Chair has stated repeatedly, and will do it again, so that there will be no ambiguity, no uncertainty, and no misunderstanding of the Chair's intention, that the constitutional question is the validity of the rule XXII requirement for an affirmative vote by two-thirds of the Senate

before a majority of the Senate may exercise its right to consider a proposed change in the rules. If the Chair were to announce that the motion for cloture had not been agreed to because the affirmative vote had fallen short of the two-thirds required, the Chair would not only be violating one established principle by deciding the constitutional question himself, he would be violating the other established principle by inhibiting, if not effectively preventing, the Senate from exercising its right to decide the constitutional question. The Chair does not intend to violate both these principles.

It is the view of the Chair, just as it was the view of an earlier President of the Senate, that, at least at the opening of a new Congress, "the majority has the power to cut off debate in order to exercise the right of changing or determining the rules."

Therefore, the Chair informs the Senate that in order to give substance to the right of the Senate to determine or change its rules and to determine whether the two-thirds requirement of rule XXII is an unconstitutional inhibition on that right at the opening of a new Congress, if a majority of the Senators present and voting but fewer than two-thirds, vote in favor of the pending motion for cloture, the Chair will announce that a majority having agreed to limit debate on Senate Resolution 11, to amend rule XXII at the opening of a new Congress, debate will proceed under the cloture provisions of that rule.

The Chair notes that its decision that debate will proceed under the cloture provisions of rule XXII is subject to an appeal if it is taken before any other business intervenes. The Chair would place the appeal before the Senate for an immediate vote since rule XXII provides that appeals from the decision of the Chair, under cloture procedure, shall be decided without debate.

The Chair has set forth this response to the inquiry of the Senator from Idaho so that all Members of the Senate will have adequate opportunity to acquaint themselves with it and calls attention to the fact that there is now time under the terms of the cloture procedure for the Senate to debate the implications of this response and consider its own reaction to the motion for cloture in the light of the Chair's announced course of action.

The Chair must say that he, too, is doing what he can to uphold the Constitution. That is his right, duty, and privilege. The Chair is interpreting his view as to what the Constitution requires. The Chair has that obligation. It is not spelled out in the statutes; it is implied in my constitutional responsibility; and, after long consideration and a great deal of controversy in my own mind, the Chair has come to the conclusion that, at the opening of a new Congress, a majority may limit debate for the purpose of arriving at a decision that the rule in question does not violate the Constitution, but in fact fulfills the constitutional requirement, and the Chair therefore has announced his intention to rule, so that the Senate may do as it is doing today, and debate the issue. The Chair would hope that he is being helpful and not injurious.

Mr. HOLLINGS. Certainly, Mr. President, this Senator does not question the integrity or the genuineness or propriety of the Chair's feeling as to his oath under the Constitution, or even as to the ambiguity under rule XXII. I am referring, if the Chair pleases, to rule XXXII. Does the Chair find any ambiguity under section 2 of rule XXXII?

The VICE PRESIDENT. The Chair does not.

Mr. HOLLINGS. Actually, then, since the Chair finds no ambiguity under that particular rule, which states very clearly, and very much in pursuance to a majority will of this body, showing the way, and saying in so many words that "The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules," is it not a fact, then, that the Chair puts us on notice, because this is unusual, that we are now about to change the two-thirds requirement by a majority vote?

The VICE PRESIDENT. The Chair is presenting the question of the right of the Senate to adopt its own rules by a majority vote. If the Senate decides, in adopting the rules, that it wants a 75-percent vote, that is the Senate's privilege and prerogative. But the right to close debate so that the Senate can come to grips with the rules at the beginning of a new Congress until rules are adopted, or, when a rule is contested out of the body of rules that continue, the Chair will say that a majority will be adequate to limit the debate, the cloture proceedings shall be voted upon, and the Senate can work its wishes as it will, under a majority rule on the change of rules.

Mr. HOLLINGS. Certainly the Chair does not contend that I could raise a point that any rule, whatever it was, was unconstitutional, and thereby have it changed by a majority vote? The rules would have to be changed in the way the rules prescribe, is that not correct?

The VICE PRESIDENT. The Senator is correct. The point has been made that the two-thirds requirement of rule XXII is an unconstitutional limitation on the exercise of the constitutional rights and privileges of the Senate. This is a matter for the Senate to debate. The Chair will make his ruling.

Mr. HOLLINGS. But the real point is this: Taking any given rule, say rule XXII, I could not just stand on the floor of the Senate and get a majority vote on the right to amend it, could I?

The VICE PRESIDENT. The Senator certainly has a right to request a majority vote to change it.

Mr. HOLLINGS. At any time?

The VICE PRESIDENT. At any time.

Mr. HOLLINGS. That is not really what is provided in section 2, rule XXXII, because it does not provide that at all. The final rule XI provides:

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

Then rule XXII provides for a two-thirds vote on the cloture part.

The VICE PRESIDENT. If cloture has to be applied, the Chair notes. But a majority vote may change the rules under any procedure prescribed in those rules.

The Chair recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, I take it that it is acknowledged without argument that the purpose of rule XXII, the historical purpose, was to limit debate in the Senate. It was agreed on and passed, finally, in 1917, as I recall, and it did put a sufficient limitation on debate, that has been changed somewhat from time to time.

But a primary provision of rule XXII is that the Senate can cut off debate by a two-thirds majority vote of those present.

With great deference, the Vice President has set forth to rule, that is, he has given advance notice that he is going to rule that this two-thirds provision for cutting off debate is invalid, in his opinion, and that he is going to make such a ruling as the Presiding Officer of the Senate.

The VICE PRESIDENT. In the opening of a new Congress.

Mr. STENNIS. Yes. Then the Chair goes back in that same statement to take up another provision in rule XXII that is also designed to cut off debate, and he says in the same breath that that part of the rule is valid. That is the part that says from the points of order, including questions of relevancy and appeals decision of the Presiding Officer shall be decided without debate.

With great deference to the Chair, I pose the question, Why is one limitation on debate in rule XXII, on the same day of the session, declared unconstitutional, and the other limitation on debate, which is more severe, declared valid?

The VICE PRESIDENT. The Senator poses a worthwhile and fortuitous question, because the Presiding Officer says that in both instances a majority shall prevail. A majority can overrule an appeal or sustain an appeal. A majority can decide whether they are going to cut off debate or not. That is the view of the Chair. That was also the view of the Chair in the preceding Congress.

Mr. STENNIS. With great deference to the Chair's position and to the Chair himself, I submit that that answer does not really deal with the vitals of my question.

All of these provisions are in rule XXII, and it is all at the so-called beginning of a new Congress or a new session of Congress.

One provision is unpopular and not liked by segments of this body, and if the first part should be sustained, the second really cuts the vitals out of debate on the floor of the Senate.

Why is one part so iniquitous and so vile as to be unconstitutional, while the other is sacred and valid and must be preserved and enforced? They both relate to the same subject; they were both passed, I think, in the form that is presented here; they both deal with the same great question of the nature of the Senate.

Would the Vice President, the President of the Senate, answer that question for me?

The VICE PRESIDENT. It is the opinion of the Chair that in the opening of a new Congress, a majority of the Senate may, under the proceedings of rule XXII, prevail, because the constitutional provision, insofar as we have it, provides for majority rule and provides that the Senate may make its own rules of procedure.

The Chair believes that this is a constitutional question. That is why the Chair framed his response in a manner that tests or at least brings into question the constitutionality of the two-thirds requirement of rule XXII to limit debate.

The Chair has said he can well understand that an appeal will be made from that ruling, and the matter of appeal is a constitutional question which must be decided by the Senate.

Under rule XXII, as with other rules that are tacitly accepted until such point when a constitutional question is raised, the Chair would place the question before the Senate for an immediate vote. The Chair must say that that procedure might not be followed; it could be followed by some tortuous route by debate on the appeal, and some Senator must appeal. But it seemed to the Chair that to come to the issue and have the Chair state his opinion 2 days in advance would elicit the responses we have heard today. I think they are very helpful to the Members of the Senate.

Mr. STENNIS. Again, with all deference, I believe that my question went not so much to the very vitals, or even to the correctness, of the first part of the Vice President's ruling, but to the contrast between the two provisions of the rule, and the fact that the Vice President ruled one way as to one clause and directly the other way as to the other clause.

What I am troubled about is that the Chair has cut out one part and has left the other one binding on this body. That is not fair. It is not right. I submit that the Chair has no such authority anywhere, either in the Constitution or the Rules, or anywhere else, to do that to this body. The Chair is dealing with the Senate, not with individuals. He is dealing with representatives of the States. I submit that the Chair has no right, no valid reason, to do what his ruling will do. There is no way to remedy the mischief that could come from such a ruling except to have the Chair reconsider this matter and re-weigh it in his mind, to see if he is not driven by the parliamentary logic of the situation we are in to a different conclusion.

I know that this is a matter of an issue before the country, and even of individual Senators; but the Senate is more than all of us put together. I submit that the Senate deserves more consideration than merely a little debate this afternoon, a little tomorrow, and then a ruling that can blow the light out of this institution—and it is an institution over any other agency of Government, under our great system.

I believe that that is what will happen should a majority of this body happen to sustain the Vice President. We will be forced to do that or decide it without any debate, under this section of rule XXII, which provides that there shall be no debate on appeals from rulings of the Chair. How intolerable that can be is illustrated by this very case.

I believe that those who oppose rule XXII, and any other rules that have been rewritten, if they could have conceived of this situation, would have added a clause, after the phrase "shall be decided without debate, unless the Presiding Officer should, by a ruling, declare that other parts of the rule are invalid."

Then appeals could be taken and decided, but with debate. Now we are cut off. There is no hope and no help, should a bare majority of this body decide with the Chair. That will be the end.

It has been a long time since I went to the law books regularly, but there is a fundamental principle of constitutional law which is that if a court decides that any substantial part of a statute is unconstitutional, the whole statute has to fall, unless the parts are separable. Every lawyer knows that that is a fundamental principle of jurisprudence. If a court is going to declare anything invalid, the whole of it has to go, unless the parts are separable.

How can these two provisions of rule XXII be separated? Here is one that cuts off debate, under certain conditions, by a two-thirds vote. The other cuts off debate by saying there will be no appeal—not any—from a ruling of the Presiding Officer.

So if the Vice President is right as to the two-thirds clause in rule XXII, the whole rule goes with his ruling. The whole thing will be knocked out, lock, stock, and barrel, because that will be the result if the proponents of the motion are successful in the vote. It carries both with it. Either leave both or take both out in the ruling. After this ruling is made, there will not be a chance for anything else to be said as to the weight or the impact of that vote by any Member of the Senate, by any other interested parties, any other agency of the Government, or by the people—not a chance.

Appeals decided without debate—God save us from the day. I do not say God save us from change. We must have change. God save us from the day when an ax can be brought in here to cut out part of that rule and take the rest of that rule to crucify the great principle upon which this institution rests. If we are going to change it, let us change it some other way, rather than by this sudden death.

I think the Jets, the football team from New York, are pikers compared with whoever worked out this ruling. I mean the plan to ask for a ruling and have something cut off.

I submit to the Vice President, with all earnestness, with great sincerity, that this has brought about a situation that deserves his reconsideration, and I hope he will do that. I believe he should take counsel on this matter with more than he has counseled with beforehand. That is no reflection on the Vice President. We all need counsel.

I believe we are playing with the life and death of the Senate of the United States; and if it is going to be killed in its present form as an institution, the people should have something to do with it and the present membership should have a little longer than the Vice President's interpretation of rule XXII.

I thank the Senator for yielding.

Mr. HOLLAND. Mr. President, I wish to thank the distinguished Vice President for stating frankly his intention to rule in view of certain possibilities as to the outcome of the vote the day after tomorrow. In that respect he has been frank; in that respect he has put the Senate on notice; and I thank him for having done so.

I have been reflecting a bit during this talk about the whole question, Mr. President; and if the Chair will be patient with me for some 10 minutes, I shall be glad to review the entire question, if I may.

Prior to 1917, there was no limitation on debate in the Senate. The Senate could debate at any length it saw fit. There was no rule of materiality. There had been abuse of the rules of unlimited debate. Therefore, in 1917, Senators decided to afford a piece of machinery under which debate could be brought to an end, and rule XXII was devised by some of the best minds in the Senate; and it was adopted as a rule under which there could be an end or a closing of debate that otherwise would have been unlimited. It was a rule for limitation, not a rule for unlimited debate.

The Senator from Florida has always regarded it in that light and has always regarded it as a two-edged sword which could, in a proper instance, be used to shut off debate when Senators thought that debate had proceeded long enough and that to proceed longer would be abuse. And it could be used to prevent a vote, if the rule was unused, by failure to get a two-thirds vote, in which case the more than one-third of the Senate would have voted, in effect, that the question was of such grave importance and the passage of the legislation, or whatever was pending, was of such grave potentialities that they were unwilling to see it go to a vote.

Mr. President, it was a rule for limitation of debate, and has been so used. It has been resorted to a number of times, either in the original form or in the slightly changed form. It has been changed twice since I have been a Member of the Senate. I shall not discuss those changes, but both changes have made more liberal the opportunity to close debate.

It has been resorted to 43 times in the history of the Senate since 1917. Eight times cloture has been voted. In two of those eight times, the Senator from Florida was among those who voted to close debate.

The Senator from Florida regards this rule as two-edged sword, as he has already described it. But he desires to call the attention of the distinguished Vice President clearly to one fact: Never has any rule of cloture been adopted by the Senate which permits cloture by majority vote only. The effect of the ruling which the Vice President has said he proposes to make would be to adopt a majority closing rule for the beginning of each Congress, in the effort of the Senate to change not just rule XXII but also any other rule that it wished to

change. It is against such a precedent that the Senator from Florida has the deepest kind of reservations and a feeling that it would be largely destructive of the stable quality of the Senate which has prevailed during the 180 years of the Senate's experience.

The Senator from Florida calls attention to the fact that if the Vice President struck out the two-thirds part of this rule but permitted the Senators who have advanced the petition to proceed under the rule as they have, permitted the limitation of debate to be fixed under the rule as he has indicated—that is, so that the vote would be held on the day after tomorrow, at a fixed hour—permitted the cloture to be effected by a simple majority vote instead of the two-thirds vote, permitted the limitation of the rights of speech of all Members of the Senate from that time on, as is provided by the rule—in other words, adopted the rule in toto except as to the two-thirds provision—the Vice President, by his ruling, would have created a rule not adopted by the Senate and many times considered by the Senate.

That is the point I particularly desire to make now. The Senate has not been without opportunity to adopt a majority rule and other suggestions for a requirement less than two-thirds—including the one now pending for three-fifths. The Senate has steadfastly declined to adopt any of those suggestions, and has insisted that the two-thirds requirement, as written into the Constitution to cover some 11 cases of grave importance, as viewed either by the Founding Fathers or by the States when they adopted amendments, be a test for cloture.

The thing the Senator from Florida wishes to call seriously and gravely to the attention of the distinguished Presiding Officer is this. His ruling would, in effect, rewrite this rule as applicable to this occasion and every one like it at the beginning of every Congress so that instead of reading two-thirds as the requirement for effecting cloture, it would read a simple majority vote.

I call to the attention of the distinguished Vice President that the Senate has had that proposal submitted to it, at least in the 22 years I have been a Member of the Senate, not once but many, many times and it has rejected that proposal every time.

The Senator from Florida cannot help but agree with his friend, the Senator from Mississippi, that if the two-thirds requirement is cut out and the simple majority vote made the requirement, the Chair would be creating a new rule. Mr. President, you are enforcing a new rule as a rule of the Senate, because you are calling upon all the other features in the rule and applying it as a rule of cloture, despite the fact the Senate has not once but repeatedly refused to adopt such a rule.

I call the attention of the distinguished Presiding Officer to that fact because I think he is a man of conscience and I think he will realize as he thinks through this matter again through the long hours of the night—and I hope he will—that to adopt the course he has suggested he will follow would be to rule the Senate under a rule it has never passed but declined to pass; and by his own act to interpret a Senate rule so as to cut out one of the most important portions of it, and yet consider the rule as hanging together as to its other features and still constituting a cloture rule.

There has been no cloture rule in the Senate except rule XXII as now written and as it has developed from the original rule XXII as developed in 1917. That is the only rule of cloture. Without that rule there is no chance of obtaining cloture unless that rule be brought in and worked under.

The distinguished Presiding Officer, by his intention to strike out of the rule the requirement so frequently reiterated by the Senate, that is, two-thirds, and to write in the provision of a simple majority, as he indicated, would create a new cloture rule available at that time, never passed by the Senate, never agreed to by the Senate, which is not now on the books and, in fact, a very great departure from what is on the books.

The Senator from Florida simply wanted to make this point clear for the RECORD, because he believes it to be true. He has given a great deal of study to this particular rule. He has on occasion voted to liberalize it and voted to liberalize it in some features.

The RECORD shows that nearly 20 years ago I preferred to include a feature to allow a majority to vote on matters affecting the defense of the Nation. That is shown in the RECORD. I have voted twice for cloture where I thought it was deserved, but I do not believe in rewriting the rules of the Senate simply to meet the convenience of Senators who want to make a change and feel in their own good consciences that the change should be made. That is what the Presiding Officer would do if he were to strike out the two-thirds requirement and insert in place thereof a mere majority requirement. If the Presiding Officer does that, I want him to realize he does it in the face of the fact that the Senate has many, many times considered just that proposal and every time has declined to adopt it.

In my judgment it is not sound for the Vice President to make a new rule for the Senate simply because he, in his own judgment, thinks the result would be beneficient.

I shall say no more at this time, but reserve the right to say more in the future. In closing I do wish to say I think the Vice President is to be complimented for stating frankly what he proposes to do, and for that one thing, in connection with what he said, I compliment him. I realize I disagree with him completely and wholly as to the substance of what he proposes to do.

I thank the Senator for yielding.

Mr. PEARSON addressed the Chair.

The VICE PRESIDENT. If the Senator will indulge the Chair just a moment, I wish to say that I deeply appreciate the compliment of the Senator from Florida, for whom I have very sincere admiration.

The Chair is not seeking to rewrite the rules of the Senate; that is for the Senate to do. The Chair is seeking to omit the framing of the constitutional question as to whether or not a majority of the Senate has the right at the beginning of each new Congress to write or amend the rules.

Mr. HOLLAND. I know what the Vice President is seeking to do, but I call his attention to the fact that he is doing it through the use of a rule which was not intended to do anything of the sort. He intends to do it now through the use of a rule and, indeed, the Senate not once but many times—and the Vice President knows I am speaking the truth—declined to write a cloture rule along the lines he wishes to interpret for this occasion.

Mr. PEARSON. Mr. President, for the RECORD, I think I might be helpful. Everyone knows why we are here. To briefly review the matter, a resolution was submitted to change the rule and unanimous consent was sought to take it up at that time. It laid over, written notice was filed, and today we are debating whether or not we are going to take up the resolution to amend rule XXII.

I want to indicate my own concern about proceeding through the mechanics of rule XXII, and questioning some of its provisions. However, what was the alternative? Could any Senator merely stand up at any stage of the proceedings and say, "Mr. President, I move to debate first on the motion to take up the resolution."

I am told by those who are better students of the RECORD than I that 2 years ago that procedure was followed and we got into an enormous hassle about what rule we were proceeding under and Senators were asked under what authority did they make the motion.

Mr. President, that was the alternative to proceeding under rule XXII. That point should be considered by those who make the argument for the continuing body. To proceed under rule XXII does give us the mechanics.

Then, there is questioned under the Constitution one part of that rule. I have heard a great deal of debate, and I have not been here so long that I have gotten over the feeling of sacredness of the Senate rules. What we are measuring against here is article I, section 5, of the Constitution. Therefore, I think those who raise the question about proceeding under rule XXII negating part of it, when that is measured against the Constitution and using the mechanics, together with the very gracious opinions given by the Presiding Officer of this body, it gives us the fairest chance of proceeding in this matter.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly, so that I may make a unanimous-consent request?

Mr. PEARSON. I yield.

MINORITY PARTY'S MEMBERSHIP ON COMMITTEES

Mr. SCOTT. Mr. President, I send to the desk a resolution providing that the Senators named therein shall constitute the minority party membership of the standing committees of the Senate for the 91st Congress, and ask that the resolution be stated.

The legislative clerk read the resolution (S. Res. 15), as follows:

S. RES. 15

Resolved, That the following shall constitute the minority party's membership on the standing committees of the Senate for the Ninety-first Congress:

COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES: Mrs. Smith, Mr. Curtis, Mr. Hatfield, Mr. Goldwater, Mr. Mathias, and Mr. Saxbe.

COMMITTEE ON AGRICULTURE AND FORESTRY: Mr. Aiken, Mr. Young of North Dakota, Mr. Miller, Mr. Curtis, Mr. Cook, and Mr. Dole.

COMMITTEE ON APPROPRIATIONS: Mr. Young of North Dakota, Mr. Mundt, Mrs. Smith, Mr. Hruska, Mr. Allott, Mr. Cotton, Mr. Case, Mr. Fong, Mr. Boggs, and Mr. Pearson.

COMMITTEE ON ARMED SERVICES: Mrs. Smith, Mr. Thurmond, Mr. Tower, Mr. Dominick, Mr. Murphy, Mr. Brooke, Mr. Goldwater, and Mr. Schweiker.

COMMITTEE ON BANKING AND CURRENCY: Mr. Bennett, Mr. Tower, Mr. Brooke, Mr. Percy, Mr. Goodell, and Mr. Packwood.

COMMITTEE ON COMMERCE: Mr. Cotton, Mr. Scott, Mr. Prouty, Mr. Pearson, Mr. Griffin, Mr. Hansen, Mr. Baker, and Mr. Goodell.

COMMITTEE ON THE DISTRICT OF COLUMBIA: Mr. Prouty, Mr. Goodell, and Mr. Mathias.

COMMITTEE ON FINANCE: Mr. Williams of Delaware, Mr. Bennett, Mr. Curtis, Mr. Dirksen, Mr. Miller, Mr. Jordan of Idaho, and Mr. Fannin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Aiken, Mr. Mundt, Mr. Case, Mr. Cooper, Mr. Williams of Delaware, and Mr. Javits.

COMMITTEE ON GOVERNMENT OPERATIONS: Mr. Mundt, Mr. Javits, Mr. Percy, Mr. Griffin, Mr. Stevens, and Mr. Gurney.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS: Mr. Allott, Mr. Jordan of Idaho, Mr. Fannin, Mr. Hansen, Mr. Hatfield, Mr. Stevens, and Mr. Bellmon.

COMMITTEE ON THE JUDICIARY: Mr. Dirksen, Mr. Hruska, Mr. Fong, Mr. Scott, Mr. Thurmond, Mr. Cook, and Mr. Mathias.

COMMITTEE ON LABOR AND PUBLIC WELFARE: Mr. Javits, Mr. Prouty, Mr. Dominick, Mr. Murphy, Mr. Schweiker, Mr. Bellmon, and Mr. Saxbe.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE: Mr. Fong, Mr. Boggs, Mr. Fannin, Mr. Stevens, and Mr. Bellmon.

COMMITTEE ON PUBLIC WORKS: Mr. Cooper, Mr. Boggs, Mr. Baker, Mr. Dole, Mr. Gurney, and Mr. Packwood.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Curtis, Mr. Cooper, Mr. Scott, and Mr. Thurmond.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

AMENDMENT OF RULE XXII

The Senate resumed the consideration of the motion of the Senator from Michigan (Mr. HART) to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

Mr. ERVIN. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I am glad to yield the floor, but I am glad to yield now to the Senator from North Carolina.

Mr. ERVIN. I want to ask the Senator this question: If the Vice President rules in accordance with his announced purpose in the eventuality already described, that a majority of the Senate can proceed to write a new rule in lieu of rule XXII, would not the Vice President necessarily have to be ruling that rule XXII, with the two-thirds requirement, is unconstitutional?

Mr. PEARSON. I do not quite understand the Senator's question, but I think the answer is in the affirmative. I rely upon the Constitution.

Mr. ERVIN. Yes.

Mr. PEARSON. And the article and section I previously cited.

Mr. ERVIN. That is right.

Mr. PEARSON. That each House of Congress can make its own rules and that a majority shall constitute a quorum in order to do business.

Mr. ERVIN. The two-thirds requirement in rule XXII is certainly valid unless it conflicts with the Constitution; is that not correct?

Mr. PEARSON. I think that is true.

Mr. ERVIN. That is the basis on which the Vice President stated how he would rule in the eventuality mentioned by him.

Mr. PEARSON. I so understand.

Mr. ERVIN. Does not the Senator recognize it is a fundamental principle of constitutional interpretation that where one part of a statute is judged to be unconstitutional—the remainder of the statute must fall, too, unless it can be said that the legislative body would have passed the remainder without the part judged to be unconstitutional?

Mr. PEARSON. I think the Senator is correct The Senator from Mississippi and I went to the same law school. I think he correctly stated the rule of law, unless there is severability. I think the question of severability is proper and can be decided and a Senator may make a point of order after the Vice President rules on Thursday next.

Mr. ERVIN. Does the Senator entertain any belief that the Senate would have passed rule XXII, or any parts of it, except as a whole? In other words, does the Senator believe that the Senate would have been willing to deprive Senators of the right to speak at length on a proposal unless a two-thirds majority of its Members voted for cloture, as set forth in the first provision?

Mr. PEARSON. I apologize to the Senator. Would he kindly restate his question.

Mr. ERVIN. There are essentially two provisions in rule XXII. One is the provision which says two-thirds of the Senate can impose cloture——

Mr. PEARSON. And the other is procedure.

Mr. ERVIN. The other puts a drastic limitation on the right of a Senator to speak after cloture is imposed.

Mr. PEARSON. One hour per Senator.

Mr. ERVIN. Does not the Senator from Kansas agree with the Senator from North Carolina that it is inconceivable the Senate would have adopted one of these provisions without the other, and that if the first, the two-thirds requirement, is invalid, then the other limitation falls likewise?

Mr. PEARSON. Not necessarily. That is to say, I disagree with the Senator. I think they can adopt one part and not the other.

Mr. ERVIN. Does the Senator believe the Senate would have adopted the limitation on debate without adopting the two-thirds vote requirement?

Mr. PEARSON. Every Senator will agree with me that is precisely what we seek to do, and that is to change the provision for two-thirds to three-fifths in rule XXII as now written.

Mr. ERVIN. Exactly. Does the Senator believe that the Senate would ever have adopted these two provisions in a rule without adopting them both?

Mr. PEARSON. I am inclined to disagree with the Senator from North Carolina.

Mr. ERVIN. The Senator thinks, then, that the Senate would have adopted the second part without the first?

Mr. PEARSON. We are speculating. I can only say that it would be my judgment, or guess, that they would have, perhaps.

Mr. ERVIN. What will be the Senator's position, in case the Vice President makes the ruling that the two-thirds provision is unconstitutional? Despite his disclaimer, that is exactly what the Vice President will be doing if he makes his announced ruling.

Mr. PEARSON. I shall adhere to the interpretation of the Constitution.

Mr. ERVIN. But the Vice President will be passing on the Constitution. If there is no appeal from his ruling, it will be binding upon the Senate. Thus, he will be saying the two-thirds vote requirement is unconstitutional. Does the Senator agree with the Vice President that if his ruling is upheld, the rest of us cannot talk but 1 hour on this matter?

Mr. PEARSON. I think that is what the rule provides. I am sure that the Senator would want the Senate to proceed under the rules. That is the first point I sought to develop when I rose to speak; namely, that here we are debating as to whether we will take up a resolution. How shall we stop debate? For one might be saying, "I move we stop debate." There is no such rule. We have tried that route.

Mr. ERVIN. Then why do we vote on cloture at all? Why not just let a majority vote on whether they will silence us from discussing the rule change the Senator proposes? In my judgment, I do not think the Senate would ever have adopted one of these provisions without the other. Yet the Vice President's ruling ould nullify the first but enforce the second. In other words, the Vice President's ruling would say that, notwithstanding the Senate has said only two-thirds can silence a minority, "I will silence the whole minority in the manner provided in this rule in the event any Senator appeals from my ruling."

Mr. PEARSON. Will the Senator yield for a question on my part?

Mr. ERVIN. I yield.

Mr. PEARSON. What is his interpretation as to the applicability of the Constitution of the United States in relation to the Senate's making its own rules, and the provision that a majority shall constitute a quorum in order to do business. What application does that have, if it does not apply to this case today, at this time, during the opening days of Congress?

Mr. ERVIN. That is no difference whatever between the opening and closing days of the session in respect to the constitutional power of the Senate. What the majority can do at the beginning of a session it can do any time during

the session. Therefore, I am mentally incapable of comprehending why the Vice President keeps talking about the beginning of a Congress. My position in this——

Mr. PEARSON. The relation of opening day is that the opening day is the proper time for the making of rules for the conduct of a Congress which will proceed for 2 years.

Mr. ERVIN. The Constitution does not say that. It does not even say that the Senate must make rules. It says the Senate may—not shall—determine the rules of its proceedings. Hence, the Senate can operate without rules. If the Vice President's interpretation is correct, the Senate will have no rules, for any practical purposes. I will answer the Senator's question: Congress has exactly the same power under the Constitution on the last day of the session that it has on the first day of the session.

Anything that would handicap the Senate from taking action on the first day of the session would handicap it from taking action on the last day of the session.

Under the Constitution, the Senate is a continuing body. The Supreme Court has held that it is. This is indisputably plain because two-thirds of the Senators remain in office all the time. The Constitution says the Senate may make rules. It places no limitation on what these rules shall be. A continuing body must have continuing rules.

The Senate itself declared, a few years ago, the last time we revised this rule, that the Senate is a continuing body and that its rules continue until changed as provided in those rules.

So I think rule XXII is binding on the Senate until it is changed as provided in the rules. As I see it, it is inconceivable that any legislative body can be a continuing body and not have power to establish continuing rules. So that is my answer to the question.

Mr. PEARSON. The Senator was good enough to answer my question, but did he cover the provision of providing that a majority shall constitute a quorum to do business?

Mr. ERVIN. The Constitution says that a majority shall constitute a quorum. It also says the Senate can adopt rules. The majority of the Senate has the same constitutional power on all occasions. Hence, there is no basis for the theory that a majority can change rules only at the beginning of a Congress. It has the same power throughout a session. If the rules adopted are not binding at the beginning of a Congress, the Senate cannot have any effective rules binding on a majority at any time.

Mr. PEARSON. Does the Senator feel that article I, section 5 of the Constitution, and rule XXII, which provides a two-thirds vote to cease debate, and formulating rules at the beginning of the Congress to be inconsistent?

Mr. ERVIN. Not at all, because, under the Constitution, the Senate is a continuing body. If it is a continuing body, it can have continuing rules. If it were not a continuing body, it would be like the House; it would have to adopt new rules at the beginning of each Congress. I see no incompatibility. If the two-thirds provision of rule XXII is unconstitutional, then the rule that requires two-thirds to suspend the rules and many other rules of the Senate which impede immediate action in any respect on the part of the majority are likewise unconstitutional.

Mr. PEARSON. I thank the Senator.

Mr. ERVIN. I thank the Senator.

Mr. BYRD of Virginia. Mr. President——

The VICE PRESIDENT. The Chair recognizes the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, may I ask the distinguished Vice President whether his contemplated ruling and the procedures to be followed after he rules are in conformity with the same Vice President of the United States' ruling and procedures of 4 years ago?

The VICE PRESIDENT. The Chair cannot recall the exact matters of 4 years ago, but may the Chair say that the Chair feels no sense of being bound whatsoever by any observations he may have made 4 years ago as to debate, because it is perfectly obvious that, as people are enlightened and as they see developments, they have the opportunity to change and to change their minds. The Chair is not at all mindful of just exactly the statement the Chair may have made 4 years ago. The Chair does feel, however—and this is as good a time as any to say it—that this intention of ruling with advance notice is arrived at without any consideration of any political issues, but, rather, of the procedures of this body.

The Presiding Officer of this body will soon be leaving this Chair, and he felt it was time for the Senate to decide this constitutional question. We have danced around it. We have come close to it. We have never come to it. It appears to the Chair we can decide it and will decide the most fundamental issue, which is a constitutional issue, in the only way it can be decided, by majority vote. All constitutional issues are decided by majority vote.

Mr. BYRD of Virginia. It is accurate to say, then, Mr. Vice President, that the contemplated ruling and contemplated procedures which will be followed differ substantially from the ruling of the same Vice President 4 years ago?

The VICE PRESIDENT. The Chair doubts it. The Chair will refresh his memory. But even if they were in total contradiction, this is the view of the Chair, after mature and extended consideration and thought, with due respect to the procedures of this body, which I honor with all that is in my body and spirit.

Mr. BYRD of Virginia. The Senator from Virginia recognizes the desirability of changing positions from time to time. So the Senator from Virginia is not arguing that point.

The Senator from Virginia wants to get clear in his mind, however, whether such a ruling and such a procedure as is contemplated to take place the day after tomorrow is in conformity with or substantially differs from the ruling and the procedure made by the Chair 4 years ago.

The VICE PRESIDENT. The Chair has always said, both as a Senator and as Vice President, that issues of constitutionality are to be decided by the Senate. The Chair has always been of the mind that certain provisions of rule XXII, if applied, at the beginning of a new Congress, are subject to the question of constitutionality. That is the question before this body. On whether the procedures today are the same, the Chair does not have a very definite recollection; but the purpose of the procedure being outlined by the Chair today is simplicity, to get at the central question, and not to have half a dozen motions that skirt the issue. A year ago the Chair laid down a procedure which included a point of order, a tabling motion, in an effort to seek a way of arriving at whether or not the Senate was passing judgment on the constitutionality of certain provisions of rule XXII. It was very confusing. The press did not understand it. I doubt that the Senate understood it. This time the procedure is to be simplified.

Mr. BYRD of Virginia. May I address another inquiry to the Chair? Is not the basic difference that in the past, under the ruling of the present Vice President, and under the ruling of the previous Vice President, the distinguished President of the United States, the Members of the Senate had the right of full debate on the constitutional issue or ruling propounded by the Chair?

The VICE PRESIDENT. It would be the Chair's view that debate was more extended; but there is no secret as to what this question is about.

Mr. BYRD of Virginia. It is a constitutional issue, as the Chair so construes it; but under the procedure outlined by the Chair, debate will be cut off.

The Senate, in effect, will be gagged.

The membership will have no opportunity for a full debate and a full discussion of the Chair's ruling. That is my main area of disagreement.

I feel the Chair is entitled to rule as he feels best, but I think it is very unfortunate that the Chair has ruled in such a way that the Members of the Senate do not and will not have an opportunity to debate a vital constitutional question, but, instead, will be gagged—that is the word the Senator from Georgia used, and I think it is an accurate word—and Senators will be prevented from discussing at any reasonable length this great question.

The first limitation put on debate was in 1917. I might say, Mr. President, that that limitation was presented to the Senate by one of my predecessors in this position.

He was the then distinguished senior Senator from Virginia, Thomas S. Martin. He was majority leader of the Senate, and he was chairman of the Appropriations Committee.

At the request of the President of the United States, Woodrow Wilson, he presented to the Senate a rule under which the Senate could call off debate if two-thirds of its Members felt it necessary to do so. Prior to that time, there was no debate limitation. So the rule offered by the distinguished then Senator from Virginia, Thomas S. Martin, was for the purpose of giving the Senate a way to bring an issue to a vote.

All of us know that in the last few years the Senate has voted cloture when it deemed it necessary. But I submit, Mr. President, that the power which the Presiding Officer has taken unto himself, by the method which he proposes to use next Thursday, will set a very dangerous precedent.

The distinguished Vice President is a great patriot. He has served in this body with great distinction. He has served in the position he now holds with great distinction.

But I am frank to say that I do not want any Vice President, whether it be HUBERT HUMPHREY or SPIRO AGNEW, whether he be a Republican or a Democrat, to have the power to manipulate these rules.

I submit that the way this is being done, the way the Vice President proposes to do it on Thursday, is a manipulation of the rules, and manipulation in a way which will deny to the individual Members of the Senate the right to full debate on a vital question.

As I see it, the matter of adhering to the rules is a vital matter. Certain groups who are in the majority today could be in the minority tomorrow or next week, or next year; and by the same token, there are those who are in the minority today who could be in the majority later.

So I think it is most important that we adhere fairly and squarely and fully to the rules.

I say again, I deeply regret that the distinguished Vice President has seen fit to indicate that he will rule day after tomorrow in a way which will make it impossible for the Members of the Senate to have full debate on a very vital question concerning all the Senators, and I think concerning all the people, whether they realize it or not, because it is a complicated procedure. I think it is of vital importance to the people of the United States.

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

Mr. BYRD of Virginia. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. First, I compliment and congratulate the distinguished Senator from Virginia for what he has just said. Second, I remind him that if cloture be voted by a single vote, so that it will be upheld by the Presiding Officer if he adheres to his present announced intention, and if the appeal from the ruling which must be voted on immediately after that should be lost by a single vote, those of us who feel deeply, as do the Senator from Virginia and myself, on this subject, will each have an hour to speak before the vote on the motion to take up will come.

That will run over the matter of the vote on the motion to take up until perhaps late Saturday, or maybe into the new administration. My own feeling is that, looking behind the screen a little, I think I can see an intention here to throw this whole subject into discussion in the opening days of the new administration, and I simply wanted that statement to appear in the RECORD tonight, because I see no other course that will be open.

I am sure that Senators will want to speak their hour out on the motion to take up. The Senator from Florida, I am sure, will. I am sure that his friend from Virginia, his friend from North Carolina, and many other Senators will, and it looks to me as though this whole thing, now, is a deliberate attempt to throw this particular matter over into the opening days of the new administration, for discussion then. I hope that the Senator will gird his loins, as the Senator from Florida proposes to do.

Mr. BYRD of Virginia. I thank the distinguished Senator from Florida. Of course, I do not know what the attempt or the reason is, but I do believe that if we proceed as it is indicated we will proceed, and if the Senate should sustain the views of the Chair, then it occurs to me that we might as well not have any rules in the Senate, and there will be somewhat of a problem around here.

The VICE PRESIDENT. The Senator from Michigan is recognized.

Mr. HART. Mr. President, as we approach the close for tonight, I rise to express a point of view apparently not universally shared on this floor in the last hour, but which feeling I entertain with as deep conviction as those who have been critical of the announced intention of the Chair. I rise to thank our Vice President, the President of the Senate, for attempting to permit the Senate, as he puts it, to come to grips with this central question. The Senator from Idaho and the Senator from Kansas earlier expressed themselves, as did the senior Senator from New York.

As I understand it, Mr. President, the Chair is indicating that when a new Congress assembles, there is a constitutional right of the Members of the Senate, as now composed, by majority action, to establish its rules.

The question has been raised with respect to that aspect of rule XXII that would require two-thirds of the Members present and voting to terminate debate on a question, and to bring the issue to a vote. It is the judgment of the Chair, as of now, that if a majority, on the day after tomorrow, should vote to close debate, constitutionally, that majority's decision will be acknowledged by the Chair, and respected and enforced; and that all rules and any rule which would inhibit that action by the majority at the beginning of a Congress are not applicable. Is my understanding correct?

The VICE PRESIDENT. The Chair, applying the question to that section of rule XXII which has raised the question as to the constitutionality of the two-thirds provision, will state that it is the considered judgment of the Chair that, at the opening of a new Congress, a majority shall have the right and the power to establish its rules and limit debate on that question.

Once those rules are established by that majority, then the Senate operates under those rules. As to those rules that are not contested, they are by their use accepted. This question is not presented for the purpose of the Chair taking this firm, intended action; it is to precipitate the issue in order that the Senate may come to grips with a constitutional question around which it has debated many years, but has never resolved. The appeal procedure is designed not to put this debate over into the next Vice Presidency but, to the contrary, to settle it in this one; in other words, to expedite the proceedings and the appeal by the Senate, so that the Senate may decide whether to overrule the Chair or to sustain the Chair.

The same Congress that by a majority can declare war can by a majority vote either sustain or overrule a decision of the Chair. The Senate is not denied its right to exercise its power. The Presiding Officer merely sets in motion the machinery and the mechanism that expedites the Senate in its decisionmaking. That is the real purpose of the Chair's ruling.

Mr. HART. It is my understanding that at this point, under the present circumstances, the Chair takes the position that any rule which would inhibit or prevent a majority from acting is not applicable.

The VICE PRESIDENT. That is the view of the Chair.

Mr. HART. Again, I think that while there continue to be deep divisions in the Senate, history's verdict of the Chair's effort to permit a majority of the Senate of the 91st Congress to resolve our rules at the outset will be recorded favorably.

The VICE PRESIDENT. The Chair must note for the Senator that the procedural motion that is before the Senate, on which the Chair intends to make a ruling if a majority or even though two-thirds vote in the affirmative, is designed for one purpose: To permit the Senate to amend its rules by a resolution that requires three-fifths instead of two-thirds.

There is a constitutional interpretation by the Chair, which he is entitled to make as the Presiding Officer, as one who has taken an oath to uphold the Constitution, that in the opening of a new Congress a majority can effectively set its rules, and that a Senator can raise questions of a constitutional nature which can be placed before this body for its decision.

Mr. HART. I thank the Chair.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, in accordance with Public Law 85-874, appoints the Senator from Texas (Mr. YARBOROUGH) to the National Cultural Center Board.

The Chair, in accordance with Senate Resolution 281 of the 90th Congress, appoints the Senator from Massachusetts (Mr. KENNEDY) to the Select Committee To Study the Unmet Basic Needs Among the People of the United States, to replace the Senator from Pennsylvania, Mr. Clark, retired.

The Chair, in accordance with Senate Resolution 223 of the 90th Congress, appoints the Senator from Indiana (Mr. HARTKE) to the Special Committee on Aging.

AMENDMENT OF RULE XXII

The Senate resumed the consideration of the motion of the Senator from Michigan (Mr. HART) to proceed to consider the resolution (S. Res. 11) to amend

rule XXII of the Standing Rules of the Senate.

Mr. THURMOND. Mr. President, I had intended to speak to the merits of this subject this afternoon; but in view of the intended ruling of the Chair, I shall make some remarks concerning the intended ruling of the Presiding Officer on this subject.

I have always been fascinated by the study of government. I have been especially fascinated by a study of the Senate, in reading the Hayne-Webster debates and in reading the speeches of John C. Calhoun, Daniel Webster, Henry Clay, and others. I have gained tremendous respect for the Senate because it has always been considered as the greatest deliberative body in the world.

If the rule as enunciated by the Vice President today is adopted, the Senate, in my judgment, will be destroyed as the world's greatest deliberative body. I believe this is the first time in the history of the Nation that any Presiding Officer—and I say this with all affection for the distinguished Presiding Officer—has ruled as the Presiding Officer today has ruled.

Our Government has been in existence for 180 years. George Washington became President in 1789, following the adoption or the ratification of the Constitution by nine States in 1788. For 180 years this Government has operated. But today the ruling of the distinguished Vice President is, in my opinion, going to do more to destroy the U.S. Senate as we have known it, and as it has been conceived by students of government, than any other action that has ever taken place in the history of the United States. I am sure the distinguished Presiding Officer does not intend that.

The Vice President, as a former Senator, has sat as a member of this body. He understands the workings of the Senate. Possibly he feels that changes should be made. But it is most unfortunate that he has taken the position he has taken today by saying that section 2 of rule XXII is unconstitutional, in his judgment, and that, therefore, he intends to rule and so, in effect, change the rulings and change the rules the Senate has made by 100 Members of this body, and take unto himself the authority to construe the rule in such a way as is equivalent to rewriting the rules of the Senate, and even rewriting the Constitution as Members of the Senate have construed the Constitution in following this rule.

When our Constitution was written, it was written to provide the greatest measure of freedom to the people of this country. It was written to protect the oppressed, to protect the minority. In instance after instance, there were written into the Constitution provisions under which the majority could not prevail. I shall cite only a few of them now, but there are many.

Article I, section 3, provides that no person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present. A majority of Senators cannot impeach another Senator; two-thirds are required.

Article I, section 5, provides that each House, with the concurrence of two-thirds of its Members, may expel a Member. Even in the House it takes two-thirds to expel a Member, although ordinarily the House can do almost anything by a majority vote.

Article I, section 7, provides that a bill returned by the President with his objections may be repassed by each House by a vote of two-thirds. Even though both bodies have passed the bill, if the President vetoes it, both bodies can pass the bill again only by a vote of two-thirds to override the President, because the President says, "Stop, look, and listen," and gives his reasons for vetoing the bill. All this in an effort to protect the minority.

Article II, section 2, provides that the President shall have authority, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. In other words, the President of the United States, with all his power as Chief Executive, all the power vested in him by the Constitution of the United States, cannot make a treaty with another nation unless the Senate—not a majority of the Senate, but two-thirds of the Senate—confirms that treaty.

Amendment XII to the Constitution provides that when the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union. In other words, a majority of the Member or Members from a majority of the States is not sufficient. There must be a quorum of a Member or Members from two-thirds of all the States of the Nation for this purpose.

Amendment XII also provides that a quorum of the Senate, when choosing a Vice President, shall consist of two-thirds of the whole number of Senators. In other words, a majority of the U.S. Senate cannot choose a Vice President.

I am amazed, then, that the Vice President would say that a rule that has been made by the Members of this body, by the Members of the U.S. Senate, is unconstitutional because it requires two-thirds to bring a debate to a close. I am amazed that the Vice President would make this ruling. I am amazed because if this ruling is effected and becomes a precedent—and it would be a precedent, because it would be the first time in the history of this Nation that a Presiding Officer had ruled in this way—then why cannot, 2 years from now, the Senate come back and instead of advocating three-fifths or 60 percent of the Members to stop debate, change it to 51 percent? Why can they not change it to a bare majority, a raw majority?

Mr. President, we are getting away from the Constitution. We are getting away from the great Government of the United States which has provided checks and balances and has provided means to protect the minorities. If a majority in the Senate can change the rules every 2 years on this point, why can they not change any other rule they wish?

Does the Vice President mean that section 2 of rule XXII is unconstitutional and is not valid? What about some other Vice President saying that rule XXIII or rule XXXVI is invalid and therefore does not apply?

Is the Senate going to allow a Vice President to write the rules for the Senate? Is the Senate going to allow a Vice President to undo the rules of the Senate? Is the Senate going to allow a Vice President, who is not a member of the legislative branch but of the executive branch, to come in and undo the rules of the U.S. Senate which have been established by the U.S. Senate?

Mr. President, I am deeply concerned. I am gravely concerned. I feel a grave responsibility in this question, and I hope every other Member of this body does; because, if a Vice President can rule in such a way every 2 years with regard to changing these rules, it will not be long before the Vice President can rewrite the entire rules of the Senate.

I would say to the new Members who have come to the Senate this year from the House of Representatives, who have come here expecting to join a deliberative body, not a body where they can speak for only 2 or 3 minutes or 5 or 10 minutes, who have come here expecting to enjoy unlimited debate, who have come here to join the greatest deliberative body in the world, that if this ruling is affirmed and if it goes into effect, they have not joined the greatest deliberative body in the world, because this ruling will destroy the Senate as the greatest deliberative body in the world.

I hope that the Presiding Officer, between now and Thursday, will reconsider this matter. I hope for the sake of the United States, I hope for the sake of the rules of the Senate of the United States, and I hope for the protection of the minorities in this country that the Presiding Officer would respectfully review his intended decision and not rule as he has indicated. I appreciate his saying ahead of time what he thinks he will do, but sometimes we all need to pause. No man is infallible, whether he is President, Vice President, Senator, or what not. We all make mistakes. Sometimes when we see we are about to make a mistake, if some friend or a Senator or someone else can cause us to think over the question and review the question and reappraise the question, it can be highly advantageous, when such a vital constitutional question is concerned, a question which is most important to the welfare of this Nation.

I know of the Vice President's interest in minorities, I know of his humanitarianism, and I know of his affection for people. I hope that, in the goodness of his heart, he will reconsider this matter. I hope that between now and Thursday he will conclude that his previous stand in this matter was the right stand to follow, not the one he has indicated today. I hope he will decide that, for the sake of the Senate being a continuing body and for the sake of abiding by the rules of the Senate, which he alone did not write and which he alone should not destroy, he will permit the Senate to make these rules, and that he will permit the Senate to decide whether they are unconstitutional.

I hope that the Vice President, when he goes out of office, will have the satisfaction of feeling that he did not take

a step which helped to bring destruction to a body in which he has served and for which he has great respect. I hope that between now and Thursday he will have the opportunity to do this.

Mr. CHURCH. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Rhode Island (Mr. PELL) be added as a cosponsor of Senate Resolution 11.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHURCH. Mr. President, let me just say that I believe the Presiding Officer is to be commended for having placed this issue squarely before the Senate and for having done so in a manner that gives full notice to all Senators as to precisely what the issue is that we shall vote upon on Thursday.

Fundamentally, Mr. President, the question is one of giving effect to what many of us believe to be the constitutional right of the majority to act in formulating the rules of the Senate at the commencement of a new Congress.

Much has been said about special provisions in the Constitution requiring more than a majority. For example, reference has been made to the two-thirds vote of the Senate required for the ratification of treaties and the two-thirds vote requirement of both Houses in the case of constitutional amendments. However, no such requirement can be found anywhere in the Constitution when it comes to changing the rules.

The Constitution expressly provides that each House may determine its own procedures, and the precedents have consistently held that each House may do so by majority vote. The Chair is simply trying to give effect to this constitutional provision, by opening the way for a majority to assert, if it will, its prerogative in the matter of determining what the cloture rule will be for the next 2 years.

I have listened to the outcry about destroying the Senate as a great deliberative body. Well, Mr. President, the adoption of a three-fifths cloture rule won't destroy the essential character of the Senate; it won't place in jeopardy the right of extended debate. We have filed a cloture petition in order to get to a vote on the motion to take up this three-fifths rule, so that the Senate can then proceed to debate the proposition on its merits.

I hope that all Members of the Senate understand that the course we adopt is the only one that the majority can enable to assert its prerogative under the Constitution of the United States. How the majority then decides to shape the rule relating to cloture is a different question. I, for one, would feel it unwise for the Senate to adopt a majority cloture rule. I have said so before. That has consistently been my position.

I favor the adoption of a three-fifths rule, but I believe in the unfettered right of the majority to decide that question. To those who say that this is an extraordinary procedure; that we ought to make our effort to change rule XXII, while remaining subject to its present restrictions, I can only reply that this has been tried, again and again, utterly to no avail. If the majority is not to be blocked, it must assert its right directly under the Constitution itself.

I commend the distinguished Presiding Officer for the action he proposes to take. I hope the Senate will proceed on Thursday to give effect to his proposal by invoking cloture through the vote of the majority, and by then voting to sustain the Chair.

(At this point Mr. GRAVEL took the chair as Presiding Officer.)

THE JAPANESE AND ECSC VOLUNTARY STEEL IMPORT LIMITS—SOME RESERVATIONS

Mr. HARTKE. Mr. President, agreement has now been reached between the major steel producers in Japan and the European Coal and Steel Community, whose shipments to this country constitute about 82 percent of our steel imports, to limit their exports of steel mill products to the United States on a voluntary basis through 1971. The overall level of restraint for 1969 is reported to be 14 million net tons, which is about 4 million tons less than the shipments in 1968, but substantially higher than those of any other previous year.

It is hard to quarrel with the need for restraint. Restraint can either be voluntary or mandatory. Of the two, the former is preferable to the latter if it can achieve the necessary degree of restraint required. And while I view the voluntary commitments of the major steel producers in Japan and the European Coal and Steel Community as a salutary step toward a meaningful resolution of the overcapacity in world steel production, there are several problems with the commitments which cause me to have reservation.

First, the overall level constitutes over 13 percent of domestic shipments, which is not very much restraint at all. Only last year, when imports climbed to a record level of 18 million tons, did the steel industry in this country experience a higher level of import penetration than they will feel under the voluntary quotas which certain foreign producers have agreed to.

Second, the voluntary agreement calls for a growth in steel imports of 5 percent a year. This raises at least two problems: the 5-percent growth factor is substantially higher than the average annual growth in domestic shipments since 1958; and, if average growth of domestic shipments should remain at their historic rate—or for some reason should fall—the growth in foreign imports would capture an ever-increasing share of the domestic steel market.

Third, the agreement leaves out some important producers among the EFTA countries in Europe and Canada, and some in the Far East who might be tempted to take advantage of the voluntary restraint of others by increasing their share of the U.S. market. This, of course, would undermine the whole agreement.

Fourth, the possibility that foreign producers will ship more sophisticated steel into this market, while still staying within the overall restraint limits by reducing their shipments of lower priced, more basic, steel, would constitute a serious loophole in the voluntary restraint and not help the U.S. steel industry or the balance of payments of this country. Even though the letters by the foreign producers indicate they will try not to change the product mix, the temptation to do so is there, and if given in to, would not serve in our national interests.

Finally, foreign producers have placed certain conditions for their restraint which need clarification. Obviously, if the Congress enacts a mandatory quota on steel imports, such as the one I introduced in the last Congress, there would be no need for a voluntary restraint arrangement. Therefore, it is nonessential to make as a condition that the United States would not impose mandatory quotas. The letter of undertaking by Japanese producers which was graciously sent to our State Department, indicated that the voluntary restraint is premised on the assumption that "the United States will take no action, including increase of imports duties, to restrict Japanese steel mill product exports to the United States." The European producers statement is based on the assumption "that the United States will take no action to restrict ECSC steel mill products to the United States like: First, quota systems; second, increase in import duties; and third, other restrictions on the import of steel mill products to the United States."

The steel industry has filed complaints under the countervailing duty statute which have nothing to do with quotas, but deal with foreign export subsidies. Therefore, any positive action by the administering agencies in the form of a special dumping duty or a countervailing duty under these statutes should not affect in any way the need for overall restraint by foreign steel exporters. And, restraint should not affect the decisions made by these agencies under the statutes.

This same principle would also apply to any escape clause actions which might be taken to protect American industry. Such an action is independent of the need for overall restraint.

Moreover, if a special duty or quota were placed on an importation of a product which contains a substantial amount of steel, for example, automobiles, it should not be construed as an obstacle to steel imports within the meaning of the agreement. Any other interpretation could be inimical to the interests of other industries who may merit relief.

The vague language of the agreement in this regard also raises the question of whether the foreign producers would end their restraint if the United States, for balance-of-payments reasons, establish an import surcharge or a border tax. That would not be a restriction specifically directed against foreign steel. In short, we should not permit the voluntary agreements approved by these foreign producers to pressure this country in the administration of its laws, or to forestall any action which we deem advisable and necessary to help our balance of payments.

It is also important to point out that voluntary restraint of steel shipments by the EEC and Japan does not in any way obviate the need for these countries to

eliminate their nontariff barriers against American exports and, in some cases, their restrictions on U.S. foreign investment. On the contrary, removing these obstacles is more imperative than ever.

Mr. President, I ask unanimous consent to have printed in the RECORD the correspondence from the Department of State relative to the voluntary undertakings for import restraints by the Japanese and ECSC producers. These include a letter from the Department of State, dated January 14, 1969, signed by Secretary of State Dean Rusk, addressed to the chairman of the Senate Finance Committee; a memorandum to the Secretary of State from the Japan Iron & Steel Exporters' Association dated December 23, 1968; and a letter to the Secretary of State from the ECSC Steel producers, dated December 18, 1968, signed by various personalities.

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

DEPARTMENT OF STATE,
Washington, D.C., January 14, 1969.

Hon. RUSSELL D. LONG,
Chairman, Finance Committee,
U.S. Senate.

DEAR MR. CHAIRMAN: The President has asked me to transmit to you communications received from the steel industry of Japan and the steel industries of the European Coal and Steel Community (ECSC) expressing the intentions of these industries to limit their exports of steel mill products to the United States in the years 1969 through 1971.

We estimate that as a result of the export limitation of the Japanese and ECSC producers, which together provide about 82 percent of our steel imports, total imports will amount to about 14 million net tons in 1969, about 14.7 million net tons in 1970 and about 15.4 million net tons in 1971. Other major foreign producers have not formally offered to cooperate in the voluntary export limitations but, as a practical matter, are expected to maintain their exports at levels which yield the estimates stated above.

Sincerely yours,

DEAN RUSK.

MEMORANDUM: STATEMENT OF THE INTENTION OF THE JAPANESE STEEL INDUSTRY, DECEMBER 23, 1968.

To: The Honorable Secretary of State, Washington 25, D.C., U.S.A.

From: Yoshihiro Inayama, Chairman, Japan Iron & Steel Exporters' Association.

Subject: Statement of the Intention of the Japanese Steel Industry.

1. With the desire to assist in the maintenance of an orderly market for steel in the United States, the nine leading steel companies of Japan, namely, Yawata Iron & Steel Co., Ltd., Fuji Iron & Steel Co., Ltd., Nippon Kokan Kabushiki Kaisha, Kawasaki Steel Corporation, Sumitomo Metal Industries, Ltd., Kobe Steel Works, Ltd., Nisshin Steel Co., Ltd., Osaka Iron & Steel Co., Ltd., and Nakayama Steel Works, Ltd. gave assurances in their statement of July 5, 1968 that their steel mill product shipments from Japan to the United States would not exceed 5.5 million metric tons during Japanese fiscal year 1968. These nine companies account for approximately 85 percent of all Japanese steel mill products shipped to the United States. In the light of subsequent events and as a result of discussions concerning this matter with the representatives the Government of the United States of America, they now want to make a new statement to the following effect.

2. With greater understanding of market conditions for steel in the United States, and with the cooperation of the medium and small steelmakers of Japan which account for the remaining 15 percent of shipments to the United States, the same nine leading steel companies wish to state their intention, subject to measures permitted by the laws and regulations of Japan, to limit the Japanese shipments of steel mill products to the United States to a total of 5,750,000 net tons during calendar year 1969.

2. During the subsequent two calendar years (through 1971), it is also their intention to confine the Japanese shipments within limits which would represent, at most, a 5 percent increase over 5,750,000 net tons in 1970 and over 6,037,500 net tons in 1971, depending upon demand in the United States market and the necessity to maintain orderly marketing therein. During this period the Japanese steel companies will try not to change greatly the product mix and pattern of distribution of trade as compared with the present.

4. This statement is made upon the assumptions: i) that the total shipments of steel mill products from all the steel exporting nations to the United States will not exceed approximately 14,000,000 net tons during 1969, 105 percent of 14,000,000 net tons in 1970, and 105 percent of 14,700,000 net tons in 1971, ii) that the United States will take no action, including increase of import duties, to restrict Japanese steel mill product exports to the United States, and iii) that the above action by the Japanese steel companies does not infringe upon any laws of the United States of America and that it conforms to international laws.

YOSHIHIRO INAYAMA,
Chairman, Japan Iron & Steel Exporters' Association.

DECEMBER 18, 1968.

The Honorable SECRETARY OF STATE,
New State Building,
Washington, D.C.,
U.S.A.

Sir: The associations of the steel producers of the ECSC united in the "Club des Sidérurgistes", to wit:

Associazione Industries Siderurgiche Italiane ASSIDER, Milan represented by Prof. Dr. Ernesto Manuelli;

Chambre Syndicale de la Sidérurgie Française, Paris represented by the President, Mr. Jacques Ferry;

Goupement des Hauts Fourneaux et Aciéries Belges, Brussels represented by the President, Mr. Pierre van der Rest;

Goupement des Industries Sidérurgiques Luxembourgeoises, represented by the President, Mr. René Schmit/Luxembourg;

Vereniging de Nederlandse Ijzer-en Staalproducerende Industrie, represented by Mr. Evert van Veelen/Ijmuiden; and

Wirtschaftsvereinigung Eisen-und Stahlindustrie, Dusseldorf represented by the President, Bergassessor Dr. Hans-Günther Sohl.

Referring to the repeated talks they have had in this matter with representatives of the Government of the United States in behalf of the sustenance of liberal international trade in steel and to assist in the maintenance of an orderly market for steel in the United States declare the following:

(1) It is their intention to limit the total ECSC deliveries of steel mill products, i.e. finished rolled steel products, semis, hot rolled strip, tubes, and drawn wire products, to the United States to 5,750,000 net tons during the calendar year 1969.

(2) It is also their intention in the calendar years 1970 and 1971 to confine their deliveries within limits which would at the utmost represent for the year 1970 a five percent increase over 5,750,000 net tons and for the year 1971 a five percent increase over 6,037,500 net tons.

During the named periods the ECSC producers will try to maintain approximately the same product mix and pattern of distribution as at present.

This statement is based on the assumption:

(A) that the total shipments of steel mill products (finished rolled steel products, semis, hot rolled strip, tubes, and drawn wire products) from all the steel exporting nations to the USA will not exceed approximately 14 million net tons during 1969, and five percent over 14 million net tons in 1970, and five percent over 14.7 million net tons in 1971, and

(B) that the United States will take no action to restrict ECSC steel mill product exports to the USA like (a) quota systems; (b) increase of import duties; (c) other restrictions on the import of steel mill products to the USA.

This proposal of the ECSC steel producers is made provided that it does not infringe on any laws of the United States and that it conforms to international laws.

ERNESTO MANUELLI.
PIERRE VAN DER REST.
EVERT VAN VEELEN.
JACQUES FERRY.
RENÉ SCHMIT.
HANS-GÜNTHER SOHL.

FAREWELL TO THE ELECTORAL COLLEGE

Mr. CHURCH. Mr. President, on November 5 last, our Nation went to the brink of a serious constitutional crisis. As millions of Americans watched the tabulation of popular and electoral college votes, the possible instability and danger inherent in our antiquated electoral system nearly materialized.

On November 23, 1968, a Gallup poll was released which showed, strikingly, that the people wish, never again, to face that possibility; 81 percent of the American people were shown to be in favor of the direct popular election of the President and Vice President of the United States. It is apparent that a well-educated and politically sophisticated electorate is demanding the right to directly choose their President. They feel, as do I, that the people are the only legitimate power brokers in a democracy.

On November 23, 1968, an excellent editorial, written by Richard L. Tobin, appeared in the Saturday Review. The article sets forth the basic arguments for the abolition of the electoral college system. It deserves the attention of every Member of the Senate and, indeed, every American.

I ask unanimous consent, Mr. President, that the editorial to which I refer, "Farewell to the Electoral College," be printed in the RECORD.

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

FAREWELL TO THE ELECTORAL COLLEGE

Framers of the Constitution envisioned the Electoral College as a sort of elite gathering in which persons of the highest caliber would participate. These electors, the Constitutional Convention believed, would meet soon after the November vote to discuss and evaluate the merits of various candidates for President. Each elector would vote for two persons for President, and the man with the highest number of electoral votes would become President and the runner-up Vice President. In casting their ballots, the electors were expected to reflect the views of the people as expressed in the quadrennial vote, but they would not be bound by that vote. In other words, the office of President was too precious, too elevated, to be left to

the whim of the common man, though he could express his preferences.

The design of the framers of the Constitution was never really carried out. No one needed to deliberate over the choice for President when George Washington was the candidate, and by 1800, the nation had an incipient political party system which had not been foreseen or even contemplated. With political parties came the end of the idea of an independent elector chosen among the elite. The pledged elector, instructed to vote for a certain party candidate, reflected a publicly announced slate of names bound to vote a certain way in the Electoral College. The independent role of the several states grew with each election, and any idea of a President elected by a democratic majority of the total vote of the American people gradually faded into the complex and unworkable Electoral College system we are now saddled with—unworkable and explosively dangerous.

Last month, the *Fordham Law Review* published a thoroughgoing study of the Electoral College—and why it should be abolished—a study so sharply expressed and logically presented that it bears quotation here. The critique points out that while the United States has been lucky in the caliber of its Presidents and fortunate to have avoided a Constitutional crisis because of the dangers and defects of the Electoral College, experience dictates immediate attention to the matter before it spells chaos and disaster. There is little doubt in any rational mind by now, especially after November 5, that the Electoral College poses a serious threat to the stability of our Presidential system.

To win the Presidency a man needs only a majority of electoral, not popular, votes. Such a majority is quite possible without a plurality of the total popular vote. Indeed, on fifteen occasions we have elected a President who did not have a plurality. In three Presidential elections we denied the White House to a man who had actually drawn more than half the popular vote. In 1876, Governor Samuel J. Tilden of New York, for example, polled 250,000 more votes than Rutherford B. Hayes or 51 per cent of a total vote of just over 8,000,000, but the Republican became President through the idiotic mathematics of the Electoral College system coupled with post-Civil War political chicanery. In 1824, Andrew Jackson polled 155,000 votes to 105,000 for John Quincy Adams, but when Jackson did not have the required majority in the Electoral College, the election went to the House of Representatives, and after corrupt bargaining Adams was picked for President over a candidate who had polled half again as many popular votes.

As the Fordham survey says, it is in fact possible for a candidate to win a majority of the electoral votes with considerably less than one-fourth of the total popular vote. "If a candidate were to win a plurality of the popular votes in eleven large states plus one other state," it adds, "he would have a majority of the electoral votes even if he received no popular votes in the remaining thirty-eight states. This is an extreme example but it serves to underscore the anomaly."

The matter of disproportion spills over into the states, moreover, due to the fact that each state is entitled to at least three electoral votes. That means there is one electoral vote for every 75,000 voters in Alaska, one for every 260,000 votes in Arizona, one for every 330,000 votes in Virginia, and one for every 400,000 in California. But the advantage of living in a tiny state doesn't last long when one realizes that a voter in Alaska, Nevada, Delaware, Vermont, or Wyoming can influence only three electoral votes while a single voter in New York can influence the distribution of forty-three electoral votes. Nothing, indeed, makes much sense about the Electoral College any way you look at it, but worst of all, it is not truly democratic.

Resentment, unrest, public clamor for reform of the Electoral College would surely have followed the crisis we barely avoided after November 5. As television shrinks the country and draws each state nearer every other state in common problems, reactions, and solutions, something as antique as the Electoral College is simply a form of political Russian roulette, dangerous and potentially disastrous to our nation. On the other hand, if we are to go to a straight popular vote for President and Vice President we shall need federal safeguards to watch local balloting more closely. There are those who will never be convinced that Mayor Daley's Chicago vote which gave Kennedy the election over Nixon in 1960 by just over 8,000 votes was a legitimate count, and something along these lines seemed in prospect in Illinois for a while even this November. But with careful federal surveillance there is no logical reason why the Presidential election of 1972 should not be left to the total popular vote of the American people. We should not have to depend upon tricky and antiquated procedures in electing a man to the most powerful office in the world.

RECESS UNTIL 8:30 O'CLOCK P.M. TODAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate stand in recess until 8:30 o'clock p.m. today.

The motion was agreed to; and (at 5 o'clock and 23 minutes p.m.) the Senate took a recess until today, January 14, 1969, at 8:30 o'clock p.m.

At 8:30 p.m., under the previous order, the Senate was called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

Mr. MANSFIELD. Mr. President, at a quarter to 9 the Senate will proceed in a body to the Hall of the House of Representatives. It is my understanding that at that time the business of the Senate will in fact be concluded, and that at the end of the President's address, the Senate automatically, under the previous order, will stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. The Senator's understanding is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceded to call the roll.

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

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

JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 1)

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives for the joint session.

Thereupon (at 8 o'clock and 42 minutes p.m.), the Senate, preceded by the Secretary of the Senate (Francis R. Valeo), the Sergeant at Arms (Robert G. Dunphy), and the Vice President, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States on the state of the Union.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9 o'clock and 56 minutes p.m. the Senate took a recess until tomorrow, January 15, 1969, at 12 o'clock meridian.

CONFIRMATION

Executive nominations confirmed by the Senate January 14 (legislative day of January 10), 1969;

U.S. COURT OF MILITARY APPEALS

William H. Darden, of Georgia, to be a member of the U.S. Court of Military Appeals for the remainder of the term expiring May 1, 1976.

HOUSE OF REPRESENTATIVES—*Tuesday, January 14, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Fear the Lord and serve him faithfully with all your heart; for consider what great things He has done for you.—1 Samuel 12: 24.

O Lord, grant unto us to so love Thee with all our minds, with all our hearts, with all our strength, and our neighbors as ourselves, that the grace of brotherly love may dwell in us, that all harshness and ill will may die and our hearts be filled with compassion and love. Thus may we rejoice in the happiness and good success of others by sympathizing with them in their sorrows, by ministering to them in their needs, and by helping them in their efforts for a greater life with dignity and self-respect.

Keep ever before us the shining goal of a greater nation and a better world seeking the way to peace and the road to freedom for all.

Incline our hearts with godly fear
To seek Thy face, Thy word revere;
Cause Thou all wrongs, all strife to cease,
And lead us in the paths of peace.

In the dear Redeemer's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H.Con. Res. 77. Concurrent resolution providing for joint session of Congress to receive Presidential message.

ELECTION OF MEMBER OF THE COMMITTEE ON WAYS AND MEANS

Mr. ROSTENKOWSKI. Mr. Speaker, I offer a privileged resolution (H. Res. 124) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 124

Resolved, That Sam Gibbons, of Florida, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REVISION OF THE BAIL REFORM ACT OF 1966

(Mr. McCULLOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, last Thursday, January 9, 1969, all of the minority members of the House Judiciary Committee, and eight members of the House Republican task force on crime and our minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), joined with me in introducing a comprehensive bill to revise the Bail Reform Act of 1966. Our bill would permit Federal courts to order limited pretrial detention of persons charged with crimes who would pose a danger to the community if released pending trial.

With each passing day, our crime rates are increasing at an appalling degree. Too many crimes are being committed by hard-core repeat offenders. With trial backlogs growing longer and with the requirement of the Bail Reform Act of 1966, that persons charged with crimes must be released prior to trial and whereunder courts are not permitted to take the safety of the community into consideration in setting the terms of such release, crimes committed while on pretrial release have become a significant problem. The demand is strong from prosecutors, police officials, trial judges, grand juries and citizens to provide our courts with the authority to detain pretrial dangerous persons charged with crimes. In the District of Columbia, in 1968, 130 persons were arrested for robbery—a crime of violence against persons—and were released on bail pending trial. Of these 130 defendants free on bail, 45 were indicted for at least one additional felony. These 45 defendants had 76 indictments placed against them for acts allegedly committed while on bail. That is a felony recidivist rate of 34.6 percent. National figures on recidivism are almost as appalling.

Riot connected offenses pose the most compelling case for some form of detention, especially while riotous conditions exist or when the likelihood of a defendant's return to participate in the riot can be predicted. It subverts our system of justice and endangers the public safety to allow predictably dangerous persons charged with crimes to go free on the streets for long periods of time—court backlogs are increasing daily—prior to trial where they can intimidate witnesses, destroy evidence and commit additional crimes.

The legislation just introduced would permit Federal courts to take into consideration the likelihood of the defendant's dangerousness to the community in setting conditions of pretrial release. When no such condition of release will assure safety to the community and when the defendant is charged with certain specified crimes involving violence, weapons and narcotics, then the court is empowered to detain the defendant prior to trial. In cases where defendants, charged with Federal crimes, are on pretrial release and commit an additional offense while on such release, then courts may order detention if the defendant's continued release would pose a danger to the community. In cases where defendants are charged with Federal crimes and on conditional pretrial release and violate any such condition of release, then courts may also detain them if their continued release would pose a danger to the community. However, such periods of detention may not exceed 60 days if the trial is not delayed by the defendant's own action. If the defendant is not tried within that period, then the courts shall order him released. In addition, all detention orders are subject to review in 24 hours and immediate appeal thereafter.

The bill also strengthens the penalty provision of the Bail Act in cases where defendants are released and fail to appear for subsequent court proceedings. The bill also provides stiff new penalties for crimes committed by persons who are charged with crimes and on pretrial release. The commission of a felony during such release is punishable by a minimum mandatory sentence of not less than 1 year nor more than 5 years. The commission of a misdemeanor while on pretrial release may be punished by an additional penalty of up to 1 year. These additional sentences may not be suspended, probation may not be granted and they must run consecutively to any other sentence.

The proposed amendments in our bill raise complex and controversial issues of a policy and constitutional nature. I commend to the attention of Members a memorandum discussing these issues that was prepared by the minority staff of the Committee on the Judiciary.

PROGRESS OF POOR CHILDREN IN SCHOOL PROGRAM UNDER TITLE I OF THE 1965 ELEMENTARY AND SECONDARY EDUCATION ACT

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PERKINS. Mr. Speaker, within recent days the press has carried stories reporting the results of a study of local school programs funded under title I of the 1965 Elementary and Secondary Education Act.

Although the body of the stories made it clear that some schools are investing their title I funds effectively, the headlines and lead paragraphs purported to show that the title I program "isn't producing measurable results."

This sketchy journalistic treatment is misleading in that it implies that the Federal Government is losing confidence in the title I program. This is most unfortunate, and it does not reflect the true facts in terms of the history and status of title I.

Since we are dealing here with the lives of 9 million poor children now being served in the schools, we can ill afford to pass hasty judgments on their chances for success in school and in life.

These press reports were based upon the so-called Tempo study, which was limited to a selected number of school districts. That study reflects only the early 1965–66 efforts of the schools, and it does not represent a fair assessment of the kinds of progress that may be anticipated over a longer and more sustained period.

For instance, it may take several years, perhaps a decade, to determine whether title I will significantly reduce the dropout rate of poor children in the schools and therefore enhance their chances for productive employment.

Second, the study is based solely on the gains made by children in the area of reading achievement. We must recognize that poor children require assistance from the schools in many ways that will not directly improve their reading skills, critical as this area may be. The improvement of a child's health and nutrition, and the provision of clothing which enables him to come to school, are important elements in our efforts to rescue the children of poverty from the fate to which society has thus far condemned them.

Also, it is important to recognize that the title I programs have not been supported with Federal funds at the level which is obviously required and which was originally contemplated by President Johnson and authorized by the Congress when the legislation was enacted in 1965. In fact, during the first 3 years of the program, the amount appropriated per pupil under the title I formula has actually decreased from $210 to $170. Many schools spend less than $100 per pupil per year. Thus, it is not fair to criticize the schools for failure to produce measurable results, when the Federal Government has not lived up to its promise to provide the increased funds which are obviously needed and already authorized.

Finally, I think it is more important to

emphasize that effective results can be achieved by the skillful use of title I funds to serve the needs of the most deprived children. In fact, this is the main point of the Tempo study. For example, one of the projects included in the Tempo study was based in Louisville, Ky., which significantly improved the reading levels of title I children by a well-designed program aimed specifically at this objective. The average rate of growth achieved by the children in this compensatory program was twice that which was expected based on the previous year's performance before the special program was begun.

The Office of Education has emphasized the importance of designing effective programs with clear-cut objectives, and on December 9, 1968, Commissioner Harold Howe II reported to all Members of the Congress on 150 outstanding title I projects which the schools are encouraged to emulate. The States are now reporting to the Office of Education on their progress in administering their programs, and the House Committee on Education and Labor will soon be receiving testimony from the U.S. Commissioner of Education on the results as reflected in these State reports. Based on hearings to be called by our committee, the House of Representatives will consider legislation for the extension of this program, including measures which may be needed to strengthen the authority of the Commissioner of Education to assure that Federal funds are used more effectively.

Title I is unique among Federal education programs in requiring continuing evaluation and public accountability for the results of Federal funding. This factor in itself is of great potential in identifying the strengths and weaknesses of local compensatory education programs using Federal funds. Results of evaluation studies can be misused by the press if limited evaluation data are used to condemn entire programs. In my judgment, the news media could serve an increasingly constructive role by citing the continuing needs of the children in our impoverished schools, and by editorially supporting efforts to improve Federal legislation and to increase Federal appropriations in this critical area.

REMAINING AREA ON EARTH FOR EXPLORATION AND DISCOVERY—SPEECH BY JUDGE ALFRED L. LUONGO

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, on Columbus Day past, October 21, 1968, the Honorable Alfred L. Luongo, judge of the Federal District Court for the Eastern District of Pennsylvania, delivered a stirring speech on the area remaining for exploration and discovery on the earth—not geographical area—but in the area of human relations and human rights.

I believe this subject to be of vital concern to all of us and Judge Luongo's speech merits the reading and consideration not only by the Members of Congress but by everyone in the Nation. I therefore include it at this point in the RECORD:

COLUMBUS DAY SPEECH BY JUDGE LUONGO

Thank you, Mr. Toastmaster.

I am grateful to the Columbus Day Committee for having invited me to be the speaker on this occasion. I am honored and flattered by the departure from the custom of inviting nationally prominent persons to speak. I hope I will prove worthy of the Committee's confidence.

It is traditional for Columbus Day speakers to extol the virtues of that great Genoese explorer—or as a variation on that theme—to point out the contributions made by others of Italian ancestry to the exploration, growth and development of this continent and this country.

The temptation is great to do so today. There is such a wealth of material dealing with those subjects. One could devote an entire speech, for example, to the efforts of Christopher Columbus to get financial backing for the venture—efforts expended literally over a period of years and to the sovereigns of several nations before he was finally successful in enlisting the aid and support of Ferdinand and Isabella of Spain.

Or one could speak most interestingly of the problems Columbus encountered on his first voyage into uncharted seas with his three incredibly small sailing vessels.

Incidentally, contrary to the myth perpetuated in children's books, it was well known in Columbus' day—and long before—that the world was not flat. What was not known was its size. When Columbus sailed westward, he confidently expected to reach land, but what he expected to find was Cipangu (what we know as Japan today) and China—whose wealth and wonders had been revealed to the western world by another Italian explorer, Marco Polo, traveling an entirely different route. Those lands were generally described then as the Indies (meaning Asia). Columbus himself, in later years referred to his venture as the enterprise of the Indies. That was what Columbus was looking for—and what he thought he had reached when, after 31 days of sailing and near mutiny by his crew, he finally sighted land, which led to the discovery of this continent.

The contribution of others of Italian ancestry to this country's history would furnish material for many speeches.

Americus Vespucci, the Italian geographer, for whom the New World was named.

Giovanni da Verrazzano, the Florentine commissioned by the French to discover a northwest passage to the Pacific and India, who, in the course of his mission, discovered New York Harbor and the Lower Hudson River in 1543, years before Henrik Hudson.

Giovanni Caboto (John Cabot) navigated the first English ships to appear on this side of the ocean.

Henry Tonti, who accompanied the French explorer La Salle in expeditions on the Great Lakes and down the Mississippi River.

Filippo Mazzei, a revolutionary patriot, who emigrated from Tuscany and who, two years before the adoption of the Declaration of Independence, wrote a series of articles in the Virginia Gazette under the name "Furioso," in one of which he said:

"All men are by nature free and independent. This equality is essential to the establishment of a liberal government. Every individual must be equal to every other in his natural rights."

William Paca, a signer of the Declaration of Independence.

Francesco Vigo—who helped open the midwest in the 1770's and for whom a county in Illinois is named.

The Italian priest, Fra Marco da Nizza—who established a mission in Mexico and who made explorations there and as far north as what is now Arizona in 1531.

Father Eustabio Chino, who in the late 1600's explored the peninsula of Lower California.

And the list goes on and on and on.

It is not easy to resist the temptation to make use of such a wealth of material and to say to you things you may want to hear—things to make you even prouder of the Italian heritage.

But resist I must.

These are troubled and troubling times. We cannot afford the luxury of complacency and self-praise.

I use this opportunity instead to invoke Columbus' exploits as a symbol, and at the same time to issue a challenge, to speak to you of matters which will not necessarily please you—may even displease—but if that serves to provoke you to serious thought, I will have accomplished something worthwhile.

The symbol for which I cite Columbus is this:

He made his great discovery by breaking away from the known and daring the unknown. The reward to mankind was great—the opening of a New World, which gave birth to a nation whose founders, in the Declaration of Independence, dreamed of a new way of life and who nurtured and perpetuated the greatest concepts of freedom and liberty known to man. They brought forth a nation dedicated to the proposition expounded by Filippo Mazzei, that all men are created equal.

There are few areas left today on the face of the earth awaiting discovery. The frontiers of discovery *now* are the vast and limitless reaches of the universe known as outer space.

But there is need for exploration and discovery yet on this earth—not into new geographical areas, but in the area of human relations and human rights.

Much of the history of mankind is made up of, and devoted to, man's inability to get along with himself. Contemporary history is no different. It is the story of conflict and controversy—between nations and groups of nations—between groups within nations whose differences are political—or religious—or economic—or based on age—or color of skin.

There is abroad today in this world a pervasive spirit of unrest and discontent. The causes are many. Two of the outstanding causes here in our nation are the related problems of racism and poverty.

As a matter of coincidence, the problem that besets us today had its origin in the same age of discovery that gave us Columbus. One of the nations from which Columbus sought aid was unable to give it, because it was pre-occupied with its exploration of the west coast of Africa—and the lucrative trade in black slaves.

The growth of at least some of the colonies of the New World was tied in with the institution of slavery, so that when these United States came into being as a government dedicated to the principles of equality and freedom, it paradoxically contained within itself the horrible and degrading system of human slavery.

And that system continued to have the sanction of law in this country—this country dedicated to the principles of equality—for almost 100 years. It was only after a Civil War which almost tore this nation apart, that the Fourteenth Amendment to the Constitution was adopted and the system no longer had *legal* sanction.

But the huge residual evils of slavery remained with us—providing the root causes of our main social problem—deprivation, degradation, discrimination and poverty.

Those who offer simplistic solutions—who believe that a rap on the head with a policeman's club will solve everything—display an abysmal ignorance of the nature of the problem and its causes.

Imagine, if you *can*, a heritage which includes being treated as a *thing*—a chattel—an item of property for purchase and sale.

Imagine, if you *can*, a heritage which encompasses family life created and terminated at the whim and pleasure of a master—an owner.

Perhaps it might help you to conceive of the enormity of that injustice if you compare it with treatment accorded your parents, or grandparents, or great-grandparents, who came here as immigrants, and who were subjected to various forms of discrimination—both obvious and subtle—who were called names dripping with contempt—names designed to foster a feeling of inferiority.

Do some of you, even today, resent slurs on ethnic origin? Do some become incensed by innuendos about "Mafia"—"Cosa Nostra"?—feel that some doors are not quite as open—or suspect that opportunities are not quite as available?

Imagine then, if you can compare *those* complaints with the infinitely greater injustices which have been the lot of the Negro—the Negro who wears *his* badge of difference out in the open for all to see—imagine how you might feel if you had to bear *his* burden.

How many of you who cry loudest for law and order can honestly say—truly guarantee—that you would not resort to the streets—would not participate in demonstrations, yes, even riots, if you had been born Negro instead of what you are?

Lest I be misunderstood, I do not for one moment condone lawlessness, crime or violence. I am a firm believer that the righting of the wrongs in our society must be accomplished by the orderly processes of law. Nevertheless, is it not understandable that frustration too long contained, can erupt and produce violence and disregard for law. Is it not understandable that those who have been denied the protection of the law—might begin to act as outlaws?

Let me then invoke the name and the spirit of Christopher Columbus to throw down a challenge to explore that great wilderness, the area of greater tolerance and understanding among people—people who differ in the color of their skin—who differ in nationality—or in religion—or political views—or in economic circumstances, differences that harbor within them the seeds of conflict—disagreement — misunderstanding — controversy.

The quest for greater understanding demands a venturing into the unknown—an abandonment of the familiar and the traditional.

Abraham Lincoln said it this way:

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew."

I offer no easy solutions—there are none. But I firmly believe that the *key* to the solution lies within each of us. It lies within our hearts, our minds, our emotions, and our prejudices.

The events of the past week, which witnessed the closing of two high schools in this community, provide a vivid illustration of my point.

In God's name, how long can we continue divided into hostile, armed camps?

How long must children, black or white, fear to walk in the "territory" of the "enemy?"

How long will we continue to live as neighbors—yet strangers?

The time is growing short.

We *must* renounce the hatreds that consume people—and we must do it *now*.

We *must* dissolve the bitterness and misunderstanding that beget violence—and we must do it *now*.

We must dedicate ourselves to fulfillment of the promise of the words of the pledge of allegiance:

"One nation, under God, indivisible, with liberty and justice for *all*."

We must re-dedicate ourselves to the proposition that *every* individual, in Mazzei's words, must be equal to every other in his natural rights.

I close with these prayerful words by Montana's Senator Mansfield on the death of our beloved President, John F. Kennedy:

"He gave us of his love that we too, in turn, might give. He gave that we might give of ourselves, that we might give to one another until there would be no room, no room at all, for the bigotry, the hatred, prejudice and the arrogance which converged in that moment of horror to strike him down. In leaving us—these gifts he leaves *with* us. Will he take them? Will we have, now, the sense and the responsibility and the courage to take them? I pray to God that we shall and under God we will."

To which I add a fervent "Amen."

PEACE NEGOTIATIONS

(Mr. SIKES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, statements attributed to the outgoing chief U.S. negotiator at the peace talks in Paris urging Americans to stop talking about winning the war provide cause for grave concern. It is difficult to visualize a situation which would give more aid and comfort to the Communists.

To me it is inconceivable that an American team would go to the conference table admitting, in effect, that we are no longer seeking to win; that we are interested only in making the best deal we can to get out of Vietnam.

Yet, that will be the interpretation the Communists place on Mr. Harriman's statements. Mr. Harriman has rendered valuable service to our Nation for many years, but if he made this statement, he has seriously damaged our status in the negotiations.

This type of comment destroys whatever confidence our allies have in our determination to help the Vietnamese determine their own destiny. Of course, we are there to win. How, otherwise, can we give direction to efforts to stop the spread of communism throughout Southeast Asia? How, otherwise, can we influence the course of the peace negotiations? How, otherwise, can we justify America's participation in the war itself?

SHAPING OF TAX MEASURES—ADDRESS OF STANLEY S. SURREY, ASSISTANT SECRETARY OF THE TREASURY FOR TAX POLICY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, for the past 8 years we have witnessed intense activity in the tax area. The beginning of this activity dates from President Kennedy's 1961 tax message and its results and extends most recently to the Revenue and Expenditure Control Act of 1968.

This has been not an easy period, for we started back in 1961 with high unemployment and an anemic rate of growth and now we have been going through the turbulence of war years. During that time our tax policies have been developed to fit the needs of our vast economy and to assist and enhance our growth.

If one can point to a single individual who has done more than anyone else to shape the tax measures during this period, the name which comes to mind is that of Stanley S. Surrey, the very able Assistant Secretary of the Treasury for Tax Policy, appointed originally by President Kennedy and continuing in office under President Johnson.

During Mr. Surrey's years with the Treasury we have seen a steady pace of improvement in our tax system. A brief list of these activities would include the Revenue Acts of 1962 and 1964, depreciation reform, the Excise Tax Reduction Act of 1965, the Tax Adjustment Act of 1966, the Foreign Investors Tax Act of 1966, the Revenue and Expenditure Control Act of 1968, and, in what one newspaper columnist referred to as Mr. Surrey's "master stroke," the proposal that tax preferences and incentives be specifically accounted for as tax expenditures. That proposal may stand out as one of the most important contributions to the budgetary process of our Government.

I believe it only fitting that the Members have the benefit of Mr. Surrey's own views on these years in the Treasury, and the path he hopes will be maintained in the future. In a recent speech before the Federal Tax Institute of New England, Mr. Surrey expresses his philosophy and views. Appropriately enough, he labeled his talk "Past and Prolog in Tax Policy." I would like to bring it to the attention of the House at this time, as follows:

PAST AND PROLOGUE IN TAX POLICY

The National Archives Building in Washington contains the inscription "What is Past is Prologue." This is a comforting thought for an archivist, and may indeed be necessary for his well-being. I do not propose today to consider whether the thought is a truism for Federal tax policy, and certainty it has not always been so in past years. Of course, I would like to believe that the recent past—let us say eight years—should be a relevant guide to the future in the tax field, but here I recognize disqualification on the ground of prejudice. At any event, actions and thoughts in that recent past are there as directional guides for the years ahead if one chooses to consider the mapwork as useful. So permit me today—in a really impossibly brief and sketchy way—to consider some aspects of that recent past and some of the directional guides.

THE BROAD ECONOMIC FRONT

On the broad economic front, the past eight years have been very good indeed for the United States. They have been eight years of sustained and adequate economic growth—contrasted with three recessions in the previous eight years. One can produce endless and varied data and statistics to describe those years—not quite but almost as many as those which our sportswriters use to fill their newspaper pages and books. Whether it be in terms of a low unemployment rate, new jobs, additions to GNP, increased average income, growth in investment in plant and equipment, increased corporate profits, overall price stability, and so on—all have shown remarkable gains.

It has not been an easy period to achieve all this—for it started with a high unemployment rate and an enemic rate of growth and ends in the turbulence of war years. That turbulence has caused us to fasten our economic seat belts and to be buffeted a bit, as reflected in reecnt price and interest rate rises. But price stability is hard to achieve in war years and certainly we have been

spared the controls and greater inflation of other periods of large military expenditures. Moreover, after unfortunate delay we did adopt the needed restraint and can see a moderation in the turbulence—though still recognizing that effective fiscal policy has many hostages to fortune in the uncertainties that mark periods of military activity and transition to peace.

This favorable economic growth was not an unplanned lucky event. We have a government of laws but fiscal policies are made by men. The policies are a conjunction of fiscal tools; economic forecasting as to what can be expected without action taken; the design of the action needed and the tools to be used to change the forecasted result if change is warranted; the will to take that action; and an understanding that the process must be endlessly repeated as conditions and forecasts change. Our economic progress has been a result of improvement in all these aspects, but most of all in the will to use fiscal tools when action was required.

The landmarks here are the income tax reduction of 1964 undertaken in a period when our economy was weak end under the restraint of too high a tax burden—but undertaken when our budget was in a deficit, a fact that, for all its essential irrelevance, would in the past have prevented this step; the excise tax reduction in 1965 undertaken for the same fiscal purpose; and the temporary 10 percent surcharge enacted in 1968 when our economy became too strong and restraint was needed—but undertaken in an election year amidst a war which lacked the support marking the previous military activities that had prompted tax increases in the past. Nor were these legislative measures easily enacted. The tax reduction of 1964 and the tax surcharge of 1968 involved legislative debate, doubts and desires and required a high order of political skill to shape the solutions, garner the votes, and achieve the goals.

The will to take the needed fiscal steps and the consequences of those steps have, I believe—and here one hopes past is prologue—heightened our ability to discriminate among fiscal tools and to improve our fiscal techniques. The power of tax reduction to promote economic growth is now evident, whether the reduction called for is permanent or temporary. The surcharge technique as a tool for a temporary change in income tax levels, when temporary change is required, has received acceptance. Indeed, in the eleven months that the surcharge was under Congressional consideration, the Tax Committees spent less than a half hour on the structure of the surcharge itself—and that at the end of the Conference Committee deliberations. The final legislation in this regard followed in almost every respect the President's recommendation. (Parenthetically, the experience with the temporary suspension and restoration of the investment credit as a technique showed the problems of that approach, as the Treasury had expected, and that approach is unlikely to be tried again.) It is encouraging to note that the adoption of the surcharge was not an issue in the 1968 election. When it was finally passed it had bipartisan support. An analysis of the election returns of the House of Representatives does not indicate that any member was defeated because he had voted for the tax surcharge—an outcome strongly contrary to some expectations when the House considered this legislation.

Our experience shows that our problems relating to the use of the income tax for countercyclical purposes are not problems of techniques and mechanics as respects the structural changes required. Rather, they are issues of fiscal policy at the political level—differences between Presidents and Congresses over the right fiscal policies to pursue and over the economic outlook. The task here is to seek methods and procedures of resolving those issues and differences more rapidly, since countercyclical action requires for its best results that the action be taken promptly—a lesson of the 1968 experience.

STRUCTURAL ASPECTS AND LEGISLATION

Let us turn now from the broad economic scene to structural aspects of the tax system. Here much has happened in eight years. This is not the time for a detailed review, but some of the events may be sketched briefly. The Revenue Acts of 1962 and 1964 marked the most serious efforts since World War II to cure abuses in the tax structure—and they achieved around $2 billion of revenue increasing revisions, a figure larger than all of the revenue measures since that period combined. Nearly every important change was a significant struggle in itself, for the issues had considerable emotional content and controversy as well as tax significance—remember expense accounts, the dividend credit, tax havens, compliance in reporting dividends and interest, and the like. Many an important matter was decided by a vote or two in the Tax Committees, and one learned from hard experience the problems involved in securing 13 votes in the Ways and Means Committee and 9 votes in the Senate Finance Committee in controversial matters. Each matter had special problems which made for great difficulty in achieving change. Thus the efforts to achieve a rational tax structure for investment abroad had to face the task of a complete re-orientation of tax thinking and policy in keeping with the new international requirements faced by the United States. Before this, legislation in this field had been pretty much a question of efforts constantly to reduce the tax on foreign income, with only a few understanding what the contests were all about.

There were failures as well as successes. But no realist expects full success in proposals for tax revision, or indeed in tax policy generally, for the Congress has always been the final arbiter of tax policy in the United States. And the task of revision is difficult—measured in an analogy to exploration by the efforts involved in the discovery of the Poles, with the way strewn with the bones of many an explorer, rather than by the modern systems of research and technology through which we are mastering the world of space. Nor are there unlimited opportunities to push the issues of tax revision. Many trains run on the tracks of our Tax Committees and tax revision must take its turn along with Social Security, Public Assistance, Trade, Customs and other legislation. Quite often, also, all tracks must be cleared for certain measures, including fiscal policy legislation, which in principle must highball along, such as the temporary surcharge.

Finally, failure can have its educational values and pave the way to future progress. Thus, as examples, I believe there are many now who, on reflection, in contrast with earlier held views, would say the Treasury was right in 1963 in urging the principle of income taxation at death on the appreciation in value of assets owned by the decedent or in urging reform of depreciation rules in the real estate field.

To continue the brief summary, the Excise Tax Reduction Act of 1965 ended our system of discriminatory excise taxes; the Federal Tax Lien Act of 1966 modernized our tax lien procedures; a succession of legislative measures achieved current payment for corporations and graduated withholding for individuals and, coupled with administrative measures requiring prompt payment of withheld taxes and excise taxes, have given the United States a fully current system of tax collection; the Foreign Investors Tax Act of 1966 provided a wholly revised and rational tax policy for foreigners investing in the United States; the Interest Equalization Tax Act gave us a flexible tool for controlling portfolio flows abroad. And in between were numerous, varied, and less extensive measures to solve specific problems.

In the international area, statutory improvements were accompanied by modernization and expansion of our treaty network. A new structure for income tax treaties was devised, building on the OCED Model Draft where appropriate, and the process of securing adoption of this modernized version through agreements with developed countries is well along. A basis for treaties with less developed countries varying in approach depending on the particular situations involved, has been established, and is ready for fuller implementation when the Senate Foreign Relations Committee regards our international position and our domestic budgetary posture as appropriate to permit extension of the investment credit to investment abroad. A new version of an estate tax treaty, building where appropriate on the OECD Model Draft, has been developed which will afford greater opportunity for foreign portfolio investment in the United States and greater protection for the estates of our business executives and others who may die while on overseas assignments. The process of obtaining adoption of this type of treaty is now under way, with basic agreements reached with the Netherlands and Israel. These efforts at international tax cooperation have been supplemented by affirmative positions taken by the United States in the OECD Fiscal Committee seeking steady development of the tax principles to govern international transactions, especially in the field of the allocation of income and deductions.

Structural tax revision involves the correction of inequities to taxpayers as well as the correction of tax abuses and escapes favorable to taxpayers. Here also steady progress has been made in improving the tax structure—in the introduction of the minimum standard deduction; the splitting of the first bracket of tax into four brackets; the introduction of an averaging system; the adoption of a new deduction for employee moving expenses; the unlimited carryforward of capital losses; the inclusion of tips in Social Security wages; the revised treatment of dealer's reserves.

Tax revision also involves innovative measures to keep the tax structure abreast of economic changes. The investment credit in 1962, the recapture as ordinary income on the sale of personal property of excess depreciation deductions, and the administrative depreciation reforms of 1962 and 1965, creating the guideline system and the reserve ratio test, have established the framework for a rational tax treatment of investment in machinery and equipment. The guidelines have put an end to haggling and uncertainty and the reserve ratio test is a workable device to achieve self-correction within those guidelines, as our soon to be published computer study of depreciation rules demonstrates.

Allow me to spend a moment on the subject of depreciation. Despite the improvements just mentioned, we still have many miles to go before all of the problems in the depreciation field are solved. The tax structure was severely wounded by the introduction in 1954 of accelerated depreciation methods without any groundwork of advance study to develop the safeguards and rules necessary to accompany the liberality of those methods. Such surgery produces a severe shock from which the recovery is painful, difficult and slow. This is not to say that accelerated depreciation of machinery and equipment is wrong. But in the realistic world of tax planning and maneuvering, where every possible avenue of tax escape is ingeniously exploited to the full, the failure to provide adequate safeguards when accelerated depreciation was offered is clearly evident in retrospect. It has taken years to correct, through recapture, the "ordinary income—capital gain advantage" accorded to personal property, and this is but the beginning of the steps toward recovery. We still face all the abuses, the tax escapes, and the economic distortions in the real estate area—all because

accelerated depreciation happened to be given to real property as well as personal property; we face the abuses and business distortions involved in the leasing of machinery and equipment (here linked with the tax limit on the investment credit); we face the payment of tax-free dividends by many companies who use accelerated depreciation for tax deduction purposes and the computation of tax earnings and profits but straight-line depreciation for book purposes. Some of these difficulties—such as leasing—could be solved administratively and studies are here under way, but considerable legislation, especially as respects real estate, will be needed before all the damage is repaired. And there are still those who urge even more acceleration for depreciation!

As stated above, structural tax revision involves the correction of tax abuses, the elimination of unfairnesses, and the introduction of innovative changes. But along with these tasks of regaining lost terrain and seeking improvement, there is also the constant task of not yielding new ground and opening up new avenues of escape and preference. Much of the late 1940's and 1950's consisted of a steady erosion of the tax structure. But in the last eight years there have been no real breaches of that structure, with the exception perhaps of the self-employment pension plan and that has its limitations. And in the treatment of the "little tax bills" the efforts to separate justifiable correction from unfair preference and deal with each in appropriate fashion have yielded a high degree of success.

In this matter of not taking backward steps one can see the dangers ahead. Much could be lost, for example, in pursuing the "will-of-the-wisp" of value-added taxation in an effort to improve our trade position, or in plunging the tax structure into a maelstrom of tax incentives and tax credits.

STRUCTURAL ASPECTS AND ADMINISTRATIVE RULES

The tax structure is shaped by interpretations embodied in regulations, rulings, and other administrative pronouncements as well as by legislation. The last eight years have produced a steady pace of activity designed to improve the administrative interpretation of the Internal Revenue Code. One facet of this effort has involved the clarification and deepening of administrative guidance in various fields. A few examples:

The depreciation guidelines earlier mentioned provided a uniform, consistent system for the handling of the depreciation deduction and replaced the inconsistencies, discriminations, and arbitrariness under the prior method of negotiation and haggling.

The consolidated return regulations revised the rules in this area to accord with modern accounting practices for consolidated balance sheets and profit and loss statements.

The regulations on the deduction for educational expenses continued the evolution of the tax rules to match the changing patterns in training.

The recent pension plan regulations modernized the rules governing integration with Social Security benefits to keep pace with the changes in Social Security legislation and the maturing of that system.

The Section 482 regulations faced the challenging task of articulating the guidelines, drawn from modern accounting and management practices, to govern the allocation of income and deductions among related enterprises, especially in the international area.

The earnings and profits regulations under Subpart F for the first time provided a system for establishing the profits of foreign enterprises, based here also on modern accounting concepts.

Another facet of this administrative activity has been the correction of earlier administrative mistakes. The task of administrators is to make wise and proper decisions. A part of that task is the responsibility and duty of recognizing when that standard has not been achieved and errors have occurred. Here also the effort has been to acknowledge the errors and effect the correction. As examples:

The regulations providing for the recognition of gain on the creation of swap funds.

The regulations on the treatment of advertising of exempt organizations as an unrelated business (here no earlier error was involved, but rather the culmination of a long study pending which the contrary rule was permitted to obtain).

The proposed regulations on the taxation of industrial development bonds.

The recent ruling denying deduction generally for prepaid interest.

The correction of the ruling on split-dollar life insurance.

The pending revision of the restricted stock regulations.

In some of these instances the administrative action was followed by legislative consideration and efforts to undo the administrative interpretation. The outcome in each case was, however, essentially favorable to the position taken administratively and the end result was a structural improvement in the area involved. Thus, most recently, in the matter of industrial development bonds two legislative measures this year finally ended in taxation of these bonds subject to a $5 million exception for projects under that size. As a matter of tax policy even a $5 million industrial development bond issue is inappropriate and the proposed regulations had contained no dollar amount exception—there are more efficient non-tax routes to assist industrial expansion—but a $5 million issue is a long cry from the tax-free issues of $150 million with which 1968 opened.

The formulation of proper tax policies at the administrative level provides an especially difficult challenge. The great danger is that of lethargy—a hidden lethargy amidst the volume of day-to-day activity that characterizes a large organization. Unless extreme care is taken this great activity—essential as it is to the overall tasks of tax collection—will obscure the unwillingness or inability to perceive and face issues of tax policy. In this regard I would here like to repeat some earlier words on the importance of administration to tax policy, which were in the course of discussing certain financing techniques (industrial development bonds, tax-exempt organizations borrowing to acquire businesses, and leasing of machinery and equipment):

"Congress enacts legislation intended to provide a particular tax benefit or tax result for a designated group in order to accomplish a rational purpose—a tax-exempt interest status to municipal bonds to assist localities financially and to achieve a Federal-local relationship which both levels of government consider desirable for reasons apart from strictly financial considerations; a tax-exempt status to charitable organizations to encourage philanthropy in the United States; depreciation deductions that are as appropriate as possible to the measure of taxable income; investment credits to achieve an increase in industrial modernization and expansion. But there are those outside the group intended to be benefited waiting to seize on every such tax benefit to see how its operative mechanics may be distorted to achieve advantages wholly foreign to the purpose behind the benefit.

"If not checked in time these distortions begin to assert a legitimacy of their own—to assert tax squatters' rights against the Treasury. It is then said that administrative action cannot be taken to dislodge them, and a legislative command is required. Sometimes the Revenue Service itself grants a cloak of legitimacy through favorable rulings in the early stages of the transactions before their structure and scope have been clearly analyzed and appreciated. Then when it has become clear to all that the distortion has created a major problem, it is said that the administrative error cannot be corrected by the administrators who made it.

"Indeed, many of the tax preferences that today create severe unfairness in our tax system and permit many individuals and corporations to escape their share of the tax burden were never legislated at all by the Congress. Instead, their beginnings lie in a Treasury Regulations or administrative ruling, ill-considered or ill-conceived at the time or—to be more charitable, because every tax policy official wonders what mistakes his successors will charge against him—handed down to meet a legitimate problem and then in turn itself distorted. The fact that many of these tax preferences carry this bar sinister in their heritage does not, of course, make their present beneficiaries any the less forceful in defending their tax advantages.

"And so another lesson emerges from these illustrations—vigilance, skill and imagination in tax administration can be a powerful force in the maintenance of equity in the tax system. It can likewise be a powerful force to protect legislators from having to grapple years later with difficult legislative issues which they had no hand in creating."[1]

RESEARCH CAPABILITY

The conduct of tax policy today demands a high order of research capability. The problems are intricate and complicated, and the search for the data and analysis needed to help in their resolution must be avidly pursued if the solutions are to meet the standards our tax system merits. Moreover, quite an arsenal of material is required to answer the problems and questions of the host of businesses and individuals affected by any new proposal, as well as to counter the intense probing for possible weaknesses in a proposal, in so many ways and from so many angles, that inevitably accompanies its consideration.

In the past eight years, the Treasury staff engaged in tax policy activities has doubled, and that part occupied with international tax matters has grown almost five fold. There are now around fifty-five professionals (economists, lawyers and accountants) in the tax policy area. Their work is supplemented by the activities of the Internal Revenue Service, a large number of formal consultants drawn from many quarters, and by the assistance that is informally given over a wide area by those willing to make their expertise available to the Government.

Accompanying this enlargement of staff and consultants, there has been an increasing use of the tools of modern economic research—econometric models and analysis, computer analysis, and the like. These tools are being applied to the study of problems and proposals and to the task of revenue forecasting and estimating. The use of "tax models" under the individual, corporate, and estate and gift taxes—a representative statistical sample of tax return data on tape for computer use—has greatly enhanced the capability of the Treasury to estimate the effects of proposals for change. Also, data are being gathered to undertake for the first time systematic studies of the tax position of identical taxpayers over a period of time, which will provide considerable insight into the effects of the tax structure and income fluctuations (or their absence) taken together. These efforts are supplemented by programs that will add nontaxable receipts to the taxable income data, and non-taxpayers to the taxpayers in the models.

The Treasury has also engaged in large scale studies designed to advance our knowledge in a variety of fields. For example, it has financed work by several outstanding

[1] Tax Trends and Bond Financing, an address before the Municipal Forum of New York, June 13, 1968 (Treasury Release F-1273).

scholars on the effects of tax policy on investment; it has recently published a study on *Overseas Manufacturing Investment and the Balance of Payments;* it will publish shortly a computer study and detailed analysis of *Tax Depreciation and the Need for the Reserve Ratio Test;* and it has studies under way in a variety of areas, such as the effects of tax policy on real estate. Throughout it has maintained close liaison with other institutions and individuals engaged in tax research and facilitated their studies by making the needed data available.

But even though the research capability and activity have been greatly expanded, the proper development of our tax structure and our tax policies in the years ahead will require still larger research resources. The Government tax research base is still small when compared to that existing in other areas and in relation to the complexity and importance of tax issues. Moreover, there must be constant attention paid to the mix of research—Treasury consideration of immediate problems; Treasury research on the likely issues a few years ahead, on matters that should be pushed forward as issues, and on analysis to provide a better basic understanding of the workings and effects of our tax system; the obtaining of contract research by outside organizations and individuals in these areas; and the encouragement of research activity generally in the tax field.

RELATIONSHIP OF TAX POLICIES TO BUDGET EXPENDITURES

The imperative need to move forward in the solution of our social problems has brought to the Treasury a new dimension of activity not usually associated with the Department. This largely comes about because for nearly every social problem that we face we can be sure to find some groups that will urge the use of the tax system as the path to a solution. Such solutions can be generally classified under the heading of tax incentives or tax credits—and the familiar items here are incentives or credits for education, manpower training, pollution, urban and rural development, housing, and so on. For the Treasury to stand idly by and watch a procession of tax incentives would be to permit a rapid deterioration of our tax structure.

But disinclination to regard tax incentives as the path to solution is not enough, for it still leaves the problems unsolved. Consequently the Treasury has had to engage in research, on its own account and in cooperation with other agencies, on the problems themselves and on the possible nontax solutions that should be explored or advanced. This obviously expands the research requirements of the Treasury, though it has the advantages of keeping it fully involved in a great variety of domestic matters not usually considered as falling under tax policy.

This activity in turn has led to a fuller exploration of those existing tax policies which, through tax preferences and special rules, depart from the normal concepts applicable to the determination of taxable income and thereby provide within the tax system an array of so-called "tax expenditures." These tax expenditures represent the tax revenues being "spent" (through being lost to the tax system) to achieve the specific nontax goals represented by the special rules. In this regard the tax expenditures stand as alternatives to the direct Government expenditures, in the form of loans, grants, guarantees, and the like, that could have been utilized to achieve those same specific goals.

This exploration of the tax expenditure concept has involved efforts to describe and quantify the existing tax expenditures, in much the same fashion as direct Government expenditures are identified in the Budget. It has also led to studies designed to compare, on a cost-benefit approach, the efficiency of the tax expenditure route compared with the direct expenditure route and to identify the factors relevant to that comparison. Such studies relate both to existing preferences and proposed tax expenditures through new tax incentives or credits.

These efforts indicate that in some areas of Government the tax expenditures are a sizable amount, in absolute terms and in relation to the amount of direct budgetary expenditures. One would hope that other agencies of Government having direct cognizance over the activities involved would also take an interest in these tax expenditures. There is considerable basis for the belief that in some situations the amounts involved in the tax expenditures could be utilized more efficiently if they were spent as direct expenditures.

CONTINUING REVISION

The task of structural revision of our tax system should be regarded as an ever-continuing effort. Secretary Fowler earlier this year stressed this need, in speaking of areas of concern to the Treasury in which continuity of policy is essential. He used these words:

"A third area for policy continuity in 1969 is tax reform. After the reforms of the Revenue Acts of 1962 and 1964 and 1965, the Treasury Department undertook a major effort to prepare tax reform proposals of a comprehensive nature in 1966 and 1967. The plan was to launch a major legislative effort on the heels of the enactment of the temporary surcharge legislation. Because of the delays in enacting the surcharge legislation and the fact that substantial tax reform requires extensive legislative consideration, there was no suitable opportunity to push these proposals on to the legislative calendar.

"It is clear that tax reform must be a matter of high priority as respects tax policy and the work of the Congress. I and my associates in the Treasury have called attention to some of the areas that we feel should be given consideration. As one example, there is the impact of our present tax system on those in poverty. A country concerned about the plight of the poor should certainly be concerned about not imposing the 10 percent surcharge on low income taxpayers. At the other end of the scale is the serious problem of those taxpayers with very high annual incomes who make little or no contribution to the Federal Government because of the use, singly or in combination, of many of the tax preferences adopted for particular purposes. There is also need for an extensive, searching review of the rules under the estate and gift taxes and the associated question of the treatment of transfers of appreciated assets at death under the income tax.

"Two cardinal principles should guide us in considering tax reform. One is that the standards of equity and fairness and desirability must be applied in the context of the world today. Tax provisions adopted to serve certain needs in the past must constantly be tested to see if they are still appropriate. We must ask what is the net benefit to the nation from such a provision in terms of the present cost—what is the efficiency and effectiveness of the tax provision as contrasted with other forms of Government assistance that may not have the side-effects of income tax liberality to individuals or corporations that accompany the use of the tax route?

"The second principle is that change from yesterday's rule to today's new need must be orderly and fair, so that those who had planned their businesses or lives on the basis of the earlier provisions may have an orderly transition to the new standards. But it is orderly transition that I am emphasizing and not stagnation or indefinite postponement of any change, for tax preferences should not be a hereditary matter handed down from one generation to the next."[2]

The reform that Secretary Fowler spoke of involves change in the tax structure. As he indicates, there is much to be done—there always will be—in this area. In addition to such structural reform, there are important aspects of tax policy and expenditure policy having a relationship to the tax system that will, one can expect, be debated in the period ahead. Just as illustrations, one can refer to such matters as income maintenance or negative income tax programs now the subject of inquiry by a Presidential Commission; the need for re-examination of the benefit structure of the Social Security system and its financing, together with improvements in the structure of the private pension plan system; the worry over the effect on State and local interest costs and on individual windfall benefits through the greatly expanded use of State and local tax-exempt bonds that looms just ahead and for which solutions such as an Urban Development Bank have been advanced; the wisdom of revenue sharing and the feasibility of the various alternatives suggested; procedures to achieve the pace of action necessary to carry out needed countercyclical tax action effectively; procedures to achieve better coordination of Congressional consideration of revenues and expenditures.

CONCLUSION

If the tax activity of the past is indeed prologue, then the years ahead will continue to be active ones. This is as it should be in the tax field, for the appropriateness, equity, and vitality of a tax system depend upon constant attention. Proven fiscal tools are not the exclusive property of any Administration or political party. Neither are the problems. There are the difficult problems that accumulate over the years and yield only slowly to solution. There are the new problems whose outlines are already apparent. And there are the unforeseen problems that come suddenly on the scene. All must command our efforts if we are to achieve, not perfection, but that high degree of effectiveness and fairness which can properly be demanded of those who have chosen to make tax matters their professional career.

DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, I believe the time has come to take the final step in guaranteeing to each American citizen the right to vote for the most important office in the land, the Presidency of the United States.

While we are making every effort to expand the franchise through removing the roadblocks of religious prejudice, race prejudice, and sex prejudice, we continue to tolerate the electoral college system. There are only two offices for which we do not believe the people should make the final choice, and those are the Presidency and Vice Presidency of the United States. In the United States, while we claim with pride to be the world's greatest democracy, this is an anachronism that can no longer be tolerated.

Facing the Constitutional Convention of 1787 when it convened on May 25 was the question whether the Chief Executive

[2] Address before the National Industrial Conference Board, September 20, 1968 (Treasury Release F-1354).

should be chosen by direct popular election, by the Congress, by State legislatures, or by intermediate electors. The direct popular election alternative was opposed because it was generally felt that the people lacked sufficient knowledge of the character and qualifications of possible presidential candidates to make an intelligent choice. Many delegates also feared that the people of the various States would be unlikely to agree on a single person, usually casting their votes for a favorite-son candidate well known to them. Delegates from the South opposed the direct popular election of the President for the additional reason that suffrage was more widespread in the North than in the South.

Giving Congress the power to choose the President was rejected largely because of fear that it would jeopardize the principle of executive independence. To permit State legislatures to choose the President was rejected because it was feared the President might feel so indebted to the States as to allow them to encroach on Federal authority. Unable to agree on a plan, the convention on August 31 appointed a "Committee of Eleven" to propose a solution. On September 4 the Committee suggested a compromise—today's electoral college system.

The electoral college system was created by our Founding Fathers to meet certain very real 18th century problems that no longer have relevance to Americans of today.

Of concern to our forefathers was widespread illiteracy, large numbers of slaves who could not vote, great disparity in voter qualifications and little communication between regions of the country. All of these circumstances have been altered. There has been change. Today, there is mass media, both television and press, making it possible for all to examine in detail the characteristics of each presidential candidate.

From the outset the electoral college has constituted little more than a deliberately vague political compromise. Moreover, the reasons advanced for the system at the time of its adoption are totally irrelevant, if not directly repugnant, to our modern day concept of democracy.

The existing electoral college system has long been a matter of controversy. Major objections to the current system are:

It has permitted the election of three Presidents who trailed their opponents in the national popular vote.

The Founding Fathers never intended that the States would cast their electoral votes en bloc.

The unit system offers no incentive for a heavy voter turnout in supposedly safe States.

In large States which are fairly evenly divided between the major parties, the unit system inflates the bargaining power of splinter parties and pressure groups.

The electoral college system places a premium on fraud because juggling of a few votes can swing the electoral votes of an entire State.

The electoral college system gives State legislatures the power to direct any method they wish for selecting presidential electors.

There is no legal way to force an elector to vote for the presidential candidate to whom he pledged himself.

If an election is thrown into the House because of the failure of a presidential candidate to win a majority of the electoral votes, an archaic and totally unrepresentative system goes into operation.

The unit vote method of apportioning each State's electoral votes, as it developed in the 19th century and continues today, was clearly not the intention of the Founding Fathers. So in every election, the unit vote system disenfranchises millions of voters who happen to be in the minority in their particular States by taking the voting power they represent and awarding it in the national electoral count to the candidate whom they oppose. For example, in 1960 John F. Kennedy received 2,377,846 popular votes in Illinois while Richard M. Nixon received 2,368,988 votes. The late President received all the electoral vote in Illinois. Mr. Nixon received the 13 electoral votes in Indiana where he obtained 1,175,120 popular votes. Although Mr. Kennedy received more than two-thirds of the combined electoral votes of the two States, Mr. Nixon actually received a substantial majority of the popular votes cast.

Senator Thomas Hart Benton, of Missouri, in commenting on the operation of the unit vote system, said:

> To lose their votes is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed.

The present electoral college system rests on an uneasy tension between opposing distortions of the popular will. Smaller States receive a bonus for their two Senators. Large, closely contested, industrial States are the chief prizes in the presidential contest because of the magnified value of even the smallest popular majority in the States. For example, elections in which the national outcome depended on a single large State are numerous: a shift of 2,555 votes in New York could have reversed the electoral college outcome to make Henry Clay President instead of James K. Polk in 1844. In 1880 Winfield S. Hancock would have been made President instead of James A. Garfield if there had been a shift in New York of 10,517 votes. A shift of 575 votes in New York during the 1884 election would have made James G. Blaine President instead of Grover Cleveland. In 1888 a shift of 7,189 votes in New York would have changed the electoral vote to favor Grover Cleveland instead of Benjamin Harrison—Cleveland actually won a popular vote plurality but lost in the electoral college vote. A California shift in the election of 1916 of 1,983 votes would have made Charles Evans Hughes President instead of Woodrow Wilson, although President Wilson still would have had a half million more popular votes.

The electoral college system is predicated on the treatment of States as separate voting blocs. But the essential fact about presidential politics in the United States today is its nationalization. Television, newspapers, and national magazines all bring presidential politics directly to the people wherever they may live. Dwight Eisenhower, Adlai Stevenson, John F. Kennedy, Richard Nixon, Lyndon Johnson, and HUBERT HUMPHREY were all chosen as presidential candidates because of their national stature—not because they represented a certain State.

Against this background of the nationalization of American politics, the electoral college system perpetuates the ever-present danger that a man might be elected President who had actually lost the popular vote—which already has occurred three times in our history: John Quincy Adams, Rutherford B. Hayes, and Benjamin Harrison.

The fact that a State's electoral votes remain the same regardless of voter turnout is significant. In the 1964 election with the total popular vote cast in New Jersey substantially greater than that cast in Texas, the winning candidate in Texas received 25 electoral votes while the winning candidate in New Jersey received only 17 electoral votes. In that same election, the three electoral votes of Alaska were decided by 67,259 votes at a ratio of one electoral vote for every 22,419 voters. In the same election, New York citizens voted at a ratio of one electoral vote for every 166,657 votes with 7,166,275 people voting.

Today, the vast majority of the American people never stop to think that they are not permitted to vote directly for the President and Vice President of the United States—yet they would be enraged if the system intervened to frustrate their choice.

A popular vote loser assuming the Presidency could not be explained to the people. A miscarriage of the popular will in the days of "one man, one vote" would be preposterous. The situation is all the more serious when one considers the immense power and responsibility, both at home and abroad, of the American President at this time in history.

The real choice today is between two alternatives. Either the country will continue with the existing electoral college system, or it will shift to the direct popular election of the President and Vice President of the United States.

The only reform which will meet all the major problems presented by the electoral college system in a realistic manner is to institute the direct popular election of the President and Vice President by all the people.

Direct popular election will eliminate the undemocratic unit vote system, eliminate the problem of rebel electors, eliminate the danger of a popular-vote loser entering the White House, and would place the choice of the President and Vice President where it ought to be—directly in the hands of the people.

A direct popular national vote for President would result in the natural culmination of the federal system—choosing their Chief Executive on a national one-man, one-vote basis. Any half-way steps will retain some or all of the inadequacies of the existing electoral college system, especially the danger of the pop-

ular-vote loser becoming President of the country.

Since January 6, 1797, when Representative William L. Smith, of South Carolina, introduced the first proposed constitutional amendment to reform the electoral college system, hardly a session of Congress has passed without introduction of similar resolutions. At least 109 such amendments were proposed between 1889 and 1946 and another 151 have been proposed since that time.

The direct popular election alternative for choosing the President and Vice President, considered at the Constitutional Convention in 1787, was first introduced in the Congress as a proposed constitutional amendment by Representative William McManus, of New York, in 1826.

Historically, proponents of the direct popular election alternative have endorsed halfway measures believing that the direct popular election alternative could not be ratified by the required number of States. The time has now come to make a concerted effort to convince Members of Congress and State legislators that the direct popular election alternative not only harbors no threat to anyone's special powers or privileges within the American system, but that it is the only decent democratic alternative to the danger-prone electoral college system of today.

The greatest proof of the need for reform of the electoral college system is the fact that most Americans assume the direct popular election alternative to be in effect. When asked for whom they voted, Americans do not reply for presidential elector A or B or for no presidential elector due to the application of the unit rule. Rather, they reply that they voted for the Democratic or Republican presidential candidate. Can it any longer be pretended that this great people requires presidential electors to choose wisely for it?

Hearings in the other body on the election of the President and Vice President of the United States were most recently begun on February 28, 1966. In May 1966, Senator BAYH from Indiana, chairman of the Senate Subcommittee on Constitutional Amendments, introduced a proposed constitutional amendment to provide for direct popular election of the President and Vice President—Senate Joint Resolution 163—89th Congress, second session. On January 11, 1967, the Senator from Indiana, for himself and others, reintroduced the direct popular vote alternative in the form of a proposed constitutional amendment—Senate Joint Resolution 2—90th Congress, first session.

Mr. Speaker, I now wish to introduce in the House of Representatives a proposed constitutional amendment that abolishes the electoral college and provides for direct popular election of the President and Vice President.

The provisions of the joint resolution are as follows:

H.J. Res.—Joint resolution to amend the Constitution to provide for the direct election of the President and the Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. At a time determined by the Congress there shall be held in each State and in the District of Columbia an election in which the people thereof shall vote for President and for Vice President. In such election, each voter shall cast a single ballot for two persons who shall have consented to the joining of their names on the ballot for the offices of President and Vice President.

"The legislature of each State shall prescribe the places and manner of holding such election thereof and shall include on the ballot the names of all pairs of persons who have consented to the joining of their names on the ballot for the offices of President and Vice President but the Congress may at any time by law make or alter such regulations. The voters in each State shall have the qualifications requisite for persons voting therein for Members of the Congress, but nothing in this article shall prohibit a State from adopting a less restrictive residence requirement for voting for President and Vice President than for Members of the Congress, or prohibit the Congress from adopting uniform residence and age requirements for voting in such election.

"The Congress shall prescribe the qualifications for voting and the places and manner of holding such elections in the District of Columbia.

"Within forty-five days after the election, or at such time as the Congress may direct, the official custodian of the election returns of each State and the District of Columbia shall prepare, sign, certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and for Vice President, together with the number of votes cast for each.

"SEC. 2. On the 6th day of January following the election, unless the Congress shall by law appoint a different day not earlier than the 4th day of January, the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be totaled. The persons joined as candidates for President and Vice Pesident, having the greatest number of votes shall be declared elected President and Vice President, respectively, if such number be a plurality amounting to at least 40 per centum of the total number of votes certified. If none of the pairs of persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, then Congress shall provide by law, uniform throughout the United States, for a runoff election to be held between the two pairs of persons joined as candidates for President and Vice President, respectively, who received the highest number of votes certified.

"SEC. 3. If, at the time fixed for the counting of the certified vote totals from the respective States, the presidential candidate who would have been entitled to election as President shall have died, the vice presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal, prior to the election provided for in section 1, of a candidate for President or for Vice President and for the case of the death of both the person who, except for their death, would have been entitled to become President and Vice President.

"SEC. 4. The Congress shall have power to enforce this article by appropriate legislation."

Mr. Speaker, the proposed House joint resolution is identical to Senate Joint Resolution 2 introduced in the first session of the 90th Congress. Under the proposed joint resolution, a presidential candidate must receive a 40-percent plurality for election. If no presidential candidate receives the necessary 40-percent plurality, a runoff election would be held between the two candidates receiving the largest number of popular votes.

The proposed constitutional amendment has been endorsed by the American Bar Association, the Federal Bar Association, the Committee on Federal Legislation of the New York City Bar Association, the U.S. Chamber of Commerce, the National Federation of Independent Businesses, the United Auto Workers, and the NAACP.

A survey of State legislators, conducted by the junior Senator from North Dakota, revealed that nearly 60 percent of the 2,500 respondents favored direct popular election of the President and Vice President of the United States.

On November 23 a Gallup poll indicated that 81 percent of the public favored basing the election of the President on the popular vote throughout the Nation rather than the present electoral college system where a presidential candidate can be elected President even thought he runs behind his opponents in the popular vote total.

Our entire national experience teaches that there is no safer, no better way to elect our public officials than by the choice of the people with the man who wins the most votes being awarded the office. This is the essence of the "the consent of the governed." H. G. Wells called voting "democracy's ceremonial. It's feast. It's great function."

Neil R. Pierce, perhaps the foremost authority on the electoral college system has stated in "The People's President":

> The electoral college system of electing the President is doubtless the most deficient—and potentially dangerous—section of the U.S. Constitution as it stands today.

The single constitutional reform that removes the inequities and perils of the present electoral college system without substituting others is to eliminate the electoral college altogether and give the election of their President and Vice President directly to the American people.

The Presidency is the grand prize of American politics—no effort is too great to assure that the American President will truly be a man for all seasons for all Americans.

PROGRAM INFORMATION ACT

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, as a cosponsor of the proposed Program Information Act, I emphasize that the act directs the President to transmit to the

Congress at the beginning of each calendar year a catalog of Federal assistance programs, together with a report detailing the measures taken by the President to simplify Federal program assistance application forms and procedures and to consolidate Federal assistance programs.

The Program Information Act is designed to serve the program information needs of Congress, and the Executive, and the public. The Federal assistance program catalog, being the only compendium of Federal program assistance information, would include a description of each program, the administering office, the eligibility requirements, funding information, application prerequisites, Washington and regional contacts, mechanics of application and related programs.

The catalog will be updated monthly to reflect program termination, consolidation, expansion or reorganization and changes in government organization. The monthly revisions would provide current funding information as well as other information of direct, immediate relevance to potential beneficiaries.

The Bureau of the Budget is designated the sole agency to which the President's authority under the act may be delegated. By locating the responsibility for the catalog in the Bureau of the Budget, it is intended to provide the executive branch with meaningful information to determine whether duplication, overlap, or lack of coordination exist in Federal assistance programs. Better unified and coordinated Federal assistance should, in turn, produce a more accurate planning, programing, budgeting system.

The present comprehensive catalog published by the Office of Economic Opportunity, the Catalog of Federal Assistance Programs, lacks:

First, funding information—among the most important kinds of information for local officials, mayors, and county executives is how much Federal program assistance money is available;

Second, processing time estimates—State and local officials must have such information if they are to coordinate Federal assistance programs with their requirements; and

Third, periodic updating—printing a Federal catalog without greater flexibility than annual updating forces State and local officials to find other sources of information or else make important decisions based on information that is months out of date.

The Bureau of the Budget through circular A-89 establishes new catalog guidelines which contain no provisions for cross-referencing of analogous programs, nor does it define what are "programs." Consequently, Office of Economic Opportunity instructions to Federal agencies currently request submission of limited information on approximately 600 of over 1,000 separately identified Federal assistance programs. Mr. Charles L. Schultze, former Director of the Bureau of the Budget, states on page 35 of "Agenda for the Nation":

There are currently more than 400 Federal grant-in-aid programs and a host of special credit programs providing loans for specific purposes. A wide variety of programs are directly operated by the Federal Government—flood control projects, national parks, watershed protection projects, and so on.

State and local officials, educators, and private individuals have evidenced great difficulty in obtaining concise information about Federal assistance programs in which they may desire to participate. Specific Federal program assistance information in one compendium is required to permit these officials and private individuals to comprehend all related programs and determine which programs may be of particular assistance to them.

The information to be included in the catalog is the information shown in a federally sponsored Midwest Research Institute study to be the kind most needed by State and local officials to best utilize Federal program assistance.

The best testimony for the need for this proposed legislation is the unanimous endorsement of this bill by our Nation's State Governors, the National Association of Counties' Executives and Supervisors and the National Legislative Conference of State Representatives and Senators.

Besides being of direct assistance to potential beneficiaries, passage of this legislation would give the Congress meaningful information it needs to better determine, first, the relative worth of programs in order to establish priorities in allocating funds, and second, the desirability of proposed new programs.

ENABLING CITIZENS OF THE UNITED STATES WHO CHANGE THEIR RESIDENCES TO VOTE IN PRESIDENTIAL ELECTIONS

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, 5 years ago President Kennedy's Commission on Registration and Voting Participation declared:

No American should be deprived of the right to vote for President and Vice President because he changed his address before the election and did not have time to meet State residence requirements.

On May 25, 1967, President Johnson declared in "The Political Process in America," a message to the Congress proposing legislation to strengthen the political process:

This Nation has already assured that no man can legally be denied the right to vote because of the color of his skin or his economic condition. But we find that millions of Americans are still disenfranchised—because they have moved their residence from one locality to another.

The President further declared:

The people's right(s) to travel freely from State to State is constitutionally protected. The exercise of that right should not imperil the loss of another constitutionally protected right—the right to vote.

An analysis of the voting results of the 1960 presidential election, the last election for which studies are available, shows that between 5 and 8 million otherwise eligible voters were deprived of their right to vote because of unnecessarily long residency requirements of many States. Almost half of the States, for example, through laws enacted a century ago, require a citizen to be a resident a full 12 months prior to qualifying to vote for the only two nationwide elective offices—the Presidency and Vice-Presidency of the United States.

Public participation in the processes of government is the essence of a democracy. H. G. Wells called the voting process, "democracy's ceremonial, its feast, its great function."

No government can long survive that does not heed the public will. The American system has endured for almost two centuries because the people have become more and more involved in the process of governing. But government itself has a continuing obligation—second to no other—to keep the process of public participation functioning smoothly thereby maintaining a vibrant democracy!

Mr. Speaker, to enable citizens of the United States who change their residences to vote in presidential elections, I now introduce the Residency Voting Act of 1969. The act provides as follows:

A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Residency Voting Act of 1969".

SEC. 2. The Congress hereby declares that to enhance the right under the fourteenth amendment to the Constitution of citizens who change their residences to enjoy equal access to the right to vote in the election for President and Vice President of the United States, it is necessary to prohibit the States from conditioning the right to vote on the fulfillment of certain requirements of residence or registration.

SEC. 3. (a) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of residence or registration of such State or political subdivision if such citizen has resided in such State or political subdivision since the first day of September next preceding such election and has complied with the requirements of registration to the extent that such requirements provide for registration after such date. If such citizen has begun residence in a State or political subdivision after the first day of September next preceding an election referred to in the preceding sentence and does not satisfy the residence requirements of such State or political subdivision, then he shall be allowed to vote either in person or by absentee ballot in the State or political subdivision from which he most recently moved if, but for his nonresident status, he has satisfied, as of the date of such move, the requirements to vote in the State or political subdivision from which he most recently moved.

(b) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

SEC. 4. (a) In the exercise of the powers of the Congress under section 5 of the fourteenth amendment to the Constitution, the Attorney General is authorized and directed to institute in the name of the United States actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief to restrain the en-

forcement or execution of any residence or registration requirements which, in his judgment, interfere with the provisions or purposes of this Act.

(b) Proceedings instituted pursuant to this section shall be heard and determined by a three-judge district court in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie directly to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 5. (a) Whenever any person has engaged, or there are reasonable grounds to believe that any person is about to engage, in any act or practice in violation of the rights conferred by section 3, the Attorney General is authorized to institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them to (1) permit persons benefited by this Act to vote and (2) count such votes.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person granted rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 6. (a) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in a State or political subdivision for the purpose of establishing his eligibility to register or vote under this Act, or conspires with another individual for the purpose of encouraging such individual's false registration or illegal voting under this Act shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(b) Whoever shall deprive or attempt to deprive any person of any right secured by this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

Mr. Speaker, no citizen of the United States who is otherwise qualified to vote in any election for President and Vice President of the United States should lose the right to vote because of a change in his residence.

The Residency Voting Act of 1969 provides that otherwise qualified voters residing in a State or political subdivision since the first day of September shall be entitled to vote for President and Vice President in that State or political subdivision if the voter has complied with requirements providing for registration after the first day of September. The proposed Residency Voting Act of 1969 further provides if such citizen has begun residence in a State or political subdivision after the first day of September and does not satisfy the residence requirements, then he shall be allowed to vote either in person or by absentee ballot in the State or political subdivision from which he most recently moved if, but for his nonresident status, he has satisfied, as of the date of such move, the requirements to vote in the State or political subdivision from which he most recently moved.

On May 25, 1967, the junior Senator from Nevada introduced in the other body a bill, S. 1881—90th Congress, first session—incorporating President Johnson's recommendations "that a citizen, otherwise qualified to vote under the laws of a State, may not be denied his vote in a presidential election if he becomes a resident of the State by the first day of September preceding the election." Those provisions have been incorporated in the Residency Voting Act of 1969.

Legislation enabling citizens of the United States who change their residences to vote in nationwide presidential elections should minimally provide a method of voting for otherwise qualified voters who, because they have changed their residences, have been denied the right to vote.

The provisions of the Residency Voting Act of 1969 recognize the need of the States for a minimal period of time prior to a nationwide presidential election in which to check registrations to insure that only qualified voters go to the polls to vote. With the exception of those States requiring 1 year's residence prior to voting in nationwide presidential elections, most States require a minimal period of residence—60 days or less. The Residency Voting Act of 1969 adopts that 60-day minimal residence period as the approximate uniform standard for voting in a new State of residence in the succeeding nationwide presidential election. State election laws providing for periods of residence of 60 days or less prior to voting in the nationwide presidential election remain unaffected.

However, the provisions of the Residency Voting Act of 1969 also recognize what should be the minimally acceptable standard for all persons who have qualified themselves to vote in nationwide presidential elections—that they should not be denied the right to vote because of a change in their residence. By having satisfied the voting requirements of a State or political subdivision from which he most recently moved, a citizen's voting registration remains current except for his change of residence. The Residency Voting Act of 1969 establishes a uniform standard in that a registered voter shall be allowed to vote either in person or by absentee ballot for President and Vice President in the State or political subdivision from which he most recently moved if he has not taken up residence in another State or political subdivision until after the first day of September preceding a presidential election. The initiative remains with the voter to act under the provisions of the Residency Voting Act of 1969.

ASTRONAUTS

(Mr. CASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY. Mr. Speaker, a magnificent heroes welcome home was given to our great Apollo 8 astronauts by the people of Houston and Texas yesterday.

Scores of thousands of proud Americans turned out to honor these brilliant, courageous and yet, modest, men during a gigantic parade through downtown Houston. It was my privilege, along with several of my colleagues, to be present at this awe-inspiring and heart-warming occasion and the ceremony following it—for like all Americans, I have a deep sense of pride in the tremendous achievement of these gallant astronauts.

To Col. Frank Borman, Capt. James Lovell and Lt. Col. Bill Anders, I join with your friends and fellow citizens in Houston and Harris County in expressing our heartiest congratulations for a job well done.

To Dr. Robert Gilruth, Director of the Manned Spacecraft Center, and the thousands of dedicated men and women of MSC who worked around the clock to make this flight a magnificent success—I say your diligent and untiring efforts in this great program have brought you the thanks of a grateful and proud Nation. Surely, if man's destiny is among the stars—you have charted the course and truly helped us take the first giant steps. Generations to come will mark the days of Christmas, 1968, as being the finest in mankind's long history of achievement in his quest for knowledge.

Frank Borman summed it up in his speech to the joint session of Congress on January 9:

> Exploration is the essence of the human spirit, and to pause, to falter, to turn our back on the quest for knowledge, is to perish—and I hope that we never forget that.

It was heartwarming to me to be present yesterday when 74 individuals in NASA, Department of Defense, and private industry who labored long and hard to make Apollo 8 flight so spectacularly successful were singled out for awards. Twelve received the NASA Distinguished Service Medal, and 62 others received Exceptional Service Medals, with group awards going to others who contributed so much to the success of this flight. To each, on behalf of a grateful nation, I again express my own personal congratulations.

Soon, my colleagues in the House will begin their deliberations on authorizing and funding the programs considered vital to the well-being and future of our Nation. National defense, of course, must have first priority. But in my considered judgment, I know of no other program which ranks higher in priority than our space program. It is unfortunate that too little attention is given to the tremendous benefits this program has brought to all Americans. Great achievements in medicine, electronics, metallurgy, plastics, and a host of other fields are directly related to the space program. The list grows daily as our space-age technology pours forth new inventions and new techniques and they are rapidly adopted by our competitive business community. I consider the tax money we have put into the space program to be one of the wisest investments of our Nation's resources, and the benefits we have received thus far are but a token of the dividends yet to come.

The great feeling of national pride we all felt at the successful conclusion of the Apollo 8 moon flight was a far cry from that grim day of October 4, 1957, when Russia opened the "space age" with the launching of Sputnik I. Because of men like Borman, Lovell and Anders, and the thousands who back them up on the ground, we are no longer second in the field of space. NASA has come far in the decade of its existence—but we have a long way to go. And I know I

speak for many of my colleagues when I say we do not intend to pause—to falter—or to turn back.

STOPPING SO-CALLED TRADE SCHOOLS WHICH PREY ON UNEDUCATED AND DEPRIVED POPULATION

(Mr. CABELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, on behalf of those individuals in this country who, in the hope of bettering themselves and the financial conditions of their families, have left their homes and native States to enroll in a business or industrial school that promises to prepare them for a more productive career, and who have discovered that promises made them in regard to facilities, faculty, and career opportunities are both false and misleading, I hereby introduce a bill that would make it a crime to induce, through fraud or misrepresentation, any person to travel in interstate commerce for educational purposes.

The dire results of such inducements have become increasingly evident within the area of Dallas County, and within the limits of my own district, the Fifth District of Texas.

Many ambitious youngsters from hard working but less privileged families, often in neighboring States of Louisiana, Arkansas, Mississippi and others, have been persuaded, by promises of lucrative careers available upon completion of technical or industrial education, to leave their homes and to journey to a larger community and invest meager savings in schooling which does not, by any measure, live up to the great hopes that have been engendered.

In many instances the heartbreak of these youngsters has been great, but even more serious has been the resultant financial tragedy. For often, the money invested in a one-way ticket to the city, in fees and tuition, in books and in living quarters, has been exhausted, and the student awakens to the cold realities that the schooling is inadequate, that the educational facilities and the living quarters are not what had been promised, and that his only courses remaining are to either incur heavy new financial burdens and to return home without funds or education, or to remain in the city as a public charge.

Many dedicated citizens of my community have contributed much of their time and money out of their concern for these youngsters. But it is far better to prevent such a disease in advance than to seek to bandage up a wound after the damage has already occurred.

This bill which I am introducing today is not a solitary effort, but joins the efforts of both my community and my State to solve this problem. The city of Dallas has already adopted an ordinance requiring salesmen for such educational institutions to be bonded. But such an ordinance is enforceable only within Dallas city limits.

Legislation will be introduced in the Texas Legislature during the coming session concerning this matter. However, neither local nor State legislation can cross State lines and prevent the grief and the financial ruin that is the inevitable result in those areas of such inducement.

To merely regulate this situation in one community, or in one State, is not enough. Federal legislation that will coordinate with local and State laws to snuff out such unscrupulous sales activity is desperately needed now.

PROPOSED CONCURRENT RESOLUTION CALLING FOR ABOLISHING OF MANDATORY CONTROLS ON FOREIGN DIRECT INVESTMENT

(Mr. TUNNEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. TUNNEY. Mr. Speaker, the resolution which I am reintroducing today calls for the abolition of the mandatory controls on foreign direct investment established by Executive order of the President on January 1, 1968. The mandatory controls came on the heels of 3 years of voluntary controls in which American investors cooperated admirably. These controls had been described as "temporary," but there is more than a hint of permanence in the policy of these controls.

I have been amazed at the immediate outpouring of support from all segments of American business and industry for this resolution. I have also received numerous letters of support from prominent international economists from some of our best universities—Harvard and MIT among them.

The controls were initially described as a short-term expedient during the international monetary crisis associated with the devaluation of the pound and it was said at the time of their imposition that they could be justified only as a short-term expedient.

Mr. Speaker, that short term has already expired and the controls still remain.

The controls represent an extremely shortsighted policy; foreign investments have contributed materially to the U.S. balance of payments as a result of the return flow of earnings as well as through the creation, preservation, and servicing of export markets.

Far from worsening our balance of payments, foreign investments have long been a plus factor in our balance-of-payments position; between 1950 and 1966, for example, our private foreign investments of $39 billion returned $58 billion to the United States. A curtailment of these investments, therefore, has the effect of killing the goose that lays the golden egg.

Foreign investments have been a major factor in the U.S. balance of trade, since 25 percent of our exports are to U.S. overseas affiliates and subsidiaries.

Controls on free investment abroad diminish the competitiveness of American companies in the international marketplace, and have the tragic effect of depriving those developing countries whose economies have been stimulated by our private foreign investments.

An extremely inequitable aspect of the mandatory program, Mr. Speaker, is that it hurts most those companies who voluntarily cooperated with the Government in 1965–66 during the voluntary phase. The companies voluntarily sent the vast majority of their overseas profits home, often delaying or drastically curtailing needed reinvestment in plant and equipment for their foreign subsidiaries. Under the present mandatory program, 1965–66 is used as a base period to calculate allowable investment and repatriation rate of profit in the future. This program hurts those who cooperated.

Mr. Speaker, this country has worked hard to improve the conditions of commerce between nations of the world. Yet these controls jeopardize the benefits of worldwide trade and investment developed with such great difficulty by this Nation over the past 40 years.

Furthermore, by forcing partly owned American foreign subsidiaries to send a large share of its profits to the United States, we play into the hands of those who are so quick to paint the picture of American foreign enterprise as one of exploitation of other people, in other countries. I need not point out the adverse effect this has on our foreign relations with these countries.

Furthermore, these controls were established by Executive order with no direct authorization of supervision of the Congress—even though they are as fundamentally important to our economy as are taxing policies, which require the express authorization of Congress. I think it important that Congress express its deep interest in the control program quickly before the controls become a permanent part of our international investment picture.

Now is one of those times for enlightened self-interest, when a policy or a plan becomes contraproductive—when it works against itself—good sense dictates a reappraisal at the very least. That word "mandatory" works both ways, when a program works to the detriment of the national interest then it should be mandatory to take corrective action.

Therefore, Mr. Speaker, for both humanitarian and economic reasons, I believe the mandatory controls on foreign direct investments run counter to the national interest of the United States and through this resolution I hope my colleagues will join me in calling upon the President to eliminate them at the earliest possible moment.

CONGRESSMAN ANNUNZIO INTRODUCES FULL OPPORTUNITY ACT

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, Abraham Lincoln once advised the Congress, "This Government cannot endure permanently half slave and half free," and recommended legislation looking to the containment and elimination of slavery. The powers controlling Congress at the time did not heed the warning, did

not follow the advice, and chaos descended on the country.

When the Full Opportunity Act was introduced in October 1967, Dr. Martin Luther King declared:

> No nation can survive containing such extremes of wealth and poverty within her borders.

He recommended passage of the act, with the object of lessening and ultimately erasing poverty.

The powers controlling Congress at the time did not heed the warning and did not follow the advice. It cannot yet be said that chaos has resulted, but I fear that chaos is the logical outcome of such shortsighted inaction. The riotous results of 1968 cannot be regarded as anything other than a forewarning of chaotic times ahead, in the event that we fail to follow the recommendations of the late Dr. King.

My distinguished colleague, the gentleman from Michigan, the Honorable JOHN CONYERS, JR., spearheaded the move during the 90th Congress to introduce the Full Opportunity Act. It is a pleasure to join him today in cosponsoring the reintroduction of this much-needed legislation.

The Full Opportunity Act involves not only employment of the so-called hard-core unemployed, it also provides for adequate housing in behalf of those ill-housed, more effective schools in poverty-stricken areas, family allowances for the poor, a comprehensive minimum wage, full post-secondary educational opportunity, effective enforcement of existing equal employment opportunity legislation, and effective enforcement of the recently enacted Fair Housing Law.

Under the terms of this legislation, 3 million subprofessional jobs would be created in such areas as health, education, recreation, and conservation, which would allow even those individuals with the lowest level of training to perform useful and necessary work.

In the matter of housing, 1 million additional federally assisted, low- and moderate-income housing units would be provided every year for the next 10 years.

So far as education is concerned, Federal grants would be authorized for greater than average per-pupil expenditures in ghetto schools to finance intensive improvement of the regular school programs. Grants would be used to lower pupil-teacher ratios, develop superior teacher-training, and provide programs suited to the particular needs of the children involved.

A program of family allowances included in the act is modeled after a Canadian program of 25 years standing and similar programs instituted by every other industrial nation on earth except ours. Grants of $10 per month per child would be provided every family in the country. Being taxable, it would mainly benefit low-income families who would not have to pay it back at tax-collection time.

Postsecondary education would be extended to thousands upon thousands of the poor, under the act, through a massive increase of Federal assistance.

Equal opportunity would be advanced by providing the Equal Opportunity Commission with the full powers of a standard Federal regulatory agency.

Fair housing would be advanced by creation of a National Fair Housing Board with the full powers of a Federal regulatory agency.

The purpose of the Full Opportunity Act is self-evident—to provide opportunity in the many vital areas of American life which are today the exclusive playground of a favored majority. Until we remedy this state of affairs, we shall remain the object of ridicule and suspicion throughout the world—the great democratic colossus of the West preaching equal opportunity abroad while carefully suppressing it at home.

Tomorrow, January 15, is the birthdate of the late hero of democracy, Dr. Martin Luther King. By reintroducing the Full Opportunity Act today, we are seeking to honor his memory, for it was he who described the Full Opportunity Act as coming "closest to what we're after." He was referring, of course, to the goals of the poor people's campaign. We also seek to emphasize his view that:

> The alternative to the passage of the Full Opportunity Act may well be a generation of social chaos. No nation can survive containing such extremes of wealth and poverty within her borders.

It remains our compelling responsibility to close the gap between the haves and the have-nots in our country. By supporting the Full Opportunity Act, we will go a long way toward eliminating the long standing inequities which have plagued the poor in our Nation. I urge my colleagues to lend their support to this worthy endeavor.

SAFETY PROTECTION NEEDED FOR FARM TRACTORS TO END UNNECESSARY DEATHS

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, in 1966 Congress adopted legislation requiring certain safety features on automobiles, Public Law 89–563. Today that law is generally hailed as one of the forward accomplishments of the 89th Congress.

But while we have recognized the need for protecting the lives and safety of those who drive automobiles, we have so far overlooked another major source of fatal vehicle accidents, the farm tractor. This is especially true in the case of children and young people, who are killed all too frequently on the farm when tractors overturn and drivers are pinned underneath.

In fact, over 600 lives annually, I am advised, are lost in farm tractor accidents. The National Safety Council's Committee on Tractor Overturn Prevention and Maintenance last year endorsed the 1967 recommendation of the American Society of Agricultural Engineers for the installation of "protective frames" on farm tractors as "basic equipment.

Mr. Speaker, I have the honor to represent in this House one of the most important farming districts in this Nation. To protect the lives and health of these individuals I introduced in this House on opening day legislation to require that roll bars and seat belts be installed, as safety devices, on all farm tractors. In addition my bill, H.R. 680, would provide for mandatory farmer representation on the National Motor Vehicle Safety Advisory Council, created under Public Law 89–563.

I know, of course, that farmers are usually very hesitant about the prospect of any additional Federal legislation affecting them and their enterprises. But I am confident that H.R. 680 will be a help to farmers, not a hindrance. And it will be a help, too, I believe, to thousands of nonfarm rural residents who use farm-type tractors for gardening, cutting grass, plowing snow, and other chores.

Already farmers and farm families are paying very high prices for necessary farm machinery. Surely the very least we can do to help them is to require that the manufacturers of farm vehicles provide these simple, basic safety features to protect farm lives and reduce crippling injuries from the most common of farm tractor accidents.

AVERELL HARRIMAN: A GREAT AMERICAN COMES TO THE CLOSE OF HIS TOUR OF DUTY IN PARIS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, a great American is coming to the close of his tour of duty in Paris. I refer to Averell Harriman. In my judgment no man has served his country over the years with greater distinction, greater wisdom, and greater courage. In Paris he has shown that extraordinary combination of patience, firmness, resourcefulness, and above all ability to understand the character of his opponents that has made him America's foremost peacemaker.

He put a fitting cap to his service in Paris with his statement yesterday. I hope the incoming administration will give careful, indeed prayerful, consideration to what Ambassador Harriman said about the way we must proceed in the future if this tragic war in Vietnam is to be brought to a peaceful conclusion. He pointed out that we cannot hope for victory if we are to settle the war. This was a wise and foresighted statement and something that needed saying. Coming from a man with Ambassador Harriman's record, it should be taken very much to heart by all of us.

I hope that the incoming administration will have the wisdom to continue to make use of Ambassador Harriman's unique abilities, experience and dedication, and I am sure he will respond to any request for future service to his country with the patriotism which has motivated his entire career.

THE FULL OPPORTUNITY ACT—TOWARD A BRIGHTER FUTURE FOR ALL AMERICANS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, I would like to take this opportunity to speak to you today about a bill I am reintroducing in the new Congress. This bill, the Full Opportunity Act, is designed to mount a full-scale offensive against the causes of poverty in both urban and rural America.

Twenty-four of my colleagues have joined me in cosponsoring this legislation. They are: Mr. ANNUNZIO, Mr. BROWN of California, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CLAY, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. FRASER, Mr. GILBERT, Mr. GONZALEZ, Mr. HALPERN, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. LOWENSTEIN, Mr. MATSUNAGA, Mr. MIKVA, Mr. MOORHEAD, Mr. PODELL, Mr. REUSS, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. STOKES, and Mr. CHARLES H. WILSON.

In the simplest terms, of course, people are poor because they lack income. We can all agree that the root causes of a lack of income, and therefore poverty, are lack of educational and employment opportunities, and the consequent inability of families to earn an adequate income. Along with these basic causes of poverty, there are also other factors that are intimately related to the state of being poor, including inadequate housing, insufficient medical care, and inadequate police protection. It is against the three interrelated aspects of poverty—jobs, housing, and education—that my bill, the Full Opportunity Act, is basically addressed.

Most of us have come to believe the effort to insure that every American has a decent job is going to require massive Federal assistance. If we are to make any sort of headway in the short run in alleviating the poverty caused by a lack of employment opportunities, we must provide a full range of well paying jobs that are available to everyone willing and able to work. It seems likely that this will require more than just Federal incentives to private employers to induce them to make employment opportunities available. It will necessitate that jobs—good jobs—be made available in the public sector, at the Federal, State, and local levels, as well as in the private sector.

We must insure that the employment opportunities that are created in both the public and private sectors are available to everyone. I feel very strongly about this. There is, it seems to me, little point in creating additional jobs if they are not made available to those who need them most. One way to accomplish this is to expand and strengthen the powers of the Equal Employment Opportunity Commission. The EEOC appears to have been doing a reasonably effective job of indicating situations where discrimination in hiring and promotion policies exist. What is now needed is for the powers of the EEOC to be significantly expanded, so that the Commission can take action against the discriminatory practices that are uncovered. My bill is designed to create not only the needed number of new jobs, but to strengthen EEOC as well. This should help insure that the job opportunities that are created are in fact made available to those who are presently unemployed.

Another important fact we must recognize is that the new jobs that are created, as well as those that already exist, must pay a sufficiently high wage to enable the jobholder to support himself and his family. The Full Opportunity Act attempts to get at this problem by providing for a comprehensive minimum wage, designed to apply to virtually all wage earners, both industrial and agricultural. Minimum wage laws tend to result in the substitution of machines for unskilled labor, and therefore cause a reduction in employment opportunities. It is expected that the provisions in the Full Opportunity Act for the creation of a large number of new jobs will overcome the possible adverse effects of the proposed new minimum wage.

The provisions discussed above are designed to improve the lot of those who are presently working at low paying jobs, and those who are potentially employable. It is well recognized, however, that a large proportion of the poor are poor because they are unable to work, regardless of whether or not employment opportunities are available. It is also well recognized that the welfare system as it is presently administered is far from adequate to relieve the plight of the unemployable poor. I am not suggesting by this that the present welfare system be dismantled and nothing provided to take its place. Rather, I would say that the present system must be supplemented as well as reformed.

My Full Opportunity Act is designed to supplement the present welfare system with a monthly family allowance. A number of well-known authorities have advocated a family allowance plan for the United States for some time; and a number of other countries have successfully employed this technique as a way of providing income supplements. The major advantage of such a plan over the present welfare system is that it avoids the stigma of a means, or needs test. Almost everyone who is familiar with the present welfare setup agrees that the means test should be eliminated. The family allowance plan is one proven method for accomplishing this objective. I therefore feel that the establishment of a family allowance plan in this country, as provided in my bill, should receive the highest priority in the new Congress.

Housing is another problem of grave concern to those living in poverty. The residential construction industry appears simply incapable of providing shelter within the ability of a substantial proportion of the American population to pay. It is becoming increasingly apparent that massive Federal assistance will be required if we are to meet our housing goal of providing "a decent home and a suitable living environment for every American family." The Full Opportunity Act is designed to provide this necessary Federal assistance. Such assistance is to be provided for both the construction of new housing units, and for the rehabilitation of sound but deteriorated housing.

It is well known that a large part of the housing problem of the black minority is caused by a lack of access to decent housing located in de facto segregated neighborhoods. It is likewise obvious that in order to improve the housing choices of poor minority groups, housing constructed or rehabilitated with Federal assistance must be available everywhere to all on an equal basis. In order to insure that this will be the case, the Full Opportunity Act includes a title strengthening the fair housing provisions of the Civil Rights Act of 1968. Under this title all housing without exception must be rented or sold without regard to the race, creed, or national origin of the prospective renter or purchaser. This title provides a necessary strengthening of the fair housing provisions of the Civil Rights Act, and is in line with the recent Supreme Court decision outlawing all forms of discrimination in housing.

A third, and in some ways most significant part of the vicious circle of poverty is lack of educational opportunity. It should be obvious that no matter what is done to alleviate poverty through the provision of jobs, income supplements, and housing in the short run, the long run key to the solution of the poverty problem lies with improvement of our slum school systems. The Full Opportunity Act is designed to tackle this problem of improving education on two fronts—the public school system, and postsecondary institutions.

It is universally recognized that slum public schools are in bad shape and are getting worse. This trend must be reversed and the quality of the education provided by our central city schools must at least meet, and hopefully exceed, that of the best of the white suburban schools systems. This may sound like a far fetched dream, and perhaps it is—but unless we make a start to improve the quality of our slum area schools, and make it immediately, the poverty problem will continue to corrode the core of American society.

I cannot stress too heavily my concern with the problems of education. If no other titles of the Full Opportunity Act are acted upon in this session of the new Congress, I would hope that serious consideration be given to the titles designed to provide more effective central city schools, and to provide true equality of opportunity for obtaining postsecondary education.

The Full Opportunity Act, in addition to providing massive assistance to the public school systems in central cities, is also designed to help improve the access of minority groups to the Nation's colleges and universities. In today's complex and technologically oriented society it is becoming increasingly imperative for the individual to obtain a college education. A college degree is more and more frequently an indispensible passport to rewarding employment. Postsecondary education is also, of course, an extremely valuable investment for a nation to make for the sake of its future citizens and their well-being. The increasing complexity of modern society makes it imperative that a continuing flow of highly educated men and women

be produced to administer and operate our increasingly complex institutions.

These factors make it imperative that no qualified American be denied a college education for ethnic or financial reasons. The Full Opportunity Act is designed to provide Federal assistance to both prospective university students, and to the institutions of higher learning needed to accommodate them, in order that all who may benefit from higher education may obtain it regardless of race or income level.

This discussion has indicated some of the things that my bill, the Full Opportunity Act, is designed to accomplish, and why I consider their achievement essential. I should just like to note in conclusion that Dr. King before his death, indicated that this bill represented a large step in the direction necessary to help achieve the elimination of poverty, and the achievement of economic justice for all Americans, regardless of race, creed, or national origin. I promise to do all I can to see that this legislation receives full consideration during this session of the new Congress. Your help in this effort, in the form of letters and telegrams of support to your Congressmen, can be helpful and will be deeply appreciated. If we all work together there is hope that we can begin, during this Congress, to take this needed step toward insuring a brighter future for all Americans.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the distinguished gentleman from New York.

Mr. RYAN. I thank the distinguished gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to join again with my colleague in cosponsoring the Equal Opportunity Act. It is certainly fitting and proper that it should be reintroduced at the time of Dr. Martin Luther King's birthday. No one fought with greater passion or determination for the poor than he.

Tomorrow, January 15, the Reverend Dr. Martin Luther King would have celebrated his 40th birthday, and I and many of my colleagues would have risen in this Chamber to pay tribute to Dr. King's devotion to the ideals of equality, brotherhood, and nonviolence. Today I rise to honor the slain Dr. Martin Luther King by joining in the introduction of legislation which, if enacted, would bring a full and deserved measure of equality and opportunity to those poor Americans for whom Dr. King fought so passionately all his life.

The Full Opportunity Act, which I was pleased to cosponsor in the last Congress with my colleague from Michigan (Mr. CONYERS), proposes a comprehensive program for insuring that all Americans regardless of color, religion, or national origin have full opportunity for adequate employment, housing, and education. The recommendations urged by the National Advisory Commission on Civil Disorders parallel the goals of this legislation.

The bill authorizes $30 billion a year for the next 10 years, which would be used to carry out innovative programs in jobs, education, and housing.

It provides for the employment of 3 million hard-core unemployed persons, as well as job training and education which would allow the hard-core unemployed to move into more highly skilled positions.

It increases the minimum wage to $2 per hour for every working American, a figure that would yield an annual income of approximately $4,000 per year, reducing the burdens of poverty for those most severely affected by long-term joblessness and underemployment.

The Full Opportunity Act extends the coverage of title VII of the Civil Rights Act of 1964 to protect all American working men and women against discrimination in employment and provides strong enforcement powers to the Equal Employment Opportunity Commission, including the power to issue cease and desist orders.

The act would also require that every housing unit be sold or rented on a nondiscriminatory basis.

The act also provides for expanded housing programs for low- and moderate-income families—public housing, rent supplements, rehabilitation, section 221(d)(3), and homeownership assistance—designed to yield 1 million additional low- and moderate-income housing units each year for the next 10 years.

In addition, the bill would raise the quality of elementary and secondary education for low-income children through direct Federal grants to schools and a program of loans which would enable low-income students to borrow up to $15,000 over a 5-year period, with repayment spread over a 40-year period.

Mr. Speaker, this omnibus bill deserves the prompt consideration of this Congress. I have introduced a number of legislative proposals which deal separately with the problems which the Full Opportunity Act seeks to solve in its eight titles. The scope of this bill reflects the scope and seriousness of the underlying causes of poverty.

It is significant and at the same time symbolic that the estimated annual cost of the programs envisioned—$30 billion—is the equivalent of the cost of the war in Vietnam, which has diverted our Nation's energies from the task of social reconstruction at home. It is essential to reorder our national priorities if the tragic events of the past few years are not to be repeated on a wider and more convulsive scale.

The passage of the Full Opportunity Act would alleviate much of the injustice and deprivation that have plagued millions of our fellow citizens. I can quote no more eloquent champion of this bill than the late Dr. Martin Luther King, who less than 5 months before his assassination wrote:

> The alternative to the passage of the Full Opportunity Act may well be a generation of social chaos. No nation can survive containing such extremes of wealth and poverty within her borders. The sands of time are replete with bleached bones of civilizations which have neglected to include the masses of their citizenry into full participation in the nation's social and economic opportunities. The Full Opportunity Act is an excellent approach to the long-standing inequities and historic deprivation which have plagued the poor of this nation for more than a century.

I would only add that the need pictured in Dr. King's statement is, if anything, more desperate today than it was a year ago.

Mr. CONYERS. I thank the gentleman.

THE PERMITS FOR ASSEMBLIES, MARCHES, OR DEMONSTRATIONS DURING INAUGURATION SHOULD BE DENIED

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, permits for assemblies, marches, or demonstrations here in the District of Columbia to those whose announced intention is to disrupt the National Capital during the forthcoming inauguration should be denied. Those seeking such permits make no bones about their intention to create unrest, civil disobedience, and further disruption of law and order. They have been trained in schools for the disruption of law and order.

There is no constitutional requirement for the issuance of a permit to assemble or march to such persons and such permits should be denied in the interest of protecting the public peace and safety. The allowance of a permit in these circumstances would make a mockery of the constitutional right to peaceable free assembly.

We in the Congress do not want this to happen and I have today wired the Attorney General and the Secretary of the Interior as follows:

> Request denial of any permits for mass demonstrations or assemblies other than duly constituted inaugural committees in the District of Columbia during Inaugural period. To grant permit to those whose announced intentions are to break the law if necessary to attract attention is to make a mockery of the constitutional right to peaceable free assembly. There is no constitutional requirement for the issuance of a permit to assemble and march in such circumstances and we urge in the interest of the public peace, dignity and safety that all such applications be denied without exception.
>
> LOUIS C. WYMAN,
> WILLIAM CRAMER,
> *Members of Congress.*

If need be the Congress by joint resolution should call on the executive branch to deny permits under these conditions.

PUBLIC SAFETY DURING THE INAUGURAL PERIOD

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, not without significance is the fact that law enforcement precautions during the inaugural period are under the control of officials of the outgoing administration. This becomes materially important when it is considered that the failure of the outgoing Attorney General to de-

mand firm law enforcement—reflected by a substantial increase in crime—was one of the major issues in the recent presidential campaign.

It is fervently hoped by almost all Americans that a policy of a new and needed firmness in Federal law enforcement will be the rule for at least the next 4 years, in which law and order with equal justice for all will be maintained throughout the Nation.

At this time I believe the outgoing Attorney General owes the incoming administration at least the establishment of a definition of policy in advance of January 20 that demonstrators conducting themselves within the law will be left alone but that any who deliberately break the law, either on or off the streets, will be arrested and prosecuted. This policy should be maintained by adequate law-enforcement personnel in sufficient numbers, with an available-on-call backup of Federal forces, all prepared to arrest without brutality deliberate lawbreakers without exception. Courts and prosecutors should be on a standby basis throughout whatever period is determined to be critical.

There appears to be no need nor would it be advisable to put tanks or troops on the streets in advance. A show of overforce of this type would be a provocation. But they must be ready if needed, and on a moment's notice.

Public patience with deliberate troublemongers and rioters is justifiably wearing thin. The people are entitled to observe the inauguration of President-elect Richard Nixon in peace and safety. The basic obligation of those responsible for law enforcement is to maintain and defend our citizens as they come and go upon the public thoroughfare. This obligation has never been more apparent than in the National Capital at this hour faced with the announced intention of a small minority to disrupt the inauguration and violate the law.

PERMITS FOR ASSEMBLIES, MARCHES, OR DEMONSTRATIONS DURING INAUGURATION SHOULD BE DENIED

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CRAMER. Mr. Speaker, I join with the gentleman from New Hampshire (Mr. WYMAN). If ever there was a time in the history of this country when the dignity of the inauguration should be manifest and should be preserved, it is this inauguration, when our Nation and the world are faced with such great crises.

We have been served notice that there is an intention on the part of certain groups to debauch this inauguration, to despoil it, to defile it, to not even give the new President-elect of the United States the opportunity to set the stage for his program and for peace and prosperity in this Nation and peace in the world.

We have been served notice in an underground newspaper called the Washington Free Press. It is a disgusting publication.

In this publication it is set out in detail what is being planned. It is a "counter-inaugural." Why, they are even asking for a permit to have their own ball on publicly owned property on the grounds of the Washington Monument. They are even asking to have a counterparade marching in the wrong direction the day before the right direction parade is held in commemoration of the inauguration of the President of the United States.

Regardless of party, Richard M. Nixon is the duly elected President of the United States of America. Are we going to permit Mr. Dellinger and his crowd to desecrate the high office of the Presidency? To do to this Nation's Capital and to the image of America and the world what they did outside the Pentagon not too long ago? Are we going to permit them to create a Chicago riot fiasco right here in the Nation's Capital?

We have been served notice. These revolutionaries are now "negotiating" with the Secretary of the Interior, the District of Columbia authorities, and the Attorney General, and members of the committee which I helped to negotiate with on behalf of the House to try to get the demonstrators out of "Resurrection City," and at the time I introduced a bill to make sure that such an occurrence would not happen again. I have reintroduced this bill. I hope that it will pass this session.

I join with the gentleman from New Hampshire in saying that such permits cannot be and should not be granted to permit this or any other organization in the name of any group or purpose to debauch this inauguration. I would hope that my colleagues will join us in this effort.

A copy of the press release announcing my opposition and that of my distinguished colleague, the gentleman from New Hampshire, LOUIS C. WYMAN, is herewith included in these remarks for the information of my colleagues:

CONGRESSMEN CALL FOR DENYING PERMITS TO DEMONSTRATORS DURING INAUGURAL PERIOD

Two Republican Congressmen today called upon Interior Secretary Udall, Mayor Walter Washington and Attorney General Ramsey Clark, to deny the issuance of permits to "counter inauguration" protestors who are planning to erect a large tent on the grounds of the Washington Monument as well as march down Pennsylvania Avenue a day before the Inauguration.

In a speech on the House Floor, U.S. Reps. William C. Cramer, R-Fla., and Louis C. Wyman, R-N.H., read the text of a wire they sent to Udall, Clark and Washington in which they said that "there is no constitutional requirement for the issuance of a permit to assemble or march in such circumstances . . ."

The wire urged the denial of any permits "in the interest of the public peace, dignity and safety." To grant permits to those whose announced intentions are to break the law if necessary to attract attention is to make a mockery of the constitutional right to peaceable free assembly."

Cramer and Wyman also disclosed that an article in the Washington Free Press, an underground hippie newspaper, laid out plans for the counter inaugural which reveals that substantial planning and forethought has gone into the demonstration. "The article clearly anticipates acts of violence by discussing the possibility of 'police charges,' 'gassing,' and the 'overall military situation' during the inaugural week, and how this activity can be used against the 'friends of Nixon,'" Cramer and Wyman said.

The paper also calls for Communist victory in Vietnam and extension of Castro type communism on the North and South American continents.

The following is the text of the message sent to Udall, Washington and Clark:

"We request denial of any permits for mass demonstrations or assemblies in the Nation's Capitol during Inaugural period. To grant permit to those whose announced intentions are to 'Break the law if necessary to attract attention' is to make a mockery of the constitutional right to peaceable free assembly. There is no constitutional requirement for the issuance of a permit to assemble or march in such circumstances and we urge in the interest of the Public Peace, Dignity and Safety that all such permits be denied without exception.

"LOUIS C. WYMAN,
"WILLIAM C. CRAMER,
Members of Congress."

WAR IN THE MIDDLE EAST

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KUYKENDALL. Mr. Speaker, once again we are threatened with war in the Middle East. The best guarantee of keeping the peace in that area is to maintain the balance of power. The surest way to increase hostilities and pave the way for the resumption of a hot war is to give a decided military advantage to one side or the other.

The action by French President de Gaulle in stopping the sale of planes to Israel and his negotiations with the Arabs with the view of supplying them planes and arms, is a serious threat to peace. The only way we can bring about a return to the status quo is by furnishing Israel the necessary planes it needs to restore the balance of power.

It is up to the United States to fill the void created by the action of France and see to it that Israel has the necessary means to defend its borders.

The situation has been worsened by indications that the Soviet Union is accelerating its shipment of arms to the Arab nations and making no effort to curtail them.

TERMINATION OF CONTROLS ON FOREIGN INVESTMENTS DUE

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, I am pleased to cosponsor the concurrent resolution introduced today by the gentleman from California (Mr. TUNNEY). Our resolution calls for termination, as soon as prudently possible, of the controls imposed last year upon direct foreign investment.

These controls, announced January 1, 1968, and contained in President Johnson's Executive Order No. 11387, are of questionable legality. The President, in issuing his order, was forced to cite the Trading With the Enemy Act of 1917, and a declaration of national emergency dating to the Korean war as authority. Congress was not sufficiently consulted

before the investment restrictions were imposed, and I think it is sufficient to say that the legislative history of the Trading With the Enemy Act of 1917, did not directly address itself to the international monetary crises of the middle 1960's.

Mr. Speaker, as recently as yesterday my staff requested material from the Office of Direct Foreign Investment, Department of Commerce, for documentation of the effect these controls have had on the outflow of capital. We were informed the most recent collated data was published in the September 1968 issue of Survey of Current Business, page 22, table F, which is reproduced as follows:

TABLE F.—DIRECT INVESTMENT CAPITAL OUTFLOWS SUBJECT TO RESTRICTIONS BY THE FOREIGN DIRECT INVESTMENT PROGRAM

[Millions of dollars]

	Year 1965	Year 1966	1967				1968		
				1st quarter	2d quarter	1st half	1st quarter	2d quarter	1st half
Capital outflows for direct investments, (table 1, line 33, signs reversed)	3,468	3,623	3,020	899	423	1,322	589	836	1,425
Less transactions not subject to OFDI regulations:									
a. Investments in Canada	962	1,135	392	64	52	116	−26	240	214
b. Other nonprogram transactions [1]	81	107	55	17	19	36	57	35	92
Capital outflows subject to OFDI regulations	2,425	2,381	2,573	818	352	1,170	558	561	1,119
Schedule A countries	527	321	521	125	−52	73	73	90	163
Schedule B countries	744	677	916	396	139	535	281	271	552
Schedule C countries	1,154	1,384	1,136	297	265	562	204	200	404
Less utilization of funds obtained abroad through:									
Bond issues	52	445	278	77	61	138	140	62	202
Increases in other long-term liabilities [2]	28	193	86	117	−23	94	155	39	194
Net capital outflows subject to OFDI regulations	2,345	1,743	2,209	624	314	938	263	460	723

[1] Includes transactions by financial enterprises, securities of U.S.-owned foreign companies sold to nonaffiliated U.S. residents and other non-program transactions with countries other than Canada.

[2] Under the assumption that net changes in long-term liabilities of U.S. corporations (tables 1, 2, and 8, line 54 for all countries except Canada) reflect net proceeds of loans obtained abroad which are immediately transferred to foreign affiliates.

This table shows net capital outflows subject to OFDI regulations—that is, subject to the controls imposed by the Executive order. While third quarter data is not yet fully available, I am informed that there was no significant departure from trends established during the first half of the year.

Perhaps the most significant effect these controls have had was the corporate shift to foreign sources for funding. Funds obtained abroad by U.S. corporations through the issue of new securities increased about 350 to 400 percent during 1968—bringing the total to over $2,000 million. Increased foreign borrowing, then, must be considered in assessing the effect of the controls on U.S. capital.

Mr. Speaker, it would be foolhardy to suggest the controls have had no effect at all. When full data on 1968 is available, in about 6 months, the impact can be known. Perhaps as much as one billion in direct U.S. investment abroad will have been denied U.S. businessmen.

But the crucial question before the Congress and the Nation is simply this: Is the price for this so-called savings too steep to pay? Are our controls contraproductive? Are we damaging irreparably our future balance-of-payments position through shortsighted action for shortrun gain?

RETURN ON INVESTMENTS ABROAD

Mr. Speaker, in 1966 the United States realized $4,045 billion in dividends on its U.S. investments abroad. In 1967, the figure was $4.5 billion. This past year will similarly show a healthy surplus for U.S. businessmen who have had the courage and imagination for overseas speculation and investment.

But if U.S. investment is curtailed for a period of years, as it has been in 1968, American businessmen will be denied the ongoing opportunity to build a solid basis for return and profit in the 1970's. No one can say the U.S. balance-of-payments position will be so strong in 10 years that dividends on private foreign investment will be unnecesary to protect the dollar.

One simple statistic will dramatize my point. From 1946–66, our private sector realized a net gain in balance of payments of some $84 billion, while the Government showed a deficit of some $115 billion for the same 21-year period. The Nation could not have survived financially without that return on U.S. private investment abroad during that period. In my opinion, the 1970's will be no different.

The President's controls must be rescinded, and our balance-of-payments deficit must be remedied where the damage has been done—in the public sector. The public sector has shown the loss, and private U.S. businessmen should not be forced to pay for public fiscal folly.

FREE WORLD MERCHANT VESSELS IN NORTH VIETNAMESE TRADE

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, as the 91st Congress begins its deliberations and the Nation, under fresh leadership, looks ahead with new hope at the problems that have troubled us and the world so long there is still no question that our first concern continues to be the prolonged war in Vietnam.

No one, of course, can predict how long it will take to successfully and honorably extricate ourselves from this, the longest war in the history of our country. It appears certain, however, that the debate over the many facets of this war will occupy historians for decades to come and that it will probably be a number of years before all the relevant information will become available in order to permit a comprehensive judgment about it.

As my colleagues know, one aspect of this complex and frustrating conflict, that has particularly concerned me for some time, not only demonstrates the failure of past policy, but continues to demand our active attention and greater efforts. I speak of the longstanding and growing problem of the use of free world merchant vessels in North Vietnamese trade and I take this occasion to give my colleagues and the citizens of our country a report of this traffic to North Vietnam for the year just ended.

During 1968, according to information provided me by the Department of Defense, there were a total of 149 arrivals in North Vietnam of ships flying the flags of nine different free world countries; namely, the United Kingdom, Cyprus, Somalia, Singapore, Lebanon, Italy, Japan, Malta, and Kuwait. This represents an alarming increase in this traffic over the 78 arrivals during 1967. Furthermore, I am advised that the cargo capability of these vessels helping to supply the enemy in 1968 amounted to more than 1 million tons as compared to some 560,000 tons for 1967. In addition, last year at least 11 of these arrivals involved tankers which by their very inherent characteristics indicate the transport of strategic goods.

During this past month of December there were a total of 14 free world ship arrivals, and recently I am advised a free world ship carried cargo from Haiphong to a key supply area far to the south and close to the demilitarized zone. This, then, is the incredible record of the past 12 months. During this same period of time 14,536 U.S. servicemen gave their lives in support of our efforts in South Vietnam, a number which is approximately half of all the American fatalities for this entire war.

Now we have heard time and again the rationalizations and excuses for the continued existence of this traffic with the enemy. These vessels for the most part, so far as we know, are under charter to Communist interests to carry Communist goods to help supply Communist North Vietnam.

Supplies are vital to the enemy—and they are becoming more important with every passing day. The current report of the Special Subcommittee on National Defense Posture of the House Armed Services Committee, dated December 31, 1968, confirms this fact. It states that since November 1, 1968, there has been a fivefold increase in the southward flow of supplies in North Vietnam, and further:

All major roads in North Vietnam are now open and rail and water crossings leading to Laos and toward the DMZ are being repaired and expanded at a rapid rate. Since November 4, massive quantities of POL, ammunition and anti-aircraft weapons have been

moving south. In the first 15 days of November, despite weather and seeing limitations, more POL drums were photographed than had been seen collectively in the past 12 months. Large numbers of personnel have been photographed moving south. Traffic on major routes is now moving south in large convoys on a bumper-to-bumper basis. The level of supply far exceeds replenishment needs of troops and the civilian populace and it appears that the North Vietnamese are establishing a massive logistic system which could be used as a foundation for future expanded operations.

The war cannot continue without supplies and the wherewithal to fight. It is just that simple. This source of supply is helping to prolong the war. This should be obvious to anyone—and I fail to see how making excuses for it contributes to our cause or defangs the enemy's ability to strike from its ambushes in South Vietnam.

Although I realize this traffic is in part accomplished by people on both sides of the bamboo curtain who know how to take full advantage of loopholes in the maritime laws of the nations of the world, I shall never be able to accept any justification for the continuance of this immoral trade. No matter how difficult it may be, ways should and must be found to shut off this added source of supply for the enemy.

Finally, Mr. Speaker, I would like to express the hope that this problem will receive the urgent attention of the new administration, for I feel that more must be done than has been done if we are to stem this flow of goods that is adding to the strength of North Vietnam, contributing to our casualties, prolonging the conflict and impeding the progress of the talks in Paris.

At this point in the RECORD I include charts indicating free world flag ship trade in North Vietnam during 1967 and 1968:

FREE WORLD SHIP ARRIVALS IN NORTH VIETNAM

Month	United Kingdom	Cyprus	Malta	Italy	Lebanon	Singapore	Somalia	Japan	Kuwait	Total
1967										
January	6									6
February	3	1	1							5
March	3									3
Apr	4	1								5
May	7	1	1							9
June	9	1		1						11
July	5									5
August	4	1	1							6
September	6			1						7
October	6									6
November	5									5
December	9				1					10
Total	67	5	3	2	1					78
1968										
January	9	1								10
February	7	1								8
March	10			1		1				12
April	10	1			1	1				13
May	13	3						1		18
June	1	2	1		1	1				17
July	6						2			8
August	9	3								12
September	11	1				1			1	14
October	7	1					2			10
November	9	1				1	2			13
December	10					1	3			14
Total	114	14	1	1	2	6	9	1	1	149

CARGO CAPACITY OF FREE WORLD SHIPS IN NORTH VIETNAM, 1968, BY FLAG OF REGISTRY

Month	British		Cyprus		Singapore		Italian		Lebanese		Japanese		Maltese		Somali		Kuwait		Total	
	No.	D.w.t.	No.	D.w.t.	No.	D.w.t.	No.	D.w.t.	No.	D.w.t.	No.	D.w.t.	No.	D.w.t.	No.	D.w.t.	No.	D.w.t.	No.	D.w.t.
January	9	65,650	1	3,100															10	68,750
February	7	44,100	1	3,100															8	47,200
March	10	62,350			1	4,500	1	10,000											12	76,850
April	10	68,550	1	13,500	1	4,500	1	10,200											13	96,750
May	14	101,250	3	19,700							1	3,700							18	124,650
June	12	82,600	2	13,000	1	4,500			1	10,200			1	9,500					17	119,800
July	6	49,500													2	17,500			8	67,000
August	9	69,100	3	15,300															12	84,400
September	11	10,300	1	6,500													1	1,800	14	87,630
October	7	50,900	1	3,100											2	12,600			10	66,600
November	9	56,600	1	3,100	1	4,500									2	11,000			13	75,200
December	10	58,100			1	6,500									3	21,100			14	85,700
Total	114	777,730	14	84,200	6	31,000	1	10,000	2	20,400	1	3,700	1	9,500	9	62,200	1	1,800	149	1,000,530

SURPLUS AGRICULTURAL COMMODITIES

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I am pleased to reintroduce a bill I initially submitted last year to permit the donation of surplus agricultural commodities to certain nonprofit organizations serving American servicemen.

In connection with this bill, which will be referred to the Committee on Agriculture, I am proud to say that I have received favorable reactions to this bill both from the chairman, the gentleman from Texas, BOB POAGE, and the ranking minority member, the gentleman from Oklahoma, PAGE BELCHER.

Also, the gentleman from South Carolina, Chairman MENDEL RIVERS of the Armed Services Committee, and the gentleman from Texas, Chairman OLIN TEAGUE of the Veterans' Affairs Committee, have responded that they feel the bill will greatly benefit our servicemen.

Under the terms of the bill, the organizations to benefit from the measure include such groups as the USO, the Red Cross, and other such agencies as the Department of Defense may select.

But in the larger sense, the real beneficiaries of the bill are the American servicemen all around the world. We owe this to our servicemen.

These organizations daily give our servicemen a place to spend leisure hours, to get oriented in a strange town, to meet friends in a hospitalble and cordial atmosphere. In addition, they provide valuable contact between the serviceman and his family.

One of the greatly appreciated services of these groups is that of providing snacks and meals. As with all volunteer donation groups, however, the budgets under which they must operate is tight, and the dollar otherwise spent on food could go a long way in providing other services.

Unfortunately, present laws dealing with the disposition of surplus foods are not broad enough to include groups providing aid to our servicemen. I feel this bill will improve the lives of our men in uniform, as well as benefit the overall operation of the food program.

Many of the surplus foods not of particular suitability to one of the programs already established could well be used to help the USO, the Red Cross, the Salvation Army and other groups.

I am hopeful, Mr. Speaker, that this move will be endorsed both by the Department of Defense, and the Department of Agriculture, and it is my strong hope that the Congress can move to give this question its closest consideration.

Currently, 16 commodities are being made available through the commodity distribution program. They include, dried beans, butter and margarine, cheese, corn grits, instant potatoes, cornmeal, flour, chopped meat, nonfat dry milk, peanut butter, dried split peas, raisins, shorten-

ing and lard, rolled wheat and oats and rice.

CURRENT ISSUE OF NAVY REPLETE WITH ARTICLES THAT SHOULD BE OF INTEREST TO MEMBERS OF THIS BODY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include an article.)

Mr. GERALD R. FORD. Mr. Speaker, the current issue of Navy, the official magazine of the Navy League of the United States, is replete with articles that should be of interest to Members of this body and particularly to former members of the Navy such as myself. It includes interesting articles concerning the naval careers of our President-elect and his Secretary of Defense designate, the gentleman from Wisconsin (Mr. LAIRD) but I would particularly commend to my colleagues a thought-provoking message from the national president of the Navy League, Mr. Charles F. Duchein, who emphasizes the continuing importance to the United States of a maritime strategy which includes not only naval forces second to none but also a viable merchant marine and a long-range seaward orientation of national policy both for considerations of security and economic prosperity. Mr. Duchein's editorial from the January issue of Navy follows:

STRENGTH, REALISM, AND THE GRAND STRATEGY OF THE OCEANS

(By Charles F. Duchein)

Pausing in silent prayer on December 7 at the National Directors' Meeting in Phoenix, Arizona, in a tribute to those who died 27 years ago at Pearl Harbor, one's thoughts turned naturally to the lessons to be learned from the swiftly moving history of our times.

Though events move with unprecedented rapidity, strategic factors of realism and strength punctuate the progression. Pearl Harbor will remind us forever of the deadly cost of their neglect. Largely ignored by the peace loving American people, the oversight invited the attack.

Today history unfolds daily on the TV screens in our homes. A ring side seat is afforded for everyone to witness the day to day battles of our tension filled world. People are kept abreast of world developments with hour by hour coverage of the constant conflict that attends our times. Perhaps world events move too swiftly, for to this day the strategic dialogue needed in the pre-Pearl Harbor day remains a crucial deficiency.

Those who witnessed what happened at Pearl Harbor share a common conviction that our weakness was the cause of the attack. Unpreparedness made possible the infamy of Pearl Harbor.

War came to America from across the seas, and only when we severed the sea lines of communications to the Japanese islands were the seeds of surrender sown. The "lights came on again all over the world" when the Imperial Japanese Fleet was destroyed and the Japanese isolated from their vital resources by American naval strength. Bombing, both atomic and conventional, was but the frosting on the strategic cake. From start to finish, the strategic constant of the oceans was in the forefront. But the build-up of Japanese maritime might was in evidence long before the carrier launched blitzkrieg. Well in advance of Pearl Harbor, strategic danger signals flew with discernible clarity but they were unheeded then, just as they are today.

Time and time again in subsequent years, we have been reminded that the image of a great power must be backed by substance. A world power cannot be kicked around for very long by small powers and still remain a great power. But have we learned this geo-political lesson? Can we counter the piratical seizure, and the final humiliation, of the PUEBLO with the cruise of the two U.S. destroyers in the Black Sea? Perhaps with the development of a full pattern of maritime strength the image will ultimately be repaired.

GLOBAL STRATEGY NEEDED

Though manifestations of a desire to learn are in evidence, the nation, lacking direction and a purposeful program to preserve the Republic, remains in a strategic doldrums of indecision. How strange! For never in history have the national security processes received such universal attention and study. Never has war gaming been conducted with such great vigor. Yet, to this day, we have failed to develop the strategic doctrine called for by an explosive world. As the New York Times pointed out on December 19th the President must "choose a coherent global strategy."

Happily, with the 1968 presidential election, strategic change can be expected. A change of policy to seaward called for by a platform plank can be the most significant in our century. The new President gives every evidence of grasping the import of this new strategy projection. He proposes to provide for "a Navy second to none"; he intends to "revitalize the merchant marine as a highest priority economic task"; he has called for the ship construction and maritime policy to meet the commitments under the ocean strategy so essential to the national welfare.

The primary purposes and policies of the Navy League are formulated with the focus of one fundamental factor—sustained maritime strength. The mushrooming of Soviet maritime power—and the seaward turn of Kremlin defense policy similar to that observed in pre-Pearl Harbor days, should serve as a warning. It should also serve as a reminder that our strategic strength at sea is slipping—our supremacy is in jeopardy. Nor can this fact be sloughed off with specious superficialities, for reality reminds us of the dynamism of the Soviet build-up. Our preeminence on the oceans of the world is challenged by expanding Soviet maritime power that can wrest our control of the seas, unless this trend is reversed.

LAIRD'S BLUEWATER BLUEPRINT

Secretary of Defense select, Melvin R. Laird, in his discerning "America's Strategy Gap—A House Divided," provides a blueprint for the initiatives needed to retain a position of preeminent world leadership. His selection by the new Commander-in-Chief to be the civilian defense leader is fortuitous, for out of the presidential election of 1968 and beyond Viet Nam, the United States must adopt a new grand strategy that will assure our supremacy for the century ahead. Obviously, the central direction of maritime doctrine and policy is needed to undergird the new ocean strategy, to build the maritime posture for prosperity.

Evident from his statements, his record, his writings, is the fact that the new Secretary of Defense understands the true significance of strength. His constant reminder of the need for strategic initiative bears out this thesis. He unquestionably grasps the factors of leadership that largely have been lacking in what will shortly be his Secretary's office in the Pentagon. He can well be the first Secretary in recent years who performs his task in the context of the defense mission for which his office was created. His expected decentralization of his department—by providing incentives for defense posture through true civilian policy control rather than inhibiting civilian command control in detail—will give the nation a greater measure of security.

Though largely unheeded to date, the lesson of Pearl Harbor is one of strategic realism. The new President's platform contains a promise to implement the ocean strategy. With his selection of a Secretary of Defense who by both experience and instinct understands the implications, both economic and military, of an oceanic overview, he has reinforced the portent of his promises.

We wish both the new Commander-in-Chief and his Deputy for Defense well in the gargantuan responsibilities they now assume. But beyond the ruffles and flourishes of piping a new Commander-in-Chief aboard, the Navy League stands ready, as always, to serve and to support the maritime program needed in the national interest. Committed by policy, purpose and tradition to the national strength at sea, the Navy League encourages the orientation of strategic purposes *seaward* to reinforce the strength, the determination and the will of this great nation—the maritime leader of the free world today, and with vision, for the foreseeable future.

CHAIRMAN PATMAN TO NAME BANKING AND CURRENCY AD HOC SUBCOMMITTEE TO INVESTIGATE SLUM SPECULATORS' RAIDS ON SAVINGS AND LOAN ASSETS AS EXPOSED IN WASHINGTON POST SERIES, "MORTGAGING THE GHETTO"

The SPEAKER. Under a previous order of the House the gentlewoman from Missouri (Mrs. SULLIVAN) is recognized for 10 minutes.

Mrs. SULLIVAN. Mr. Speaker, the Washington Post has once again performed a notable public service in the field of consumer and real estate credit by assigning two able reporters to a comprehensive investigation into mortgage financing practices in slum housing and in inner city housing generally for Negroes in the District of Columbia. The articles, written by Leonard Downie, Jr., and Jim Hoagland, have revealed in encyclopedic detail the manner in which certain federally insured savings and loans, and even some national banks here, had been milked of assets through insider loans, made at inflated values to real estate speculators and promoters preying on poor people desiring to buy homes in the central area of the city of Washington.

I was glad to learn from these articles that the Federal Home Loan Bank Board had been in the process of investigating some of these practices as they involved a now defunct savings and loan company in the Nation's Capital. But until the Washington Post series appeared, I do not think any of us realized the extent of these practices and the threat they pose to public confidence in our thrift institutions, not only in Washington, but throughout the country. The investors who have placed their money in savings accounts in these institutions, the Government which insures those deposits up to $15,000 each, and the whole system of home mortgage financing are entitled to assurance that our national housing policy—intended to open homeownership to lower income families—is not undermined and destroyed by "fast buck" operators interested only in unconscionable profits from rapid turnover of slum property at ever-rising prices.

AD HOC SUBCOMMITTEE TO BE NAMED

Therefore, Mr. Speaker, when these articles began to appear in the Washington Post describing how certain individuals were able to borrow heavily from a few savings and loans, on their own account and in the names of numerous relatives or associations acting as "straws," and overvalued residential properties in the so-called ghetto areas of the city, I immediately took up this matter with the gentleman from Texas, Chairman WRIGHT PATMAN, of the House Committee on Banking and Currency, and asked for an immediate investigation into the facts. Chairman PATMAN has designated me as chairman of an ad hoc subcommittee he intends to appoint to make such a study nationally, and I am sure this step will have the full approval of our committee.

In the meantime, however, I have directed a series of questions to the heads of the four regulatory agencies which have supervisory powers over federally insured or chartered thrift institutions: the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and to the Comptroller of the Currency. The letter to the Acting Chairman of the Federal Home Loan Bank Board last Friday, similar to letters which went also to the heads of the other three agencies, was as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., January 10, 1969.

Hon. ROBERT L. RAND,
Acting Chairman, Federal Home Loan Bank Board, Washington, D.C.

DEAR MR. CHAIRMAN: Congressman Wright Patman, Chairman of the House Committee on Banking and Currency, has appointed me as Chairman of an Ad Hoc Committee to investigate, among other matters, the role of financial institutions in financing housing for low and moderate income people in general, and specifically the role of these institutions in financing housing in inner city areas.

A recent series of articles in the *Washington Post*, of which you are aware, exposed some rather serious abuses in this area. Copies of the articles are enclosed.

It has always been my understanding that an important, if not central, purpose of the legislation creating the home loan bank system and the FSLIC is to permit aggregation of individual and family savings which could be lent at the lowest possible rates for the purchase by individual families of adequate housing. The Congress, in enacting the original legislation and subsequent amendments always intended that federal support of these institutions was in the public interest. The practices of speculators and "con artists" in using funds obtained from the savings and loan in a manner which inflates prices, interest charges, and encourages disrepair makes a mockery of the Congressional purpose and amounts to the unconscionable exploitation of low and moderate income people, most of whom are Negroes or some other minority group.

I also suspect that the kind of chicanery covered by these articles is not limited to the Washington, D.C. area. I have often admired and commended the Federal Home Loan Bank Board in their dedication to fulfilling the purposes of the aforementioned legislation and have always felt that the Board has adequate authority to prevent these situations. Now, I am beginning to wonder whether additional legislation is called for.

In anticipation of investigatory hearings within the very near future on this subject, it would be greatly appreciated if by January 31 you could provide me with some general background material on these abuses, and more specifically provide answers to the following questions:

1. How prevalent in the savings and loan institutions over which the Home Loan Bank Board and/or the FSLIC has jurisdiction are there cases like the actions involving the now defunct Republic Savings and Loan Association?

2. Within the examination and supervisory procedure of the Home Loan Bank Board, what standards are set, and what instructions are given to the examiners to detect such abuses and when discovered what remedial or punitive measures are taken?

3. What are the existing laws or regulations which authorize the Home Loan Bank Board and the FSLIC to prevent these situations from occurring and what are the penalties?

4. Please provide me with a detailed analysis of all instances in the last five years where your examiners have found abuses similar to those uncovered here in Washington.

5. If there is other lack of adequate legal authority to cope with this problem as far as your agency is concerned, what recommendations would you make to prevent these situations from reoccurring?

6. Provide me with a copy of all instructions to your examiners and supervisors which direct them to make inquiry into the books and records of the savings and loan under examination that would determine when situations such as described in the enclosed articles exist.

Sincerely yours,

LEONOR K. SULLIVAN.

PROMPT REPLY FROM ACTING CHAIRMAN RAND

Mr. Speaker, the response from the Acting Chairman of the Home Loan Bank Board, Mr. Robert L. Rand, was immediate. I received the following reply:

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., January 13, 1969.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: The Federal Home Loan Bank Board welcomes the decision of the House Committee on Banking and Currency to inquire into the role of financial institutions in financing housing in inner city areas for low and moderate income families. It also welcomes the specific objectives of the Ad Hoc Committee, which you head, to determine (1) the nature and extent of abuses in inner city housing transactions financed by institutions under the supervision of the Board, and (2) whether additional legislation is needed to correct them.

The Board has long been aware of the types of abuses you refer to and has taken steps within its authority to correct them.

With regard to the second objective of your inquiry, Congress did enact legislation in 1966 giving the Board authority to order institutions it supervises to discontinue practices of an unsafe and unsound nature. This new authority has aided the Board's supervisors in correcting such practices as they have come to light in the examination process, and this is an additional reason for making this legislation permanent.

Financial institutions under the jurisdiction of the Board are by far the largest single source of residential mortgage financing in the nation. Continued public confidence in them, both as residential mortgage lenders and as repositories of individuals' savings, is vital to the national commitment to improve the quantity and quality of inner city housing. The vast bulk of industry members conduct their affairs in the public interest and merit this confidence.

It is essential to the industry as well as the public that illegal or unethical practices in housing sales and financing be examined and placed in perspective. The Board is confident that your inquiry will accomplish this objective and is ready to cooperate in any way to assist you in achieving it.

Sincerely,

ROBERT L. RAND.

NO DESIRE TO SENSATIONALIZE PAST MISTAKES

In any investigation undertaken by the committee, it will be my intention not to try to sensationalize or dramatize past mistakes. Instead, I will seek to make sure that the conditions or regulations or omissions which made possible these practices in Washington—and no doubt elsewhere—have been or are being remedied. We must maintain public confidence in the thrift institutions of this Nation, and in order to do that we must make sure at all times that the unscrupulous operators do not have open to them loopholes which encourage them to circumvent good practice and simple honesty.

Several years ago, as the acting head of the Federal Home Loan Bank Board points out in his letter to me, the Committee on Banking and Currency and the Congress enacted legislation to give the supervisory agencies the power to issue cease and desist orders to halt improper activities in institutions over which they have regulatory jurisdiction. We want to find out if this authority is being used with sufficient vigor. If additional legal safeguards are indicated, and can be justified, I will certainly want to seek their adoption.

PREVIOUS OUTSTANDING SERIES COAUTHORED BY LEONARD DOWNIE

As I said, Mr. Speaker, the Washington Post has again performed a notable public service in the consumer credit field through this series of articles. One of the coauthors of this series, Mr. Downie, was coauthor nearly 2 years ago of another series of articles in the same newspaper, with David Jewell, on the home improvement rackets preying on homeowners in the low-income areas of Washington, particularly Negroes. That series provided me, as the principal sponsor of the Consumer Credit Protection Act, with invaluable ammunition in my successful effort to retain jurisdiction in that legislation over first mortgages, after the Senate had unanimously voted to exempt any and all first mortgages from the disclosure requirements of a Federal truth-in-lending law. I had long maintained that because an instrument was a first mortgage it was not necessarily a good and honest mortgage, and the Downie-Jewell series in 1967 certainly documented that fact in the racket-ridden home improvement field in the District of Columbia.

TEXT OF ARTICLES IN WASHINGTON POST "MORTGAGING THE GHETTO" SERIES

Mr. Speaker, because of their importance to the investigation Chairman PATMAN desires to have me undertake as chairman of an ad hoc subcommittee of the House Committee on Banking and Currency, and because of their undoubted application to slum area mortgage practices which have occurred in many cities—not just in Washington—I am including as part of my remarks the complete text of the series of articles by

Mr. Downie and Mr. Hoagland, which began on Sunday, January 5, and ended this morning.

I have not had an opportunity to check any of the facts and statements in these articles, but I am deeply impressed by the tremendous amount of painstaking research which obviously went into their preparation—the culling of literally thousands of official documents and the interviews or attempted interviews with the principals involved or their associates or others knowledgeable about the practices described. So far as I can tell from my reading of the articles without personally checking any of the facts, I believe they reflect extreme care and a determination to be accurate in the best traditions of journalism.

However, I do want to make one cautionary statement based on the impression the articles give, or that might be taken from them, that FHA and the Veterans' Administration, as a general policy, do not insure mortgages for Negroes or that Negroes do not qualify for federally insured mortgages. I think what the authors meant by their references to FHA and the VA is that until 1966, when my amendment was adopted to provide special financing to nonprofit organizations to purchase and rehabilitate older housing and sell it to low-income families at subsidized mortgage rates, such families just could not demonstrate that they had the financial ability to meet the mortgage payments on an FHA-insured loan. They particularly were unable to undertake the heavy financial obligations of taking over badly rundown housing requiring extensive remodeling to make it usable.

As this series of articles establishes, these same people, however, were easy prey for real estate speculators who sold them houses unconscionably overpriced, with a pyramid of mortgages at who-knows-what interest rates, and with no concern over whether the family could meet the payments and hold the property. This practice, in addition to milking the assets of those savings and loans which participated in the scheme, often led to the tragedy of foreclosure, recovery of the property by the speculator or an agent, and its resale again and again to other victims.

The Washington Post articles referred to are as follows:

[From the Washington Post, Sunday, Jan. 5, 1969]

MORTGAGING THE GHETTO—I—SLUM HOMES EXPLOITED BY SPECULATION SYSTEM

(By Leonard Downie Jr. and Jim Hoagland)

A sick savings and loan association in Washington has been merged out of existence because it lent millions of dollars to slum housing speculators, many of whom could not or would not repay the loans.

Within the last six months, the presidents of three area banks have submitted resignations. All three are banks that made a number of loans to slum speculators, and also had to make frequent trips to court to sue the speculators for the money.

Evidence uncovered in a year-long investigation by The Washington Post shows that certain inner-city speculators—with cooperation and financial support from a handful of savings and loans—have charged huge markups to thousands of Negro home buyers, who had no place else to go because they were black.

Some of the city's most active slum landlords have built their empires on dollars poured into some savings and loans by unsuspecting depositors and poured out to the speculator-landlords by the associations' officers.

SYSTEM'S LEGACY

Abandoned, unsalable houses and unfinished apartment buildings now dot Washington's streets. They are the legacy for the Nation's Capital of a system that turned with a vengeance on some of the financial institutions and speculators who fathered it. Some others escaped with large profit.

Republic Savings and Loan is the one merged out of existence. It and other savings and loan associations and banks involved comprise a minority of the financial institutions doing business in the city.

At the same time, however, the savings and loan-speculator system flourished because Negro buyers generally were unable to obtain home loans from or through any sources other than speculators.

The only exception has been Washington's largest savings and loan, Perpetual, which does have a record of making loans to Negro home buyers.

The newspaper's investigation reveals a steady, abundant flow to speculators of tens of millions of dollars in mortgage loans.

Reporters who examined some 15,000 land records, 900 court suits and various other financial records found numerous loan transactions that appear to be illegal under Federal or District law, or in violation of the regulations of the Federal Home Loan Bank Board.

Many others were clearly imprudent transactions for financial institutions, where prudence counts above all.

What made the system work was the ease with which favored speculators could get large numbers of loans from some savings and loans, and the inability of Negroes to get home loans on their own.

Until very recently, most Negroes were unable to qualify for home mortgages insured by the Federal Housing Administration or the Veterans Administration. While the savings and loans, FHA and VA were financing profitable home ownership for whites, Negroes have had almost nobody to turn to but speculators.

The commodity being sold by the speculators, thus, is financing, not just the bricks and mortar of houses. The speculators have filled a vacuum left by other segments of the real estate finance industry in all but the most affluent Negro neighborhoods.

Some speculators—for the trouble of doing this—jacked up the price of thousands of heavily mortgaged houses and sold them at large profit to Negro families.

Often, a speculator would buy a house for $10,000, mortgage it for $10,000, and sell it for $15,000.

The home buyer would be charged a low down payment, often as little as $250 to $1000. The buyer would sign a second, and sometimes a third, mortgage note for the rest of the money owed to the speculator. That became the speculator's profit.

The speculation system has three basic twists:

One, for speculators who buy at one price and then try to sell far higher, it is high credit selling much like the system that permeates much of buying of goods in the ghetto.

SLUM LORDS REIGN

Two, for many of the speculators who hold on to their highly mortgaged rental properties, it is classic slumlordism, charging high rents to cover mortgage payments and skimming off profit without diluting the gravy by repairing adequately the crumbling properties.

Three, for some of those speculators who got high loans to erect new apartment houses, the system evolved into simple arithmetic. Get more money from the loan than you put into construction, and pocket the difference. If necessary, let the lender foreclose on the unfinished building.

Other, more esoteric devices are used, but they are variations of the main theme. Some speculators have, for instance, shuffled building titles and mortgages among themselves, their friends and corporations they controlled, progressively inflating the prices, with the result that they got much higher mortgage loans and sold the buildings at higher, but seemingly reasonable, prices.

The transactions in these cases are not related to the Maryland savings and loan scandal of several years ago.

The investigation by this newspaper has uncovered wide use of questionable practices. Many of them are mentioned in a confidential bank examiner's report obtained by reporters.

DISCREET MERGER

The report, written in the spring of 1967, led to Republic Federal Savings and Loan Association's being discreetly merged in mid-1968—at the insistence of Federal officials—with a healthy association.

The merger came when Federal officials found that Republic had "little likelihood of surviving," unable to get its money back from hundreds of loans made to speculators.

Republic, like many other Washington financial institutions, flourished during the boom days of the real estate market here in the mid-1960's. Real estate, in many ways, is Washington's chief private industry. Dealing in it is how struggling young men have become pillars of the community.

The system, primed by general easy credit policies, and primed by economic buoyancy of the metropolitan area and insolvency of ghetto blacks—was working well then. It was working well, that is, for the speculators.

There seemed to be little disposition at that point, on the part of Federal banking officials, the District of Columbia government or the established financial community here, to tinker with something that appeared to be working so well.

But then came the crash: "tight money." The economy was sailing along too nicely, and the Federal Government raised borrowing rates to try to curtail inflation. Mortgage money started becoming scarce.

SPECULATORS HARD HIT

In Washington, D.C., the squeeze hit many landlord-speculators doubly hard, for the city's new government started moving in on noncompliance with housing codes. You couldn't just sail along any more and leave housing violations unrepaired.

Tight money, the housing code crackdown and other elements came together to topple the paper empires of a number of big speculators.

In addition to merging Republic out of business, they demanded that those other savings and loans that had been dealing extensively with the speculators to curb their questionable practices. They have asked the Justice Department to investigate practices of some of the principals involved.

They have purposely kept these actions from public view to prevent "runs"—mass withdrawals by depositors—on savings and loans and banks involved. Accounts up to $15,000 are insured by the Government.

Since the beginning of 1967, savings and loans associations have foreclosed on nearly $5 million worth of mortgaged properties in Washington's ghettos.

Many of them are the abandoned houses and unfinished apartment buildings mentioned above. When auctioned off, they turned out to be worth far less than the mortgages on them, and have been unsalable.

REPUBLIC LOANS

Many of these buildings were financed by Republic mortgages. Up to $17 million worth of them will wind up in the hands of the Federal Savings and Loan Insurance Corp., a Government agency financed by premiums from the Nation's savings and loans.

The Insurance Corporation agreed to take up to this amount of bad risks off the hands of Home Federal, the healthy association that took over Republic's assets and liabilities.

Republic's rise and fall was only one part of the speculation story in Washington's inner city. The pattern of questionable transactions covers a much broader spectrum.

In the most flagrant transactions uncovered by the newspaper's investigation, some savings and loans frequently provided some speculators with loans that exceeded what they paid for properties. Such mortgages would put the speculators in a position to pocket the excess. Federal regulations limit a mortgage to 80 per cent of a property's value, purchase price being a main determinant of that value.

In any event, such loans enabled speculators to buy thousands of houses and apartment buildings in Negro neighborhoods with little or no cash investment of their own.

Floating along on a stream of borrowed dollars, the speculators could move with the migration of low-income white and Negro families. The speculators were looking for the easy low purchase from somebody who wanted to get out and the easy high sale to somebody who wanted to get in, and who was willing to pay high credit rates for what appeared to be easy terms.

REASON FOR FALL

In this, certain savings and loans put out more money to certain speculators than Federal officials felt was prudent. This concentration to single borrowers, all of whom happened to be speculators or investors, was one of the chief criticisms the examiners made of Republic and was one of the chief reasons for Republic's fall.

The official examination of Republic in 1967 by the Federal Home Loan Bank Board, which regulates the nation's Federally chartered savings and loan associations, showed five speculators as holding about 200 loans. They were:

George Basiliko, who owed more than $1.5 million on more than 100 mortgage loans from Republic. During the past seven years, Basiliko also borrowed nearly $1 million in more than 60 loans from Guardian Federal Savings and Loan Association, and had a large number of loans from Perpetual Building Association in the past.

Burton Dorfman, who formed syndicates of doctors and professional men to buy apartment buildings. Dorfman's syndicates subsequently defaulted on four mortgages to Republic, totaling $1.1 million.

Peter Laganas, who owed $1.4 million to Republic, largely in construction loans on four apartment buildings. One of the buildings was never finished.

Angelina and Dino Formant, sister and brother-in-law of Pete C. Kalavritinos, who was president of Republic. They owed nearly $1 million on 30 mortgages from Republic. Many of these mortgages have since been foreclosed.

The Formants also received nearly 30 loans totaling more than $500,000 from Uptown Federal of Baltimore.

George Kalavritinos, brother of Pete, owed Republic $900,000, mostly on construction loans for apartment buildings.

Other speculators who owed Republic more than $500,000 each at the time of the Bank Board examination were landlord Nathan Habib, John Swagart (Basiliko's brother-in-law) and Hymen Alpert.

OTHER LENDERS

Republic was not the only savings and loan in the District that provided large and frequent loans to speculators during the past decade. Land records show that major slum speculators procured the majority of their most favorable mortgage loans during the past decade from Republic and these others:

Guardian Federal of Silver Spring and the District; Lincoln Federal of Hyattsville and Uptown Federal of Baltimore.

Other savings and loan associations that have provided large amounts of mortgage money for speculators include Jefferson Federal, Enterprise Federal, Franklin Federal and the Perpetual Building Association, all in the District, and Montgomery Federal in Kensington.

All of these (except Perpetual) are chartered by the Federal Government and supervised by the Federal Home Loan Bank Board. Perpetual is locally chartered.

The Federal Government charters savings and loans for the primary purpose of promoting thrift and encouraging economical home ownership by as many people as possible.

This is one of the reasons Home Loan Bank Board officials have been upset by the patterns of savings and loans concentrating loans to speculators. The other is the risk of a savings and loan having too much of its cash tied up in a few borrowers.

SUPPLY OF MONEY

Speculators were able to supplement their supply of borrowed dollars with loans from a few banks in the city and the suburbs.

One bank that made a number of loans to speculators, and then had to scurry to court frequently to get its money back, is Public National Bank. Although it was expected to be merged with D.C. National Bank, a new bid for control of the bank by a group of lawyers was announced today.

Pete Kalavritinos was a director of both Republic Federal and Public National at the same time, as was Russell D. Miller. Miller, a central figure in Washington banking, was also general counsel of both institutions.

Depositions in a bitter court suit involving Public and Miller state that Kalavritinos was able to write about 50 overdrawn checks at Public National.

The three other banks that lent to some large speculators were D.C. National, City Bank and Trust of Alexandria and Old Line National of Rockville. The presidents of the last two have left in the last six months.

The entire system worked like a well-oiled machine for the speculator, until some of the main gears, such as easy money and lax housing code enforcement, failed. Then the gears stripped the machine failed.

"When the speculators were flying high and wide in Washington," says Alvin Snyder, president of Baltimore's Uptown Federal, "everything they touched turned to gold. Now, it's turning to bronze."

[From the Washington Post, Jan. 6, 1969]

MORTGAGING THE GHETTO—II—THE SPECULATORS' PACKAGE EASY TERMS, BIG MARKUPS

(By Leonard Downie, Jr., and Jim Hoagland)

Ghetto speculation often is Negroes' paying mink prices for dyed rabbit houses, because they have no place to get the money except through white speculators.

It is credit buying, and the credit comes high. Month in, month out, the payments have to be made on the first, second or, maybe even third mortgages.

If a home buyer can keep up the payments, frequently there is nothing left over for keeping up the new home.

For many home owners, the price is thought of only in the month-to-month time framework of much of the ghetto.

"I wish I could've gotten just one mortgage, without having to run all over town to make these payments." Mrs. George E. Banks told a reporter.

She was unconcerned that Sol Lehrman had sold her and her husband a house at 764 Harvard st. nw. for $14,500 two months after he paid $9500 for it.

Her only problem with the $4256 second mortgage that Lehrman took as his markup was that she had to make payments at another office.

But Mrs. Banks is a rarity among home owners contacted by reporters of The Washington Post. She knew what the speculator had paid.

Most poor Negro home buyers don't. They don't have a real estate broker to trace the sale history of a property. They don't have the expertise to go through land records to find out what the slum speculator paid, and when.

But even if the home buyer did go through land records, he might have a tough time. Some speculators wait until they have resold a house before they file their purchase deed, which carries the recorded purchase price.

In effect, the prospective black home buyer is merely a plum ripe for the picking.

The slum speculator middle-man system inflates prices on these homes by an average of $5000 (on homes that sell for $10,000 to $20,000).

When it works, the middleman system pits the speculator's expertise and a constant stream of borrowed savings and loan dollars against the home buyer's naivete and inability to get those same dollars.

NO CONTEST

It is no contest.

Most real estate agents do not use the system. And nearly all the speculators selling houses to Negroes claim that they do not either, or at least that they do not misuse it.

But land records indicate clearly that the system abounds in the inner city, with the markups consistent.

Here are six cases, for instance, involving six active speculators:

Sol Lehrman bought the house at 1822 H st. ne. for $10,500. Three months later, he sold it to Archie Hargett, a carpenter, for $15,500.

Murray Levine's secretary, who frequently acts for him as a front (known in the trade as a "straw") bought the house at 1311 Queen st. ne. for $12,000. Seventeen days later, it was sold to Julia B. Murphy for $16,500.

Jeffrey-Martin Co., run by Hymen Alpert and Lawrence Diamond, bought the house at 4619 Kane pl. ne. for $5500 and two years later, sold it to Clifton Butler for $14,500.

Joseph Kalmus paid $17,400 in January, 1966, for the five-bedroom house at 1329 Gallatin st. nw. He sold it five months later to Oscar Webb, a maintenance engineer, for $22,950.

Melvyn Friedman paid $18,500 for the house at 5321 Colorado ave. nw. He sold it to Jackie L. Hunter for $22,950 a month later.

Chris Collier and Co., through an agent, bought the house at 6924 9th st. nw. for $15,570. A year later, Collier sold it to Earl Ashton for $21,950.

NOT EXTRAORDINARY

These six cases are not extraordinary. They fit into the usual pattern of buying and selling houses to black people in Washington.

These six cases also have common elements that are indicative of the whole spectrum of the speculation system. These elements are:

1. The black home buyer pays from $4450 to $9000 more than the slum speculator has paid. Examination by reporters of 15,000 land records shows an average of $4000 to $6000 markup on inner city sales. Most slum speculators maintain that repair costs account for much of the markup.

2. The slum speculator gets the mortgage, for himself or for the purchaser, from a savings and loan association. The home owner has been unable to get the mortgage himself, or did not bother to try.

3. The mortgage the slum speculator has arranged covers or nearly covers all the slum speculator's original investment.

4. The slum speculator has also arranged all details of title search, settlement and mortgage application, according to the home buyers. Most home owners contacted by reporters had no idea what these transactions involved, and were surprised when at settlement they found out the costs.

Julia Murphy, of the second example above, never thought of going to Liberty Loan where she had been paying off a mortgage for nine years, when she needed a new house.

"Mr. Levine arranged it all for me at Enterprise. I didn't go down to make the application."

NEVER BOTHERED

Archie Hargett and Oscar Webb of the first and fourth examples above never bothered going to a savings and loan.

And Melvyn Friedman helped Jackie L. Hunter of the fifth example above, to get a $16,000 mortgage from Jefferson Federal Savings and Loan after the Veterans Administration refused to grant Hunter a loan on the house because it was priced too high.

Earl Ashton, of the sixth example above, who bought his house from Chris Collier and Co., said he was reluctant to go to a savings and loan because he had fallen behind on payments he was making on another home earlier.

"I wish I had tried," Ashton says now. "I didn't because Mr. Collier's agent said they had everything worked out at Guardian."

All of the Negroes cited above fell prey to the system because they, as black people, were outside the generally white-only system for financing home buying.

A group of white and black businessmen, headed by William B. Fitzgerald, who is Negro, presented the Federal Home Loan Bank Board extensive testimony in 1967 to show that Negroes have it tough getting loans here.

They pointed out that not one of the city's then 24 Federally insured associations had an officer, director or even an appraiser who was Negro.

They cited examples upon examples of Negro families having been refused loans, despite impeccable credit records.

Only Perpetual Building Association placed any sizable, number of mortgages in Negro areas, the group said.

The testimony they presented led to a successful bid for their getting a charter for a new, predominantly Negro savings and loan association here.

Even Perpetual was not happy with the testimony presented.

Its president, Thornton W. Owen, sent the Bank Board a list of all 466 loans granted by the city's savings and loans in June and July, 1967, arguing that many of them were in Negro areas.

He offered no further analysis.

LIST CHECKED

Reporters who checked that list against land records found, however, that two of every three of the new mortgages in ghetto areas, granted by associations other than Perpetual went to or through slum speculators, the markup middlemen.

In these loans, for every dollar advanced to home buyers in Negro areas, four more were advanced to or through the slum speculators.

Although savings and loan associations are chartered specifically to promote thrift and economical home buying by the largest possible number of people, The Post's investigation shows a pattern holds of most loans in the inner city going to about half a hundred speculators.

The slum speculators say the savings and loans often prefer to work through them.

As long as a speculator holds a second mortgage, he has a financial interest and often will take the property back—to protect that second trust—if the home owner falls behind on payments.

Slum speculators also are frequently willing to agree to higher interest rates on loans than the average loan-shopper.

These speculators will pay more to "buy" money, since by paying higher interest, they usually can get larger loans to recover money spent from their own pockets to invest in a house.

Then the speculator merely passes on the high mortgage—and higher interest rates—to the home buyer.

"If a speculator goes in and applies for $7000, and they say they'll give him $8000 and charge him . . . more in interest, the speculator will take it," says George Basiliko, the largest single owner of property in Washington's slums.

INTEREST IS IMPORTANT

"Sure, the speculator doesn't pay the interest anyway," says Leonard Collins, Basiliko's lawyer. "He doesn't keep the mortgage."

Interest, of course, can be a make-or-break proposition with a new home owner. It makes up most of his payment on his two or three mortgages for the early years of the loans. Which frequently means that the new ghetto home buyer is so strapped from making payments that he has little or no money left to repair his house.

This in turn creates a market for those unscrupulous home-improvement contractors who make a living off of bilking poor home owners.

They offer to make repairs in return of the home owner's signature on still another mortgage.

Often, court suits show, the amount owed by the home owner on this mortgage will be twice or more the value of the repairs made.

Three officers of one such firm, Custom House Construction Co., were convicted recently of defrauding home owners this way.

Speculator Kalmus acknowledged to a reporter that "as soon as the title goes on record" when a home is sold by a speculator, "everybody and their brother is out at the house trying to sell something, as long as they can get a mortgage."

Then, as the sad story goes, if he falls even further behind on money, he might find someone to "refinance" his debts with a new set of mortgages.

The long succession of misfortune usually separates the poorer home buyer further and further from the day when he will have built appreciable equity in his house.

In case after case, court and land records document, the predicament is the product of a housing deal first made with a slum speculator.

"Don't blacken the speculator," says Leo M. Bernstein, himself a legendary figure in Washington real estate speculation before setting up Guardian Federal Savings and Loan Association. He retired as Guardian's president in 1968 and his son, Richard, became president.

"They did perform in their day a service for the underprivileged," Bernstein told reporters. "Maybe they charged a lot for it, but at least they house people."

CORRAL THE HOUSES

"The speculators gave the people an opportunity to buy houses at small down payments. . . . It was the speculator's business to corral the houses . . . Even if the Negro home buyer had the down payment needed, he still wouldn't have the expertise to get a loan." Which is why they went through the speculator, Bernstein says.

Says Kalmus: "It's the only way a colored person could become a home owner. They couldn't get loans from the savings and loans; they didn't have a big down payment; and they couldn't get FHA or VA financing.

"You'll find that the average colored man, no matter how much education he has, tends to look to the white real estate man like a father. He'll take care of them if they're short."

Kalmus was specifically referring to his practice of advancing $500 to $1000 to a home buyer if the buyer lacked enough cash to cover settlement costs. "I hate to see the deal fall through, so we try to work it out," Kalmus says.

Of course this adds another monthly payment, with interest, to the buyer's outgo.

STICKING POINTS

One of the big sticking points between speculators and their buyers is whether the houses are all they've been represented to be.

Earl Ashton, for instance, who bought the house at 6924 9th st. nw. from Chris Collier, maintains the house wasn't what he'd thought.

"The house was patched up when I moved in. When I first looked at it, it looked pretty good. But then I found all the putty over the cracks in the wall. I was green at this and I got what you might call a bad deal."

Collier disputes this: "We had $4000 worth of work done on the house, and I have the bills to prove it. We had to carry that house for 14 months, and redecorated it several times. But these are old houses. You can't make them new, even though some home owners want you to."

A Washington man named Carrington L. Epps was so enraged with one house that he sued the sellers, Hymen Alpert and Lawrence Diamond after his family had moved into and then out of the house at 4619 Kane pl. ne.

Epps's suit, for return of his deposit on the house, claims that although the sellers had maintained that it was in excellent condition, a dozen violations of the housing code existed, despite the asking price of $13,950. (The slum speculators had paid $5500 for it a month earlier.) Epps moved out before signing mortgage papers.

(This house, by the by, is the same one mentioned in the third example at the top of this story, that sold for $14,500 to Clifton Butler.

(Butler missed payments and so the house was foreclosed on and bought back by mortgage-holder Guardian Federal Savings and Loan. Guardian later sold it to a small investor for $4500.)

Another interesting suit concerning the soundness of a speculation-handled house was against Levine.

Levine has told reporters that "I deal only in better houses. I've passed the stage of being a speculator. When a person buys my house, they don't have to put a nickel into fixing it up."

HOUSE "MISREPRESENTED"

The Joseph F. Duals would disagree. Their suit against Levine maintains that the house at 1412 Geranium st. nw. they bought from him "was misrepresented as custom-built, water-tight, sound and in good repair.

"In fact," the suit said, "the house was in poor repair . . . the roof leaked . . . the plumbing was in a bad state of repair.

"The wallpaper hid cracks and breaks in the plaster beneath it. Water regularly seeped in through these cracks. There were many housing code violations."

This house, by the way, was bought by Levine for $24,000, mortgaged by Enterprise Federal Savings and Loan Association for $24,000, and sold to the Duals for $32,450 three months later.

(Federal Home Loan Bank Board regulations limit mortgage loans to 80 per cent of a property's value, of which purchase price is a main determinant.)

A jury in U.S. District Court awarded the Duals $3,000 in the case. The judge ruled that the couple still had to pay a $3690 mortgage note they had disputed in the deal.

Lawyers for both sides then agreed with the judge to set aside both judgments and settle the case outside court.

Peter T. Stathes, president of Montgomery Federal Savings and Loan, was asked by a reporter why his firm lent $8,000 to Alpert on a house at 503 G st. ne. that Alpert paid $8,000 for in September, 1967.

"Mr. Alpert remodeled that house, inside and out," said Stathes. "He put a new roof on it, new paper and paint, he put new sinks in the kitchen and fixed the floors. We held back $3,000. After we reinspected, and found he had done the work, he got the total $8,000."

That's not the way Paul H. Simmons remembers it. He bought the house from Alpert a month after Alpert's $8000 purchase.

The price to Simmons, a Negro who works as a guard for the General Services Administration, was $13,500.

"He never put a new roof on," Simmons declared angrily to a reporter as he pointed to recent patches in a peeling second-story ceiling. The patching job was paid for by him last month, he said.

Simmons' 3-year-old daughter, Delphia, scampered about the kitchen floors Stathes said were redone.

At one point, the floor nearly gave way in a deeply worn spot. No work had apparently been done on it in years. The only improvement visible was a new kitchen sink unit.

"I'm worse off than I was before, when I was renting," Simmons said. "I can't afford to fix the place up, and Alpert's not responsible any more."

Simmons had been renting the house for $125 a month when Alpert bought it.

Simmons says that Alpert explained he could buy it for only $7 additional a month (the $8000 mortgage, plus a $5922 second mortgage to Alpert) plus a $250 down payment.

Simmons and his wife have two children and should be prime candidates to prove Leo Bernstein's assertion that "a home owner is a much better citizen than a tenant," which is why speculators perform a valued service.

Paul Simmons does not feel his deal worked out quite that way:

"I keep telling my wife that I wish we could move out of this miserable house and neighborhood and find something decent. But it's the damn financing."

FACELESS PEOPLE BEHIND THE SPECULATORS

The money the slum speculator siphons from black ghettos often flows out to the white suburbs. Behind the highly visible speculators stand the faceless people, who buy the financial paper the speculator creates.

The people are as varied as are their motivations for buying second or third mortgages. They are secretaries to Congressmen, dentists, lawyers, other slum speculators. They are sometimes small, one-shot investors; sometimes speculators who make much of their living by buying second mortgages.

They all have one thing in common: they make the system work by supplying the slum speculator with cash. The only contact the home buyer has with them, often, is the monthly mailing of a check.

Even if the checks stop going out, and the second mortage holder takes the house, there are trustees of the note to take care of the details of foreclosing and auctioning off the house.

The system works like this: some slum speculators charge home buyers an average of $5000 for packaging a house and mortgage. The first trust held by the savings and loan is transferred to the home buyer. The slum speculator then tries to get a downpayment from the home buyer to recover the cash he has put into the house, and takes the $5000 markup in a second mortgage, payable to him, usually at 6 per cent interest a year for perhaps seven years.

If the slum speculator is patient, his profit on the deal comes out of the payments on that note over the seven years.

But most cannot afford to be patient. "You need cash right away to start another transaction," one slum speculator told reporters. "You can't afford to hold the second mortgage. You sell it for a discount, anywhere from 25 to 60 per cent." Thus, a $5000 trust may be sold for $2000.

The second mortgage buyer takes the chance that he will be able to get his money over the long-run. On the surface, it would appear that the larger discount he can get, the better the deal is for him.

This is usually not true. If a speculator inflates the price of a house well beyond its true value, the home buyer is likely to be strapped with payments he cannot meet and the second trust buyer will stop getting payments.

Then, if he forecloses, he finds he has to pay off the heavy first mortgage and has a house that he will not be able to sell even for the money he has in it.

That's why, in legal circles, notes that are discounted more than 40 per cent are considered of dubious value. They are hot potatoes the speculator wants to get rid of.

A second mortgage can be doubly dangerous if both the first and second trust payments are not being made.

Under law, the first trust holder has first priority at calling a foreclosure and the first trust holder is liable to foreclose and sell the property at auction with the second trust holder left with nothing.

That is why most second trust holders will pay on the first trust if a home buyer misses payments. This gives the holder of the second trust time to arrange his own foreclosure, and get the house, and then hope to get a good price on a resale that would recoup some of his investment in that second trust.

To get rid of their second trust paper—to make their money—some slum speculators follow a middle course. They "season" a note—that is, they keep it for a year to establish that a home owner can make his payments. Then, with that good record of payment, they shop around to find the highest bidder, and the discount will likely be lower than on an immediate sale.

One possible corruption of the "seasoning system," as described to reporters by a knowledgeable real estate man, is for the slum speculator to falsify his books, making it appear that regular payments have been made although the trust is actually delinquent. The speculator takes a loss for a while, but gets a better price for the trust when he finds an unsuspecting buyer. No specific instances of this practice were uncovered in this investigation.

Whatever the method, the result is the same. The slum speculator creates paper that he trades in for the dollars that will buy the next house that will enable him to create more paper to trade for dollars.

Each time, of course, some of the dollars stay in the slum speculator's pockets or bank accounts.

As long as the black home buyer pours cash in at one end and the white second trust buyer is there at the other, the system flourishes.

[From the Washington Post, Jan. 7, 1969]

MORTGAGING THE GHETTO—III—THE RAPID RISE AND FALL OF A REALTY SPECULATOR

(By Leonard Downie, Jr., and Jim Hoagland)

Roscoe Jones got $30,000 when he sold the house at 1810 Kalorama rd. nw. to Basil Gogos.

Basil Gogos then got $38,000 from Guardian Federal Savings and Loan Association in a mortgage loan on the house, according to land records. Curiously, the same land records show a tax fee based on a $60,000 purchase price by Gogos.

Eight months later, the city condemned the three-story house as uninhabitable. It is now abandoned and boarded up. Where there are no boards, winter wind slashes by ragged edges of broken window panes.

It is a house nobody wants.

"I wouldn't pay $10,000 for the house," Harry Batalin told a reporter. "It was beyond redemption." The house was Batalin's for the asking, if he would agree to pick up Gogos' mortgage payments. He wouldn't.

Abandoned houses carrying high mortgages that make them unsalable are springing up throughout the overcrowded ghettoes of Washington. Like the house at 1810 Kalorama, they are the remnants of an inner-city real estate speculation bubble that has burst.

The bursting was more like an explosion for the 29-year-old Gogos, who in four years had become the owner of half-a-hundred houses and who had bought and quickly resold many others.

"He's out of the business and doesn't want to talk about real estate," callers to Gogos' home are told. Adds former associate Simon F. McHugh Jr., "That's all over. We took a real bath."

McHugh was there at the beginning of the comparatively brief rise of Gogos in real estate, but managed to sidestep the debris of the fall. He got out of inner-city real estate in 1966, before the market collapsed and shortly after he married Victoria McCammon, a tall, attractive secretary to Lyndon B. Johnson.

McHugh doesn't have to get involved anymore with such trivia as clogged drains in slum houses, foreclosures, and tenants breaking windows. He works for the Government now.

Battling the vagaries of Washington real estate with Gogos must be good training for bigger things. President Johnson apparently decided in 1967.

NAMED TO SACB

That was when he plucked McHugh from the real estate world and, after 15 weeks' experience in a $17,500-a-year job in the Small Business Administration, named McHugh to one of the cushiest jobs in Washington—the moribund Subversive Activities Control Board. McHugh has three years more to serve, at $26,000 per.

From this lofty perch, McHugh looks back on his real estate career with less than fondness.

"If I had it to do all over," says McHugh, who has been a guest with his wife at the Johnsons' Texas ranch, "I wouldn't go into real estate in Washington. Dealing with tenants and speculators is not the kind of thing I like to do.

"We were dealing with people buying out in these neighborhoods who didn't have any money. There was no other way for them to get the house. They couldn't go to the FHA (Federal Housing Administration) or the savings and loans.

"But these people have no respect for anything because they never had anything of their own. We couldn't get them to pay rents," and second mortgage notes, he said.

"But I never really was a speculator. I was interested in investment. The real speculators—and this was another reason I wouldn't be in the business today—these guys are not the type you would want to take home to dinner. I wouldn't, anyway. My wife would kick them out of the house."

ROLE OF S. & L.

The story of these real estate days is an important one, however disconcerting it may be to McHugh these days. It is basically the story of Gogos, and it provides one view of

how some savings and loans have helped slum speculators operate.

Gogos tied his borrowing career closely to certain savings and loans. Guardian Federal advanced him at least 34 mortgages, totaling more than half-a-million dollars. Some went through his companies and agents.

(Guardian Federal is one of several savings and loans here that have been warned by Federal examiners to curb loans to speculators. Savings and loans are chartered by the Federal Government to promote thrift and encourage economical homebuying. Concentrating loans to speculators does neither, Federal officials feel.)

For example, Gogos frequently engaged in "straw deals," that is, using someone else's name to buy or sell property. McHugh asserts that he acted as a straw to get loans that really went to Gogos.

Gogos was also involved in the delicate matter of inflating purchase prices to get larger loans, according to a court deposition given by Ralph V. Guglielmi, a former football player.

Guglielmi, who once sold a house to Gogos, testified that Gogos persuaded him to agree to state that the purchase price was higher than Gogos actually paid, so Gogos could get a larger loan.

GOGOS UNREACHABLE

Reporters have been unable to determine what Gogos thinks about all this. Repeated phone messages left at his residence over several months have gone unanswered. During the last call, a man who refused to identify himself yelled, "To hell with you," and slammed down the phone.

It was different in 1961, when McHugh and Gogos graduated from Georgetown University, with lots of ambition, small bankrolls, and the conviction that real estate was the best way to satisfy one and increase the other.

"We were going to get five people to put up $20 each a month for a fund to buy stocks and then real estate. But we couldn't find five people we could trust, so we went ahead with it ourselves," McHugh recalled during an interview in his Board office.

Gogos described the beginning this way in two court depositions:

Toward 1963, he inherited some money and decided to step up his real estate activity, with help from his sister, Georgia, and advice from his father, who was a real estate salesman.

Soon, brokers were calling him ten to 15 times a day, telling him about great houses he should buy. He was looking at 500 houses a year, mostly for speculation. He also perused 50 in a year as possible Gogos homesites.

STUDY IN SPECULATION

One of the houses he looked at in 1963 was 1208 Jefferson st. nw., a case study of speculation here. It is a study of a speculator selling to a black family who had no one else to deal with.

The house was auctioned off after a mortgage foreclosure on July 1, 1963, for $12,700. The purchaser was B. C. Gogos Investments Inc., an enterprise that Gogos once said in a court deposition he owned with his sister and their father, Constantine.

On Aug. 28, McHugh, then working for IBM, bought the property from Gogos Investments for a stated purchase price of $15,950.

McHugh then received $11,000 from Guardian Federal as a mortgage on the house.

The mortgage is 68 per cent of the $15,950 price McHugh said he paid. (Sales prices are important indicators of the market value of a house, and 68 per cent is in line with the 60-to-70-per-cent limit most savings and loans use. And it is well within the 80 per cent maximum generally allowed by Federal regulations.)

The $11,000 mortgage, is, however, 86.7 per cent of the $12,700 Gogos originally paid. And McHugh asserts the property never left Gogos' control—he says he passed it back to Gogos within a month for no payment. Land records confirms this.

"I was a straw on that one. Bill (Gogos' nickname) asked me to do it as a favor. I didn't get any money."

PRACTICE SAID "WIDESPREAD"

McHugh also noted that "using straws" is a widespread practice in Washington, and then added that the basic purpose of straws in cases such as 1208 Jefferson st. was to mask the number of loans that went to one borrower. Federal bank examiners frown on concentrations of loans.

When a savings and loan association is chartered by the Federal Home Loan Bank Board, its every action is subject to audit by the Bank Board and, to retain its charter, it must operate within the Bank Board's regulations.

"The loan goes in in another's name," McHugh said. As a general rule, "the bankers know who is actually getting the loan. But they don't want to see his name come in 35 times, and have all those loans to the same person. This is to protect the savings and loan from the examiners."

He explained that speculators had to keep the loans flowing through their names, or someone else's. When tight money came, a few speculators had too many properties, they had bought but not yet resold, on which they had to make the mortgage payments. The system was to get a new loan to pay off an old one until you could sell some notes or something for cash. But at the end, the new loans weren't coming in" as credit tightened.

McHugh stoutly maintained that many of the savings and loans associations that lend heavily to speculators are well aware of the system.

There are speculators' savings and loans, run by men who were speculators. And there are bankers' savings and loans, run by bankers. If you're a speculator, you want to deal with somebody who knows what the game is about."

The $11,000 mortgage meant that all but $1,750 of Gogos' purchase price of $12,750 was covered. And Gogos already had a purchaser for the house.

SOLD FOR $17,950

He was Clinton Pitts, a stocky man with a touch of grey along his hairline and a pleasantly rumbling voice. The price to Pitts on Oct. 29, 1963, was $17,950. The house's price had jumped almost 50 per cent in four months.

Pitts, a Negro, says he gave Gogos about $1000 down, meaning that Gogos' "exposure" was about $750. "Exposure" is a speculator's term for the amount of cash that a speculator leaves exposed, above the combined down payment and mortgage money, to be collected in a second mortgage.

Pitts says he assumed the $11,000 mortgage, and a new, second mortgage for $6200 to Gogos went on file at the Recorder of Deeds. Pitts said Gogos sold the second trust at once.

During the time he had it, Gogos did no repair work on the house, Pitts asserts. "I know, because I talked to the woman who was here before."

"It wasn't this way when we moved in," he said last month when a reporter paid an unexpected visit to his house.

Pitts had just finished sanding his dining room floor, which gave off a warm brown glow. The house was spotless.

REPAIR LACK CITED

"The neighbors will tell you it was the worst house on the block when we moved in. There were no front doorsteps. I had to build them. There was no hot water. The furnace was no good." Pitts, a correctional officer for the D.C. Government, catalogued other ills of the house in a cost-conscious voice.

"I knew that I was paying more than I should," said Pitts, who was nonetheless surprised when a reporter told him how much Gogos had paid. "But I had to have a house. I had to keep my family together."

And then he told his story, which comes to the nub of the symbiotic relationship between speculator and prospective homeowner. That nub is that the speculator provides the financing that the homebuyer can't get elsewhere. That is the speculator's *raison d'etre*.

"I didn't have much money, and my credit wasn't the best. I had to go through a speculator," Pitts said.

He had bought what he considered a fairly priced house on Somerset Place nw. With the help of a real estate agent, he had obtained a mortgage from Perpetual Building Association, Washington's biggest and the only one that grants many loans directly to Negroes.

"But I had misfortune in the family, fell behind in my payments, and lost the house. Even though I've got a good steady job and take care of all my bills now, I didn't think about going to a savings and loan directly.

"Being able to get the financing through the speculator was as important as being able to get the house. I thought I was getting taken on the price. But what could I do?"

GUGLIELMI DEAL

To Clinton Pitts, Gogos was a necessity.

Ralph Guglielmi, the one-time all-American for Notre Dame and later a quarterback for the Washington Redskins, found Gogos to be a shrewd bargainer.

Now an insurance executive here, Guglielmi purchased 2008 R st. nw. for $55,500 on Feb. 26, 1964, with an eye to selling it for a small profit if he had the chance.

He got that chance in April when Gogos heard about the house. Guglielmi asked $62,500. Gogos offered less, and they compromised on $58,000, according to Guglielmi's deposition in a suit involving a disputed broker's fee on the sale.

At the settlement at District Realty Title Company, the contract was signed for $58,000, but another sheet was signed showing a $69,000 sales price, Guglielmi testified. The D.C. Recordation tax paid reflects a $69,500 price.) The ex-footballer was asked why in his deposition:

His answer:

"Mr. Gogos had called me . . . He said that he was going to put this contract in for $69,500 and I asked him why and he said, 'Well, I am going to try to get as much of a loan as I possibly can.' "

(District law requires buyer and seller to swear under oath to the purchase price and to file the statement. This is to determine recordation taxes. Reporters who asked to see the sworn statements have been told by the Recorder of Deeds, Peter S. Ridley, that they are confidential.

(The public recordation is also important to prospective homeowners who want to determine what has been paid for the house in the past.)

PRICE ACKNOWLEDGED

Gogos, in his deposition in the Guglielmi case, acknowledged that the sales price had actually been $58,000. He got a $45,000 mortgage.

In his deposition, Gogos also gave an indication of why speculators rarely worry about taking on a heavy mortgage. They don't expect to keep it.

"I was looking for . . . upper Northwest type property . . . that I could sell, turn over and take back a second trust on," Gogos said.

Another interesting Gogos transaction came in the case of Marie W. Carroll, a retired widow who once almost sold a house to Gogos. But the deal fell through, and Gogos sued the widow to force her to sell him the house, at 2810 Rhode Island ave. ne., where her sister lived.

They signed a contract on June 13, 1963, for $14,000. But Mrs. Carroll refused to hand

over the deed at the settlement in August, thereby costing him $3950, Gogos alleged in his complaint.

The $3950 is the amount a purchaser Gogos had already found was willing to pay him over the $14,000 Gogos would have to pay, the complaint stated.

The profit would have come in the form of $3950 second trust. "I do not sell properties for cash," Gogos noted in his deposition in the case.

COUNTERCLAIM FILED

Mrs. Carroll's answer said that she would have gone through with the deal in August, but Gogos didn't have the money to pay her at settlement. While waiting for the money to arrive, she discovered that Gogos was a speculator and, as she stated in her counterclaim, he was ". . . ephemeral and nebulous in his dealings."

Mrs. Carroll deduced this from Gogos' conduct between the June contract and the August settlement. She described it this way in her counterclaim:

"He brought carloads of people to the property many times . . . and represented to these prospective purchasers that he owned the property and was offering it for sale . . ."

Gogos also placed a For Sale sign on the property while her sister was still living there, advertised the house in newspapers, and berated her when she protested, according to the counterclaim.

That made him a speculator, one who "enters into contracts for the purchase of real property and attempts to resell the property before . . . he settles with the owner . . ." she alleged.

Gogos denied all the charges in his deposition and said that he was ready to complete the deal. He acknowledged there had been a mixup at the settlement office because Enterprise Savings and Loan had committed to me over the phone a loan," but it had not been confirmed to the title company on time because I was still shopping to get a larger loan."

But he got that ironed out, and got the mortgage from Enterprise that would have made the deal possible, he said.

District Court Judge William B. Jones dismissed Gogos' complaint on Feb. 16, 1966. Mrs. Carroll's counterclaim was denied Feb. 17 by a jury.

The court land records show that Gogos continued turning over properties at a rapid clip through late 1966.

MONEY MARKET TIGHTENS

Then, suddenly tight money came. The flow of savings and loan dollars turned to a trickle and, court records indicate, Gogos' financial condition began wobbling.

He was able to obtain $45,000 in new loan money on 16 houses that were already heavily mortgaged, land and court records show.

He sold the 16 properties to First Mortgage Corp., a firm he had set up earlier. In return for the 16 houses, First Mortgage gave Gogos two notes for $30,000 each. His company now owed him $60,000.

He used the $60,000 debt as collateral to get a $45,000 loan to his company from Harry Batalin of Arlington and Howard Investments of Silver Spring. In effect, he promised Batalin and Paige to pay them the $45,000, or they could foreclose on the 16 properties that were now held by First Mortgage Corp.

That's just what they did when Gogos didn't pay up, the suit states, and at an auction sale, they won the properties—and the $227,000 in existing mortgages on them—for a $12,500 bid.

But they ended up taking title to only 14 of the 16 properties. "The houses were in very poor condition," Batalin told a reporter. "We had to give two of them back to the bank."

Their suit against Gogos alleges Gogos transferred 14 other properties he had owned to his parents to try to hide his assets from his creditors.

CHARGES DENIED

Gogos, in his reply, denied this and claimed that the two had charged him usurious interest on the note.

The suit is still pending in District Court here.

Meanwhile, there are those two houses that Batalin and Howard Paige, who foreclosed on them with Batalin, said were so "poor" they wouldn't keep them.

One of the two is none other than that house at 1810 Kalorama, the one Guardian gave Gogos $38,000 on in a mortgage, and the one that had a $60,000 purchase price, according to the recordation tax paid.

Roscoe Jones, himself no stranger to real estate buying and selling in Washington's slums, remembers selling the house to Gogos.

But he doesn't remember anything about $60,000. "All I got was $30,000," Jones said. A copy of the District Realty Title Company settlement sheet on the transaction states the sales price was $30,000.

A spokesman for Guardian Federal termed the $38,000 mortgage "a mistake." He also acknowledged that Gogos has been behind in the past on mortgage payments, but says that Gogos has resumed payments under pressure from the association. "We will not take a loss on the property," the spokesman said.

Guardian will not take losses on any of the large number of loans it has made to slum speculators, the spokesman asserted. The speculators were required to sign personally for the loans, making them liable to court suits if they defaulted, he said.

The $38,000 loan was partially based, he explained to reporters, on Gogos' promise to remodel and rehabilitate the house, and because it is next door to 1808 Kalorama.

That's a house owned by George Basiliko, one of the largest speculators in Washington. Basiliko paid $45,000 for it and also got a $33,000 Guardian mortgage, according to land records. "Having the two next door to each other improved the security" for the Gogos loan, the Guardian spokesman said.

Basiliko's house was condemned by the city one month after Gogos' house was condemned. It too is now abandoned.

A reporter asked Basiliko what he intended to do with 1808 Kalorama.

"I'd like to bomb it," he replied. "But I'm going to fix it up. I really got taken on that one."

[From the Washington Post, Jan. 8, 1969]

MORTGAGING THE GHETTO—IV—BASILIKO WANTS OUT OF SLUMS

(By Leonard Downie, Jr., and Jim Hoagland)

George Basiliko says he is getting out of the slum business. The little round man who has been the biggest single owner of slum properties in Washington says it wearily, defensively.

His exit is being watched apprehensively by officials of some of Washington's largest savings and loan associations. They have a multi-million dollar stake in how well Basiliko extricates himself.

He sold 108 houses in one deal last week. Another 72 will go in the next 45 days. Last summer, 51 were sold. He is selling them all to a non-profit housing corporation sponsored by the Catholic Archdiocese of Washington.

The Catholic group will pay off mortgage loans on nearly all of these houses. Basiliko got the loans from three local savings and loans: Republic Federal (merged last year into Home Federal), Guardian Federal and Perpetual Building Association.

From 1962 through 1966, Basiliko borrowed more than $3.5 million from these savings and loans. They were essential to his operation.

Since then, tight money has hurt his operation, Basiliko told a reporter during a recent interview. Basiliko requested it be held in the office of his lawyer, Leonard Collins.

Basiliko continued. "With black power and what's going on in the District Building, the business isn't worth it anymore," he said.

"Don't say anything about the District Building, George," Collins said. "Don't say anything about the District Building."

"Yeah, well, business has really gone bad," Basiliko continued. "If it wasn't for the non-profit groups, I would have been looking for a bridge to jump off."

Beneath Basiliko's words lies the important tale of how a slum landlord builds an empire on millions of borrowed dollars, and, when the supply of dollars is cut off, scrambles to get off a very large hook.

It is not the story just of Basiliko, but also of a cluster of smaller slum landlords who have used the system. It is also the story of how the system needles rents upward and causes dilapidated buildings to go unrepaired.

LARGEST LOAN POSSIBLE

Like speculators who buy and sell ghetto houses at high profits, the slum speculator-landlord pulls in the largest loan he can get from savings and loan associations, which are chartered and protected by the Government for the primary purpose of promoting thrift and widespread individual home buying.

If he works it right, the landlord gets a loan large enough to cover or exceed his purchase price. He can roll along, buying houses with little or no money of his own, as long as he keeps the mortgage money flowing in.

The speculator pegs rents he takes in to cover what he must pay out on the mortgages. If he makes as few repairs as possible, most of the rest, if not all, is profit.

Eventually, he hopes to unload the building at a higher price for more profit which is taxed as a capital gain, rather than at higher personal income tax rates. Meanwhile, he is able to deduct depreciation of the building from his income tax.

A tax expert's report to the National Commission on Urban Problems contends that the landlord's tax benefits grow with the size of the mortgage loans he can pull in for his property.

Commission Chairman Paul H. Douglas, the former Senator, also concludes, in the report's forward, that the tax system "not only provides little encouragement for repair (of the slum property), but actually may tend to discourage improvements."

THE SYSTEM WORKS

An examination of more than 15,000 land records, 900 court suits, District housing violation notices and a confidential bank examiner's report shows that the system has worked just that way for several major Washington slum landlords.

This research, which included examination of a 2900-page District Government report on all housing code violations filed from January, 1966, to March, 1967, suggests that there are basically two categories of landlords with large holdings in Washington's ghettos.

One sinks his own cash into buying his properties and generally takes care of needed repairs promptly. The other is less likely to do either.

In Shaw, for example, landlords like the Ruppert family or the Gattis, who have put up substantial downpayments or paid cash for their properties, nearly always repaired code violations within the inspectors deadline (usually 30 days).

The other landlord fraternity is composed of those who depend largely on loans for their purchasing money (thus investing little of their own capital) and who are often slow—reluctant even—to repair their houses.

The 2900-page report on all District landlords, which was prepared by Gerald F.

Daggle, the computer systems officer of the Department of Licenses and Inspections, indicates that the following large borrowers also scored high on the number of violations written, complaints made by tenants and the length of time involved in repairs:

Basiliko, his brother-in-law, John Swagart, Diamond Housing Corporation, Nathan Habib and Melvyn Friedman.

Partial lodge brothers are Sylvan Mazo, who promptly repaired some of his properties, but who had 13 legal actions initiated by L&I against him on others, and Morton Frank and Mort Yadin (who control properties through their companies, N. W. Stewart Inc. and M and M Shops Inc.)

SERIOUS DEFICIENCIES CITED

Frank and Yadin had few outstanding housing code violations against their properties, but the inspectors' reports indicate that the deficiencies not covered by the code in a few of their buildings are serious.

Basiliko, who started his own real estate buying in 1958 after working for his brother, Nick, as a salesman, is by all standards the chief grand high potentate of the speculator fraternity.

It's all a result, Basiliko told a reporter, of his sharp business acumen ("I get a house below market value or I'm not interested in buying it") and a laissez-faire attitude of savings and loan associations during the easy money days of the early and mid-1960s.

"Then, the B & Ls (referring to local savings and loans, once known as building and loans) had to put money out and they put it out. If they came out with a loan of $15,000 on a property you paid $16,000 for, why shouldn't you take it? If there's any fault, it lies with the B & L, not the speculator . . . If they offered it, we took it."

In fact Basiliko took enough from Republic Federal Savings and Loan to provoke stern criticism from bank examiners of the Federal Home Loan Bank Board, which regulates Federally chartered institutions, and which merged Republic out of business last year.

"On March 18, 1966," the confidential bank examiner's report reads, "the total balance of outstanding loans to George Basiliko ($1,427,-485) was equal to 100.4 per cent of the association's net worth ($1,422,379).

VIOLATED THE LIMIT

This, the report noted, violated Federal regulations that limit the amount a savings and loan can give to a single borrower. By Feb. 10, 1967, Basiliko's indebtedness to Republic alone had climbed to $1,550,622, which equaled 3.2 per cent of all money Republic then had lent out, the report said.

Basiliko also was able to get large numbers of loans from Guardian Federal and Perpetual during this time. From 1963 through 1968, he received at least 62 loans frm Guardian totaling $989,200, and at least 32 loans from Perpetual for $1,092,950. Basiliko himself says that he has had at least 50 other loans from Perpetual in the past.

Examination of land records shows that many of the Guardian Federal and Republic Federal loans nearly equaled or even exceeded the amount Basiliko originally paid for the property. The Perpetual loans were almost always below 80 per cent of the purchase price.

Federal regulations generally prohibit savings and loans from lending amounts greater than 80 per cent of the appraised value of the property in mortgages on landlord-owned property. It is illegal to lend more intentionally.

The purchase price is one indicator of the property's value, along with rental income and the sales prices of comparable property in the area. A savings and loan uses these indicators in appraising a property for a loan.

A Federal Home Loan Bank Board examiner, in the confidential report on Republic Federal, cited "excessive loans resulting from appraisals in excess of purchase prices" as having an "adverse effect" on the savings and loans' financial strength.

"I always try to buy at a bargain," Basiliko told a reporter. "That's what speculation means. We're willing to take a chance. I buy houses in dire need of repair, and I'm willing to spend a couple of thousand to fix them up. We might borrow more than we pay so we can fix it up."

That, Basiliko said, was why savings and loans gave him many loans that topped purchase prices he paid.

He was then asked about transactions between himself and Kebir Investments, a corporation he heads and says he formed. Two examples were discussed in detail:

2917 Sherman ave. nw. Basiliko bought it in August, 1965, for $11,000, sold it immediately to Kebir for $14,000 and then bought it back two years later for $11,000. After Kebir paid $14,000, Guardian advanced a $10,500 loan.

825 Euclid st. nw. The pattern was the same. Basiliko paid $7,050 in October, 1965, sold it to Kebir for $10,000 and bought it back for $7,800 in September, 1967. Guardian gave Kebir a $7,300 mortgage after the $10,000 deal.

District law prohibits simulated sales "executed for the purpose and with the intent of misleading others as to the value" of property.

Federal banking regulations also prohibit the use of simulated or "straw" sales to inflate purchase prices for leverages in getting more than 80 per cent of market value in mortgages from savings and loans.

Basiliko said that Kebir had been set up as a holding corporation for some of his properties and that the paper deals were "for a tax reason. We were trying to work out some gimmick. But it didn't work, and we shifted them back later."

He explained that the price he paid his company, Kebir, "would include the cost of repairs. We wanted to get a more accurate picture of the true value on the record."

By the time he repurchased the houses, the inner-city housing market was declining, he said, and the sales prices reflected this decline. Funds were actually transferred in both deals, he said.

UNAWARE OF PRICE

A spokesman for Guardian Federal said the association's loan officers were unaware of what price Basiliko originally paid for the two properties. He said they were told then only about the higher prices Kebir paid Basiliko.

The spokesman added that Basiliko was charged a cash fee for the approval of the loans to Kebir. The percentage fee, known as "points" in the trade, was $210 for the Sherman Avenue property and $146 for the one on Euclid Street.

Such fees were charged Basiliko and other speculators often "whenever there was a worry about the size of the loan," the spokesman said.

The Federal Home Loan Bank Board has ordered Guardian Federal to stop the practice of charging points on a loan based on an appraisal exceeding the price a speculator pays for a property.

Basiliko was also asked about another Guardian loan he received, this one on 804 K st. ne.

The building was purchased by Basiliko's secretary, Betty Gates, in December, 1963, for $8000. She immediately sold it to her boss for $10,250, and he got a $7500 loan from Guardian.

Basiliko said that Mrs. Gates was acting as his "straw" (that is, he used her name for a purchase he actually made), but does not remember why he asked her to do so. Again, repairs were made and the price rise reflected this, the landlord said.

He emphasized that "I damn seldom use a straw. I always put my name down and stood behind it. That was a big mistake I made."

Court documents show that besides Mrs. Gates, Basiliko has used another employe, Holton Wolfe, and a District fireman, Arnold Graves, as straws.

"When I did use a straw, maybe I didn't want people to know that I was buying. They would say, 'Basiliko's buying it, so it must be worth more.' That's one reason. Or maybe I was trying to assemble packages of property," he said.

Diamond Housing Corporation, landlord to hundreds of ghetto residents, also makes extensive use of straws to purchase property, which is then deeded to Diamond. Diamond's president, David G. Kirsch, explained to a reporter:

"Other people's names are used at the time the loaning agency comes into the picture. In some cases, the corporation is loaned up at the bank or the savings and loan.

So you use somebody else's name. It's like having a charge account at Hecht's that is at its limits. You send somebody else down there to buy something on their account and you pay them."

Other interviews with slum speculators and examination of land records indicates that this practice is a common one in Washington.

It also is one that is frowned on by the Federal Home Loan Bank Board, because it subverts the limits placed on the amount a savings and loan can lend to one borrower.

These limitations are placed, Board officials say, because savings and loans by their nature should diversify loans and because "putting too many eggs in one basket" puts the savings and loan in danger of the basket breaks.

Diamond's loans—many of which went through Meyer Levine, a former Diamond employe, and Anne Furasch, Kirsch's sister—came most frequently from Franklin Federal between 1963 and 1966.

Jerry D. Whitlock, executive vice president of Franklin, said the loans were made before he took over the association and he could not explain the concentration of loans.

"We haven't made any loans to Diamond for at least two years," Whitlock said. "We aren't lending to anybody, speculators or otherwise. We haven't made a loan in the last 14 months. We ran out of loan money.

Whitlock added that loans to speculators did not play a part in the financial squeeze now on Franklin Federal.

For landlords Sylvan Mazo and Melvyn Friedman, a primary source of loan money was Guardian.

It was not unusual for Mazo to buy a property such as 140 Uhland ter, ne. for $8500 and get a $8500 loan from Guardian. "I put an awful lot of work into the properties," Mazo told a reporter. "I made improvements." He declined to comment further.

And Friedman, who could not be reached for comment, bought 2223 1st st. nw. for $8750 and get a $10,000 loan from Guardian.

In each case, the association charged both men two percentage points of the loan to provide some protection, according to a spokesman for Guardian. This is one of the practices that the Home Loan Bank Board has ordered Guardian to stop.

Landlords Morton Frank, Nathan Habib and John Swagart borrowed heavily from Republic. Many of their loans hovered near or floated past 80 per cent of the purchase price.

On Feb. 10, 1967, Habib had 60 loans from Republic for a half million dollars. Frank's 30 loans totaled slightly more, and Swagart had 53 for $730,920.

These figures come from the bank examiners' report that preceded the merging of Republic out of business. The examiners were interested in these landlords because they were among the 40 borrowers who held $21,-850,556 of Republic's money on that day.

The major recipient of Republic's largesse, was, of course, George Basiliko. And what happened in Basiliko's case is a good example of why bank examiners get upset about concentration of loans.

It also is a good example of the close relationship between mortgage payments and rents.

On Nov. 8, 1967, Republic agreed to let Basiliko suspend repayment of the principal he had borrowed (in 117 loans) for two years. In a modification agreement, Basiliko agreed to a slight interest rise on some loans in return for having only to pay interest.

This meant that Basiliko's monthly payments would be shaved sharply. Republic officials felt that it was the best way they could get their money back.

A spokesman for Guardian Federal told reporters that Basiliko had also fallen behind on payments on the mortgages he owned there. The spokesman said it was expected, however, that Basiliko would sell most, if not all, of his Guardian-mortgaged properties to the Urban Rehabilitation Corporation.

Thornton Owen, president of Perpetual Building Association said that there were no problems with Basiliko's mortgages there. He declined to discuss PBA's loans to Basiliko further.

Basiliko told a reporter that the agreement with Republic was made because his rental incomes were dropping and operating expenses were rising squeezing his income.

"WAITING AND PRAYING"

He was revising the mortgage payment schedule, he said, to match it to rents "while I was waiting and praying that I could work out something.

"You wouldn't believe the tenant vandalism and destruction that I've had to pay for. And the riots have ruined business. It's the condition of the times."

This is, of course, a standard slum landlord complaint: tenants tear up buildings, so it is no use to make repairs, or, if repairs are made, they are immediately destroyed. The speculator-landlord is just the fall guy.

To be sure, there is truth in this in many cases. There is evidence, however, that tenants will not damage a building that is well maintained.

Consider the case of the apartment building development at 23rd Street and Savannah Terrace se.

The buildings were constructed in 1948 and 1949 by a company headed by Leo and Norman Bernstein. In January, 1966, they were sold for $616,000 to the Terrace Limited Partnership, a syndicate of doctors and other professional men formed by speculator Burton Dorfman.

Dorfman, who was given full authority to mortgage and manage the apartment buildings by the syndicate agreement, obtained $772,500 in mortgage loans from Republic Federal of the District and Uptown Federal Savings and Loan of Baltimore.

The deal became a financial disaster. The syndicate fell far behind on the payments due on the big mortgages. Both savings and loans foreclosed and the buildings were put up for auction.

Nobody would buy the 11 buildings with the Republic Federal mortgages, which totaled $570,500. They were picked up by the Federal Savings and Loan Insurance Corporation, a Government agency that had agreed to take up to $17 million worth of Republic mortgages.

When the Insurance Corporation became "proud owner" of 75 apartments in 11 buildings at Savannah Terrace, they were badly deteriorated and vandalized. Only 10 apartments were occupied.

OPERATION SHAPE-UP

At this point, the Waggaman-Brawner management firm was brought in, in the person of resident manager Louis Kinard, to shape up the complex while a buyer was sought. Kinard arrived in the twilight of the Dorfman regime, in March, 1967.

"The place was broken down badly," Kinard recalled. "In 16 apartments, there were no windows, no doors, no toilets and no flooring.

"All kinds of trash—beds, mattresses, old appliances, garbage—was everywhere. The TV people came out and took films of the filth when we began to clean it out.

"The ten families still living here were using stoves for heat.

"No money was going into the place. We didn't even get paid at first."

Now, Kinard said, the Federal agency is pumping money into the 23d and Savannah complex faster than he ever believed possible.

"We couldn't get money for rakes before," he said. "Now, we get whole buildings completely repaired and redecorated."

Like others that reporters saw, Kinard's own apartment is in excellent condition, with fresh paint over solid walls and ceilings. The floors shine.

"When I came," Kinard said, "there was a radiator in the middle of the living floor and there were no ceilings in the bathroom or kitchen."

As the buildings were rehabilitated, Kinard began renting them out—at lower rents than were charged before ($75 for one-bedroom apartments and $110 for two-bedroom units now, compared with $95 and $120 before, according to Kinard).

Fifty tenants live in the complex now. And there is a long waiting list for the apartments now being renovated.

Most important to Kinard, however, is that "there has been absolutely no damage done, no tenant vandalism" since he took over.

"The people just appreciate the place," he said. "They are coming here from high-rise buildings where they paid high rents but got no maintenance. And nobody wants to spoil it here."

[From the Washington Post, Jan. 9, 1969]

MORTGAGING THE GHETTO—V—A GAME WITH REAL BUILDINGS

(By Leonard Downie, Jr. and Jim Hoagland)

Walk into the five-story old red brick apartment building at 2025 Fendall st. se, and go to the manager's office in the basement, where Eulanders Taylor is. He often wears Army fatigues, a brown leather jacket and a cowboy hat.

Ask who owns the apartment building and Taylor says that it is all his, at least right now.

He has not paid a penny for it. He has no deed. He is making no payments on the $262,000 mortgage owed on the building.

Taylor just happened to be the first person to come along and clean out the abandoned building, make some repairs and put it back on its feet again.

"I live nearby," says Taylor, who was discharged a year ago after 21 years' Army service and now makes a living doing remodeling work.

"I walked by it every day. It was a mess, with all the windows broken out and trash everywhere. The fire department wanted to board it up. If I hadn't come in here, it would have been condemned."

Taylor has been allowed to keep control of the building so far because nobody else wants to own it. And the building has been available, no money down, to anyone who merely agrees to make the payments on its mortgage.

The only catch is that the rental income will not cover the mortgage payments and other ordinary expenses, such as maintenance.

One experienced real estate investor who was offered the building has estimated that if it were fully rented to ideal tenants and expertly managed, it would still lose at least $4000 a year because of the big mortgage.

But it appears that the building was once a profitable investment for slum real estate speculator Burton G. Dorfman.

Land records show that Dorfman bought the apartment house in April, 1965, for $250,000. That same day, he immediately got back most of that money in a $247,500 mortgage loan from Republic Federal Savings and Loan.

Then, in November, 1966, Dorfman formed a syndicate of doctors and professional men and sold the building for $274,966—nearly $25,000 more than what he originally paid.

The syndicate was unable to meet the payments on the big mortgage. Its members lost the money they invested when Republic Federal foreclosed.

Republic Federal also was unable to get back the money it loaned to Dorfman. At the foreclosure auction, nobody was willing to buy the building and pay the mortgage loan.

MORTGAGE NOW $262,000

The Federal agency that has guaranteed to assume Republic Federal's losses in its forced merger with a healthy savings and loan, is looking for someone willing to make payments on the big mortgage—which has now grown to $262,000, including accumulated interest due.

When Eulanders Taylor came along, he found just six families living in the neglected, vandalized, 33-unit building.

"All the iceboxes, stoves, telephones, doorknobs and a lot of the doors were gone." Taylor says. "I had to replace 356 windows. I hauled nine truckloads of trash out of the building."

Most of the elements in the story of 2025 Fendall st. se. have appeared in scores of other transactions that reporters of The Washington Post have found involving buildings in Negro neighborhoods:

A speculator who makes a big markup in buying mortgaging and selling an aging apartment building.

A savings and loan willing to give the speculator a mortgage loan big enough to cover his original investment and make the building available to a buyer for a relatively low cash down payment.

An often unsuspecting buyer lured by the small initial cash investment necessary into taking on a building so heavily mortgaged that he cannot make the mortgage payments and pay for maintenance out of the rents he collects.

An already deteriorating building that often winds up in much worse shape as repairs go unmade, or is put on the auction block and sometimes abandoned when the big mortgage goes unpaid.

FEDERAL REGULATIONS CITED

A mortgage loan made by a Federally chartered savings and loan is generally in violation of Federal regulations when it exceeds 80 percent or more of the true value of the apartment building. In many of the cases reviewed by The Washington Post, the loans often equalled or exceeded the purchase prices.

Often, the value of a building is distorted when the speculator succeeds in using the mortgage as bait to sell the building at an inflated price. But when the mortgage goes unpaid and nobody wants to pick up the auctioned building, it becomes apparent that the building actually is worth less than the amount of money loaned on it by the savings and loan.

In some cases, the person sold the building by the speculator is not an unsuspecting buyer at all, but another speculator who is not even concerned about making the payments on the big mortgage.

He just collects rents and pays little or nothing out for repairs or mortgage payments, until either the mortgage is foreclosed (which costs him nothing since he had no cash on the line) or he succeeds in peddling the building to still another speculator.

PASSED LIKE PAPER

The Washington Post's investigation found no speculators in this category being sued, even though the speculators in most cases remained liable for repaying the loan.

In the speculators' trade, collecting rents

and not making payments or repairs is known as "milking" the property. Some heavily mortgaged buildings are passed from speculator to speculator several times, for little or no cash payment, like negotiable paper.

In some cases, the speculators do not even take title to the building in their own names. They set up secretaries or other people as "straw" owners or buy only a contract to purchase the building rather than a deed.

Thus housing inspectors often have difficulty tracking down owners of deteriorating buildings. You can't serve notice of a law violation on an owner when you can't determine who the owner is.

All of the elements of this "now you see it, now you don't" shell game, played with real buildings in Washington's black ghettos, is found in land records dealing with a three-story apartment building at 1320 Harvard Street nw.

The half-century-old building was bought in 1962 by David Resnick, a local bail bondsman and real estate investor, for $61,500. He obtained a $40,000 mortgage loan from Perpetual Building Association on the building.

Two years later, Resnick sold the building to Jeffrey Martin Investments Inc. for $68,000. Slum real estate speculators Hymen Alpert and Leonard Diamond, own Jeffrey Martin (Jeffrey is the first name of Diamond's son and Martin is the first name of Alpert's son, according to a court deposition of Diamond's).

MORTGAGE LOAN $75,000

Alpert and Diamond procured a $75,000 mortgage loan on the apartment building from Lincoln Federal Savings and Loan of Hyattsville. This loan money they received amounted to $7000 more than they paid and $35,000 more than Perpetual Building Association (paid off by the new mortgage) loaned on the same building two years earlier.

A few months later, Diamond and Alpert sold 1320 Harvard to Clarence and Margaret Baker. The price was $115,000, but the Bakers put up only $10,000 cash. To cover the rest, they agreed to make the payments on the $75,000 Lincoln Federal loan and then signed a second mortgage to Jeffrey Martin Investments for the $30,000 balance.

A year and a half later, the Bakers had fallen far behind on the mortgage payments and the apartment building was foreclosed and auctioned for just $77,000 to a Ben Hersh.

Baker, who had invested in real estate before, had died in the interim. Mrs. Baker and her attorney for Baker's estate, Charles B. E. Freeman, told a reporter that the building's rental income did not cover maintenance expenses and mortgage payments.

The apartment building next went to speculator William Whitted, who bought it from Hersh in the name of a "straw," Barbara E. Smith, for a recorded price of $86,000. But Whitted made no substantial cash down payment. He agreed to make payments on the Lincoln Federal mortgage ($72,000 was now owed) and signed a $14,000 second mortgage to Hersh for the balance.

Last March, Whitted was sentenced to ten days in jail by a Court of General Sessions judge when tenants at 1320 Harvard went through two months of the winter without heat, hot water or electricity. He has appealed the conviction.

In court, Whitted said that he had sold a contract to buy the building to a Floyd Patterson. It was Patterson, Whitted said, who had failed to pay utility bills, and mortgage payments totaling $5900. The deed was still in Barbara Smith's name, however. Reporters have been unable to contact Whitted or Patterson for comment.

NOBODY ELSE BID

Finally, last summer, Lincoln Federal foreclosed on its mortgage on 1320 Harvard, which was months behind in payments. Nobody else bid for the apartment building with $69,000 of the Lincoln mortgage still owed on it, and Lincoln took over the building itself.

Leonard Snyder, Lincoln Federal's chairman, said the savings and loan is currently stuck with the building and its still unpaid mortgage because 1320 Harvard is "in the section of Washington that is being raped."

"We made a mistake, true," Snyder told a reporter. "But how could we be expected to know what would happen there, with the riots and everything."

Snyder said that he did not know how much Diamond and Alpert had paid for 1320 Harvard ($68,000) when Lincoln Federal made the $75,000 mortgage loan to them.

"We were presented a contract," Snyder said, "for a transaction at a sales price of $115,000" (what Recordation Tax Records show the Bakers paid for the building five months after the loan was made.)

Diamond told a reporter that he and Alpert spent several thousand dollars repairing the building and expanding it from 15 to 20 units. He said the Lincoln Federal loan financed this work.

Diamond also blamed conditions in the inner city for the fact that 1320 Harvard wound up in Lincoln Federal's hands with the mortgage unpaid.

In another transaction, land records show, Diamond and Alpert bought a house at 4406 Lee st. ne. in 1965 in the name of Jeffrey Martin Investments for $4800. They then put the property in the name of another company they own, L and H Mortgage Funding Inc. (the initials of their first names), and got $7250 in mortgage loan money on the building from Guardian Federal Savings and Loan.

They collected rent from tenants of the house for a time and then sold it to a woman who states she was acting as a straw party for William Whitted. The building remained in Whitted's control for just six months befor Guardian Federal was forced to foreclose because the mortgage payments had fallen far behind.

Nobody else bid for the building at the auction and Guardian Federal was forced to buy it itself for $4000. This meant that the savings and loan faced a possible loss of at least $3000 on the money it loaned Diamond and Alpert.

But Guardian had required Alpert and Diamond to sign personally for the original loan and was ready to sue them for any loss that might occur, a Guardian spokesman said later. The two speculators bought the building back from Guardian for $7600 and got a new mortgage loan from Guardian for $6000.

Although a loss was averted for the savings and loan in this case, it was still warned by the Federal Home Loan Bank Board to stop making this kind of loan, the Guardian spokesman said.

If Diamond and Alpert had gone bankrupt, for instance, it would have done the savings and loan little good to threaten to sue them. The savings and loan would then have to rely only on the mortgaged house as security for the loan and would have lost much of the money loaned.

This is why, Bank Board officials have explained to reporters, that Federal regulations generally require that savings and loans lend only up to 80 per cent of the value of a building in these cases. Then, even if the property deteriorates, the savings and loan can expect to get its money back if it has to auction the property in the event of a foreclosure.

Land records reveal two dozen more cases in which Diamond and Alpert received mortgage loans from Guardian Federal and Republic Federal Savings and Loan for amounts equal to or greater than what they had just paid for properties.

In each case, Diamond says he and Alpert spent money of their own to repair and redecorate the buildings before selling them to other speculators or small investors at substantially higher prices than Diamond and Alpert originally paid.

HAD SEVEN CORPORATIONS

Land records show that similar transactions being carried out by two speculators, Ervin Unger and Herman Rosenfield, who were officers of at least seven corporations housed in a small basement office at 1000 Vermont ave. nw.

These corporations bought slum houses and buildings, and switched them from one corporation to another, at progressively higher prices. They then got mortgage loan money in amounts larger than what they had just paid for the properties. And they then passed the buildings, and the big mortgages owed on them along to somebody else.

Among the corporations involved are Colleen Inc., Kansas Investment Corp., Jaffar Investment Corp., National Homes Mortgage Corp., Parliament Investors Inc., General Properties Investment Corp. and the Fairlawn Mortgage and Investment Corp.

All were located in the basement office of 1000 Vermont at one time or another. District records show that all had among their principal officers Ervin Unger, or his wife, or Herman Rosenfield, or his wife, or various combinations of the four of them.

In one transaction, land records show, National Home Mortgage (Herman Rosenfield, president and treasurer; Irene Rosenfield, his wife, secretary) bought a house at 903 C st. nw. for $7975.

A month later, the property was transferred to Parliament Investors (Herman Rosenfield president; Ervin Unger, secretary) for a publicly recorded price of $13,950.

On the same day, Parliament got $8500 in mortgage loan money from Republic Federal Savings and Loan. This is $500 more than the amount National Home paid for the property, but appears to be far less than the "value" of the property reflected by the sale to Parliament.

On another occasion, land records show, Fairlawn paid $6800 for a house at 700 19th st. ne., transferred it immediately to Jaffar for a publicly stated price of $11,750. Jaffar immediately gathered in $7200 in mortgage loan money from Republic Federal.

And on still another occasion, Colleen bought a house at 1314 R st. nw. for $11,700, transferred it right away to Jaffar for a public stated price of $16,500. Jaffar immediately took in $12,000 in mortgage loan money from Republic Federal.

The general counsel for the Federal Home Loan Bank Board has ruled that generally it is a violation of Federal law to artificially inflate the price of a piece of property and then put the inflated price down on a loan application in order to get too large a mortgage loan from a savings and loan association.

"WE ALL LOST," SAYS SPECULATOR'S BACKER

Dr. Arthur J. Wilets, of Chevy Chase, met Burton J. Dorfman, a Washington real estate speculator, at a party a few years back.

Wilets and some of his friends told reporters that Dorfman persuaded them to invest in some apartment buildings in inner city Negro neighborhoods. Dorfman formed partnerships of the doctors and businessmen to buy and manage buildings.

"We went into a smaller one first," Wilets told a reporter, "and it paid off nicely. When more came up, we decided to go into them, too.

"And we lost money on them."

"I lost money, all right," said Dr. Herbert H. Diamond of Silver Spring.

"Sure, we all lost," said Joseph Orgel, a wholesale jeweler who lives in Silver Spring.

Dorfman has refused to talk to reporters about the partnerships he formed to buy the apartment buildings at 2025 Fendell st. se., 23d and Savannah Streets, se., 1941 Naylor rd. se. and 1401 Fairmont st. nw.

Dorfman and the businessmen were part-

ners in these syndicates. The businessmen put up a total of $256,000 to buy these buildings. Dorfman contributed no money to three of the partnerships and $3000 to a fourth, according to records filed with the Recorder of Deeds.

Dorfman was, however, the only general partner in these ventures, and was personally liable for claims against the partnerships. He also had the sole authority to make management decisions.

In each case, Dorfman obtained so large a mortgage loan on each property from a saving and loan that the rental incomes apparently did not cover the mortgage payments and maintenance costs.

One savings and loan, Republic Federal, foreclosed on the mortgages in three of the deals. When the buildings were put up for auction, nobody (since the mortgages were so high), bid for them and Republic Federal wound up owning the buildings.

All of the members of Dorfman's partnerships interviewed by reporters said they did not know about any of the details of the mortgaging or management of the buildings.

"It is difficult for any of us to tell what happened." Dr. Wilets said: "Evidently, the mortgages were very high . . . a very tight squeeze. The break-even point for the buildings was then very high. And apparently the cost of running them went up, too high."

[From the Washington Post, Jan. 10, 1969]

MORTGAGING THE GHETTO—VI—BUILDER-SPECULATORS ALSO USED SYSTEM

(By Leonard Downing, Jr., and Jim Hoagland)

Paul G. Washington Jr. sat in the den of his new two-story home in North Portal Estates and remembered that he had "always tended to trust people."

He was trusting when he signed the contract to pay $55,000 for the white brick house at 1943 Tulip st. nw. as soon as construction was complete.

Washington and his wife, Jeanette, had spent two years looking for a comfortable new home in a quiet neighborhood like North Portal Estates (located just east of Rock Creek Park and south of the District line) where Negroes would be welcome in a pleasant integrated area.

The Washingtons were still trusting when they gave in to the builder's urgings and went to settlement a month later, even though the house was still not finished. They signed and began payments to Republic Federal Savings and Loan, which was financing construction.

Both the builder, Pearl G. Kelly, and the president of Republic Federal, Pete C. Kalavritinos, personally promised the house "would be finished soon," according to a court complaint the Washingtons later filed against Kelly, Kalavritinos and Republic.

But no more work was done, the Washingtons said in the suit.

In the end, they wound up paying $58,000, plus another $2,000 in settlement costs, for an unfinished house. And, so far, they have spent $1,500 more on materials, with the Washingtons supplying the labor, trying to complete the house themselves, their court complaint says.

An identical designed house next door to the Washingtons at 1939 Tulip st. nw. is still unfinished and unoccupied. It, too, was started more than three years ago by Mrs. Kelly, a local real estate speculator, with a construction loan from Republic Federal.

But by the time Mrs. Kelly had collected from Republic $81,700 of the construction money earmarked for the two houses, the value of the work done was only $65,000, according to a confidential Federal Home Loan Bank Board examiner's report.

Savings and loans are supposed to pay out construction money only as the building is completed, in accordance with a schedule set forth in the loan agreement.

The savings and loan may not be able to get back all the money it lent if the building is never finished and must be foreclosed on.

ABANDONED TO VANDALS

This is what happened with the house at 1939 Tulip, next door to the Washingtons. Abandoned amid weeds in a sea of mud and wide open to the elements and vandals, it is missing a garage door, windows, trim and fixtures.

When Republic foreclosed on the construction loan and put the house up for auction, nobody bid for the house and the big construction debt owed on it. Republic wound up with the house. A buyer is still being sought.

But Republic got out from the overdrawn construction loan on 1943 Tulip when the Washingtons signed the papers to buy it and pay a new $45,000 mortgage on it owed to Republic. The savings and loan also received $535, listed as loan and appraisal fees, in cash out of the settlement costs paid by the Washingtons.

All of this may have accounted for the concern Republic president Pete Kalavritinos showed for the Washingtons' worries about their unfinished house, and their reluctance at times to go through with the deal.

"Imagine, the president of a big savings and loan himself," Mrs. Washington remembers, "first calling up on the telephone and then coming out personally to tell us that everything would be completed to our satisfaction.

"For a while I was on cloud nine," said Mrs. Washington, who is a reading specialist for the District of Columbia schools.

DEFECTS ABOUND

But the Washingtons were left facing a continually flooded basement, clogged plumbing (clogged by nails and a metal chain, among other debris), unfinished floors, defective appliances, missing fixtures and insulation insufficient to meet electric company standards for all-electric home rate discounts.

For three months before they could make the house habitable, the Washingtons had to rent an apartment, while also making mortgage and utility payments on the new house, according to their court complaint.

Reporters have been unable to reach Mrs. Kelly or Kalavritinos for comment on the Tulip Street houses. Both have been found in default by the U.S. District Court for failure to answer the Washington's suit.

Pearl Kelly, a middle-aged woman who lives in an apartment in the plush 12-story Hampshire Towers on New Hampshire Avenue in Langley Park, dealt primarily in the buying, mortgaging and selling of old inner-city buildings before getting construction loans from Republic.

PRODUCTS OF BOOM

Several other slum speculators also succeeded in getting construction loans from Republic during the construction boom, which ended in Washington two years ago. Overdrawn loans, unfinished buildings and foreclosures have been the products of several of these loans.

One is an abandoned, weather-beaten shell of what was planned as a three-story apartment building in the 800 block of Jefferson Street nw. It is all that is left of a $90,000 construction loan made by Republic to Angelina and Dino Formant.

A secret Bank Board examiner's report shows that the Formants drew nearly $72,000 of the construction money out of Republic, but that the value of the work done was only $60,000. Mrs. Formant is the sister of former Republic president Kalavritinos.

Another half-finished apartment building, this one planned to hold 50 rental units, stands on the corner of Georgia Avenue and Aspen Streets nw., across the street from Walter Reed Hospital. Behind the four-story hulk of concrete lie stacks of bricks and other building materials dropped on the site months ago.

A $475,000 MORTGAGE

No work has been done on the building for more than a year, although it was originally scheduled to be completed in December, 1966. Real estate speculator Peter Laganas signed for a $475,000 Republic Federal construction mortgage for the project in late 1965.

Home Federal Savings and Loan, which absorbed Republic when Federal officials wanted it merged out of existence, is now searching for someone to finish both the Formant and Leganas buildings. The Federal Government, for the time being, has title to both buildings.

Another property that Home Federal has been trying to find a buyer for is a rundown, three-story, 26-unit apartment building at 2435 Ainger pl. se. Although it was put up just four years ago, the building's condition is shocking.

HALF-OCCUPIED BUILDING

Moisture has eaten away chunks of its cinderblock walls. The wind rushes through holes where warped window frames separated from the cinderblock. Separations between the walls and ceiling have been patched with blotches of cement. Plywood covers what had been windows to basement apartments. Door locks and mail boxes are vandalized or missing. The building is less than half-occupied.

Two speculators long active in the inner city, Hymen Alpert and Leonard Diamond, put the building up with a $208,000 mortgage loan from Republic Federal in 1964. An expert real estate appraiser has estimated the building's value at no more than $145,000 today.

Shortly after completing the building, Alpert and Diamond tried to sell it to landlord William T. Cofer for $258,000. Cofer put down a $3000 deposit before backing out of the deal.

In a civil suit that followed, Cofer charged that Diamond and Alpert "made misrepresentations" about the building's rental income.

"FOR SPECULATIVE SALE"

Diamond admitted in a court deposition that units had been leased to tenants at lower rentals than stated to Cofer "to achieve 100 per cent occupancy" prior to the prospective sale. He stated that the building was put up for "speculative purposes of immediate sale."

Shortly after the suit was settled (with Alpert and Diamond paying Cofer $6000, according to the court record), the building was successfully sold to Philip and Letita Randall for a stated price of $291,500, most of it in mortgages they signed to repay.

Randall is a former Post Office employe who now works at Freedmen's Hospital. Mrs. Randall is a counselor in the District school system. They had been making small investments in inner city real estate for many years.

The Randalls quickly found this investment to be unprofitable and fell far behind on their mortgage payments. Within a year, they were foreclosed on and a speculator bought the building at auction for $207,000.

He, too, failed to keep up the mortgage payments and Republic Federal was forced to take over the building itself when nobody else would buy it at another foreclosure auction. This property, too, is now legally the property of the Federal Government.

LOSSES INEVITABLE

Builder and real estate investor Edgar Weisman, adviser to the Catholic Archdiocese's nonprofit Urban Redevelopment Corp., was offered the building by Republic shortly before the merger. He described it as "very poorly designed and constructed" and estimated that any landlord would lose at least $3500 every year trying to pay off its large mortgage, even with every unit rented.

Besides the two houses on Tulip Street, Pearl Kelly has also left behind other remnants of the fling that she, financed by Republic Federal, took in building construction.

At 3609 Georgia ave. nw., Mrs. Kelly began to convert a two-story brick row house into a three-story office building with a modern glass and brick facade. Republic extended a $60,000 construction loan for this project.

The job has been half-completed. The dirt floors behind the tinted glass front window are filled with holes and debris. Walls and stairways are unfinished and splattered with cement. A hole in one window pane allows vandals easy access.

Two more houses Mrs. Kelly started, at 1707 and 1709 Tamarack st. nw., near Tulip Street, have been finished, though not by her.

NEW MORTGAGES

After using up the construction financing provided by Republic Federal for the two houses, Mrs. Kelly had them further mortgaged for money she borrowed from investor Leo P. McCann.

When this mortgage went unpaid and McCann went to foreclose, he found that construction was incomplete and that buyers had already put up their old homes as down payments on the Kelly houses.

Instead of having the houses auctioned off, McCann got contractors to finish the houses and, in effect, foreclosed on the houses and sold them to their new owners.

Each home buyer wound up owing more than $50,000 in mortgages and each lost the proceeds from the sale of each of their old homes. But they finally had clear title to their new homes.

PRAISE FOR MRS. KELLY

This, apparently, is all right with Dallas C. Clark, who now lives at 1707 Tamarack. After he signed to sell his old home and buy the new one, both through Mrs. Kelly, construction stopped on the new one. He wound up paying rent at the old house and never saw the $11,000 proceeds from its sale.

But now that he is finally settled in the new house, he told a reporter that he vowed he would "not say anything against Pearl Kelly."

He said that because he is Negro and a cab driver, he had been unable to buy a high-priced house in a "quiet neighborhood" although he believed he could afford it (and can afford now to make the large mortgage payments on 1709 Tamarack).

"If it had not been for Pearl Kelly," he said, "I never would have gotten into a good neighborhood like this. No one would have approved me for a mortgage on a house like this without Pearl Kelly to help out the way she did at Republic Federal."

[From the Washington Post, Jan. 11, 1969]

MORTGAGING THE GHETTO—VII—SPECULATORS GAINED CONTROL OF SOME S. & L.'s

(By Leonard Downie, Jr. and Jim Hoagland)

What steel means to Pittsburgh, cars to Detroit, tobacco to Durham, cattle to Kansas City, oil to Houston—that's what real estate means to Washington.

"It's our industry. This is a real estate town," says a close associate of Leo M. Bernstein, the hero of one of Washington real estate's many Horatio Alger legends.

Real estate speculation, even in the old houses and apartments of the inner city, has often provided a fast inside track to financial success for the son of a penniless immigrant or a bright young man with just a few dollars to invest.

As this series of articles on inner-city speculation has shown, some local savings and loan associations have been the principal arteries for the flow of mortgage money that is the lifeblood of the speculators' system.

So it was natural that some successful speculators eventually took control of some of these savings and loans themselves. And that other speculators would be among their best customers.

In some cases, this meant that a small savings and loan taken over by a speculator grew rapidly into a much larger institution, thanks principally to the booming business it did with other speculators.

But for one savings and loan—Republic Federal—a startingly rapid rise in assets led only to a great financial crash last year. Reported assets of the savings and loan dropped $17 million in one year.

Although the Republic story has been kept secret from the public until now, its explosion behind the scenes of Washington's inner-city real estate industry sent out shock waves that are still rocking the industry's foundations.

MERGER EFFECTED

Republic was merged out of existence last year by the Federal Home Loan Bank Board. If its doors had remained open just a month or two longer, Board examiners feared, Republic would not have had enough money to cover withdrawals.

A confidential report by a Board examiner concluded that Republic's president, Pete C. Kalavritinos, placed "undue emphasis" on quick growth of the savings and loan through loans to speculators.

The savings and loan's huge portfolio of mortgage loans to speculators promised big returns in interest if the loans were repaid.

But scores of them were not being repaid on time. And Republic was unable to get its money back by foreclosing and auctioning off the mortgaged properties, because these slum houses and buildings could not be sold for the amount of money lent on them.

Specifically, the Bank Board examiner criticized Republic in his secret report for:

Making too many loans to speculators.

Violating a Federal regulation by landing too much money to a single speculator.

Making excessively large mortgage loans to speculators. (The Washington Post's investigation has turned up hundreds of cases in which Republic lent as much or more money than speculators paid for properties.)

Violating Federal regulations in the way the value of properties was appraised for mortgage loans.

Making too many loans to "favored borrowers and relatives" of Kalavritinos.

Violating Federal regulations covering application for, approval of and paying out of mortgage loans.

Paying out construction loan money not justified by progress of construction.

Paying expenses to Kalavritinos and two other directors (including $270 a month each for the rental and parking of Cadillacs) that ran four times higher than the average locally.

WARNINGS CITED

The examiner said in his 1967 report that Republic had failed to correct these practices, even though the savings and loan had been cautioned "repeatedly" about many of them since 1962, two years after Kalavritinos became Republic's president.

The rise and fall of Republic under Kalavritinos is of more than passing interest to the operators of a handful of other local savings and loans. They have also been warned by Federal officials to stop some of the same practices engaged in by Republic.

What was to become Republic Federal Savings and Loan Association was once the tiny Kenilworth Building and Loan Association. Kenilworth had $30,000 in assets when insurance broker Woodrow W. Miller became its president in 1952.

Miller got a Federal charter and a new name for the association and moved it from Northeast Washington to 1012 Vermont ave. nw., near K Street. This is the hub of the city's real-estate speculation industry.

Many speculators worked out of offices near Republic including Pete, John, Louis and James Kalavritinos, whose Kalavritinos Investments was next door to the savings and loan.

Woodrow Miller brought Pete and John Kalavritinos onto Republic's board in 1957 and, by 1960, its assets had risen to $10 million. Much of its rapid growth was the result of heavy lending to speculators.

"Republic had loaned Pete money before we took him on the board," Miller told reporters. "And then Pete brought a lot of his friends and speculators he did business with into our office for loans."

By the end of 1960, Pete Kalavritinos had become president and his brother John had become vice president of Republic. Woodrow Miller had left the savings and loan business to take over the struggling WMA Transit Co. in Prince George's County.

At the time, ascension to the presidency of a fast-growing savings and loan was merely the latest in a series of business successes for Pete Kalavritinos, the son of Greek immigrants who settled in Washington's downtown slums.

Pete and his four brothers and two sisters helped their parents sell fruits and vegetables in stores and on street corners. Pete had a stand on 7th Street nw., near Massachusetts Avenue.

Later, the Kalavritinos children turned to real estate speculation—buying, renting and selling old houses in the neighborhoods they grew up in. They prospered.

By the time Pete and John moved to Republic as full-time officers, they left brothers Louis and James next door to run Kalavritinos Investments. Another brother, George, went into business by himself. And their two married sisters, Angelina Formant and Helen Tsintolas, also wound up in slum real estate speculation.

The success story of the Kalavritinos family in slum speculation was not unprecedented here. Nor was the entry of Pete and John into the savings and loan field.

Kalavritinos's cousin, William Calomiris, another Greek immigrant's son, accumulated vast holdings in real estate, mostly in the inner city, with his brothers, James, Peter and Donald. And, in 1957, he became a director of Jefferson Federal Savings and Loan, where his close business associate, Fred A. Smith, was president.

Smith had risen from a rent collector's job to wealthy status in real estate speculation himself. He converted a small building and loan association into Jefferson Federal and presided over its steady growth for many years before his death. His son, Fred W. Smith, is now Jefferson Federal's president. And Colomiris is still an influential director, as he is of the Metropolitan Washington Board of Trade (he is its past president).

Over the years and up until recently, Jefferson Federal has made many loans to or through speculators, land records show.

Meanwhile, Leo Bernstein, who had become Washington's most successful inner-city real estate speculator, was presiding over one of the city's fastest growing savings and loans.

His relationships from his years of speculation obviously did the association no harm. A Bernstein press release once described "over 350 active Washington real estate agents (who) consider themselves graduates of . . . the 'Leo Bernstein Unofficial School of Brokerage'." Dozens of today's speculators once worked for Bernstein.

Bernstein became a director of what was then the Guardian Building and Loan of Silver Spring in 1950. He eventually took over as president and got a Federal charter, pushing Guardian's loan-making territory out to a 50-mile limit, which gave Guardian the right to make loans in the District of Columbia as well as Maryland. Guardian's branch on Dupont Circle soon became the heart of its loan-making operations.

From 1962 to the end of 1967, Guardian's assets grew from $22 million to $41 million. During this time, the majority of its mortgage loans were made to or through inner-city real estate speculators.

But growth at Republic under Pete Kalavritinos appeared to be even more impressive. Its stated assets shot from $10 million in 1960 (when Kalavritinos became president) to $20 million in 1962, to a high of $57 million in the middle of 1967.

(When the imminent collapse came at Republic, its stated $57 million in assets fell to $40 million in less than a year before it was quietly merged with Home Federal Savings and Loan Association last June.)

The great bulk of Republic's outstanding mortgage loans had been made to real estate speculators, according to the Federal Home Loan Bank Board examination of Republic just before its slide.

Three of every four dollars handed out by Republic in mortgage loans went directly to speculators, the confidential examiner's report shows. And the examiner added that nearly all of the applications for loans made to other borrowers—home owners and builders, primarily—were made through speculators.

Just 40 "real estate or investment speculators" owed Republic a total of $21.8 million—45 per cent of its outstanding mortgage loan money—in 1967, the examiner's report shows.

The examiner listed the following 17 speculators (who owed a total of $13.3 million) as the largest of these 40 borrowers:

William, James and Peter Calomiris—who owed a total of $2.4 million on 22 mortgage loans made to them by Republic.

Peter Laganas—a speculator who built apartment buildings in Negro neighborhoods and who owed Republic $1.4 million. He failed to keep up payments on most of his mortgages.

George Basiliko—Washington's single largest slum landlord, who owed Republic $1.5 million on 117 mortgage loans. He made an agreement with Republic to postpone repaying the principal on these loans.

Burton Dorfman—a speculator who formed syndicates of businessmen to buy and manage heavily mortgaged buildings, and who owed Republic $1 million on nine mortgages. Most of these mortgages have been foreclosed because of nonpayment.

George Kalavritinos—Pete's brother, who owed $900,000 on four construction loans, which were later foreclosed.

Angelina and Dino Formant—Pete's sister and brother-in-law, who owed $960,000 on 33 loans, the majority of which were foreclosed.

William Cohen—a builder and investment speculator who owed $300,000.

John Swagart—George Basiliko's brother-in-law, and a slum landlord, who owed $730,000.

Frank Marzullo—a building maintenance contractor and speculator who owed $690,000.

Leo Bernstein—Guardian's president until last year, and now president of D.C. National Bank, who owed $600,000 on 11 mortgages, mostly on Georgetown property.

Morton Frank—a slum speculator and landlord who owed $560,000 on 30 mortgages.

Nathan Habib—a slum landlord who owed $550,000 on 60 mortgages.

Stuart Bernstein—Leo Bernstein's son, who is now president of Guardian, who owed $530,000 on ten mortgages.

Hymen Alpert—a partner with Leonard Diamond in slum speculation firms, who owed $520,000 on 30 mortgages.

As an officer of Republic, Pete Kalavritinos was forbidden by law to obtain any mortgage loans for property he owned himself. So he went to other people's savings and loans and got money there.

These loans went to the Sturbridge Investment Corp., which operated out of 1820 Plymouth st. nw., the address of Pete Kalavritinos's three-story brick home. Sturbridge's president is Nicholas G. Juvelis, Pete's father-in-law. Its secretary-treasurer is Angelina Kalavritinos, Pete's wife. And its vice president is Allen Lewis Kay, who was an appraiser for Republic while Kalavritinos was president.

Sturbridge bought 24 inner-city Washington properties, nearly all old houses, between 1963, when the corporation was organized, and 1967.

Sturbridge received a total of $529,400 in mortgage loans on 19 of these properties from Guardian Federal Savings and Loan where Leo Bernstein was presiding. And land records show that 13 of these mortgage loans ranged in amount from just a little less to somewhat more than what Sturbridge paid for the properties.

The biggest difference between the amount Sturbridge paid and the amount it got in mortgage loans from Guardian occurred in transactions involving houses at 1603 Massachusetts ave. s.e., 313 10th st. ne. and 727 5th st. ne.

Sturbridge paid $34,000 to buy these three houses in 1966, land records show. Within a month of the sale, Sturbridge received a total of $39,500 in three mortgage loans made on the houses by Guardian.

In the confidential Federal Home Loan Bank Board report on Republic Federal, the examiner had criticized the practice of granting loans as large or larger than the prices paid.

A spokesman for Guardian said the savings and loan required that large amounts of cash be deposited in "escrow" accounts at Guardian every time "there was any worry about the size of a loan" made to Sturbridge. This money—$1,000 or more for each loan—would be returned to Sturbridge when the loans were paid down to a reasonable level, the spokesman said.

The Federal Home Loan Bank Board ordered Guardian to stop this practice, the spokesman said.

The spokesman also said that Guardian did not know what Sturbridge paid for the houses at 1603 Massachusetts ave. s.e., 313 10th st. ne. and 727 5th st. ne. He said a separate application was presented for each loan and separate appraisals were made. (Sturbridge had bought the three properties in a single package.)

The savings and loan appraised the house at 1603 Massachusetts ave. se. as being worth $10,500 before lending Sturbridge 9,500 on it, the spokesman said. This would mean that the amount lent was more than 90 per cent of the appraised value of the property.

Federal regulations prohibit lending more than 80 per cent of appraised value of a house, unless the owner lives in it. Neither Pete Kalavritinos nor any of the officers of his Sturbridge Investment Corp. lived at 1603 Massachusetts ave. se.

When asked about the loans that Guardian made to Sturbridge, Leo Bernstein, Guardian's president at the time, said:

"We always liked Pete Kalavritinos. He was a very charming fellow. He always paid his bills to us and he was pleasant to deal with."

Sturbridge also succeeded in getting a total of $141,000 in five mortgage loans from Uptown Federal Savings and Loan of Baltimore. Interestingly, Sturbridge paid only a total of $126,850 to buy the five properties mortgaged for the $141,000.

LOANS FROM UPTOWN

Pete Kalavritinos's sister, Angelina Formant, was a much more frequent customer at Uptown in recent years. Angelina and her husband, Dino, received $475,350 in 20 mortgage loans from Uptown on properties that the Formants or their representatives had bought for a total of $439,152 in various transactions.

Two houses that the Formants bought in the 1500 block of Meridian Place nw. for $31,000 each were mortgaged for loans of $35,000 each from Uptown. Two houses on U Street nw., bought by the Formants for $30,000, brought them a total of $33,300 cash in two mortgage loans from Uptown.

An apartment building at 1840-42 California st. nw., bought by the Formants for $155,000, was used as security for a $165,000 mortgage loan from Uptown.

Uptown's president, Alvin Snyder, told a reporter that it was misleading to compare the sales prices and amounts of loans in these and other loan transactions between the Formants and Uptown. He said the speculator can often buy at a bargain price.

The Formants fell behind on the payments of many of the mortgage loans they received from Uptown, court records show. In May, 1967, the savings and loan and the Formants negotiated an agreement to bring the payments up to date.

But in the end, Snyder said, Uptown foreclosed on "all the large loans made to the Formants." This was at the same time that the Formants lost many other properties through foreclosures by Republic Federal Savings and Loan in the District.

"You've got a lot of what we call 'Washington paper millionaires,'" Snyder said. "They build all this up on paper, but don't really have the money to stand behind it."

Control of most savings and loans here rests in the hands of a very small group of each association's shareholders, despite the fact that everyone with a savings account in one theoretically has a vote in the management of a savings and loan.

But at many local savings and loans, a person opening a savings account also signs a "proxy card" giving his vote to one or two of the association's directors. Usually, the depositor does not realize the significance of doing this.

The few people who hold the most proxy votes signed to them then control the savings and loan. And they can perpetuate that control, and pass it along to their relatives or friends, by getting all new depositors' proxy cards signed to them.

Those few directors left with voting power gained through the signed proxies then elect the savings and loan's officers, decide its loan policies and authorize the payment of fees and expenses to themselves. Since the depositors who signed proxy cards do not take a voice in running the association, the principal check on the directors' activities is regulation by the Federal Home Loan Bank Board.

When Woodrow Miller brought Pete and John Kalavritinos onto the board of Republic (and brought with them the deposits and mortgage-loan business of their speculator friends), he gave them a powerful voice in the running of the association.

For a time, the executive committee of the association, which acts on all mortgage loans and holds most other important powers, was evenly divided between Pete and John Kalavritinos and Miller and his wife. It became the battleground of a struggle for control of the savings and loan, Miller says now.

It was about this time, early in 1960, that a real estate speculator filed a suit against Miller and his insurance agency.

The speculator's suit said he obtained a mortgage loan from Republic on a building he owned and got fire insurance coverage from Miller's agency. The building was owned by a straw party who was acting for the speculator, according to the complaint.

Later, when the building was transferred to the speculator's name and there was a fire in it, the insurance company refused to pay because the policy was made out to the straw, not the speculator. The suit complained that Republic and Miller knew that the straw was merely a straw and that the insurance should have been transferred to the speculator's name.

In an official court document, Miller denied that he knew that the straw was acting for the speculator.

Pete Kalavritinos, however, Miller's vice president, contradicted Miller in a deposition taken by the speculator's lawyer. "Miller knew

about and agreed to" the use of the straw, Kalavritinos testified.

Kalavritinos also swore in the deposition that, contrary to previous denials by Miller, Republic to Pete and John Kalavritinos, and

The suit, after these depositions, never made it to trial. It was settled privately. At the same time, Miller relinquished control of Republic to Pete and John Kalavritinos, and the proxies he controlled were transferred to them.

Miller told reporters recently that he left Republic principally to take control of the WMA bus company. He already had a large financial interest in the bus company, he said, and he wanted to supervise a strengthening of the company's financial position, which was then shaky.

He also admitted that the in-fighting over control of the savings and loan, and the court struggle with the speculator figured in his decision to leave Republic Federal.

Later, after Kalavritinos took full control of Republic, the speculator who sued Miller arranged for several mortgage loans from Republic. The speculator's deposition in a later court suit shows that he received thousands of dollars in proceeds from these loans, which actually were made to other speculators.

[From The Washington Post, Jan. 12, 1969]

MORTGAGING THE GHETTO—VIII—WHEN BUBBLE BURST, SPECULATORS LANDED IN COURT

(By Leonard Downie, Jr. and Jim Hoagland)

"We were strangled to death with land," Dino Formant explained sadly.

He was telling Harold H. Greene, chief judge of the Court of General Sessions, recently how hard times had hit him and his wife, in explaining why they had not displayed occupancy permits in their apartment buildings in Washington's slums.

"We were involved in construction deals and buying ground to build on," Formant told the Judge. But the riots and tight money came along, he said, and the whole thing collapsed.

Formant, and his wife, Angelina, were explaining to Judge Greene the top of their pyramid of woe. The base of that pyramid had been crushed into pebbles, an event symptomatic of the crunch that has hit much of Washington's speculation industry.

Court records show that the Formant husband and wife speculation team plunged heavily into debt.

When the bust came, contractors they had hired, firms that managed their rental properties, banks and individuals that had lent them money, and others sued them for unpaid bills and notes.

These court records indicate that the Formants tried to dip into the rental income from their properties to try to pay various personal bills ahead of their mortgage debts.

When the Formants sued their rental agent, Joseph Bruno, in one case, Bruno stated in his answer that Angelina Formant, before mortgage payments were made, had channeled rent collection proceeds to car payments, "Angelina Formant's account at the Elizabeth Arden beauty shop," and the "payment of bills accumulated by Dino Formant at the Heliegh Club in Atlantic City." Mrs. Formant said in another suit that her husband had gone to Atlantic City on doctor's orders to recover from a heart attack.

Back in General Sessions, Formant testified that as their financial condition worsened, they had to borrow "considerable amounts of money" from his parents.

"They endorsed to us a couple hundred thousand dollars worth of notes," Formant testified. Finally, they transferred property they owned to his parents, he told Judge Greene.

About this same time that the Formants were running into deep troubles (from early 1967 on), some of their other relatives were speeding there with them.

It was at this time that Mrs. Formant's brother—Pete C. Kalavritinos—started coming under heavy fire from the Federal Home Loan Bank Board. Kalavritinos was president of what had been the city's fastest growing savings and loan association, Republic Federal, which was then facing a financial crisis.

At this time a Bank Board examiner was visiting Republic and was finding things he did not like in the loans that Republic was making to its president's sister and her husband, and to George Basiliko, Burton Dorfman, Hymen Alpert and other slum speculators.

REPUBLIC IN TROUBLE

In fact, the Formants' financial collapse, and the weakening of other slum speculators, was taking Republic down with them.

What the examiner found at Republic in his lengthy 1967 report were practices that Republic had been warned about by Bank Board examiners since 1962.

For instance, the examiners found Federal regulations requiring that applications for mortgage loans be completely filled out were being violated.

Forms for appraisal of properties also were not filled out completely, the examiner found. Often, the forms showed insufficient evidence for the appraisers' estimates of properties' market values.

The examiner, in a spot check of Republic appraisals, pointed out that appraisals made by Kalavritinos himself, by Willie Peckover and by Kalavritinos' brother, James, were incomplete.

The examiner went further.

Republic's system for acting on loan applications "defies definition," his report said.

The examiner said that individual officers of Republic would give a verbal promise to a speculator to make him a loan, without consulting other members of the executive committee as required by Bank Board regulations. "Approval of loans by the executive committee was a mere formality," the examiner wrote.

The examiner said that verbal commitments were given for hundreds of thousands of dollars of loans at one time. Sometimes, the examiner said, commitments were forgotten or, for some other reason, were not reported, as they should have been, to the Bank Board.

DIRECTOR'S EXPENSES

The examiner's report also complained that the auto, restaurant and other credit card expenses charged to Republic by its directors were four times higher than the average for other savings and loan associations here.

Directors whose expenses were charged directly to Republic included Kalavritinos, his brother John (Republic's executive vice president) and Russell Miller, the firm's general counsel.

Each rented a Cadillac, for $232 a month, each paid $35 a month to park it, all charged to Republic.

These three directors composed the powerful executive committee of Republic. Two of them, the examiner's report shows, also had close ties with local banks.

The tie between the Formants and Kalavritinos helped undo Republic. The tie between Pete Kalavritinos and Miller in turn, helped to create problems for Public National Bank.

Pete Kalavritinos was a director and a member of the executive committee of Public National Bank. Russell Miller was a director, executive committee member and general counsel of Public National.

Public National, like Republic, made numbers of loans to speculators that it had had difficulty collecting.

Miller also was attorney for, and past vice chairman of, Metropolitan National Bank of Wheaton, which, court and land records show, has made some loans to speculators in inner-city Washington housing.

The examiner's report showed a further tie between Republic and those two banks. Republic had put money in demand deposit accounts in Public National and Metropolitan, as well as in a third bank.

The interrelationships between Republic and relatives of Pete Kalavritinos and the kind of loan that worried the Bank Board, are visible in the half-finished construction project begun by the Formants at 811 Jefferson st. nw.

What is left there is the weathering hulk of a three-story apartment building, shoehorned into a line of neat rowhouses.

Construction on 811 Jefferson stopped two years ago. The unsightly shell of concrete and unfinished brickwork is pocketed by window frames that don't fit, by broken glass, by holes where windows and air-conditioning units should be, rotting boards that fail to keep out adventurous children.

By the time work on the building had stopped, Angelina and Dino Formant had drawn $72,000 in loans from her brother's savings and loan.

But, as the examiner's report shows, the work done on 811 Jefferson st. nw. was worth only $60,000.

SUIT IS BROUGHT

That unfinished apartment building, at 811 Jefferson, became the nub of a court suit brought against the Formants in 1966 by another of Mrs. Formant's brothers, George Kalavritinos.

At one point, according to the depositions in this case, George was going to step in and bail out his sister and her husband, take over their notes and finish the building. But he later backed out, and the suit was brought over one of the notes.

"My only interest in this," George Kalavritinos said in his deposition, "was not to help my sister, but to help my brother, Pete, who loaned her the money from Republic Savings and Loan."

He testified in the deposition that Angelina "took over $70,000" of the construction money . . .

He testified in the deposition that Angelina "took over $70,000" of the construction money "and never paid over half of that money" for construction work on the building.

"I don't know where it (the money) went to," George testified. "She never paid the bills, and the job was being vandalized.

"The Formants were supposed to turn over to me four, five or six pieces of property" in the deal, he said.

In return, he testified in his deposition, "I would . . . go in there and finish it, even though I knew I was going to lose, . . . to help my brother Pete but, because the examiners were coming in, and he was going to get criticized."

"My only purpose," George said in his deposition, "was to try to protect my family's name."

George said that his brother Pete called him from Republic to propose the deal.

"He wanted me to go in there as a favor and finish it," he said. "I told him in plain language that I needed a job like that like a hole in the head."

In another deposition in the suit, Dino Formant testified that he and his wife "wanted to dispose of the building" and that Pete Kalavritinos "said that George was interested.

"Whatever Pete said to do, we did," Formant testified.

George said in his court deposition that he finally agreed to help out the Formants at the urging of Pete. But, later, he testified, he changed his mind after discovering that the unpaid mortgage construction debts on 811 Jefferson st. were much higher than he first thought.

"It would have taken another $35,000 in my estimation to finish" the building, George said. And, with another note (the depositions showed that the Formants had borrowed yet another $15,000 for the project from City Bank and Trust Co. of Alexandria) to be paid, it would have cost him $50,000, he figured.

In any case, this suit is still pending. The mortgage on the property at 811 Jefferson was foreclosed, and the savings and loan had to buy it when no buyer could be found.

REAL ESTATE SLUMP

That building, and others like it, are the bricks and mortar evidence of the shattering slump in the city's real-estate speculation industry.

The Formants had accumulated $2 million worth of heavily mortgaged inner-city lots, land records show, and planned to replace many of the old houses and apartment houses with new buildings.

Republic Federal gave the Formants several mortgage loans that equalled or exceeded what the Formants paid for the properties mortgaged. This was one of Republic's practices that the Federal Home Bank Board examiner sharply criticized. It is illegal for a savings and loan to lend an amount greater than 80 per cent of the value of the property mortgaged.

By the time the Bank Board examiner made his report in February, 1967, the Formants owed nearly $1 million to Republic, the savings and loan controlled by Angelina's brothers, Pete and John Kalavritinos.

Of that sum, $155,000 was owed on a single mortgage loan the Formants received from Republic on a half-century-old apartment building at 2415 20th st. nw.

The Formants bought the building for $140,000 from heirs to the previous owner's estate, land records show, and transferred it two months later to a corporation named 2415 Inc. Its officers happened to be Angelina Formant, president, and Dino Formant, vice president. According to the recordation tax paid on this transaction the Formants' corporation, 2415 Inc., paid the Formants $225,000 for the apartment building.

The day after that transaction, Republic gave the Formants $155,000 in a mortgage loan on the building. This is $15,000 more than the Formants originally paid for the apartment house.

The Formants fell behind on the payments on this mortgage and Republic later foreclosed. The building was sold at auction for $152,800—a little more than the amount still owed on the mortgage.

MORTGAGE SOLD

A court suit involving the Formants' failure to keep up payments revealed that Republic actually sold this mortgage to the Colonial Mortgage Service Corp. of Philadelphia. Other suits and Bank Board records show that Republic sold other large mortgages to Colonial.

(Colonial is a wholly owned subsidiary of Sunasco, Inc. of Philadelphia. Another Sunasco subsidiary, the Atlas Financial Corp. was a heavy buyer of second mortgages generated by some unscrupulous home improvement contractors here, court suits and land records have shown. The officers of one home improvement firm who sold some mortgage notes to Atlas were recently convicted of fraud.)

The apartment building at 2415 20th st. nw. and the unfinished apartment building at 811 Jefferson st. nw. were among 15 Formant properties, mortgaged for a total of $720,000 at Republic, that were foreclosed on by the savings and loan.

Republic was unable to sell many of these buildings at foreclosure auctions. The Federal Government wound up with the mortgages on these properties when it finally merged Republic out of existence.

Some people in real estate circles here dismiss Republic's virtual collapse as typical of savings and loan associations generally. It is a freak, they say, due largely to financial overreaching by the Formants with Republic money.

But in fact, lending to the Formants was only one of many things criticized in the examiner's report on Republic.

And some other savings and loan associations here engaged in many practices similar to Republic's. Some other savings and loans also were particularly liberal in lending their mortgage money to slum speculators.

Republic undoubtedly was the most overextended. But others have shared their tendency to want to grow too fast, by lending too often and too much and too easily to speculators.

Despite a meeting between Federal officials and Republic's directors, and despite a letter from the Kalavritinos brothers and Miller to the Bank Board promising to make changes, financial reports showed that Republic's condition worsened rapidly during the last half of 1967.

Payments on hundreds of loans were overdue. Some payments were as much as a year or more behind.

Brother George Kalavritinos volunteered to help persuade laggards to catch up on their payments. But George himself lost two new buildings when Republic had to foreclose on his loans, land records show.

So, the Bank Board ordered Republic to bring in an outside management expert to try to salvage the firm. A Virginia savings and loan executive, Robert H. Rush, was hired by Republic, and the Bank Board approved the selection.

But after several months with Republic, Rush decided that no matter what he did, he couldn't improve Republic's position enough.

Republic had taken over dozens of heavily mortgaged buildings. But although these mortgages went unpaid, Republic had not been showing them as losses before Rush came. The Bank Board examiners felt that this gave a distorted picture of Republic's assets.

Finally, the Bank Board ordered Republic to cut the rate on dividends it paid on deposits. The Bank Board has ordered some other savings and loan to tighten their belts in this way also. Many depositors responded to the lowered dividends by withdrawing their money from Republic. And, as word got out about the unpaid mortgages and unsalable buildings, more depositors fled Republic.

By the spring of 1968, Republic's stated assets, had fallen from a high of more than $57 million in 1967 to just $40 million, according to its financial statements. The firm's net worth and reserve funds had both dropped below Federally required minimums.

The Bank Board examiners soon estimated that Republic might not have enough cash left to pay dividends or cover withdrawals, and had "little likelihood of surviving."

The Bank Board decided to get Republic quietly merged with a healthy saving and loan association.

Word got out in some circles familiar with Washington real estate that Republic was in trouble. One group of local officials and businessmen—headed by Julian R. Dugas, the city's chief of Licenses and Inspections—offered to take over Republic and put it back on its feet. But they could not raise the $3 million in cash that the Bank Board insisted be put up.

OFFERS MERGER

Then Home Federal Saving and Loan, a 72-year-old conservative association of medium size came forward and asked to take over Republic.

Home's president, John U. Raymond, told reporters recently that he knew Republic would be merged with somebody and he did not want that somebody to be any other savings and loan but his, since Republic's old office, at 1012 Vermont ave. nw., is just a block away from Home's office at 15th and K streets, and he did not want the competition.

The Federal Savings and Loan Insurance Corp., a Federal agency, gave Home its guarantee that it would absorb up to $17 million in mortgage loan losses if Home merged with Republic.

Raymond pointed out later that this would cover all loans made by Republic that might be problems.

The Insurance Corporation is now holding, and Home is managing, foreclosed properties which will be renovated and offered for sale. The Insurance Corporation will absorb any losses incurred.

Importantly, Republic's depositors and Home's depositors have suffered no losses. Raymond stressed, in talking with reporters, that there was no danger to their funds.

Seven months ago, in June, the merger was quietly consummated. As publicly announced, the merger appeared to be no different from the normal, voluntary merger of two happy, thriving corporations.

For Republic's directors, it wasn't so happy. They were given the latest report of Republic's deterioration by Federal officials at an April meeting. They were then urged strongly to sign the merger papers.

Most signed without argument. But a witness says that Pete Kalavritinos, insisting to the end that Republican could make its way back, had to be persuaded with some strong talk by another officer of Republic. He finally signed, too.

Weeks later, the headquarters office of Republic, which had been the speculators' capital in the Nation's capital, was vacated.

Next to the "For Rent" sign in its window was placed another sign that says: "We had the urge to merge."

[From the Washington Post, Jan. 12, 1969]

COHEN HOLDINGS INCLUDE NO SLUMS

The Federal Home Loan Bank Board examiner's report on Republic Federal Savings and Loan, published in yesterday's editions of The Washington Post, listed William Cohen as one of Republic's 17 major borrowers. For the record, the newspaper's investigation of slum ownership and speculation shows no indication that Cohen has slum holdings. He is a director of the Madison National Bank and a downtown builder.

Yesterday's article incorrectly identified Stuart Bernstein, who the examiner's report said owed $530,000 to Republic, as the current president of Guardian Federal Savings and Loan. Stuart Bernstein's brother, Richard, is the president of Guardian.

[From the Washington Post, Jan. 13, 1969]

MORTGAGING THE GHETTO—IX—FOUR BANKS FLIRTED WITH SPECULATORS

(By Leonard Downie, Jr., and Jim Hoagland)

William M. O'Neill sat in the president's office of the Public National Bank and spoke softly, so softly that he could hardly be heard. Outside, snowflakes were wafting against the bank's diamond-shaped concrete window frames.

It was the last day of 1968; the last day that O'Neill, Public's president, would work there, and one of the last days of Public's existence under its current ownership. Public was on its way to being merged with D.C. National Bank when a group of businessmen began buying up Public's stock last week.

O'Neill had little to say about Public's difficult past year, in which it suffered losses from unpaid loans and a drop in the amount of money deposited in the bank.

"I don't want to get involved in any suits with these people," he told a reporter who asked about loans the bank made to local slum speculators. "They have no money left. They have nothing to lose."

The money that slum speculators no longer have, in many cases, is money owed to local banks like Public National which flirted with the attractive real estate boom of the mid-1960's, only to wake up in 1967 and find that the tempting mistress had turned into an overpainted harlot.

The Washington Post's examination of land and court records has established that

the slum speculators turned to four local banks for a number of loans to supplement the supply of dollars they siphoned from some savings and loan associations.

The management of three of the banks has been changed within the last four months.

The four that made loans to slum speculators are:

D.C. National established in 1962, and which is headed by Leo M. Bernstein, former real estate magnate, and, until last year, president of Guardian Federal Savings and Loan Association.

Public National, established in 1963 by a group of businessmen headed by real estate man Sol C. Snider and Walter Ogus. Ogus, an insurance executive, is chairman of the board of directors. For a time, Public shared two directors with Republic Savings and Loan.

City Bank and Trust Co. of Arlington, which opened in 1964. William A. Bryarly was the bank's president until November. James M. Thompson is chairman of the board.

Old Line National Bank of Rockville, which opened in 1965 and which was organized by Alan I. Kay, construction millionaire, Howard Bernstein (no relation to Leo), a former real estate title company executive, and John P. Moore, an attorney then and a Montgomery Circuit Court judge now. John P. Dalton resigned as president of the bank Sept. 30.

Each of the four banks has had to go to court or foreclose on loans in an effort to get back money it lent to some of the slum speculators identified by The Washington Post in this series.

ALL NEW BANKS

Each of the four is a new bank. The three national banks—Public, D.C. and Old Line—were chartered during the stormy regime of former U.S. Comptroller of the Currency James J. Saxon.

Saxon, now in private law practice in Washington, drew blasts from Congress for chartering too many banks too fast. Saxon's reply was that the banking business needed new blood.

Approval by Saxon of D.C. National's charter in 1962—the first granted here in 29 years—set off a chain of approvals over the next few years. Public National's was second.

"It can be tough on a new bank fighting for business," O'Neill recalled. "We don't get the Cafritzes." Established wealth, such as that of the Morris Cafritz family, tends to stay with established banks, he said.

This is true throughout the country. But Washington, a city virtually without industry, poses a unique problem for bankers. Says a close associate of Leo Bernstein:

"Real estate is our industry. Big realtors and speculators can go to banks here and get unsecured loans based on their personal worth. In almost any other city, the big industrialists are the big borrowers, and there's nothing left for the real estate man. Here, he is the big borrower."

When the industry turned sour under the tight money market days of 1966 and after, the crunch came with a vengeance for those slum speculators and landlords who operated with slim equity and those who had bankrolled them.

"In 1963, some of these people came in with very fine personal financial statements, in excess of $2 million to $3 million. Their credit reports were all in order. There was no reason not to make the loans," O'Neill said of Public National's opening days.

"But when the market tightened up, they had a hard time finishing their projects, and we had problems."

WRITE OFF UNPAID LOANS

Public National will write off $250,000 in unpaid loans for 1968, Ogus told a reporter. He said he could not estimate how much of this amount involved loans to slum speculators. But he said the bank hopes eventually to get 50 to 60 per cent of the thus far uncollectable debts.

"When we opened, some got more than they should have," he said. "We got hit by a few . . . But this is really a minor thing, considering our assets." Public's assets have fluctuated between $24 million and $25 million in the past two years.

Court records show loans made by Public to slum speculators here include:

$69,605 advanced to Harry Isard's 1st United Mortgage Co. Inc. The bank got a default judgment against Isard, a slum speculator. But Ogus says the bank has given up on getting the money.

$24,500 to Burton Dorfman. When the bank sued Dorfman, it got a stipulation judgment for the balance owed, $19,362. Ogus says this loan also is uncollectable.

$29,549 was the balance due to the bank on a series of loans that were made to Angelina and Dino Formant when the bank sued them. The Formants, brother-in-law and sister of former Republic Federal Savings and Loan president Pete C. Kalavritinos, owed the bank $123,903 in 1964. Public won its suit against the Formants, and Ogus said the bill had been paid.

Other slum speculators identified in this investigation who got loans from Public and then had to be sued for the outstanding balance include William Whitted, Basil Gogos and George Panagos.

Kalavritinos' brother, George, has been sued by the bank over a $38,000 loan. Public National obtained a default judgment for more than $4,000, plus interest, it claimed was still owed.

Republic Federal itself once received a $135,000 loan from Public National. Ogus said this has been repaid.

Republic Federal was merged out of business last year by the Federal Home Loan Bank Board after Board examiners uncovered widespread irregularities there.

There were strong links between Republic and Public. Pete Kalavritinos was president of Republic and a director of both Republic and Public. Also on both boards was Russell D. Miller, a little known but central figure in Washington banking.

Miller, former counsel and treasurer of the Federal Deposit Insurance Corp. (the government agency that insures all national banks) also was general counsel for both Public and Republic.

Miller was the lawyer who handled the charter applications for Public, Madison National and D.C. National and he is named in a suit as the controlling stockholder in Metropolitan National Bank of Wheaton.

Depositions in that suit state that Kalavritinos was ousted as a director of Public after a secret comptroller's report criticized the bank for allowing Kalavritinos to overdraw 50 checks on his account there.

The depositions also state that Miller was not rehired as general counsel and was removed from his post on the bank's executive committee at the same time Kalavritinos was dropped. (Miller refused to discuss this suit with reporters.)

Several Public directors state in their depositions that they were upset over Miller's ownership of stock in Metropolitan, and his role in helping Madison National get a charter so soon after he performed the same service for D.C. National and Public National.

SUIT IS SETTLED

The bitterness of this dispute spilled over into the court suit, which was filed by Miller when the bank rejected his bill for $26,295 for legal fees.

The suit was settled out of court last week, but the depositions taken put on public record an extraordinary account of the formation and problems of a young bank.

The 1175 pages of transcribed testimony come from Ogus, Snider, O'Neill, two other bank employes and these other Public National directors:

Meyer Mazor, owner of one of Washington's largest furniture stores; Jack Blank, automobile dealer; Oscar Dodek, president of D. J. Kaufman clothing store; Allen Baer, head of a large accounting firm; William Farris, a plastering contractor; and Joel Kline, a 38-year-old real estate man who, according to O'Neill's deposition, was once refused a loan by Public National, only to buy up later enough shares to be able to elect himself to the board.

The depositions agree in all essential details, and outline this story of Public National:

The key organizers were Ogus and Snider, who are neighbors in the luxurious Shoreham apartment building at 2500 Calvert st. nw., and their accountant, Baer.

Miller heard of their plans to form a bank and offered to represent them in getting the charter, for a $25,000 fee. Miller also asked to be made chairman of the board's executive committee, the nerve center of most banks.

They added Dodek, Kalavritinos, Blank (also a Shoreham resident) and Jack Pry, another auto dealer, as the organizing directors, and obtained the charter from Saxon's agency. O'Neill, then the head of a New York bank, became Public's president.

INVOLVEMENT GROWS

The bank opened its doors in July, 1963, two doors away from Ogus's insurance agency, at 1420 K st. nw., and a block from Snider's real estate firm.

As business grew, so did the involvement of some of the directors with their new bank.

Ogus, for example, got the bank's general liability and group hospitalization accounts. (He told a reporter that the premiums for this were about $20,000 a year, with $3,000 going to his agency in commissions.)

Baer's accounting firm did an annual audit of the bank, for an average fee of $4200. The bank also was audited, of course, by the U.S. Comptroller's office.

Miller usually charged the bank about $50 an hour for his legal services, which often involved trying to get money back from slum speculators. He billed the bank $6200 for his services in the purchase of the land on which the bank stands. Kalavritinos and Snider also received a commission of $25,000 on the sale.

Directors are encouraged in any bank to bring in new business, and this was true for Public. For example, Muscoe Garnett, a Virginia oil executive who was elected to the board after its organization, was considered an asset by the board because he might bring large deposits to the bank from the American Oil Co.

Other directors brought in new loan business. Appliance dealer George Wasserman (another addition to the board) and two business partners borrowed $175,000 from the bank for a business venture, for example.

Snider's real estate corporation borrowed $50,000, and his son-in-law, Earl M. Forman, borrowed at least $50,000 in a loan secured by a deed of trust on property owned by Snider.

DENIES LOAN TO WOLMAN

Forman, part owner of the Philadelphia Eagles along with financier Jerry Wolman, approached the bank with Wolman and Howard Bernstein for a large loan, and got the bank to participate in a loan that eventually went to Wolman, according to depositions. (Ogus denied to a reporter that Public National has ever had a loan with Wolman.)

Forman, in fact, was proposed for a directorship on the bank in 1967, but, according to Ogus's deposition, was blocked by Miller. Forman is an attorney and Miller "said that no lawyer would ever be on the board as long as he was on the board," Ogus stated.

Miller came off the board in the fall of 1967, as did Pete Kalavritinos.

Republic Federal had been ripped by Fed-

eral Home Loan Bank Board examiners in the spring because of its loans to speculators. Shortly after, the Comptroller's examiners moved in on Kalavritinos's chronic bad checks.

By October, 1967, the men who had invited Kalavritinos to help organize Public National had invited him to resign. When he refused, they dropped him from the directors' slate that management presented to stockholders at the next election.

(Eight months later, Kalavritinos's savings and loan was merged out of business. Reporters who have visited his home at 1820 Plymouth st. nw. have been unable to contact him.)

Miller could have stayed on the board of Public, but resigned after the directors told him he would no longer be general counsel.

SELLS 5,500 SHARES

At this point, the depositions state, Kalavritinos sold 5500 to 6000 shares of the bank's stock to Joel Kline and an associate, Eric Baer (no kin to Allen Baer). Kline is identified in O'Neill's deposition as a real estate speculator and money lender. He has an office in Silver Spring.

Kline testified that he is on the advisory board of Fidelity National Bank in Arlington, and, with his friends and family, controls the stock of Colonial Bank and Trust, which opened last year in Annapolis.

(Kline described himself to a reporter last week as a real estate investor. Although he once had real estate holdings in the District of Columbia, he has sold much of them, he said.)

O'Neill, under questioning by Miller's lawyer, James F. Fitz Gerald, said that Kline previously had borrowed from Public, but once had been turned down when he asked for a $20,000 loan because of the purpose of the loan. O'Neill did not amplify on this statement.

Throughout the summer of 1967, Kline and Eric Baer quietly bought up 20,000 shares of Public's stock at $18 a share and soon had enough to elect themselves to the board of directors. The then board members suggested that only one of them should take a seat on the board, and Kline suggested that Baer was the man.

But the board decided to put Kline into the directorship. Ogus was asked in his deposition why they had not picked Eric Baer. Ogus: "Actually, at that time, there was an article in the paper, and they had some sort of . . . something to do with second trust notes and his name appeared in the paper at that time."

Fitz Gerald: "In other words, he (Eric Baer) was objected to because he was a money lender?"

Ogus: "No. No, it wasn't the fact that he was a money lender; that wasn't brought up. It was because of the fact of the publicity in one of the newspapers."

Eric Baer and his partner, Meyer Morse, were identified in a series of articles in The Washington Post last year as purchasers of second mortgages signed by Negro home owners in exchange for cash loans.

Angry home owners complained in court suits and interviews with reporters that they were persuaded to sign mortgages for twice the amount they actually received in these transactions, some of which involved Eric Baer and Morse.

Kline confirmed to reporters that he has sold almost all of the stock he had bought in Public to a North Carolina builder. He and Baer no longer have a substantial interest in the bank.

But, for a while at least the classic pattern of successful speculators' getting into the ownership of an institution that lends to speculators was repeated.

Soon after Miller resigned, the suit shows, the bank demanded that he pay off four personal loans that Public had made to him, totaling $40,263.52.

Miller sent the bank $13,970 and claimed $26,295 in back legal fees that would cancel the debt. The bank rejected his bill as "unreasonably high" and Miller sued over the disputed amount.

He also asked the court to order Public not to sue him because, he asserted, that would damage his professional reputation.

Miller was not retained as general counsel or as a member of the board when Republic was merged with Home Federal. In addition to being listed as a major stockholder of Metropolitan National Bank in the depositions cited above, Miller also is identified as vice chairman of the board and attorney for Metropolitan in the bank examiners' report on Republic Federal.

Meanwhile, Public National's directors agreed to merge the bank with D.C. National. Under the terms of the agreement, reporters learned, none of Public's directors would be on the board of the merged institution.

The merger had been accepted as a completed deal by several members of both boards who discussed it with reporters. All that remained was for the stockholders to approve the directors' decision.

OFFER OF $32 PER SHARE

Then, nine days ago, a group of investors headed by two lawyers and an advertising executive announced an offer to buy any or all shares of common stock in Public National for $32 a share. Public's stock was being quoted at $25 to $27 a share at the time. The investors' offer to buy the stock ends today.

At the end of last week, the businessmen announced that they had purchased 75 per cent of Public's stock.

The investors' group, known as the PTZ Investment Co., is headed by lawyers David L. Tennent of Washington and Donald H. Parsons of Detroit and advertising executive Herbert Fisher of Detroit.

A spokesman for PTZ, attorney said that PTZ's investors saw Public as providing them with an unusual opportunity to become owners of a bank.

"Washington, D.C., has a tremendous potential for banking," said Zeidman, a law partner of Parsons, "and is a great opportunity for someone with social vision like that of Parsons."

Zeidman added that PTZ does not know what it would do about the proposed merger with D.C. National. "We do not intend to liquidate (Public) or to sell its assets," PTZ's formal offer to purchase stock stated.

It is ironic that D.C. National came close to absorbing Public National. Four years ago, Public was eagerly eyeing taking over a beleagured D.C. National.

That was immediately after Comptroller Saxon told Senate investigators that D.C. National should be "merged out of existence" because of the furor over a loan made by the bank to Robert G. (Bobby) Baker.

Baker, the former Senate wheeler-dealer who is currently appealing a conviction for income tax evasion, obtained from D.C. National a $125,000 loan, allegedly unsecured, to buy a home in Spring Valley here.

The loan was made after the then executive vice president of D.C. National, William F. Collins, recommended the loan because of Baker's "innumerable friendships and connections." The Senate investigation also revealed that Baker owned 1500 shares of stock in the bank.

SAXON DEFENDED LOAN

Saxon, who defended the loan and denied that any political influence had been exerted in the granting of the charter to the organizing group represented by Russell D. Miller, nonetheless said that "innuendos" surrounding the Baker loan made a quick merger necessary.

Instead Collins and the chairman of the board, Dr. Irving S. Lichtman, resigned, with Lichtman selling his stock to Leo M. Bernstein. Soon after Bernstein and his attorney, Leonard S. Melrod, were named to the board, Bernstein became the bank's major stockholder and president.

Like Public, D.C. National has made loans to ghetto speculators. But it seldom had to go to court to collect them.

In several instances, D.C. National used one of its employes, Dorothy Wakeham, to make speculators loans secured by a second trust. The bank advanced the money, and she got the secured note, which she then signed over to the bank.

One such loan, for $16,000, went to the Formants. Another, for $5000, went to Louis Bressler Inc. Dorothy Wakeham is the lender of record, although she is lending her bank's money.

Bernstein told reporters that this was not an unusual practice for his bank. "We take second trusts" (created or purchased by the speculator) "as side collateral on the loan. Dorothy Wakeham endorses it and holds it for the bank."

Banks are not allowed to use second trusts as primary collateral on loans. They may take them into consideration in determining a potential borrower's personal worth—thus making them "side collateral."

City Bank & Trust of Alexander has been pained by loans to Washington speculators. A discernible pattern exists of speculators, as soon as money started to tighten, journeying across the Potomac and coming back with City Bank & Trust dollars.

City Bank often has had to come across the river to Washington courtrooms to get its dollars back.

SOME OF CLIENTS

A few of its clients of the boom days, who turned into its targets for successful legal action in the bust days, include:

Sturbridge Investment Corporation, which is located in Pete Kalavritinos's houses; the Dorfman brothers, Richard, Arnold and Burton; builder Pearl Kelly; Ervin Unger; the Formants, and Basil Gogos.

James M. Thompson, Chairman of City Bank, refused to comment to reporters on his bank's lending practices.

The fourth new bank that put up dollars for the speculator's game was Old Line National of Maryland.

All of the officers of the bank have been changed in the past six weeks, Old Line's new executive vice president, Patrick J. Moses, told reporters.

"We're financially sound and have no problems," Moses said. He minimized court suits that have resulted in judgments against slum speculators like Pearl Kelly ($14,800), General Property Investment Corp., headed by Ervin Unger ($16,400), and a pending suit against George Kalavritinos for $4,499 due on a $12,499 loan.

Moses also said Old Line had advanced large loans to Burton Dorfman with varying results. Two went well, but the bank had to foreclose on 1420 Clifton st. nw. after Dorfman had drawn all of a $365,000 construction loan, made by Old Line and another bank and had failed to complete the building.

"We will spend $100,000 to put the building in sellable shape," Moses said. "We already have a buyer."

He could offer no explanation for the bank's involvement with slum speculators. "That was before I came . . . The directors have made serious and important changes here. We're trying very hard here."

His words reflect a realization on the part of many members of Washington's money lending world that things have not been all they should be. Some banks and savings and loan organizations are groping about in the twilight of an incredible decade in housing speculation in the Nation's Capital.

[From the Washington Post, Jan. 14, 1969]

MORTGAGING THE GHETTO—X—SLUM SPECULATION SEEMS DEAD, BUT IT COULD REVIVE

(By Leonard Downie, Jr. and Jim Hoagland)

Slum speculation in Washington is dead, say many of the speculators themselves and some of the savings and loan operators who helped finance them.

Don't believe it, says a lawyer who has represented many speculators in court over the years.

"This is just a phase in a cycle that has repeated itself several times in this town," he says. "A credit squeeze or some action by the Federal regulatory agencies can slow things down for a while. But then it will all start up again. It's happened that way before."

Land records show that some of the city's savings and loans that stay away from speculator dealings now built up their loan business a decade or two or three ago with loans to speculators. Later, sometimes after warnings about their loan practices from Federal authorities, these associations sought other customers, and the speculators turned to a new group of ambitious young savings and loans.

Generations of speculators have fed on the migrations of low-income white and Negro families from one part of Washington to another.

They moved from the old Southwest and Georgetown slums to what are now the near Northwest and Northeast urban renewal areas, then to the Shaw area, and, most recently, to more distant, quiet neighborhoods like Brightwood and Petworth in the Northwest, Woodbridge and Brookland in the Northeast, and Fort Stanton in the Southeast.

Right now, some speculators say, the current tight money market and a crackdown on code enforcement by the city housing inspectors are driving them out of business.

Reporters have found, however, that some of the speculators who have lost or are giving up much of their holdings, or are being sued in court for unpaid debts, are still driving luxury cars and taking trips to distant vacation spas.

Many other speculators are still buying and selling properties, they say, financed by a new group of savings and loans and by loans guaranteed by the Federal Housing Administration. FHA-insured loans have only recently become widely available to black home buyers here.

REASONS CITED

People involved in or close to the speculator-savings and loan system cite these reasons for the flourishing, year-in and year-out, of the practices uncovered by The Washington Post in its year-long investigation:

Failure of authorities to prosecute savings and loan operators or speculators for apparent violations of Federal savings and loan regulations, and Federal and D.C. criminal laws.

Loopholes in D.C. regulations covering the buying and selling of property.

Failure of the D.C. Real Estate Commission or any other arm of the city government, except the housing inspectors, to take any action to correct slum-speculation practices despite city officials acknowledging readily that slum speculation is generally harmful to the city.

Encouragement that present income and real estate tax laws give real estate investors to buy and sell property, to mortgage their property heavily, and to do little to maintain it.

Lack of regulation of local title settlement firms that help make possible the manipulation of real estate transactions by some savings and loan operators and speculators to their advantage, and to the disadvantage of Negro customers.

Involvement of respected professional men in the system, especially lawyers, some of whom closely advise slum speculators on how to take advantage of the system, who help finance speculators, or who speculate themselves.

Inaction of the local bar to do anything about a few attorneys charged in court suits and grievance complaints with highly questionable practices in slum speculation dealings.

Failure of the savings and loan industry, real estate brokers and the Federal Housing Administration to provide for Negroes the same opportunity to make safe, economical investments in home buying that have been available since the Depression to white families.

The resulting dearth of any viable alternatives to the speculators' system for tens of thousands of Negro families seeking a home to buy or an apartment to rent.

SPECULATORS PROSPER

For decades, the slum speculator has prospered free of competition from established real estate investors, free of the theoretical constraint of regulations and free from prosecution when laws are broken.

It is illegal under District of Columbia law, for instance, to use straw parties, simulated sales or other means to inflate prices "for the purpose . . . of misleading others as to the value" of property.

Last year a Neighborhood Legal Services lawyer wrote D.C. Corporation Counsel Charles Duncan to ask him to investigate the "common suspicion" that speculators are violating this D.C. law by artificially inflating property values in Negro neighborhoods.

Duncan answered the attorney with a letter stating that without evidence of specific transactions, "there is little we can do at this time to correct the evils which you cite."

DUNCAN'S STAND

His office was "not in the practice of conducting general investigations" of the kind needed to gather such evidence, Duncan added. He advised the attorney to write to the District Real Estate Commission.

But the Real Estate Commission, even though armed with an arsenal of regulations governing mortgage brokers, does not check up on much of what the slum speculators are doing.

It seems that once a speculator buys a property (as they usually do before mortgaging and reselling it), he becomes, in the eyes of the law, a "home owner."

The speculator is not technically acting as a real estate broker in this kind of transaction, the Real Estate Commission has said, and therefore can not be regulated by the Commission under the law, as now written. The Real Estate Commission, composed of real estate investors, has not sought a change in the regulations from the city government.

Federal Home Loan Bank officials have acknowledged that a number of practices uncovered in The Washington Post investigation do appear to violate Loan Bank Board regulations and the Federal law that authorizes the regulations.

They refused to discuss with reporters cases of any specific individuals or savings and loans, or to explain why there have been no prosecutions.

Generally, said Paul Bowman, supervisor for this region, the Bank Board's interest is to put troubled savings and loans back on a sound footing.

S. & L. FIRMS MERGED

They are now going about this quietly in Washington, Bowman and other officials acknowledged. They have merged Republic Savings and Loan out of existence and warned a handful of other savings and loans, which they would not name, to cease certain practices, mostly in connection with loans to speculators.

For years, the Bank Board officials told reporters, they had warned savings and loans about some of these practices. But the savings and loans have always answered by saying that their loans to speculators were being repaid on time.

Tight money changed much of that recently. And the troubles of Republic have shocked and chastened the operators of a few other savings and loans who came under fire from the Home Loan Bank Board.

Regional supervisor Bowman also insists that new regulatory powers spelled out under a 1966 law, will help the Bank Board lean more heavily on recalcitrant savings and loans. Among the new powers is authority to obtain a court order for a savings and loan to "cease and desist" dangerous practices.

When Republic careened into financial trouble, its dividend rate was cut by the Bank Board in an attempt to force the association to tighten its belt. Republic's depositors received smaller dividends on their deposits.

Then, to merge Republic with a healthy savings and loan, the Federal Savings and Loan Insurance Corporation guaranteed to absorb up to $17 million in possible losses of Republic assets. The Insurance Corporation funds come from required premiums from member savings and loans across the country. Those premiums come from savings and loans "income, not from depositors" accounts or dividends.

Court suits and interviews have shown that the slum speculation system has depended heavily on one part of the industry that goes completely unregulated: the title settlement offices.

In the majority of property sales and mortgage loan deals, the paperwork and the transfers of money, mortgages and deeds are handled by clerks of title firms in transactions called "settlements."

TITLE CLERK'S ROLE

When a person is buying a house from a speculator, he often is under the impression that the settlement is a protective, official dealing in which his interests, as well as those of the seller, are protected by an impartial title clerk.

But lawsuits filed here claim that this is often not so. Some title clerks, whose livelihood depends largely on the fees from business brought to them by speculators, perform many services, the suits say, that favor the speculator:

When the speculator signs a contract to purchase a house for, say, $10,000, the title clerk will hold up settlement on the deal (sometimes for months, court suits show) until the speculator is able to arrange to borrow, say, $10,000 from a savings and loan and avoid making any cash investment himself.

When the speculator then turns around and immediately sells that house (with some repairs made on it, the speculator says) for, say, $15,000 to a new home buyer, the title clerk does not volunteer to the buyer information that the speculator had just bought the same house for $5000 less than what he is now charging for it.

The clerk may even hold up public filing of the papers in the $10,000 sale to the speculator until the $15,000 sale to the home buyer is made.

Title clerks have sometimes held up payment of checks signed by speculators to other people, while giving the speculators signed but uncompleted title company checks to fill in, court suits say.

SETTLEMENT COSTS

Suits show that many home buyers are surprised by the large amount of settlement costs charged them by the title clerk. Sometimes, suits show, they total nearly $1000 for a $15,000 to $20,000 sale, much higher than the average claimed by large title firms for their transactions.

Settlement sheets filed with some suits resemble sieves, with the home buyer's money falling through a dozen or more holes itemized on the sheet: title search fees, settlement costs, insurance, fees for drawing up and filing papers, loan fees paid to the savings and loan and, sometimes, additional fees paid directly to the speculator (above the price of the house) or others.

Land records and lawsuits show that each major slum speculator here has dealt reg-

ularly with just one or two title settlement clerks.

For years, most of the few clerks favored by speculators worked at the District-Realty Title Insurance Corp. and antecedent firms headquartered at 1424 K st. nw. and 1413 I st. nw.

Shortly after the ownership of District-Realty changed hands in 1964, these clerks left the big title firm. Some of them established small title offices of their own. Most of them performed only title settlements in these offices, and title searches and title insurance business was farmed out to the large, established title companies.

Among these title clerks are:

Francis Craven, Brady Higgins, and J. A. Rushing—all now at Metropolitan Settlements, Inc., headquartered at 411 Kennedy st. nw.

Charles and Lawrence Mitchell—now at Berks Title Insurance Co., 1413 I st. nw.

Lawrence Sinclitico—who now runs District Settlements, Inc., 1522 K st. nw.

Richard Sugarman and William Carter—who now run City Title and Escrow at 706 Kennedy st. nw.

Another title clerk who has many transactions for slum speculators, land records show, is Charlotte L. Horan of Lyon, Roache and Horan, 1012 17th st. nw.

LICENSED AS NOTARIES

All of these clerks are also licensed as notary publics in the District of Columbia.

Court suits show that some of them also arrange loans to speculators and home buyers and buy second mortgages generated by speculators.

Richard Sugarman is also an officer of the Fairlawn Mortgage and Investment Corp., now located in City Title's office at 706 Kennedy st. nw. He is named as defendant in some court suits charging that second mortgages arranged or bought by Fairlawn or Sugarman himself were for considerably more than home owners believed they had borrowed. Land records show that Fairlawn has also bought, mortgaged and sold slum houses.

No D.C. laws regulate actions of title clerks, or anyone else, in the settlement of sales and mortgage transactions. The clerks are not required to be impartial or to protect the interests of inexperienced home buyers.

Title settlements are just one phase of the system that may work to favor speculators. Another is the tax structure.

The National Commission on Urban Problems, headed by former Sen. Paul Douglas of Illinois, is concluding, based on a year's study, that Federal tax laws actually encourage deterioration of inner-city property and greatly benefit those who buy and sell it.

The speculator's profits on buying and selling property held over six months are not taxed as ordinary income, but are lower than ordinary personal rates in the higher tax brackets.

If the speculator can borrow more money from a savings and loan in mortgaging a property than he originally paid for it, he can spend the excess, and it is not taxable.

DEPRECIATION SCALE

Depreciation is really the raison d'etre for much apartment building speculation. Frequently speculators have cash incomes in the hundreds of thousands of dollars, but their tax paid is lower than that of many of their poor tenants.

The reason is that the owner of a building can depreciate that building at a very high rate during the first years he owns it. When in later years the allowable depreciation goes down, he can sell that building to another landlord who, in turn, starts depreciating the building all over again, while the original landlord has bought another to start depreciating.

A building does not have to be "new" to be depreciated, although new buildings can be depreciated at a higher rate. Sometimes, businessmen swap comparable properties to defer paying capital gains taxes.

To illustrate: A speculator pays $200,000 for a ten-year-old apartment building. The money left over from rents at the end of the year, after making interest and mortgage payments and paying for necessary repairs, may amount to $15,000. The speculator's income, subject to tax, however, may be nothing.

To begin with, he uses what the Internal Revenue Service calls "the 150 per cent declining balance formula" for depreciating the property.

If the building has what IRS calls a "life" of 25 years, even though he may not have put a cent of his own money into the building, he can deduct $12,000 from his taxable income, plus his expenses of maintaining the investment.

To add to that, he also deducts the interest payments on his loan, which would run into many thousands of dollars.

All of this means that he is taxed little or nothing on this investment. Many businessmen wind up with a minus tax balance on particular investments and, in the example above, not only is the $15,000 cash flow protected, the businessmen probably would have deductions in excess of that to lessen taxes on other income.

These investments are usually referred to as "tax shelters."

There is evidence that what happens in Washington apparently is typical for the Nation's big cities.

CHICAGO STUDY

A group of Jesuit seminarians and college students who have spent the last two years in Chicago's west side ghetto made a study of the buying and selling by slum speculators there of hundreds of houses and buildings.

The pattern they found of the speculator buying for one price, getting a favorable mortgage and selling at a much higher price, with an attractively low down payment, matches the pattern here. In a typical case cited by the study team, a family wound up indebted to pay $22,000 interest on the mortgages they owed on a $25,000 home purchase in the ghetto (the speculator had paid $14,000 for the house).

The study team also blamed savings and loans and banks that would not lend directly to Negroes, the FHA, established real estate brokers, and the legal system for allowing the speculators to flourish there.

The students organized ghetto residents into picket and other protest groups that succeeded in forcing some speculators to renegotiate sales contracts to many home buyers and cut sharply the buyers' indebtedness.

The need seems to be apparent for both local and national agencies, revolutionary in scope and power, to finance economical home-buying for Negro families, regulate speculators and others in innercity real estate dealings and come up with new ideas for housing low-income families.

Overpriced and overmortgaged inner-city houses and apartment buildings, many of them already abandoned by their owners, are now available, here and in other cities, for someone to do something with. But there are problems with removing the mortgages on them, finding the money to renovate them and still making them available at reasonable cost to low-income families.

The city's public housing authority could move in on the city's now-decaying buildings, condemn them, take them over by assuming the mortgages, renovate them and use them for badly needed, scattered-site public housing.

NEW HOUSING LAWS

But this would not solve the problem of those many buildings that have not been abandoned.

Recently passed Federal law provides a broad variety of new ways to provide low-income housing, including low interest loans to buyers and renovation financing. But Congress appropriated very little money for this use, and there is still much confusion over administration of the grants.

Already there is internecine warfare between two nonprofit housing groups in Washington over just what and how to do something here. Both the Urban Rehabilitation Corporation, financed by the Catholic Archdiocese here, and the Housing Development Corporation, headed by the city's Democratic National Committeeman, the Rev. Channing E. Phillips, are well motivated, but are sniping at each other.

There is no agency to coordinate their efforts, or to guide them through the machinations of bureaucracies. Two other, smaller nonprofit housing groups have had to hire slum speculators, like Nathan Habib and attorney Kurt Berlin, to show them where properties are and how to get them.

Just as the burned-out buildings on 14th Street nw. are grim reminders of Washington's 1968 riots, the abandoned moldering houses and shabby apartment buildings, those financial institutions in turmoil, and the Negro families faced with seemingly impossible debts are the grim reminders of the last whirlwind decade of speculation in the growing ghetto here.

RECESS

The SPEAKER. The Chair declares a recess until approximately 8:40 o'clock p.m. this evening, subject to the call of the Chair. The bells will be rung.

Accordingly (at 12 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 48 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION NO. 77 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, Hon. William M. Miller, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Oklahoma, Mr. ALBERT; the gentleman from Louisiana, Mr. BOGGS; the gentleman from New York, Mr. CELLER; the gentleman from Texas, Mr. PATMAN; the gentleman from Texas, Mr. MAHON; the gentleman from Michigan, Mr. GERALD R. FORD; the gentleman from Illinois, Mr. ARENDS; the gentleman from Texas, Mr. BUSH; and the gentleman from Texas, Mr. PRICE.

The VICE PRESIDENT. On the part of the Senate the Chair appoints as members of the committee of escort the Senator from Georgia, Mr. RUSSELL; the Senator from Montana, Mr. MANSFIELD; the Senator from Massachusetts, Mr. KENNEDY; the Senator from West Virginia, Mr. BYRD; the Senator from Louisiana,

Mr. ELLENDER; the Senator from Illinois, Mr. DIRKSEN; the Senator from Pennsylvania, Mr. SCOTT; the Senator from Vermont, Mr. AIKEN; the Senator from North Dakota, Mr. YOUNG; and the Senator from Colorado, Mr. ALLOTT.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 2 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My distinguished colleagues in the Congress, I have the high privilege and the distinct honor not only officially but personally to me of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-1)

The PRESIDENT. Thank you very much. Mr. Speaker, Mr. President, Members of the Congress and my fellow Americans, for the sixth and the last time, I present to the Congress my assessment of the State of the Union.

I shall speak to you tonight about challenge and opportunity, about the commitments that all of us have made together that will, if we carry them out, give America our best chance to achieve the kind of a great society that we all want.

Every President lives, not only with what is, but with what has been, and what could be.

Most of the great events in his Presidency are parts of a larger sequence extending back through several years and extending back through several other administrations.

Urban unrest, poverty, pressures on welfare, education of our people, law enforcement and law and order, the continuing crisis in the Middle East, the conflict in Vietnam, the dangers of nuclear war, the great difficulties of dealing with the Communist powers, all have this much in common.

They and their causes, the causes that gave rise to them, all of these have existed with us for many years. Several Presidents have already sought to try to deal with them. One or more Presidents will try to resolve them or try to contain them in the years that are ahead of us.

But if the Nation's problems are continuing, so are this great Nation's assets: our economy, the democratic system, our sense of exploration, symbolized most recently by the wonderful flight of the Apollo 8 in which all Americans took great pride, and the good common sense and sound judgment of the American people and their essential love of justice.

We must not ignore our problems. But neither should we ignore our strengths. Those strengths are available to sustain a President of either party, to support his progressive efforts, both at home and overseas.

Unfortunately, the departure of an administration does not mean the end of the problems that this administration has faced. The effort to meet the problems must go on, year after year, if the momentum that we have all mounted together in these past years is not to be lost.

Although the struggle for progressive change is continuous, there are times when a watershed is reached—when there is—if not really a break with the past—at least the fulfillment of many of its oldest hopes, and a stepping forth into a new environment to seek new goals.

And I think the past five years have been such a time. We have finished a major part of the old agenda. Some of the laws we wrote have already, in front of our eyes, taken on the flesh of achievement.

Medicare, that we were unable to pass for so many years, is now a part of American life. Voting rights, and the voting booth, that we debated so long back in the '50s—and the doors to public service—are open at last to all Americans, regardless of their color. Schools and school children all over America tonight are receiving Federal assistance to go to good schools, and pre-school education Head Start is already here to stay, and I think so are the Federal programs that tonight are keeping more than a million and a half of our cream of our young people in the colleges and universities of this country.

Part of the American earth—not only in a description on a map, but in the reality of our shores and our hills and our parks and our forests and our mountains—has been permanently set aside for the American public and for their benefit, and there is more that is going to be set aside before this administration ends.

Five million Americans have been trained for jobs in new Federal programs—and I think it is most important that we all realize tonight that this nation is close to full employment, with less unemployment than we have had at any time in almost 20 years—and that is not in theory—that is in fact. Tonight the unemployment rate is down to 3.3%. The number of jobs has grown by more than 8½ million in the last five years—and that is more than in all the preceding twelve years.

These achievements completed the full cycle—from idea to enactment, and finally to a place in the lives of citizens all across this country.

I wish it were possible to say that everything that this Congress and the Administration achieved during this period had already completed that cycle, but a great deal of what we have committed needs additional funding to become a tangible realization.

Yet, the very existence of those commitments—those promises to the American people made by this Congress and by the Executive Branch of the government are achievements in themselves and the failure to carry through on our commitments would be tragedy for this nation.

This much is certain: no one man or group of men made these commitments alone. Congress and the Executive Branch with their checks and balances reasoned together and finally wrote them into the law of the land. They now have all the moral force that the American political system can summon when it acts as one.

They express America's common determination to achieve goals. They imply action.

In most cases, you have already begun that action but it is not fully completed, of course.

Let me speak for a moment about these commitments, and I am going to speak in the language that the Congress itself spoke when it passed these measures. I am going to quote from your words.

IMPROVING THE QUALITY OF LIFE

—In 1966 Congress declared that "improving the quality of urban life is the most critical domestic problem facing the United States." Two years later, it affirmed the historic goal of "a decent home . . . for every American family." That is your language.

Now to meet these commitments, we must increase our support for the Model Cities program, where blueprints of change are already being prepared in 150 American cities.

To achieve the goals of the Housing Act of 1968, which was just passed, we should begin this year more than 500,000 homes for needy families in the coming fiscal year. Funds are provided in the new budget to do this. And this is almost ten times, ten times the average rate of the past ten years.

Our cities and our towns are being pressed for funds to meet the needs of their growing populations. I believe an Urban Development Bank should be created by the Congress. This Bank could obtain resources through the issuance of taxable bonds, and it could lend these resources at reduced rates to communities throughout the land for schools, hospitals, parks, and other public facilities.

INSURING A LIFE OF DIGNITY

—Since the enactment of the Social Security Act in 1935, Congress has recognized the necessity to "make more adequate provision for aged persons . . . maternal and child welfare . . . and public health."

And that is the words of Congress.

The time has come, I think, to make it more adequate and I think we should increase social security benefits, and I am so recommending.

I am suggesting that there should be an overall increase in the benefits of at least 13%. Those who receive only the minimum of $55 should get $80 a month.

Our nation is rightly proud of its medical advances. But we should remember that our country ranks 15th among the nations of the world in its infant mortality rate.

I think we should assure decent medical care for every expectant mother, and for their children during the first year of their life in the United States of America.

I think we should protect our children and their families from the costs of catastrophic illness.

I think nothing is clearer than the commitment that Congress made to end poverty. Congress expressed it well, I think, in 1964 when they said:

"It is the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this nation," this, the richest nation in the world.

The anti-poverty program has had many achievements, and it also has some failures. But we must not cripple it after only three years of trying to solve the human problems that have been with us and have been building up among us for generations. I believe the Congress this year will want to improve the administration of the poverty program by reorganizing portions of it and transferring them to other agencies. I believe, though, it will want to continue until we have broken the back of poverty with the efforts we are now making throughout this land.

I believe and I hope the next administration, I believe they believe, is that the key to success in this effort is jobs, is work for people who want to work. In the budget for fiscal 1970, I shall recommend a total of $3.5 billion for our job training programs, and that is five times as much as we spent in 1964, trying to prepare Americans so they can work to earn their own living.

The nation's commitments in the field of civil rights began with the Declaration of Independence. They were extended by the Thirteenth, and Fourteenth, and Fifteenth Amendments, and they have been powerfully strengthened by the enactment of three far-reaching civil rights laws within the past five years that this Congress in its wisdom passed.

On January the first of this year, the Fair Housing Act of 1968 covered over twenty million American homes and apartments. The prohibition against racial discrimination in that Act should be remembered and it should be vigorously enforced throughout this land.

I believe we should also extend the vital provisions of the Voting Rights Act for another five years.

PROTECTING LIFE

In the Safe Streets Act of 1968, Congress determined "To assist state and local governments in reducing the incidence of crime."

This year I am proposing that the Congress provide the full $300 million that the Congress authorized to do just that. And I hope the Congress will put the money where the authorization is.

I believe this is an essential contribution to justice and to public order in the United States. And I hope these grants can be made to the states and they can be used effectively to reduce the crime rate in this country.

But all of this is only a small part of the total effort that must be made, I think chiefly by the local governments throughout the nation, if we expect to reduce the toll of crime that we all detest.

Frankly, as I leave the office of the Presidency, one of my greatest disappointments is our failure to secure passage of a licensing and registration act for firearms. I think if we had passed that act, it would have reduced the incidence of crime, and I believe that the Congress should adopt such a law, and I hope that it will at a not too distant date.

IMPROVING GOVERNMENT

In order to meet our long-standing commitment to make government as efficient as possible, I believe we should reorganize our postal system along the lines of the Kappel Report. I hope we can all agree that public service should never impose an unreasonable financial sacrifice on able men and women who want to serve their country.

So I believe that the recommendations of the Commission on Executive, Legislative and Judicial Salaries are generally sound. Later this week I shall submit a special message which I reviewed with the leadership this evening containing a proposal that has been reduced and has modified the Commission's recommendation to some extent on the Congressional salaries. For Members of Congress I will recommend a basic compensation not at the $50,000 unanimously recommended by the Kappel Commission and the other distinguished Members, but I shall reduce that $50,000 to $42,500. And I will suggest that Congress appropriate a very small additional allowance for official expenses so that Members will not be required to use their salary increase for essential official business.

I would have submitted the Commission's recommendations except that the advice that I received from the leadership—and you usually are consulted about matters that affect the Congress—was that the Congress would not accept the $50,000 recommendation and if I expected my recommendation to be seriously considered I should make substantial reductions. That is the only reason I did not go along with the Kappel report.

In 1967 I recommended to Congress a fair and impartial random selection system for the draft. I submit it again tonight for your most respectful consideration.

THE MEANS TO MEET OUR COMMITMENTS

I know that all of us recognize that most of the things we do to meet all of these commitments I talk about will cost money. And if we maintain the strong rate of growth that we have had in this country in the past eight years, I think we shall generate the resources that we need to meet these commitments.

We have already been able to increase our support of major social programs. Although we have heard a lot about not being able to do anything on the home front because of Vietnam, we have been able in the last five years to increase our commitments for such things as health and education from $30 billion in 1964 to $68 billion in the coming fiscal year. That is more than double. And that is more than it has ever been increased in the 188 years of this Republic, notwithstanding Vietnam.

We must continue to budget our resources and budget them responsibly in a way that will preserve our prosperity and will strengthen our dollar.

Greater revenues and the reduced Federal spending required by Congress last year have changed the budgetary picture dramatically since last January, when we made our estimates. At that time you will remember that we estimated would have a deficit of $8 billion. Well, I am glad to report to you tonight that for the fiscal year ending June 30, 1969, this June, we are going to have not a deficit, but we are going to have a $2.4 billion surplus.

You will receive the budget tomorrow, that is the budget for the next fiscal year that begins next July the 1st, which you will want to examine very carefully in the days ahead. It will provide a $3.4 billion surplus.

This budget anticipates the extension of the surtax that Congress enacted last year. I have communicated with President-elect Nixon in connection with this policy and continuing the surtax for the time being. I want to tell you that both of us want to see it removed just as soon as circumstances will permit, but the President-elect has told me that he has concluded that until his Administration and this Congress can examine the appropriation bills and each item in the budget and can ascertain that the facts justify permitting the surtax to expire or be reduced, he, Mr. Nixon, will support my recommendation that the surtax be continued.

Americans, I believe, are united in the hope that the Paris talks will bring an early peace to Vietnam. And if our hopes for an early settlement of the war are realized, then our military expenditures can be reduced, and very substantial savings can be made, to be used for other desirable purposes as the Congress may determine.

In any event, I think it is imperative that we do all we responsibly can to resist inflation, while maintaining our prosperity.

I think all Americans know that our prosperity is broad and it is deep—that it has brought record profits—the highest in our history—record wages—our gross national product has grown more in the last five years than in any other period in our nation's history—our wages have been the highest, our profits have been the best—and this prosperity has enabled millions to escape the poverty that they would have otherwise had the last few years.

And I think also you will be very glad to hear that the Secretary of the Treasury informs me tonight that in 1968 in our balance of payments we have achieved a surplus. It appears that we have, in fact, done better this year than

we have done in any year in this regard since the year 1957.

THE QUEST FOR PEACE

The quest for a durable peace has, I think, absorbed every Administration since the end of World War II.

It has required us to seek a limitation of arms races, not only among the super-powers, but among the smaller nations as well. We have joined in the Test Ban Treaty of 1963, the Outer Space Treaty of 1967, the treaty against the spread of nuclear weapons in 1968.

And this latter agreement—the Non-Proliferation Treaty—is now pending in the Senate and it has been pending there since last July. In my opinion, delay in ratifying it is not going to be helpful to the cause of peace. America took the lead in negotiating this treaty, and America should now take steps to have it approved at the earliest possible date.

And until a way can be found to scale down the level of arms among the superpowers, mankind cannot view the future without fear and great apprehension. So I believe that we should resume talks with the Soviet Union about limiting offensive and defensive missile systems. And I think they would have already been resumed except for Czechoslovakia and our election this year.

It was more than 20 years ago that we embarked on a program of trying to aid the developing nations. We knew then that we could not live in good conscience as a rich enclave on an earth that was seething in misery. And during these years there have been great advances made under our program, particularly against want and hunger. And although we were disappointed at the appropriations last year—we thought they were awfully inadequate—this year I am asking for adequate funds for economic assistance in the hope that we can further peace throughout the world.

I think we must continue to support efforts in regional cooperation. Among those efforts, that of Western Europe has a very special place in America's concern.

The only course that is going to permit Europe to play the great role, the world role that its resources permit, is to go forward to unity. I think America remains ready to work with a united Europe, work as a partner, on the basis of equality.

For the future, the quest for peace I believe requires that we maintain the liberal trade policies that have helped us become the leading nation in world trade; that we strengthen the international monetary system as an instrument of world prosperity; and that we seek areas of agreement with the Soviet Union where the interests of both nations, and the interests of world peace, are properly served.

The strained relationship between us and the world's leading Communist power has not ended, especially in the light of the brutal invasion of Czechoslovakia. The totalitarianism is no less odious to us, because we are able to reach some accommodation that reduces the danger of world catastrophe. What we do, we do in the interest of peace in the world and we earnestly hope that time will bring a Russia that is less afraid of diversity and individual freedom.

VIETNAM AND THE MIDDLE EAST

The quest for peace tonight continues in Vietnam, and in the Paris talks.

I regret more than any of you know it has not been possible to restore peace to South Vietnam. The prospects I think for peace are better today than at any time since North Vietnam began its invasion into its regular forces more than four years ago. And, the free nations of Asia know what they were not sure of at that time, that America cares about their freedom, and it also cares about America's own vital interests in Asia and throughout the Pacific.

The North Vietnamese know that they cannot achieve their aggressive purposes by force. There may be hard fighting before a settlement is reached; but I can assure you it will yield no victory to the Communist cause.

I cannot speak to you tonight about Vietnam without paying a very personal tribute to the men who have carried the battle out there for all of us, and I have been honored to be their Commander-in-Chief. The Nation owes them its unstinting support while the battle continues, and its enduring gratitude when their service is done.

Finally, the quest for stable peace in the Middle East goes on in many capitals tonight. America fully supports the unanimous resolution of the U.N. Security Council which points the way. There must be a settlement of the armed hostility that exists in that region of the world today. It is a threat not only to Israel and to all the Arab states, but it is a threat to every one of us and to the entire world as well.

A MESSAGE TO CONGRESS

Now, my friends in Congress, I want to conclude with a few very personal words to you.

I rejected and rejected and then finally accepted the congressional leadership's invitation to come here to speak this farewell to you in person tonight. I did that for two reasons. One was philosophical. I wanted to give you my judgment as I saw it on some of the issues before our nation as I view them before I leave.

The other was just pure sentimental. [Applause, Members rising.] Most all of my life as a public official has been spent here in this building. For thirty-eight years—since I worked on that gallery as a doorkeeper in the House of Representatives—I have known these halls and I have known most of the men pretty well who walked them. I know the questions that you face, I know the conflicts that you endure, I know the ideals that you seek to serve.

I left here first to become Vice President, and then to become—in a moment of tragedy—the President of the United States. My term of office has been marked by a series of challenges both at home and throughout the world. In meeting some of these challenges, the nation has found a new confidence. In meeting others, it knew turbulence and doubt, and fear and hate.

Throughout this time, I have been sustained by my faith in representative democracy—a faith that I had learned here in this Capitol Building as an employee and as a Congressman, and as a Senator. I believe deeply in the ultimate purposes of this nation—described by the Constitution, tempered by history, embodied in progressive laws, and given life by men and women who have been elected to serve their fellow citizens.

For five most demanding years in the White House, I have been strengthened by the counsel and the cooperation of two great former Presidents, Harry S. Truman and Dwight David Eisenhower. I have been guided by the memory of my pleasant and close association with the beloved John F. Kennedy, and with our greatest modern legislator, Speaker Sam Rayburn. I have been assisted by my friend every step of the way, Vice President HUBERT HUMPHREY. I am so grateful that I have been supported daily by the loyalty of Speaker MCCORMACK and Majority Leader ALBERT. I have benefited from the wisdom of Senator MIKE MANSFIELD, and I am sure I have avoided many dangerous pitfalls by the good common sense counsel of the President Pro Tempore of the Senate, Senator RICHARD B. RUSSELL of the State of Georgia. I have received the most generous cooperation from the leaders of the Republican Party in the Congress of the United States, Senator DIRKSEN and Congressman GERALD R. FORD, the minority leader.

No President should ask for more, although I did upon occasion. But few Presidents have ever been blessed with so much.

President-elect Nixon in the days ahead is going to need your understanding, just as I did. He is entitled to have it. I hope every Member will remember that the burdens he will bear as our President will be borne for all of us. Each of us should try not to increase these burdens for the sake of narrow personal or partisan advantage.

And now it is time to leave.

I hope it may be said, a hundred years from now, that by working together we helped to make our country more just, more just for all of its people—as well as to insure and guarantee the blessings of liberty for all of our posterity. That is what I hope, but I believe that it will be said that we tried.

Thank you.

[Applause, the Members rising.]

At 9 o'clock and 50 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 56 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will be in order.

RESIGNATION FROM THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 14, 1969.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I herewith submit my resignation from the House Administration Committee of the House of Representatives.

Respectfuly,

SAM M. GIBBONS,
U.S. Congressman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

MESSAGE OF THE PRESIDENT

Mr. ALBERT. Mr. Speaker, I move that the message of the President of the United States be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ALBERT, on Thursday, January 16, for 1 hour; and to revise and extend his remarks.

Mrs. SULLIVAN, for 10 minutes, today; to revise and extend her remarks and include extraneous matter.

Mr. PICKLE (at the request of Mr. CAFFERY), for 30 minutes, on January 16; to revise and extend his remarks and to include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. DULSKI and to include extraneous matter in three instances.

(The following Members (at the request of Mr. ARENDS) to extend their remarks and include extraneous matter:)

Mr. DERWINSKI in three instances.
Mr. BURTON of Utah in 10 instances.
Mr. MIZE.
Mr. HUNT.
Mr. FRELINGHUYSEN.
Mr. NELSEN.
Mr. MORSE.
Mr. SCHERLE in two instances.
Mr. ZWACH in two instances.
Mr. MCCLORY.
Mr. UTT.
Mr. BROYHILL of Virginia.

(The following Members (at the request of Mr. CAFFERY) and to include additional matter in that section of the RECORD entitled "Extensions of Remarks":)

Mr. OTTINGER in two instances.
Mr. RODINO.
Mr. WILLIAM D. FORD.
Mr. DANIEL of Virginia.
Mr. EDWARDS of Louisiana.
Mr. ROSENTHAL in three instances.
Mr. O'NEAL of Georgia in two instances
Mr. BINGHAM.
Mr. MARSH in two instances.
Mr. FLOWERS.
Mr. TAYLOR in two instances.
Mr. FASCELL in two instances.
Mr. PICKLE in two instances.
Mr. PUCINSKI in six instances.
Mr. CELLER.
Mr. GONZALEZ in three instances.
Mr. RARICK in four instances.
Mr. BROWN of California.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD.
Mr. MURPHY of New York.
Mr. FEIGHAN.
Mr. GONZALEZ in three instances.
Mr. DULSKI.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 15, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clauses 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

215. A letter from the Secretary of Health, Education, and Welfare, transmitting the findings of the Department of Health, Education, and Welfare with respect to the coverage of drugs under part B of title XVIII of the Social Security Act, pursuant to the provisions of section 405 of the Social Security Amendments of 1967 (H. Doc. No. 91–43); to the Committee on Ways and Means and ordered to be printed.

216. A letter from the Secretary of Health, Education, and Welfare, transmitting the findings of the Department of Health, Education, and Welfare with respect to the establishment of quality and cost standards for drugs for which payments are made under the Social Security Amendments of 1967, pursuant to the provisions of section 405 of the Social Security Amendments of 1967 (H. Doc. No. 91–44); to the Committee on Ways and Means and ordered to be printed.

217. A letter from the president, Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., transmitting the 40th annual report of the work and operations of the Gorgas Memorial Laboratory for fiscal year 1968, pursuant to the provisions of 45 Stat. 491 (22 U.S.C. 278a) (H. Doc. No. 91–10); to the Committee on Foreign Affairs and ordered to be printed.

218. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the demand for personnel and training in the field of aging, pursuant to the provisions of Public Law 90–42; to the Committee on Education and Labor.

219. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report of the amount of Export-Import Bank insurance and guarantees issued in November 1968, in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended, and the applicable Presidential determination thereunder, dated May 7, 1968; to the Committee on Foreign Affairs.

220. A letter from the Comptroller General of the United States, transmitting the annual report on the activities of the U.S. General Accounting Office during the fiscal year ended June 30, 1968, pursuant to the provisions of section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Operations.

221. A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract under which Canyon Tours, Inc., will be authorized to continue to provide concession facilities and services for the public in Glen Canyon National Recreation Area, Ariz. and Utah, for a 30-year period from January 1, 1969, through December 31, 1998, pursuant to the provisions of 67 Stat. 271, as amended by 70 Stat. 543; to the Committee on Interior and Insular Affairs.

222. A letter from the Secretary of Transportation, transmitting a certified copy of the amendments to the regulations governing the numbering of undocumented vessels (primarily recreational craft), promulgated by the Commandant, U.S. Coast Guard, and submitted for publication in the Federal Register, pursuant to the provisions of 46 U.S.C. 527d; to the Committee on Merchant Marine and Fisheries.

223. A letter from the Naturalization Service, U.S. Department of Justice, transmitting a report on positions in the Immigration and Naturalization Service in grades GS–16, GS–17, and GS–18 during the 1968 calendar year, pursuant to the provisions of 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

224. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 313 of the act approved October 27, 1965, as amended (82 Stat. 735); to the Committee on Public Works.

225. A letter from the Secretary of the Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of June 30, 1968, pursuant to the provisions of section 402, Public Law 89–809 (80 Stat. 1590); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXI, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 3236. A bill to require all insured banks to clear checks at par; to the Committee on Banking and Currency.

H.R. 3237. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

H.R. 3238. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 3239. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 3240. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3241. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

H.R. 3242. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

H.R. 3243. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

H.R. 3244. A bill to provide for the establishment of a mint of the United States at Chicago, Ill.; to the Committee on Public Works.

H.R. 3245. A bill to amend the Internal Revenue Code of 1954 to allow a deduction, for income tax purposes, based on expenses incurred by the taxpayer for the higher education of his children; to the Committee on Ways and Means.

H.R. 3246. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3247. A bill to amend the act of December 11, 1963 (77 Stat. 349); to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:

H.R. 3248. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if certain relatives of such member died while serving in the Armed Forces in Vietnam; to the Committee on Armed Services.

H.R. 3249. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Veterans' Affairs.

By Mr. BROWN of California:

H.R. 3250. A bill to appropriate funds for the construction of a multilevel parking facility in connection with the Federal building, 300 North Los Angeles Street, Los Angeles, Calif.; to the Committee on Appropriations.

H.R. 3251. A bill to provide for the issuance of a special postage stamp to commemorate the 200th anniversary of the San Gabriel Mission; to the Committee on Post Office and Civil Service.

H.R. 3252. A bill to amend title 38, United States Code, to assure availability of rent supplement payments and food coupons for certain seriously disabled veterans; to the Committee on Veterans' Affairs.

H.R. 3253. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

H.R. 3254. A bill to amend title 38, United States Code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions; to the Committee on Veterans' Affairs.

H.R. 3255. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 3256. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 3257. A bill to amend the Small Business Act to apply an acceptable credit risk standard for loans to small business concerns in certain high-risk areas; to the Committee on Banking and Currency.

By Mr. DENNEY:

H.R. 3258. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for insured operating loans, including loans to low-income farmers and ranchers, and for other purposes; to the Committee on Agriculture.

H.R. 3259. A bill providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3260. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENNEY (for himself, Mr. HUNT, and Mr. BROTZMAN):

H.R. 3261. A bill to require the Bureau of the Budget to submit to the Congress certain monthly estimates concerning national income and expenditures; to the Committee on Government Operations.

By Mr. DERWINSKI:

H.R. 3262. A bill to provide for the transfer of income taxes to the States for use for educational and other purposes without Federal direction, control, or interference; to the Committee on Ways and Means.

H.R. 3263. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water or air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. FRIEDEL (for himself and Mr. FALLON):

H.R. 3264. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ:

H.R. 3265. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. GILBERT:

H.R. 3266. A bill to amend title XVIII of the Social Security Act to permit payment thereunder, in the case of an individual otherwise eligible for home health services of the type which may be provided away from his home, for the costs of transportation to and from the place where such services are provided; to the Committee on Ways and Means.

H.R. 3267. A bill to amend the Internal Revenue Code of 1954 to grant an additional income tax exemption to a taxpayer supporting a dependent who is permanently handicapped; to the Committee on Ways and Means.

H.R. 3268. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work, and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

H.R. 3269. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder, and to provide that full benefits thereunder, when based upon the attainment of retirement age, will be payable to men at age 60 and to women at age 55; to the Committee on Ways and Means.

H.R. 3270. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption to certain physically handicapped individuals; to the Committee on Ways and Means.

H.R. 3271. A bill to amend title IV of the Social Security Act to eliminate the mandatory work incentive program for recipients of aid to families with dependent children which was added by the Social Security Amendments of 1967; to the Committee on Ways and Means.

H.R. 3272. A bill to amend the Social Security Act to remove the provisions (added in 1967) which limit the number of children who may receive aid to families with dependent children under title IV and the families who may be eligible for medical assistance under title XIX; to the Committee on Ways and Means.

H.R. 3273. A bill to exempt inner tubes from Federal excise tax when used in certain toys; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 3274. A bill to amend the Civil Service Retirement Act, as amended, to provide that accumulated sick leave be credited to the retirement fund or that the individual be reimbursed; to the Committee on Post Office and Civil Service.

By Mr. JOELSON:

H.R. 3275. A bill to establish a commission to plan a permanent memorial to the Reverend Martin Luther King, Jr.; to the Committee on House Administration.

H.R. 3276. A bill to amend the Communications Act of 1934 in order to impose a license fee on radio and television broadcasting licensees in an amount equal to 1 percentum of their gross receipts; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 3277. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cosumnes River division, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KYROS:

H.R. 3278. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindess); to the Commmittee on Ways and Means.

By Mr. McFALL:

H.R. 3279. A bill to amend section 2(3), section 8c(2), and section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. NATCHER:

H.R. 3280. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. NICHOLS:

H.R. 3281. A bill to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3282. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 3283. A bill to amend the act of October 3, 1965; to the Committee on the Judiciary.

H.R. 3284. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 3285. A bill to facilitate the entry into the United States of aliens who are brothers or sisters of U.S. citizens, and for other purposes; to the Committee on the Judiciary.

H.R. 3286. A bill to provide for posting information in post offices with respect to registration and voting, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 3287. A bill to amend title II of the Social Security Act to increase all benefits thereunder by 20 percent, and to provide that full benefits (when based on attainment of retirement age) will be payable to both men and women at age 60; to the Committee on Ways and Means.

H.R. 3288. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

H.R. 3289. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. PERKINS (for himself, Mrs. GREEN of Oregon, Mr THOMPSON of New Jersey, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADEMAS, Mr. O'HARA, Mr. CAREY, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, Mr. MEEDS, Mr. BURTON of

California, and Mr. REID of New York):

H.R. 3290. A bill to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 3291. A bill to permit the donation of surplus agricultural commodities to certain nonprofit organizations serving American servicemen; to the Committee on Agriculture.

By Mr. REID of New York:

H.R. 3292. A bill to extend the executive reorganization provisions of title 5, United States Code, for an additional 2 years, and for other purposes; to the Committee on Government Operations.

By Mr. REUSS:

H.R. 3293. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 3294. A bill to incorporate the Fleet Reserve Association; to the Committee on the Judiciary.

By Mr. SCHEUER (for himself, Mr. ADDABBO, Mr. BINGHAM, Mr. BURTON, of California, Mrs. CHISHOLM, Mr. COHELAN, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. FRIEDEL, Mr. GILBERT, Mr. HALPERN, Mr. HATHAWAY, and Mr. HAWKINS):

H.R. 3295. A bill to provide for the establishment of a Commission on Afro-American History and Culture; to the Committee on Education and Labor.

By Mr. SCHEUER (for himself, Mr. KOCH, Mr. MCCARTHY, Mr. MIKVA, Mr. MOORHEAD, Mr. MORSE, Mr. NIX, Mr. PODELL, Mr. REID of New York, Mr. REUSS, Mr. ROSENTHAL, Mr. RYAN, Mr. TIERNAN, and Mr. WHALEN):

H.R. 3296. A bill to provide for the establishment of a Commission on Afro-American History and Culture; to the Committee on Education and Labor.

By Mr. SIKES:

H.R. 3297. A bill to assist the State of Florida and certain property owners in resolving problems of land ownership and use of the former Naval Live Oak Reservation property in Gulf Breeze, Fla., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TAYLOR:

H.R. 3298. A bill to amend title 5, United States Code, to provide for the inclusion in the computation of accredited service of certain periods of service rendered States or instrumentalities of States, for the purpose of computing a civil service annuity, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas:

H.R. 3299. A bill to amend title 38 of the United States Code in order to provide pensions for children of Mexican War veterans; to the Committee on Veterans' Affairs.

H.R. 3300. A bill to amend title 38 of the United States Code in order to clarify the duties of the Administrator of Veterans' Affairs with respect to the training of health service personnel; to the Committee on Veterans' Affairs.

H.R. 3301. A bill to amend title 38 of the United States Code to provide increased dependency and indemnity compensation to widows in need of the regular aid and attendance of another person; to the Committee on Veterans' Affairs.

H.R. 3302. A bill to amend title 38 of the United States Code to provide that amounts inherited from bank accounts jointly or separately owned shall not count as income for death or disability pension or for dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 3303. A bill to amend title 38 of the United States Code to provide that progressive muscular atrophy developing a 10 percent or more degree of disability within 7 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 3304. A bill to amend title 38 of the United States Code to restore entitlement to benefits on termination of a widow's remarriage; to the Committee on Veterans' Affairs.

H.R. 3305. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

H.R. 3306. A bill to amend title 38 of the United States Code to permit the furnishing of benefits to certain veterans conditionally discharged or released from active military, naval, or air service; to the Committee on Veterans' Affairs.

H.R. 3307. A bill to amend title 38 of the United States Code to provide a monthly clothing allowance to certain veterans who, because of a service-connected disability, regularly wear a prosthetic appliance or appliances which causes exceptional wear or tear of clothing; to the Committee on Veterans' Affairs.

H.R. 3308. A bill to amend section 4001 of title 38, United States Code, to prescribe qualifications for members of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3309. A bill to amend chapter 61 of title 38 of the United States Code in order to prohibit abuses in the solicitation of contributions in the name of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 3310. A bill to amend section 3203 of title 38, United States Code, to provide that veterans entitled to pension who are being maintained in State homes shall receive pension at the rate of $30 per month; to the Committee on Veterans' Affairs.

H.R. 3311. A bill to amend title 38 of the United States Code to limit the authority of the Veterans' Administration and the Bureau of the Budget with respect to construction, acquisition, or alteration of veterans' hospitals and the closing of such hospitals; to the Committee on Veterans' Affairs.

H.R. 3312. A bill to amend title 38 of the United States Code to provide legal defense for employees of the Veterans' Administration who are sued for acts or omissions within the scope of their employment; to the Committee on Veterans' Affairs.

H.R. 3313. A bill to prohibit the processing of stale claims for special dividends by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 3314. A bill to liberalize the provisions of title 38, United States Code, relating to the reinstatement and renewal of term policies of national service and U.S. Government life insurance; to the Committee on Veterans' Affairs.

H.R. 3315. A bill to authorize the use by policyholders of the cash surrender value or the proceeds of a matured endowment policy of U.S. Government or national service life insurance to purchase annuities; to the Committee on Veterans' Affairs.

H.R. 3316. A bill to limit the Administrator's authority to adjust premium rates on insurance issued under section 725(b) of title 38, United States Code, and to authorize the payment of dividends on such insurance after 5 years; to the Committee on Veterans' Affairs.

H.R. 3317. A bill to amend chapter 39 of title 38, United States Code, to increase the assistance payable by the Administrator of Veterans' Affairs toward the purchase price of specially equipped automobiles for disabled veterans; to the Committee on Veterans' Affairs.

H.R. 3318. A bill to amend title 38, United States Code, to provide that certain special hand or foot controls for automobiles shall be considered to be prosthetic appliances; to the Committee on Veterans' Affairs.

H.R. 3319. A bill to amend chapter 73 of title 38, United States Code, to credit physicians and dentists in the Department of Medicine and Surgery of the Veterans' Administration with certain service for retirement purposes; to the Committee on Veterans' Affairs.

H.R. 3320. A bill to amend title 38, United States Code, in order to credit physicians and dentists with 20 or more years of service in the Veterans' Administration with certain service for retirement purposes; to the Committee on Veterans' Affairs.

H.R. 3321. A bill to amend chapter 73 of title 38, United States Code, to make a career in the Department of Medicine and Surgery more attractive; to the Committee on Veterans' Affairs.

H.R. 3322. A bill to liberalize the provisions of title 38, United States Code, relating to the reinstatement and renewal of term policies of national service and U.S. Government life insurance; to authorize policyholders to purchase annuities with the cash surrender value or the proceeds of a matured endowment policy of such insurance; and to prohibit the payment of certain stale claims by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 3323. A bill to amend chapter 19 of title 38 of the United States Code to permit the inclusion of provisions providing for double indemnity for accidental death in national service life insurance policies, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3324. A bill to amend section 111(a) of title 38, United States Code, to increase the rate of reimbursement of travel authorized Veterans' Administration beneficiaries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself and Mr. BROWN of California) (by request):

H.R. 3325. A bill to amend title 38, United States Code, to relieve certain persons from filing the annual income questionnaire in connection with non-service-connected pensions; to the Committee on Veterans' Affairs.

H.R. 3326. A bill to liberalize certain eligibility requirements for payment of benefits to widows of veterans under title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. TUNNEY:

H.R. 3327. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 3328. A bill to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; to the Committee on Interior and Insular Affairs.

H.R. 3329. A bill to create in the Executive Office of the President a Council of Ecological Advisers; to the Committee on Science and Astronautics.

By Mr. VANIK (for himself, Mr. BETTS, Mr. MORGAN, Mr. FEIGHAN, Mr. ASHBROOK, Mr. BOW, Mr. BROWN of Ohio, Mr. BUCHANAN, Mr. CLANCY, Mr. COUGHLIN, Mr. FULTON of Pennsylvania, Mr. HARSHA, Mr. HAYS, Mr. LATTA, Mr. LUKENS, Mr. MCCULLOCH, Mr. MINSHALL, Mr. MILLER of Ohio, Mr. MOORHEAD, Mr. MOSHER, Mr. NIX, Mr. ROONEY of Pennsylvania, Mr.

RUPPE, Mr. SAYLOR, and Mr. STANTON):

H.R. 3330. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. STOKES, and Mr. WILLIAMS):

H.R. 3331. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 3332. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 3333. A bill to increase the efficiency of, and eliminate political activity in, the Post Office Department by revising the terms of office of the Postmaster General and other top officers thereof, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BERRY:

H.R. 3334. A bill to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota; to the Committee on Interior and Insular Affairs.

By Mr. CABELL:

H.R. 3335. A bill to make it a crime to induce, through fraud or misrepresentation, any person to travel in interstate commerce for educational purposes; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 3336. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK:

H.R. 3337. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONYERS (for himself, Mr. ANNUNZIO, Mr. BROWN of California, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CLAY, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. FRASER, Mr. GILBERT, Mr. GONZALEZ, Mr. HALPERN, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. LOWENSTEIN, Mr. MATSUNAGA, Mr. MIKVA, Mr. MOORHEAD, Mr. PODELL, Mr. REUSS, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. STOKES, and Mr. CHARLES H. WILSON):

H.R. 3338. A bill to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. ECKHARDT, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. REID of New York, and Mr. THOMPSON of New Jersey):

H.R. 3339. A bill to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. DAVIS of Wisconsin:

H.R. 3340. A bill to provide for a device for recording and counting votes in the House of Representatives; to the Committee on House Administration.

By Mr. GILBERT:

H.R. 3341. A bill to authorize withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. HÉBERT:

H.R. 3342. A bill to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for reservists and members of the National Guard, under certain conditions, and for other purposes; to the Committee on Armed Services.

By Mr. LEGGETT:

H.R. 3343. A bill to amend chapter 55 of title 10 to provide additional dental care for dependents of active duty members of the uniformed services; to the Committee on Armed Services.

H.R. 3344. A bill to amend the Public Health Service Act to establish the position of chief veterinary officer of the service and provide for the rank of Assistant Surgeon General for said position; to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT (for himself, Mr. HOGAN, and Mr. HUNGATE):

H.R. 3345. A bill to promote fair competition among prime contractors and subcontractors and to prevent bid peddling on public works contracts by requiring persons submitting bids on those contracts to specify certain subcontractors who will assist in carrying them out; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 3346. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 3347. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for expenses incurred in providing education and training for mentally retarded or physically handicapped children; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.J. Res. 245. Joint resolution to provide for the designation of the second week of May of each year as "National School Safety Patrol Week"; to the Committee on the Judiciary.

H.J. Res. 246. Joint resolution authorizing the President to proclaim annually the week including February 14 (the birthday of Frederick Douglass) as "Afro-American History Week"; to the Committee on the Judiciary.

By Mr. ASPINALL (for himself, Mr. SAYLOR, Mr. HALEY, Mr. SKUBITZ, Mr. EDMONDSON, Mr. BURTON of Utah, Mr. TAYLOR, Mr. MORTON, Mr. JOHNSON of California, Mr. KYL, Mr. FOLEY, Mr. STEIGER of Arizona, Mr. WHITE, Mr. MCCLURE, Mr. KEE, and Mr. KAZEN):

H.J. Res. 247. Joint resolution relating to the administration of the national park system; to the Committee on Interior and Insular Affairs.

By Mr. UTT:

H.J. Res. 248. Joint resolution to provide for the resumption of trade with Rhodesia; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO:

H. Con. Res. 80. Concurrent resolution to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.

H. Con. Res. 81. Concurrent resolution expressing the sense of the Congress with respect to the incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. CABELL:

H. Con. Res. 82. Concurrent resolution designating October 6 of each year as "German-American Day"; to the Committee on the Judiciary.

By Mr. DENNEY:

H. Con. Res. 83. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H. Con. Res. 84. Concurrent resolution to express the sense of Congress with respect to an investigation and study to determine the potential of railroad passenger and mail transportation in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY (for himself, Mr. ADAMS, Mr. BIESTER, Mr. BROCK, Mr. BROWN of Michigan, Mr. CLEVELAND, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FULTON of Pennsylvania, Mr. GIAIMO, Mr. HALPERN, Mr. HANNA, Mr. HATHAWAY, Mr. HICKS, Mr. HORTON, Mr. JOHNSON of California, Mr. LEGGETT, Mr. LUKENS, Mr. MAILLIARD, Mr. MCFALL, Mr. MIKVA, Mr. MIZE, Mr. MORSE, and Mr. MOSS):

H. Con. Res. 85. Concurrent resolution calling upon the President to terminate foreign direct investment controls; to the Committee on Foreign Affairs.

By Mr. TUNNEY (for himself, Mr. OTTINGER, Mr. PATTEN, Mr. PERKINS, Mr. PRYOR of Arkansas, Mr. ROSENTHAL, Mr. ROTH, Mr. ST. ONGE, Mr. TEAGUE of California, Mr. THOMPSON of New Jersey, Mr. UTT, Mr. WHALEN, and Mr. WILLIAMS):

H. Con. Res. 86. Concurrent resolution calling upon the President to terminate foreign direct investment controls; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO:

H. Res. 125. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. DENNEY (for himself, Mr. HUNT, and Mr. BROTZMAN):

H. Res. 126. Resolution amending the Rules of the House of Representatives to provide that each public bill or resolution introduced in the House of Representatives shall contain an estimate of the cost to the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. POAGE:

H. Res. 127. Resolution to authorize investigations by the Committee on Agriculture; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ABBITT:

H.R. 3348. A bill for the relief of the estate of Pierre Samuel du Pont Darden; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 3349. A bill for the relief of Maria Conchita R. Agcaoili; to the Committee on the Judiciary.

H.R. 3350. A bill for the relief of Guiseppe Birardi; to the Committee on the Judiciary.

H.R. 3351. A bill for the relief of Luigi Pedrotti; to the Committee on the Judiciary.

H.R. 3352. A bill for the relief of Nicola Gagliardi; to the Committee on the Judiciary.

H.R. 3353. A bill for the relief of Theofanis Koutsiaftis: to the Committee on the Judiciary.

H.R. 3354. A bill for the relief of Calogero, Maria, and minor child, Fabio Lauria; to the Committee on the Judiciary.

H.R. 3355. A bill for the relief of Dr. Shama Sunder Rao; to the Committee on the Judiciary.

H.R. 3356. A bill for the relief of Maria Ann Margarete Schupp; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 3357. A bill for the relief of Giuseppe Pileggi; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 3358. A bill for the relief of the McCarran Ranch; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 3359. A bill for the relief of Mrs. Maria De Simone; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 3360. A bill for the relief of Dr. Olga J. Agbayani Asar and Dr. Sedat Ali Asar; to the Committee on the Judiciary.

H.R. 3361. A bill for the relief of Shyrill Burton; to the Committee on the Judiciary.

H.R. 3362. A bill for the relief of Rita Elizabeth Clarke; to the Committee on the Judiciary.

H.R. 3363. A bill for the relief of Zorah Veronica Clarke; to the Committee on the Judiciary.

H.R. 3364. A bill for the relief of John Faughnan; to the Committee on the Judiciary.

H.R. 3365. A bill for the relief of Wei Lian Lee; to the Committee on the Judiciary.

H.R. 3366. A bill for the relief of Melba Nunez; to the Committee on the Judiciary.

H.R. 3367. A bill for the relief of Richard Joseph O'Callahan; to the Committee on the Judiciary.

H.R. 3368. A bill for the relief of Sara Parobkiewitz; to the Committee on the Judiciary.

H.R. 3369. A bill for the relief of Dr. Gollamudi Ramachander, Mrs. Devasena Ramachander and Subbarao Ramachander; to the Committee on the Judiciary.

H.R. 3370. A bill for the relief of Eftihia Tsavalou; to the Committee on the Judiciary.

H.R. 3371. A bill for the relief of Ruby S. Woodley; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 3372. A bill for the relief of Genowefa Libera Budzyna; to the Committee on Judiciary.

H.R. 3373. A bill for the relief of Giuseppe Delina; to the Committee on the Judiciary.

H.R. 3374. A bill for the relief of Lesvia M. Doukellis; to the Committee on the Judiciary.

H.R. 3375. A bill for the relief of Dr. Esmat M. El-Maayergy; to the Committee on the Judiciary.

H.R. 3376. A bill for the relief of Maria da Conceicao Evaristo; to the Committee on the Judiciary.

H.R. 3377. A bill for the relief of Frank Kleinerman; to the Committee on the Judiciary.

H.R. 3378. A bill for the relief of Donald P. Lariviere; to the Committee on the Judiciary.

H.R. 3379. A bill for the relief of Sfc. Patrick Marratto, U.S. Army (retired); to the Committee on the Judiciary.

H.R. 3380. A bill for the relief of Joseph J. Morris; to the Committee on the Judiciary.

H.R. 3381. A bill for the relief of Ahuva Ovadia; to the Committee on the Judiciary.

H.R. 3382. A bill for the relief of Aniello Peluso; to the Committee on the Judiciary.

H.R. 3383. A bill for the relief of Alberigo Romeo; to the Committee on the Judiciary.

By Mr. BRAY:

H.R. 3384. A bill for the relief of Chun-Ying Sa; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 3385. A bill for the relief of Lauro Alfonso Ochoa Gonzalez; to the Committee on the Judiciary.

H.R. 3386. A bill for the relief of Hyung Sook Lee; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 3387. A bill for the relief of Manuel Vieira Andrade, Jr.; to the Committee on the Judiciary.

H.R. 3388. A bill for the relief of Elsa T. Arce and Esther T. Arce; to the Committee on the Judiciary.

H.R. 3389. A bill for the relief of Domenico Calderone and Carmela Magazzu Calderone; to the Committee on the Judiciary.

H.R. 3390. A bill for the relief of Dong Ping Chin; to the Committee on the Judiciary.

H.R. 3391. A bill for the relief of Giuseppe A. Cicoria; to the Committee on the Judiciary.

H.R. 3392. A bill for the relief of Manlio DeGrandis; to the Committee on the Judiciary.

H.R. 3393. A bill for the relief of Catherine A. Gallagher and Annie E. Gallagher; to the Committee on the Judiciary.

H.R. 3394. A bill for the relief of Antonio Giacobbe; to the Committee on the Judiciary.

H.R. 3395. A bill for the relief of Vincenzo Guarino; to the Committee on the Judiciary.

H.R. 3396. A bill for the relief of Jose Mendoza Lalinde; to the Committee on the Judiciary.

H.R. 3397. A bill for the relief of Hernan Lalinde Mendoza; to the Committee on the Judiciary.

H.R. 3398. A bill for the relief of Sebastiano Patti, Maria Rita Repici Patti, and Francesco Patti; to the Committee on the Judiciary.

H.R. 3399. A bill for the relief of Antonino Venuto; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 3400. A bill for the relief of Alezandros Goumas; to the Committee on the Judiciary.

H.R. 3401. A bill for the relief of Ada G. Morco; to the Committee on the Judiciary.

H.R. 3402. A bill for the relief of Aida Santos Reyes; to the Committee on the Judiciary.

H.R. 3403. A bill for the relief of Ruth Dela Cruz Sioson; to the Committee on the Judiciary.

H.R. 3404. A bill for the relief of Luis Alberto Solari; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 3405. A bill for the relief of certain aliens; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 3406. A bill for the relief of Angelina Elida Matthews; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 3407. A bill for the relief of George Fouad Akrouche; to the Committee on the Judiciary.

H.R. 3408. A bill for the relief of Abou Samir Semaan; to the Committee on the Judiciary.

By Mr. DANIEL of Virginia:

H.R. 3409. A bill for the relief of Miss I. Pang Ho; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 3410. A bill for the relief of Elda Ananyan; to the Committee on the Judiciary.

H.R. 3411. A bill for the relief of Salvatore Barone, Domitilla Barone, and Josephine Barone; to the Committee on the Judiciary.

H.R. 3412. A bill for the relief of Liya Hirina Bernaht; to the Committee on the Judiciary.

H.R. 3413. A bill for the relief of Salvatore Coico, Vincenza Coico, Francesca Coice, and Luigi Coico; to the Committee on the Judiciary.

H.R. 3414. A bill for the relief of George Filipopoulos; to the Committee on the Judiciary.

H.R. 3415. A bill for the relief of Carmela Pitruzzella; to the Committee on the Judiciary.

H.R. 3416. A bill for the relief of Helen Tziminadis; to the Committee on the Judiciary.

By Mr. DELLENBACK:

H.R. 3417. A bill for the relief of Mrs. Gracia Trias Digal; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 3418. A bill for the relief of Francis M. Rogallo and Gertrude S. Rogallo; to the Committee on the Judiciary.

By Mr. DULSKI (by request):

H.R. 3419. A bill for the relief of Saad Ali Mohamed Ahmed; to the Committee on the Judiciary.

H.R. 3420. A bill for the relief of Barbara I. Krzewicka; to the Committee on the Judiciary.

H.R. 3421. A bill for the relief of Dr. Oscar H. Piedad; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 3422. A bill for the relief of Dr. Ebhrain Barzaga; to the Committee on the Judiciary.

H.R. 3423. A bill for the relief of Dr. Adolf Stafl, his wife, Jaroslava BuManova Stafl, and their minor children, Jan Stafl and Zdenek Stafl; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 3424. A bill for the relief of Alberto Aranibar-Zerpa; to the Committee on the Judiciary.

H.R. 3425. A bill for the relief of Pablo and Magdalena Paragas; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 3426. A bill for the relief of Vito Barresi; to the Committee on the Judiciary.

H.R. 3427. A bill for the relief of Giuseppe Rocco; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 3428. A bill for the relief of Jadwiga Adamkiewicz; to the Committee on the Judiciary.

H.R. 3429. A bill for the relief of Luis Barbato Alvarado; to the Committee on the Judiciary.

H.R. 3430. A bill for the relief of Daniela Auerbach; to the Committee on the Judiciary.

H.R. 3431. A bill for the relief of Pauline Bujnovska; to the Committee on the Judiciary.

H.R. 3432. A bill for the relief of Falicitas B. Burgonio; to the Committee on the Judiciary.

H.R. 3433. A bill for the relief of Antonio Demonte; to the Committee on the Judiciary.

H.R. 3434. A bill for the relief of Emerita Dinglas; to the Committee on the Judiciary.

H.R. 3435. A bill for the relief of Amelia Garcia; to the Committee on the Judiciary.

H.R. 3436. A bill for the relief of Matyas Hunyadi; to the Committee on the Judiciary.

H.R. 3437. A bill for the relief of Hee Sook Kim; to the Committee on the Judiciary.

H.R. 3438. A bill for the relief of Salvatore Miceli and Santa Maria Rita Miceli; to the Committee on the Judiciary.

H.R. 3439. A bill for the relief of Virginia O. Olympia; to the Committee on the Judiciary.

H.R. 3440. A bill for the relief of Muammer Onguner, her son, Erol Onguner, and her granddaughter, Yasemin Onguner; to the Committee on the Judiciary.

H.R. 3441. A bill for the relief of Raquel Maria Pellegrini; to the Committee on the Judiciary.

H.R. 3442. A bill for the relief of Juan Peral; to the Committee on the Judiciary.

H.R. 3443. A bill for the relief of Evanthia Psichopedas; to the Committee on the Judiciary.

H.R. 3444. A bill for the relief of Dr. Pacifico C. Ramon, Jr., and his wife, Maria Luisa Ramon; to the Committee on the Judiciary.

H.R. 3445. A bill for the relief of Mrs. Rosario Rodriguez; to the Committee on the Judiciary.

H.R. 3446. A bill for the relief of Dr. Jose Sarabia, his wife, Maria Teresa Sarabia, and their son, Jose S. Sarabia; to the Committee on the Judiciary.

H.R. 3447. A bill for the relief of Francesco Scatigno; to the Committee on the Judiciary.

H.R. 3448. A bill for the relief of Mary Seferian; to the Committee on the Judiciary.

H.R. 3449. A bill for the relief of Vassiliki Vacalopoulou; to the Committee on the Judiciary.

H.R. 3450. A bill for the relief of Leonor Valmores; to the Committee on the Judiciary.

H.R. 3451. A bill for the relief of Bernardino Ventura; to the Committee on the Judiciary.

H.R. 3452. A bill for the relief of Rosa Vexelman; to the Committee on the Judiciary.

H.R. 3453. A bill for the relief of Zofia Wojcik; to the Committee on the Judiciary.

H.R. 3454. A bill for the relief of Mario Michele Zito; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 3455. A bill for the relief of Gaetano Di Marco, Benedetta Di Marco, and Gustavo Di Marco, husband and wife, and minor child; to the Committee on the Judiciary.

H.R. 3456. A bill for the relief of Sergio Petrucci; to the Committee on the Judiciary.

H.R. 3457. A bill for the relief of Alice Pua; to the Committee on the Judiciary.

H.R. 3458. A bill for the relief of Saverio Tassone; to the Committee on the Judiciary.

H.R. 3459. A bill for the relief of Lorenzo Vittore; to the Committee on the Judiciary.

H.R. 3460. A bill for the relief of Wen-Yuan-Yu; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 3461. A bill for the relief of Bernardine McSweaney Cannon; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 3462. A bill for the relief of Royden P. Goodwin and family; to the Committee on the Judiciary.

By Mr. HUNT:

H.R. 3463. A bill for the relief of Nicholas J. Battiste and George F. Whelan; to the Committee on the Judiciary.

H.R. 3464. A bill for the relief of Maria Balluardo Frasca; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 3465. A bill for the relief of Joaquina Januario; to the Committee on the Judiciary.

H.R. 3466. A bill for the relief of Emanuela Trovato; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 3467. A bill for the relief of Miss Bianca Maria Brazzola; to the Committee on the Judiciary.

H.R. 3468. A bill for the relief of Giovanni Paolini and his wife, Malfada Cipriani Paolini; to the Committee on the Judiciary.

H.R. 3469. A bill for the relief of Dr. Manuel Nate Roco, his wife, Nellie Marcelo Roco, and two children, Jonas Marcelo Roco, and Manuel Marcelo Roco; to the Committee on the Judiciary.

H.R. 3470. A bill for the relief of Dr. Segundo Sanchez, his wife, Graciela Sanchez, and four children, Segundo Humberto Sanchez, Oscar Sanchez, Fernando Sanchez, and Orlando Sanchez; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 3471. A bill for the relief of Maria Anunciacao; to the Committee on the Judiciary.

H.R. 3472. A bill for the relief of Alberto Gomes DePina; to the Committee on the Judiciary.

H.R. 3473. A bill for the relief of Franklin Areias Duarte; to the Committee on the Judiciary.

H.R. 3474. A bill for the relief of Branca da Gloria Franco Freitas; to the Committee on the Judiciary.

H.R. 3475. A bill for the relief of Francisco Arguilo Alves da Rocha Gomes; to the Committee on the Judiciary.

H.R. 3476. A bill for the relief of the estate of Patrick H. Harrington, deceased; to the Committee on the Judiciary.

H.R. 3477. A bill for the relief of Margrethe Kristensen; to the Committee on the Judiciary.

H.R. 3478. A bill for the relief of Luiz Pereira Moco; to the Committee on the Judiciary.

H.R. 3479. A bill for the relief of Raymond P. Murphy; to the Committee on the Judiciary.

H.R. 3480. A bill for the relief of the New Bedford Storage Warehouse Co.; to the Committee on the Judiciary.

H.R. 3481. A bill for the relief of Dr. Raghuram Pothapu Reddy; to the Committee on the Judiciary.

H.R. 3482. A bill for the relief of Maria Ascencao Reis; to the Committee on the Judiciary.

H.R. 3483. A bill for the relief of Jane Velsa Smith; to the Committee on the Judiciary.

By Mr. MAHON:

H.R. 3484. A bill for the relief of Szeto Kit Hang; to the Committee on the Judiciary.

H.R. 3485. A bill for the relief of Eugene L. Monagin; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 3486. A bill for the relief of Ivo Lopes Mendes Brandao and Jose Mendes Brandao, Jr.; to the Committee on the Judiciary.

H.R. 3487. A bill for the relief of Paolo Cassarino; to the Committee on the Judiciary.

H.R. 3488. A bill for the relief of Slavko Firman; to the Committee on the Judiciary.

H.R. 3489. A bill for the relief of Houmer C. Godje; to the Committee on the Judiciary.

H.R. 3490. A bill for the relief of Frederico Guercio; to the Committee on the Judiciary.

H.R. 3491. A bill for the relief of Ilona Hiermann; to the Committee on the Judiciary.

H.R. 3492. A bill for the relief of Edmund Kaminski; to the Committee on the Judiciary.

H.R. 3493. A bill for the relief of Michelino Miano; to the Committee on the Judiciary.

H.R. 3494. A bill for the relief of Benito Mirmina, his wife, Nunziata Mirmina, and their children, Franca Mirmina, Guiseppina Mirmina, and Francesco Mirmina; to the Committee on the Judiciary.

H.R. 3495. A bill for the relief of Salvatore Pappalardo; to the Committee on the Judiciary.

H.R. 3496. A bill for the relief of Pasquale Pizzimenti; to the Committee on the Judiciary.

H.R. 3497. A bill for the relief of Luis Elkin Echavarria Quintero; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 3498. A bill for the relief of Illuminada Macasieb; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 3499. A bill for the relief of Filippo Butera; to the Committee on the Judiciary.

H.R. 3500. A bill for the relief of Guiseppe Calva; to the Committee on the Judiciary.

H.R. 3501. A bill for the relief of Marcelo F. Gregorio, Beatriz Ozan deGregorio, and Marcelo F. Gregorio; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 3502. A bill for the relief of Giovanni and Terrana Grottadauria; to the Committee on the Judiciary.

H.R. 3503. A bill for the relief of Maria Panzarella; to the Committee on the Judiciary.

H.R. 3504. A bill for the relief of Juana Reyes; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 3505. A bill for the relief of Timothy J. B. Clarke; to the Committee on the Judiciary.

H.R. 3506. A bill for the relief of Miss Zenaida Carreon Alcasid; to the Committee on the Judiciary.

H.R. 3507. A bill for the relief of Mrs. Carmen Figueroa-Fernandez de Santana; to the Committee on the Judiciary.

H.R. 3508. A bill for the relief of Joseph Paul Lucien Fontaine; to the Committee on the Judiciary.

H.R. 3509. A bill for the relief of Francesco Frasca; to the Committee on the Judiciary.

H.R. 3510. A bill for the relief of Miss Fe Enerlan Galindo; to the Committee on the Judiciary.

H.R. 3511. A bill for the relief of Nobuyoshi Higashi; to the Committee on the Judiciary.

H.R. 3512. A bill for the relief of Lapaz Mercado Ibea; to the Committee on the Judiciary.

H.R. 3513. A bill for the relief of Bernardine Geertrude Jackson; to the Committee on the Judiciary.

H.R. 3514. A bill for the relief of Gelina Jean-Louis; to the Committee on the Judiciary.

H.R. 3515. A bill for the relief of Miss Florence Logan; to the Committee on the Judiciary.

H.R. 3516. A bill for the relief of Vicenta Aida Manjon; to the Committee on the Judiciary.

H.R. 3517. A bill for the relief of Celestina Martorana; to the Committee on the Judiciary.

H.R. 3518. A bill for the relief of Maria Carmen Valente Pereira; to the Committee on the Judiciary.

H.R. 3519. A bill for the relief of Attilio Praino and his wife, Malena Carmen Garcia Praino; to the Committee on the Judiciary.

H.R. 3520. A bill for the relief of Franco Praino; to the Committee on the Judiciary.

H.R. 3521. A bill for the relief of Giuseppe Praino; to the Committee on the Judiciary.

H.R. 3522. A bill for the relief of Luigi Praino and his wife, Sara Lillian Praino; to the Committee on the Judiciary.

H.R. 3523. A bill for the relief of Antonio Scopino; to the Committee on the Judiciary.

H.R. 3524. A bill for the relief of Dr. Raymundo S. Sison; to the Committee on the Judiciary.

H.R. 3525. A bill for the relief of Imeon Magdalene Soberanis; to the Committee on the Judiciary.

H.R. 3526. A bill for the relief of Nikolaos Thanos; to the Committee on the Judiciary.

H.R. 3527. A bill for the relief of Anastasis Tsimpidis; to the Committee on the Judiciary.

H.R. 3528. A bill for the relief of Waimir Turolla; to the Committee on the Judiciary.

H.R. 3529. A bill for the relief of Enrica Undelac; to the Committee on the Judiciary.

H.R. 3530. A bill for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 3531. A bill for the relief of Dr. Miguel Miari Alvarez; to the Committee on the Judiciary.

H.R. 3532. A bill for the relief of Bernardo Benes; to the Committee on the Judiciary.

H.R. 3533. A bill for the relief of Dr. Isaac Cohen; to the Committee on the Judiciary.

H.R. 3534. A bill for the relief of Luis A. de la Vega; to the Committee on the Judiciary.

H.R. 3535. A bill for the relief of Jorge E. De Moya; to the Committee on the Judiciary.

H.R. 3536. A bill for the relief of Nicolas Duarte; to the Committee on the Judiciary.

H.R. 3537. A bill for the relief of Dr. Dario Duque; to the Committee on the Judiciary.

H.R. 3538. A bill for the relief of Dr. Jose Esquenazi; to the Committee on the Judiciary.

H.R. 3539. A bill for the relief of Dr. Angela Zabarte Fandino; to the Committee on the Judiciary.

H.R. 3540. A bill for the relief of Salustiano Garcia-Diaz; to the Committee on the Judiciary.

H.R. 3541. A bill for the relief of Joseph Giardina; to the Committee on the Judiciary.

H.R. 3542. A bill for the relief of Dr. Arthur Gosselin; to the Committee on the Judiciary.

H.R. 3543. A bill for the relief of Dr. Juliet Helmkin; to the Committee on the Judiciary.

H.R. 3544. A bill for the relief of Dr. Carlos Modesto Hernandez; to the Committee on the Judiciary.

H.R. 3545. A bill for the relief of Jose H. Kates; to the Committee on the Judiciary.

H.R. 3546. A bill for the relief of Dr. Gustavo Leon Lemus; to the Committee on the Judiciary.

H.R. 3547. A bill for the relief of Dr. Julio C. Mena; to the Committee on the Judiciary.

H.R. 3548. A bill for the relief of Dr. Roberto de la Caridad Miquel; to the Committee on the Judiciary.

H.R. 3549. A bill for the relief of Dr. Moises Mitrani, M.D.; to the Committee on the Judiciary.

H.R. 3550. A bill for the relief of William H. Nickerson; to the Committee on the Judiciary.

H.R. 3551. A bill for the relief of Alberto Vadra; to the Committee on the Judiciary.

H.R. 3552. A bill for the relief of Jean M. Vorbe; to the Committee on the Judiciary.

H.R. 3553. A bill for the relief of World Mart, Inc.; to the Committee on the Judiciary.

H.R. 3554. A bill for the relief of Dr. Jose R. Zayas-Bazan; to the Committee on the Judiciary.

H.R. 3555. A bill for the relief of Mrs. Rosa Zimmerman; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 3556. A bill for the relief of Daisy Olivia A. Caponong; to the Committee on the Judiciary.

H.R. 3557. A bill for the relief of Chan Pui Chang; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 3558. A bill for the relief of Thomas A. Smith; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 3559. A bill for the relief of Alkiviadis Peter Bouras; to the Committee on the Judiciary.

H.R. 3560. A bill for the relief of Harry Bush; to the Committee on the Judiciary.

H.R. 3561. A bill for the relief of Marta Bru Giusto; to the Committee on the Judiciary.

H.R. 3562. A bill for the relief of Constantin Koumantakis; to the Committee on the Judiciary.

H.R. 3563. A bill for the relief of Melunka Krunic; to the Committee on the Judiciary.

H.R. 3564. A bill for the relief of Pasquale (Pat) LaValle; to the Committee on the Judiciary.

H.R. 3565. A bill for the relief of Licia Marchi; to the Committee on the Judiciary.

H.R. 3566. A bill for the relief of Antonio E. Marti; to the Committee on the Judiciary.

H.R. 3567. A bill for the relief of Faustina Pereda; to the Committee on the Judiciary.

H.R. 3568. A bill for the relief of Motek Rodzynek; to the Committee on the Judiciary.

H.R. 3569. A bill for the relief of Dr. Juan G. Roederer; to the Committee on the Judiciary.

H.R. 3570. A bill for the relief of Sgt. John E. Scott, U.S. Air Force (retired); to the Committee on the Judiciary.

H.R. 3571. A bill for the relief of Miloye M. Sokitch; to the Committee on the Judiciary.

H.R. 3572. A bill for the relief of Sangwoo Suh and Yeong-Yull Suh; to the Committee on the Judiciary.

H.R. 3573. A bill for the relief of Apostolos Todis; to the Committee on the Judiciary.

H.R. 3574. A bill for the relief of Demetrios Verdos; to the Committee on the Judiciary.

H.R. 3575. A bill for the relief of Carl F. Yee; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 3576. A bill for the relief of Carlo Crinto; to the Committee on the Judiciary.

H.R. 3577. A bill for the relief of Giuseppe Desiderio; to the Committee on the Judiciary.

H.R. 3578. A bill for the relief of Gabriele Fioriti; to the Committee on the Judiciary.

H.R. 3579. A bill for the relief of Ronald C. Mullin; to the Committee on the Judiciary.

H.R. 3580. A bill for the relief of Michele Pucillo, his wife, Giagina Ragozzino Pucillo, and their minor daughter, Geraldina Pucillo; to the Committee on the Judiciary.

H.R. 3581. A bill for the relief of Jayarama Reddi Perumareddi; to the Committee on the Judiciary.

H.R. 3582. A bill for the relief of Valerio Rossi; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 3583. A bill for the relief of Emanuele Catanzariti; to the Committee on the Judiciary.

H.R. 3584. A bill for the relief of Rosina Cervini; to the Committee on the Judiciary.

H.R. 3585. A bill for the relief of Nehmetallah Youssef Khouri; to the Committee on the Judiciary.

H.R. 3586. A bill for the relief of Andonios Merkouris; to the Committee on the Judiciary.

H.R. 3587. A bill for the relief of Marina Merkouris; to the Committee on the Judiciary.

H.R. 3588. A bill for the relief of Giovanni Rampulla; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 3589. A bill for the relief of Erodita Agard; to the Committee on the Judiciary.

H.R. 3590. A bill for the relief of Timothy L. Ancrum (also known as Timmie Rogers); to the Committee on the Judiciary.

H.R. 3591. A bill for the relief of Gisele Berjonneau; to the Committee on the Judiciary.

H.R. 3592. A bill for the relief of Sylvia Jean Bound; to the Committee on the Judiciary.

H.R. 3593. A bill for the relief of Samuel Castro and his wife, Sarah; to the Committee on the Judiciary.

H.R. 3594. A bill for the relief of Edith Cohen; to the Committee on the Judiciary.

H.R. 3595. A bill for the relief of Arie and Tova Edrich; to the Committee on the Judiciary.

H.R. 3596. A bill for the relief of Arita Zannides Genidounia; to the Committee on the Judiciary.

H.R. 3597. A bill for the relief of Grace Marie Gladden; to the Committee on the Judiciary.

H.R. 3598. A bill for the relief of Lea Gross and her son, Amir; to the Committee on the Judiciary.

H.R. 3599. A bill for the relief of Jose Z. Gutierrez, Jr., M.D.; to the Committee on the Judiciary.

H.R. 3600. A bill for the relief of Antonio Acupan Madrinan and Lilia Madrinan; to the Committee on the Judiciary.

H.R. 3601. A bill for the relief of Judith Novella Matthew; to the Committee on the Judiciary.

H.R. 3602. A bill for the relief of Vallan Pitts; to the Committee on the Judiciary.

H.R. 3603. A bill for the relief Dr. Nasser Shekib and Lila Shekib; to the Committee on the Judiciary.

H.R. 3604. A bill for the relief of Mary May Stout; to the Committee on the Judiciary.

H.R. 3605. A bill for the relief of Duke H. Vanderpuije; to the Committee on the Judiciary.

H.R. 3606. A bill for the relief of Sergio Villar; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 3607. A bill for the relief of Kalender Arslan; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 3608. A bill for the relief of Sung-Won Ko; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 3609. A bill for the relief of Mah Bing Shoung (Lee Nyin); to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 3610. A bill for the relief of Janet Sandra Jenkins; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 3611. A bill for the relief of Teresita Gorostica Reyes; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.R. 3612. A bill for the relief of Alois Josef Betschart; to the Committee on the Judiciary.

H.R. 3613. A bill for the relief of Henry E. Dooley; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 3614. A bill for the relief of Teofila Pardo Ruiz; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 3615. A bill for the relief of Ricardo V. Alberto; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 3616. A bill for the relief of Menita Remoran Agriam; to the Committee on the Judiciary.

H.R. 3617. A bill for the relief of Delia Gayla Avecilla; to the Committee on the Judiciary.

H.R. 3618. A bill for the relief of Feliciana G. Avecilla; to the Committee on the Judiciary.

H.R. 3619. A bill for the relief of Jaime C. Avecilla, Sr.; to the Committee on the Judiciary.

H.R. 3620. A bill for the relief of Jamie G. Avecilla, Jr.; to the Committee on the Judiciary.

H.R. 3621. A bill for the relief of Josephine Avecilla; to the Committee on the Judiciary.

H.R. 3622. A bill for the relief of John Sebastian Bell; to the Committee on the Judiciary.

H.R. 3623. A bill for the relief of Aggeliki J. Boudouvas; to the Committee on the Judiciary.

H.R. 3624. A bill for the relief of A. C. Brown; to the Committee on the Judiciary.

H.R. 3625. A bill for the relief of Attilio and Elda Corrado and sons, Henry and Albert; to the Committee on the Judiciary.

H.R. 3626. A bill for the relief Armindo Lopez Fernandez de Carvalho; to the Committee on the Judiciary.

H.R. 3627. A bill for the relief of Manuel Miranda de Castro; to the Committee on the Judiciary.

H.R. 3628. A bill for the relief of Erna Karla Auguste Deumlich; to the Committee on the Judiciary.

H.R. 3629. A bill for the relief of Mrs. Sabina Riggi Farina; to the Committee on the Judiciary.

H.R. 3630. A bill for the relief of Joo Bok Lee; to the Committee on the Judiciary.

H.R. 3631. A bill for the relief of Daniel Marin Macias; to the Committee on the Judiciary.

H.R. 3632. A bill for the relief of Tao Shel Mah; to the Committee on the Judiciary.

H.R. 3633. A bill for the relief of Parachuting Associates, Inc.; to the Committee on the Judiciary.

H.R. 3634. A bill for the relief of Ephy Grace Peshek; to the Committee on the Judiciary.

H.R. 3635. A bill for the relief of Yee Yam Pong and his wife, Wong Kam Fong; to the Committee on the Judiciary.

H.R. 3636. A bill for the relief of Virginia Sansano Quidangen; to the Committee on the Judiciary.

H.R. 3637. A bill for the relief of Mrs. Marie J. Saladino; to the Committee on the Judiciary.

H.R. 3638. A bill for the relief of Rudolf Sandor, and his wife, Klara, and their son, Rudolph; to the Committee on the Judiciary.

H.R. 3639. A bill for the relief of Mrs. Constancia D. Saso; to the Committee on the Judiciary.

H.R. 3640. A bill for the relief of Susana Tomasa Ibay Valdez; to the Committee on the Judiciary.

H.R. 3641. A bill for the relief of Antonio Pesic Villero; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 3642. A bill for the relief of Renee Bernat; to the Committee on the Judiciary.

H.R. 3643. A bill for the relief of Tan J. I. Kie Sioe; to the Committee on the Judiciary.

H.R. 3644. A bill for the relief of Esther Tofahi; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE CUBAN MISSILE CRISIS

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, January 14, 1969

Mr. CHURCH. Mr. President, several weeks ago, there appeared in the magazine Commonweal an article commenting upon the book "13 Days," authored by our late colleague, Senator Robert F. Kennedy, concerning the 1962 Cuban missile crisis—a crisis in which he played a central role as adviser and confidant of his brother, the late President Kennedy.

Written by former State Department official Roger Hilsman, the Commonweal article deals with an analysis of the book from an "insiders" point of view, for Mr. Hilsman has an active part in the Kennedy administration at the time of the 1962 Cuban confrontation.

I recommend Mr. Hilsman's article to all Senators as a worthy contribution to our better understanding of one of the most crucial events in the history of the Nation. I ask that it be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD.

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

R. F. K. ON CUBA: AN INSIDER'S ANALYSIS

(By Roger Hilsman)

Robert Kennedy's *Thirteen Days* is unique—an account of the world's first nuclear crisis by a man who shared presidential responsibility. For of all of the men around John F. Kennedy in those fateful days, only Robert F. Kennedy, his brother, could feel the personal sense that John Kennedy did of responsibility for all of mankind and for generations yet unborn. It is the closest thing we will ever have to the reflections of John F. Kennedy himself.

The awesome drama of those thirteen days, the tension, the clashing wills of patriotic, intelligent, but overwrought men of deeply differing convictions is all here. This manuscript was a first-draft, and Robert Kennedy had intended to polish and edit it. But, in a way, the first-draft roughness, contributes to the drama of the account, conveying something of the striving for deliberateness in the midst of overwhelming pressure for speed.

Some commentators have said that there is nothing in Robert Kennedy's account that had not already appeared. But as one who was himself involved in those events as the Director of the State Department's Bureau of Intelligence and Research, I believe that judgment is unfair. There are no "now-it-can-be-told" state secrets revealed, but there is still much that is new.

First, of course, is the account of how John Kennedy felt, how he saw the crisis, and both his and Robert Kennedy's joint reflections on the lessons to be learned. This is new. John Kennedy was determined to avoid recrimination or exultation in his dealing with the Soviet Union and to take the opportunity to move to achieve agreements, such as the limited nuclear test ban agreement, that would help to end the Cold War, and he refrained from confiding his feelings about the crisis to anyone but his brother.

Other details are also new. Robert Kennedy gives a much fuller account than has ever before appeared in print of the long, four-part cable that Chairman Khrushchev sent the afternoon of Friday, Oct. 26. This cable marked the turning point in the Soviet attitude and was the basis of the agreement that resolved the crisis. Kennedy also documents what had only been deduced before about the course events would probably have taken if the Soviets had not backed down—the United States would have been forced to take out the Soviet anti-aircraft SAM sites, and, then, if the Soviets still persisted, to launch an invasion.

Many other details are also new, but one is particularly significant—the account of Robert Kennedy's meeting with Ambassador Dobrynin, the details of which supply a missing link that has puzzled historians. There has long been speculation that something happened Saturady Oct. 27, that finally convinced the Soviets just how determined the Americans were and caused them to recognize the full gravity of the situation. Kennedy's account of his meeting with Dobrynin provides the explanation. For Robert Kennedy was able to make it clear how events must inevitably proceed, how short time was before events took command, and yet to do so without threats or posturing.

The final section of *Thirteen Days* is devoted to reflections on the crisis and on the lessons learned. Here, Robert Kennedy is speaking to future Presidents and other officials who will sit around that same table making other fateful decisions. And what he has to say is worthy of their attention.

It is at this point, however, that a criticism must be made. Once during the crisis, a member of the Joint Chiefs of Staff said that he believed in a preventive attack on the Soviet Union. Others advocated attacks on Cuba without warning. "They seemed always to assume," Kennedy writes, "that the Russians and the Cubans would not respond or, if they did, that a war was in our national interest." There is no question that these remarks were made, but it is also clear that the deliberated positions taken by the Joint Chiefs of Staff were more responsible and took greater account of the proper limitations of military advice. The inability to look beyond the limited military field illustrated by these remarks appalled Robert Kennedy and led him to the sharp judgment given in the manuscript. But had he lived to go over it once more, he might well have made some changes. For he quotes John Kennedy in a different vein: "When we talked about this later, he said we had to remember that they were trained to fight and to wage war—that was their life. Perhaps we would feel even more concerned if they were always opposed to using arms or military means—for if they would not be willing, who would be?"

One final observation must be made. Because Robert Kennedy is the author of this account, his own role is played down. But the truth of the matter is that Robert Kennedy's role was central, second only to that of his brother. And on two occasions his contribution was the higher. On Friday night, Oct. 19, support in the ExCom for blockading Cuba as the first step began to fall apart, with more and more members shifting to the idea of opening with a bombing strike against the missile sites. It was Robert Kennedy who eloquently, even passionately, argued against an "American Pearl Harbor"—and who won the day.

The second occasion was on Saturday, Oct. 27, the blackest day of the crisis. The night before Khrushchev's long cable seemed to open the door to a resolution. This was reinforced by a very specific set of proposals delivered informally by the representative of Soviet intelligence in their Washington embassy to an American newsman. Then on Saturday, the Soviets reneged in a message broadcast from Moscow, and a U-2 was shot down over Cuba, killing the pilot, Major Anderson. There seemed no alternative to bombing the missiles sites, and following this with an invasion.

But it was Robert Kennedy who conceived a brilliant diplomatic maneuver—later dubbed the "Trollope ploy," after the recurrent scene in Anthony Trollope's novels in which the girl interprets a squeeze of her hand as a proposal of marriage. His suggestion was to deal with Friday's package of signals—Khrushchev's cable and the approach through the Soviet intelligence agent—as if the reneging message of Saturday simply did not exist. Picking out of the various signals those items which the United States found acceptable, Robert Kennedy drafted a message to Khrushchev. At the President's direction, he then had his crucial conversation with Dobrynin, as described above. And the crisis was resolved.

There is no doubt of the debt that America—and all of humankind—owes to Robert F. Kennedy.

NEW HIGHWAY DEPARTMENT REGULATIONS MAY SLOW DOWN CONSTRUCTION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. ZWACH. Mr. Speaker, during this past month, I was beseiged by calls from county commissioners and State organizations and officials regarding the proposed change in Federal or interstate highway location regulations.

Upon checking with these and other authorities, I then submitted a statement to the Department urging them to extend the hearing or to delay such hearings in order that all segments of administrative agencies dealing with highway location and construction become thoroughly aware of the drastic changes being proposed.

I also received a copy of the statement made at the Department of Transportation hearing by the president of the Minnesota Good Roads Association which I believe point up the ramifications of these broad proposals. The president, Mr. Frank Marzitelli, was formerly deputy highway commissioner in Minnesota, and is able to speak authoritatively on this subject. I commend the reading and study of his statement which follows:

Mr. Chairman, my name is Frank D. Marzitelli, and I have ventured here from St. Paul, Minnesota. Formerly I served as Deputy Commissioner of the Minnesota Department of Highways. Currently I am Executive Vice President of the Port Authority of the City of St. Paul. I also am President of Minnesota Good Roads, Incorporated, and I primarily appear before you in the latter capacity.

Minnesota Good Roads, Incorporated is an organization composed of interested and concerned citizens who urgenty believe that Minnesota's industrial and economic development hinges upon a growing transportation system that can effectively and expeditiously move goods and people. For 75 years our organization has been a leader in efforts to improve Minnesota's highway transporta-

tion in municipal, County and State governmental areas. Our organization has consistently and actively supported the Minnesota Department of Highways in its policy of dual public hearings and early public involvement. The record proves conclusively that Minnesota Good Roads, Incorporated, far from questioning or condemning public involvement in the location of highways, aggressively encourages said involvement.

That being established, I now wish to state that our organization and, in view of my special experience in highway matters, I, particularly, are unalterably opposed to the addition of the proposed new Part 3 to Title 23, Code of Federal Regulations. Unalterably, Sir!

We gravely question the constitutionality of the proposed super-imposed regulations, and are shockingly upset by the likely social, political, economic, and public safety consequences if these ill-advised regulations are forced upon the citizens and taxpayers of the United States of America.

I am not a constitutional lawyer, nor yet a lawyer at all, but my training and experience enable me to detect the ominous significance of proposed Section 3.1 applicability:

"A. This part applies to all Federal Aid Highway projects."

Gentlemen, that is the meat of it: meat for the bottomless appetites of Federal bureaucrats.

These proposed regulations are a gross invasion of the reserved and inherent powers of the several States of the Union. They would usurp a primary responsibility of the State Highway Commissioners by placing final authority for virtually all highway location and construction in the hands of the Federal Highway Administrator. They give him control of intrastate as well as interstate construction, and this must not be!

Governor Volpe of Massachusetts, Secretary-designate of the Department of Transportation, puts it in a nutshell. The proposed rule would "remove the power of location selection from the States and place it in the hands of Federal authorities who are removed from the many intricacies of each project."

Gentlemen, surely you are even more aware than I that these proposed regulations probably violate the Constitution of the United States and surely violate the intent of Congress. I beg you to abandon this reckless, headstrong course of action.

Should you, in fact, activate these proposed regulations, I foresee chaos.

I speak from peculiar and painful experience.

Minnesota is unusual in that it is one of a handful of States with a law absolutely requiring that any highway construction contract entered into within or immediately adjacent to a municipality must be consented to by the governing body of that municipality. We now know that Minnesota motorists have paid a high price indeed for the absolute right of a municipality to veto any non-interstate highway plan. The price has been paid in such expensive coin as delay, disruption, inconvenience, bickering and, all too often, death.

By injecting these new rules promulgated by the Federal Highway Administration into our already restrictive situation, there will be many roads, streets, and highways, now desperately needed, that will never be built because of lack of agreement between different levels of government. When I inform you that Saturday, December 14th, 1968, Minnesota, for the first time in its entire history, recorded its 1,000th highway traffic death within a calendar year, you can understand the depth of my concern.

We need more roads, better roads . . . and we need them now! We cannot endure additional bureaucratic delays!

It has wisely been said that: "Justice delayed is justice denied". Highway construction delayed is more than highway construction denied; it is transportation denied; it is social justice denied; it is economy denied; it is public safety denied!

Yet the appellate provisions of 3.17 virtually seek out objections and delays by permitting but one disgruntled person to halt any construction project. As you well know, the filing of such an appeal with the Federal Highway Administration would automatically stop further progress until the appeal is settled. To make matters worse: the proposed regulations impose no time limit on the Federal Highway Administrator within which to make his decision on an appeal. This, gentlemen, is indeed a mockery of justice!

Under the seductive disguise of affording "effective public participation in the consideration of highway location and design proposals", the proposed new regulations would effectively cripple State, County and local highway construction while robbing the several States of their constitutional heritage.

As Edmund Burke remarked in 1784, "The people never give up their liberties but under some delusion". Your proposed regulations, gentlemen, are the great delusion of this decade.

Again, I beg you to withdraw these proposed rules and regulations.

THE CASTLE VALLEY JOB CORPS CIVILIAN CONSERVATION CENTER NEAR PRICE, UTAH

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Tuesday, January 14, 1969

Mr. MOSS. Mr. President, the Castle Valley Job Corps Civilian Conservation Center near Price, Utah, operated for the Office of Economic Opportunity by the Bureau of Land Management, is now over 3 years old. The Salt Lake City Tribune has aptly stated:

An unwanted stranger in town has an uphill fight to establish a good reputation.

I am pleased to note today, over 3 years later, that the people of our State have welcomed the Job Corpsmen into the community to the point where the city council of Price adopted a resolution praising the Castle Valley Center corpsmen and staff and recommending its continuance. I concur with the statement in the editorial "The Image Is Mended" to the effect that—

They are increasingly being welcomed is a credit to the Job Corps and the home folks alike.

I ask unanimous consent that a copy of the editorial and the resolution be inserted in the Extensions of Remarks in the CONGRESSIONAL RECORD.

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

[From the Salt Lake City (Utah) Tribune, Sept. 21, 1968]

AN IMAGE IS MENDED

An unwanted stranger in town has an uphill fight to establish a good reputation. This has been the experience of more than one Job Crops center throughout the country.

Many communities initially resented having a center dropped in their midst. Sometimes incidents involving corpsmen and local citizens or police added to the resentment. But as center administrators and personnel became more experienced in guiding their youthful charges into projects benefitting the host communities ugly incidents declined and resentment has many times turned to appreciation.

Not long ago the mayor and City Council of Price adopted a resolution praising corpsmen at nearby Castle Valley Civilian Conservation Center, operated by the Bureau of Land Management, for their good conduct and many material contributions to the city. Similar commendation for other centers has come from various civic and government bodies.

This change in community attitude is testimony of what can be accomplished by mutual respect and willingness to reserve judgment. Job Corpsmen come to town under many disadvantages. That they are increasingly being welcomed is a credit to the Job Corps and the home folks alike.

RESOLUTION OF PRICE, UTAH, MUNICIPAL CORP.

Whereas, the Job Corps located south of Price, Utah, has been of substantial economic benefit to the people of this community and the citizens of Price, Utah, in that much useful work has been done by the Job Corps of lasting benefit to this area and the economy of the County has been advanced thereby, and

Whereas, the Job Corp has provided needed schooling and training for the members, thus improving their education and ability to later to be of help to the welfare of our society and to earn their own way and raise their living standards, and

Whereas, the members of the Job Corps on the whole have been law-abiding and have shown respect for the laws and the rights of the people of this community, and

Whereas, they have assisted in doing useful and necessary work for the benefit of this community when their assistance has been requested,

Therefore, be it Resolved that the Mayor and City Council of Price, hereby commend the Job Corps and its Officers and members for the excellent work it is doing for the betterment and improvement of this area and the advancement and development of its members and the moral and spiritual uplift it is providing for its members in addition to all of the economic improvement which is derived from the Job Corps, and

Be it further resolved that we recommend the continuance of this program.

MURRAY MATHIS,
Mayor.

HAROLD O. PATTERICK,
WALTER T. AXELGARD,
JAMES FAUSETT,
GUIDO RACHIELE,
MACK BUDGE,
Councilmen.

SIMPLE JUSTICE FOR CONSCIENTIOUS FEDERAL EMPLOYEES

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. GONZALEZ. Mr. Speaker, I am today reintroducing a bill which gives simple justice to the many conscientious Federal employees who use their sick leave only when they are ill. At present, the sick leave accumulated by the majority of civil servants who retire without disability saves their Government a considerable sum, but does not benefit them at all. My bill would permit these employees the option of receiving full credit for each day of accumulated sick leave in computing their retirement benefits,

or for receiving a lump payment equal to one-fourth the cash value of their sick leave.

There is a double rationale for my bill. On the one hand, it is designed to improve the efficiency of the Federal service by reducing the unusual use of sick leave by employees whose retirement is imminent. A recent study found that employees retiring from Government service use an average of 40 days of sick leave during their last year of employment, which contrasts sharply with the Government-wide average of 8.3 days of sick leave a year. The impulse to use sick leave before retirement is understandable, for it is lost completely—unless an employee retires for disability.

The disability retiree draws full salary for each day of sick leave remaining to him. Thus, on the other hand, my bill is designed to give the vast majority of employees not retiring on disability some measure of equity with those retiring on disability.

I realize that in the 90th Congress, the Post Office and Civil Service Committee of the House decided against the retirement option of a lump sum for sick leave, in reporting H.R. 17682. This was due in part to the persistent opposition to it by the Civil Service Commission, the Bureau of the Budget, and the Post Office Department. These agencies held it would be an expensive change in the sick leave principle.

However, the committee did recommend that accumulated sick leave be fully credited for purposes of computing an employee's retirement annuity. For example, an employee who retires with 30 years of service could easily accumulate 1 year of sick leave if he were reasonably healthy. He would therefore have his retirement annuity computed as if he had performed 31 years of service. This additional service, however, could not be counted in determining average pay or in attaining eligibility for retirement.

This section of H.R. 17682 was designed to cut down on the heavy use of sick leave by retiring employees. The savings to the Government are obvious, for persons on sick leave are drawing pay, and must be counted as part of the agencies' personnel ceilings. His work is either undone or a temporary employee must be hired and trained.

On this point, Civil Service Commission Chairman John Macy told the committee he thought the estimated $22 million annual cost of the sick leave credit section "would be offset significantly by a lesser use of sick leave on an annual basis by employees. If we were able to reduce the average use from 8.3 days a year to, say, 7 days a year, that would represent a substantial savings." He went on to say later:

> If you got everybody to work one more day that would otherwise be spent on sick leave, 90 million dollars would be a reasonable estimate.

I was impressed with the full consideration the committee gave to the unused sick leave question, and with the fact that several ranking members on the committee had initially cosponsored the same bill I did to provide not only annuity credit for sick leave but the option of reimbursement as well. Therefore, I supported H.R. 17282 in its successful House passage, and was disappointed the Senate did not act upon our bill.

Although I supported the committee version last year, and would do so again if it were again reported out, I have not abandoned my belief that the principle of equity for nondisability retirees justifies a lump-sum option.

It was voiced in last year's floor debate that the accumulation of sick leave by an employee was "a type of insurance against loss of income during periods of illness." But it is insurance in a limited sense only. An employee who saves most of the 13 days of sick leave a year due him is indeed building up a reserve for that day when he may have an extended illness. If he remains healthy, he loses the sick leave. But if he is part of that one-third of Government employees who retire on disability he receives pay for his days of sick leave, and benefits twice because all time spent in a pay status is credited toward his retirement annuities. Thus to the disabled retiree, accumulated sick leave is money in the bank, on which he has paid no premiums. It is in this special sense not insurance at all, but a donation from his Government.

The civil servant who conscientiously accumulates his sick leave sees one-third of his fellow employees retiring on disability and receiving monetary benefit for their sick leave, and he sees other employees who are similarly retiring on a nondisability status using up all the sick leave they can in the last years. This man deserves to be rewarded for part of the amount his restraint is saving his Government. He should certainly be afforded retirement credit for accumulated sick leave, and I am convinced he also deserves the option of a lump-sum payment upon retirement, equal to one-fourth the cash value of his sick leave.

THE GROWTH OF SHOW BUSINESS UNIONS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, January 14, 1969

Mr. JAVITS. Mr. President, many people in America still think of the trade union movement as composed primarily of blue-collar workers. This is becoming less and less true as the American work force changes. However, it was never completely true. One of the most fascinating chapters in American trade union history has been the growth and development of the trade unions representing the musicians, actors, artists, and others involved in show business. The history of these unions has been chronicled in the September 1968 issue of American Labor magazine. The article makes extremely interesting reading for anyone interested in the history of either the stage or this particular chapter to the American labor movement. 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:

THERE'S NO BUSINESS LIKE—AND NO HISTORY QUITE LIKE THE HISTORY OF THE VARIOUS LABOR UNIONS IN SHOW BUSINESS

Lightnin' struck on Broadway at 8:20 on the evening of August 7, 1919.

That play, the first to close in the first actors' strike ever to hit Broadway starred Frank Bacon, a middleaged actor who was making his bid for the big time with it—maybe his last.

After more than twenty years on the road and in stock companies, Bacon was playing a lead part on the Great White Way for the first time, in a play that he had written and helped produce.

Lightnin' represented everything that he had hoped and worked for. But when the actors struck, Frank Bacon was the first to go, leading his cast out of the theatre, past the paying customers.

His decision was made all the more difficult because with the opening of *Lightnin'*, of which he was also part owner, Bacon had become a theatre manager, and it was the managers that the actors were striking against.

But he counted himself an actor first, and an owner second. "We'll stick with our own kind," he said. "I may be sold down the river for this, but if I am, Bacon will bring a higher price than ever before."

That long-ago strike on Broadway, called by the Actors' Equity Association, was the culmination of a long battle to obtain recognition of an organization of actors, empowered to have a voice on wages and working conditions in the theatre.

ACTORS ARE ACTORS

Organizing actors was probably one of the most difficult tasks ever faced by the labor movement. Time and again, any group of performers who banded together to protect their rights were wrecked both by outside pressure from employers and internal dissension among the performers themselves. For actors, almost by definition, are starstruck.

To them, "The show must go on" is not an empty phrase. The great ones believe it with their hearts and souls. They are dedicated to their profession almost as lovers are dedicated to each other. And like lovers, they can be blind to any flaws in the object of their affections.

Even when a group did organize, staying organized didn't last long. Actors' groups had always been easy prey to the divisive tactics of theatre managers and producers.

There have always been, and probably always will be, more actors and would-be actors than there are theatre jobs. With twenty, or a hundred, eager and compliant applicants for every opening available—kids who will suffer any deprivation for their chance at the big time—an employer didn't worry too much if a few of his cast started to complain about unfair conditions.

Usually, just the threat of replacing one with any of the many other people waiting his turn was enough to bring any disgruntled actor into line.

The relatively few performers who were important to a producer had no such problems of course. They could get fair contracts and generous salaries. The plight of the struggling actor no longer involved them, and they could not always be counted on to stand up for the little guy.

THE WHITE RATS

A few actors groups did manage to form, even in the face of such difficulties. One of the most successful of these was the White Rats, a group composed largely of vaudevillians.

The White Rats were organized in 1900 and received a charter from the American Federation of Labor in 1910. They flourished briefly in those early years, wrung a few

concessions from managers and attracted several thousand members, including some of the big-names any performers organization must have.

Digby Bell, Weber and Fields, Eddie Foy and Maurice Barrymore all joined the Rats and attempted to pit themselves against the Vaudeville Protective Managers' Association, which was guided by producer E. F. Albee.

But Albee declared war on the Rats, and won. In 1916 he instituted a lock-out of all White Rats members and made it stick. Members who retained their cards had to do so secretly, and were in constant danger of being denounced and bounced from their bookings. Just as Equity's star was rising, the White Rats seemed destined to go the way of all other performers' groups.

STILL ANOTHER FAILURE

Equity, in fact, was founded on the rubble of still another unsuccessful attempt to organize. In 1896, an association known as the Actors' Society had been formed as both a social and business group. One of its stated purposes was to "discriminate against irresponsible managers and help its members secure contracts with only responsible managers."

But the Actors' Society did nothing. Weak and ineffective, it was ignored by the producers. Finally, on a wintry day in 1912, 100 of its members met for the final meeting, and that was that.

It had served no one, accomplished nothing, but its final meeting was probably its most significant. For at that last gathering, some members still stubbornly clung to the idea that an actors' organization could survive. Though they'd failed, they thought they could profit from their mistakes, and succeeded with a second try.

Howard Kyle, chairman of the meeting, appointed a committee to plan for an actors' organization concerned only with the actors' business interests.

NO BED OF ROSES

Facing the new organization would be a set of abuses that had grown steadily worse from year to year, as the theatre managers who were enjoying a profitable boom, became less and less dedicated to the theatre, and more and more dedicated to making money.

The Albees, the Shuberts and the Ziegfelds were businessmen first, show people second. When hiring performers, these businessmen had their lawyers draw up contracts, which would be to their own best interests, naturally. Most performers who needed a job had little recourse but to sign.

Then there was the problem of stranding . . . a much too common practice of the times. Artists of that era were required to pay their own way to out-of-town performances. If the show closed out-of-town, they were often left in whatever backwater stop they happened to be appearing in.

When box-office receipts were bad, they often weren't paid for their performances as well. They were hung up, with no money, and no transportation back to New York, where their only hope of reemployment lay.

SALARIES—IF PAID

The salary situation, under any circumstances, was chancy. Managers were casual about remunerations, often simply disappeared on payday. The check, if it came at all, might be days or even weeks late.

When performers were paid, they were paid only for the time actually spent in front of an audience. Rehearsal time was free—and unlimited. One prominent star of the day, John Goldsworthy who was under contract to the Shuberts, once rehearsed for fifty-seven weeks, and played for twenty-two. Although "employed" for a year-and-a-half, he was paid for less than six months.

The situation was even more desperate if the producer chose a bad script and a play was unsuccessful. The actor might rehearse for weeks and months, for free, and give a good performance only to see his play close in a few days. In that case, he'd worked for nothing.

THE "SATISFACTION" CLAUSE

Finally, there was the so-called "satisfaction" clause. Under this clause, the actor agreed to play his parts to the satisfaction of the manager. Reviews, box-office receipts, meant nothing. The manager was the sole judge of a satisfactory performance.

If he decided for any reason to make a change—perhaps he saw another performer who would work for less money—he could, and did, simply dismiss his contracted performer under this clause.

These were some of the abuses Equity set out to correct. By May of 1913, the fledgling organization had drafted a constitution, set up guidelines for a standard contract that would protect actors from unethical managers, and felt strong enough to call its first meeting in the Elks Hall at the Pabst Grand Circle Hotel on New York's West 59th Street.

There were 112 actors at the meeting, including some of the biggest stars of the day. Lionel Hogarth, William Holden, Sr., and De Wolf Hopper were among the personalities who voted to accept Equity's Constitution and elected its first officers.

THE CURTAIN RISES

Its first president was Francis Wilson, and on its first Council was Grant Stewart. These two men were to make the cause of the actors' association one of their life-long crusades.

It is well they were so dedicated, for they were about to launch a long, frustrating battle that would last for nearly six years before even their most basic aims—recognition and a standard Equity contract—would be achieved.

It would be a battle made all the more difficult because it would be carried out, for a while, under a facade of good fellowship and courtesy. The producers and managers were almost patronizing about Equity at first. They'd seen so many actors' organizations rise and fall that this new one caused little more than smiles.

For months, and then for years, they seemed always on the verge of accepting Equity and its contract. They would sign if only this or that minor flaw could be ironed out. When it was, another flaw needed ironing out and so on and on and on.

But though it could not get a contract, Equity was steadily growing stronger during those years of negotiations. Its memberships rose to include some of the biggest names in show business. Ed Wynn, Pearl White, Ethel Barrymore, Grant Mills, Marie Dressler, Otto Kruger, Douglas Fairbanks and Eddie Foy were among the stars who pledged their support in those early days.

ACT ONE—SCENE ONE

In small ways, Equity began to make itself felt. By 1919 it was managing to wring out a better contract here, a special payment for an extra matinee there. From time to time, a manager even found himself forced to pay for rehearsal time or to reimburse an actress for her costumes—miniature victories in minor frays. But like a mosquito buzzing around the back of a head, the Actors Equity Association was becoming an annoyance to the managers.

Also, it was contemplating a step that was anathema; affiliation with the American Federation of Labor. The musicians and stage hands of the theatre were already organized and affiliated with the AFL. The managers' experience with these groups was enough to convince them that they didn't want their actors in that combine as well.

Equity's projected affiliation with organized labor had long been a sensitive area, delayed by two factors. One was the reluctance of an influential group of actors to identify themselves with the laboring classes, a feeling that they were somehow above them. The second factor was a far more practical one—the White Rats.

The Rats had almost no members and virtually no power, but they did have an International Charter from the AFL. If Equity wanted to join with organized labor, the Rats maintained it would have to enter as a branch of their International.

This, Equity was not willing to do. Not only did the WR's represent a group with which the actors felt no common cause—vaudevillians and variety acts—but it was also floundering badly.

It had made many powerful enemies and Equity felt barely able to handle its own problems. If it was forced to take on the problems of the older organization besides, its members were convinced that both groups would go down the drain.

ACT ONE—SCENE TWO

The anti-union feeling was settled at a turbulent and emotional Equity meeting in May of 1919, shortly after the producers had flatly refused to recognize Equity or sign its contract.

Twenty-five hundred members gathered to hear the arguments for and against affiliation. Blanche Bates, a prominent actress and persuasive speaker, gained the floor and turned her years of experience in moving an audience to moving her present audience away from affiliation.

"I cannot stand here," Miss Bates said in an impassioned speech, "as a woman who has put twenty-five years into this work . . . who has been true to the traditions of it all, and see us putting ourselves in the position of disgruntled laborers. We are not laborers and what we do cannot be capitalized. What we give cannot be weighed and measured. Don't let us do something that we will regret doing."

But when Miss Bates pounded the table and said, "We are not laborers," the audience shouted back "We are! We are!"

Other speakers pointed out that with only a few concessions, the managers could take the actors out of the position of disgruntled laborers, and all could continue in the grand traditions of the theatre of which Miss Bates was so proud.

In the end, the members voted to leave all authority in the hands of the Equity Council. Since the Council had already declared itself on the side of affiliation, this was tantamount to a vote to join the AFL.

FIRST ACT ENDING

The White Rats situation was more difficult to solve. In previous meetings, led by Harry Mountford and James Fitzpatrick, the WR's had fought fiercely to hang on to their charter as their only hope of saving their organization.

But in their hopeless condition they were more willing to talk compromise. The final solutions worked out for Equity's admission into the AFL proved to reduce not only the current difficulties, but turned out to be tailor-made to handle the admission later, of other highly individualistic performing arts unions as well.

As it was worked out, neither Equity nor the White Rats would hold the International Charter. The White Rats surrendered it and the AFL issued a new one to cover the entire performing arts field.

Thus, a new International was created, to be known as the Associated Actors and Artistes of America, or more simply, the Four A's.

Within the Four A's, each of the performing arts unions were, and are, relatively autonomous and, in theory at least, on an equal footing. This structure still exists 50 years later and has proved ideal for the independent-spirited performers it represents.

ACT TWO—SCENE ONE

It was now July, 1919, six years since the first Equity meeting had been called, and battle lines were hardening. In August, the Producing Managers Association, the protective organization formed to fight Equity called a meeting of virtually every management group in show business.

The National Association of the Motion Picture Industry, the Columbia Amusement and Burlesque Interests and the Vaudeville Protective Managers Association all sent representatives to the meeting in New York. From there they issued a resolution to act in concert to "protect the actors of the stage and screen from inequitable contracts and assure the employers thereof a continuance of the privilege to deal with them individually as artists."

Boiled down and retranslated, it meant simply this: not only would Equity not be recognized in New York, but any member who insisted on any of the small gains Equity had made so far would have a hard time finding a job in any theatre, motion picture studio or vaudeville house any place in the country. It was a lock-out.

On August 7, 1919, Equity's members voted to strike all the theatres of the Producing Managers Association.

The gesture was brave enough; actors have a sense of the dramatic, but would it work? Nobody, including Equity's officers was sure. Though Equity had 2700 members at that point, their loyalty (when asked to actually defy the producers and walk out of their jobs) had not yet been put to the test, and actors being what they are—were unpredictable.

ACT TWO—SCENE TWO

Nevertheless, at 7:15 on August 7, 1919, fifteen minutes after the last deadline set by Equity for a truce, the strike call went out.

There were more than twenty shows on Broadway that night, but Equity's expectations were so mixed that when reporters asked its officers how many shows they thought would go out, they merely shrugged and said, "Maybe seven."

The first to go was *"Lightnin'"* mentioned earlier. Then—in quick succession calls came into strike headquarters saying that the cast of a dozen other productions had walked out as well.

Lightning struck, not only at the Gaiety, but all up and down Broadway. At the New Amsterdam Theatre on 42nd Street, Eddie Cantor walked out of the Ziegfeld Follies while the chorus congregated on the fire escape, replete in their Follies costumes, to watch the strikers from other shows marching on the street below.

Ed Wynn stationed himself in front of the 44th Street Theatre, where the Shuberts' "Gaities of 1919" had been playing, and explained Equity's cause to the audience lined up to collect their money back. The crowd was so carried away by the words of the "Perfect Fool" that they hoisted him up on their shoulders and paraded up and down Broadway with him.

The streets were jammed with the striking actors and audiences with no place to go. The managers had apparently been caught by surprise, and had made no arrangements to fill in for the striking actors. Nobody knows how many thousands of dollars they had to return that night.

Producer Sam Harris of (George M.) Cohan and Harris sighed "I didn't think the boys would go that far." Producer David Belasco, on the other hand, snarled that if necessary the producers would "starve the actors out."

Not all of the theatres were struck. Those whose managers didn't belong to the P.M.A. were allowed to continue their performances. But by and large, what Equity called out—went. The new organization had scored beyond its most optimistic hopes.

ACT THREE—SCENE ONE

In the days that followed, the managers countered with a flood of advertisements, presenting their cause in the press with alluring contract offers and at least one suit, initiated by Lee Shubert, against almost every member of Equity, whether they were striking him or not.

But nothing helped. A notice that they were restrained from picketing brought cries of, "Who wants to get arrested? Let's go picketing!" When the producers threatened a blacklist, 600 new applications were received at Equity headquarters in one day.

One management ploy, however, did hurt the strikers—not so much in their backbone, but in their hearts. This was the establishment of a counter-union, the Actors' Fidelity League, headed by no less a personality than George M. Cohan.

Though Cohan was a prosperous producer by this time, the actors still counted him as one of their own. In the early days of the strike, his fellow performers had begged him to join with them, but he turned them down.

LYRIC BY GEORGE M.

As the walk-out threatened to be successful, Cohan angrily declared "Before I will do business with the Actors' Equity Association, I will lose every dollar I have, even if I have to run an elevator to make a living."

To prove that he meant it, Cohan offered to donate $100,000 to a new union, or rather a non-union—an "association" of actors, not affiliated with organized labor.

His offer, and the prospect of his prestigious support, spurred on those who had opposed Equity's affiliation with the AFL. In the middle of the strike, while some of their brother actors were struggling to feed their families, these dissenters organized a rival association to fight them.

It, too, marshaled some impressive names on its roster. Aside from Cohan, there were such luminaries as Fay Bainter, Otis Skinner and the young Helen Hayes (who joined out of loyalty to her manager but later resigned and fought wholeheartedly for Equity's cause in subsequent battles).

In the long run, the Actors' Fidelity League served little purpose. Most of its members had already declared themselves opposed to the strike, and it never succeeded in drawing any significant support away from Equity.

By 1924, after Equity had fought and won its first round, and was deep in negotiating its second contract, the League could only attest to 83 members in good standing.

However, it did cause a bitter rift between actor and actor, wounds that took years to heal. George M. Cohan, who had declared he would never again produce on Broadway if Equity won, kept his word.

In 1921 he transferred all his interests to England, and didn't appear on Broadway again until 1937 when he starred in, but did not produce, *"I'd Rather Be Right."*

But back to 1919. As the weeks wore on, the strike, rather than losing impetus as the managers had predicted, gained momentum. Huge blocks of performers, 300 members of the *Happy Times* chorus at the Hippodrome, the entire chorus of the Wintergarden, marched into strike headquarters to the rousing cheers of their fellow performers and a jubilant "Hail, Hail, The Gang's All Here!" from one of the many bands in residence there.

ENTER THE LADIES

The chorus girls, in fact, were not members of Equity. In the struggle to organize the actor, no one had gotten around to formally organizing Broadway's choruses.

In the middle of the strike, this oversight was remedied. The chorus Equity was formally voted into existence on August 12, 1919, with Marie Dressler, who had started her career as an $8 a week chorus girl, as its first president.

Ethel Barrymore, although she was not then, and never had been, a member of the chorus, came to the meeting to pledge her support. "I am with you heart and soul," she said to the young chorus members that day, "and more than that. Don't be discouraged. Stick! It's all coming out just the way it ought to for us."

Miss Barrymore's words proved to be prophetic. Equity's tacticians had managed the strike so that each day brought a new pressure to bear on the opposition. When the first few days went by with no results, the strike was spread from the legitimate theatre to vaudeville. Then the offered support of the stagehands (International Alliance of Theatrical Stage Employees) and musicians (American Federation of Musicians) was accepted, and more shows closed.

ACT THREE—SCENE TWO

Equity staged benefits to raise money, presenting all the stars denied to the managers, with W. C. Fields acting as Master of Ceremonies, and found its strike fund bulging. The strike spread from New York to Boston and Chicago, also important theatre centers. Finally, on September 5, after a last breakdown in the talks that had gone on continuously between the union and the managers, Equity played its trump card; as a member of AFL it called on organized labor for national support.

Letters and telegrams were sent out to the 969 locals of IATSE calling for a close-down of all the Shubert chain of theatres around the country.

That move proved to be the straw that broke the camel's back. The managers asked for peace the same afternoon that the national call went out, and Equity's strike was over almost as fast as it had begun.

By the evening of September 5, Frances Wilson, Marie Dressler, Ethel Barrymore, and Lillian Russell, an all-star cast if there ever was one, were meeting with the managers. At 3 A.M. on the morning of September 6, they had an agreement, and that evening some of the closed plays reopened.

EPILOGUE

One of the first to see the lights of Broadway, and play to a capacity audience, was Frank Bacon's *"Lightnin'"*. He'd won his gamble.

The most important gain in that first agreement was the recognition of Equity as the representative of its members. This did not imply an all Equity cast—that would take more long meetings, court suits and strike threats.

The managers did not become instantly docile. Many believed that Equity's victory was a fluke. It would take years of defeats in arbitration decisions and failure to woo stars from the union before the producers were to become convinced that the tide had turned.

But with that strike Equity made history. For the first time, the actors had presented a united front to the managers, and managed to maintain it until they won. And they strengthened their organization in the bargain.

Equity started the strike with 2700 members and $13,500 in its treasury. A month later, at the strike's end, it had 14,000 members and $120,000. Perhaps most important, it had learned that the producers were not invincible.

Within the following decade Equity had planted itself firmly on Broadway and proved, once and for all, that a union of actors could survive.

HOLLYWOOD NEXT

Meanwhile, another form of entertainment was rising—the screen. Far away from Broadway, in Hollywood, California, new stars were

being born, new producers were making fortunes and a different set of situations was cropping up.

Equity made several attempts to organize the screen stars, but never succeeded. The Broadway union was considered an intruder in Hollywood, a representative of New York and the legitimate stage. Equity withdrew from Hollywood in 1929 to mend some of its fences back home on Broadway and leave the screen stars to their own organization.

"It's hard to imagine what Hollywood was like in those days," says Conrad Nagel, the courtly gentleman of many a stage and screen hit. Nagel, now president of the Four A's, is a charter member of both Equity and the Screen Actors Guild and remembers those early organizing days well.

"It was not only an open shop town, it was almost anti-union," he says. "The old Los Angeles Times used to run editorial after editorial extolling the virtues of the open shop, and many of the people in the town absorbed this philosophy. They were very suspicious of unions."

But the screen actors were not exactly unorganized. Perhaps partly because of Equity's efforts, the Hollywood producers and studio owners had joined with the actors in establishing the Academy of Motion Picture Arts and Sciences in 1927.

THE ACADEMY

The Academy was to represent all branches of the motion picture industry—producers, directors, writers, actors and technicians.

In the five years of its existence it did manage to draw up a standard contract that eliminated some of the abuses that had raised Equity's ire, most notably the hated "satisfaction clause", and set up a structure for fair, and impartial arbitration of disputes.

But membership in the Academy was gained only by invitation, on the basis of "distinguished accomplishment" in the production of films. This invitation-only policy insured that the membership, and the policies, could be controlled by a select few.

Moreover, the Academy included producers in its membership and on its board of directors. This was too cozy for Equity, who denounced the Academy as a company union.

Whatever its original intentions had been, the Academy was by 1933, "completely employer-controlled," according to Robert Montgomery who was a member of the Academy at that time and one of the founders of the union that was to succeed it—the Screen Actors Guild.

The year 1933 dawned on a world sunk deep into the Great Depression. In March, President Roosevelt declared a nation-wide bank moratorium that sounded the death knell for, among many businesses and institutions, the Academy.

The producers decided to absorb the shock of the moratorium by cutting the actors' salaries, and the Academy decided to help them do it. With both their "union" and their employers talking pay cut, the actors had no choice.

They took the cut, but many, including Nagel who was then president of the Academy, resigned, and the actors began looking around for a new organization.

CLOAK AND DAGGER STUFF

Quietly, in fact secretly, they began to hold informal meetings in each other's homes. Some of the stars drove their Cadillacs or Rolls Royces to sumptuous mansions in Bel Air or Santa Monica, but parked them blocks away and walked to the meeting place. They remembered the blacklist that had followed Equity's last attempt to organize an independent union, and they weren't ready to come out in the open yet.

Among the first of these meetings was one held in the home of Kenneth Thomson and attended by Ralph Morgan, Grant Mitchell, Berton Churchill, Charles Miller, and Alden Gay Thomson. It was here that the idea of a self-governing organization of all motion picture actors to gain fair economic conditions was formed.

In June of 1933, articles of incorporation for the new group, by now known as the Screen Actors Guild, were quietly filed far away from Hollywood in Sacramento, California with Alan Mowbray writing the check to cover the incorporation expenses.

Ralph Morgan was elected the first president of the group that numbered, at that time, eighteen members.

Through the rest of that summer, the Guild did nothing. Almost by instinct, its founders had recognized the need for such an organization. But now that they had it, they also knew that the time was not right to press it. The pay cut was a fact; no sense pressing that.

To exercise any influence in Hollywood, SAG would have to rally the powerful and prominent stars whose good will the producers had to have. To do that, it needed a powerful issue, one that would unite every performer in Hollywood.

SEGUE TO NRA

It came in September of 1933 when the final draft of the National Recovery Act was published. The motion picture code it contained was the fuse that lit the fire.

Among other things, the Code severely weakened the actor's right to negotiate their salaries. It set maximum wages for performers and provided a heavy fine for any producer who paid a wage considered "excessive."

It also contained an "anti-raiding" clause under which an actor under contract could only negotiate for a new contract at a higher salary during the last 30 days of his existing contract. Simply put—this meant that an actor who was in a particularly good bargaining position because he'd just played in a box-office smash might have to wait years before he could try to translate his popularity into a higher salary. In Hollywood where fame is often fleeting, this would add up to missing the chance of a lifetime.

But the real provocation was that the actors knew that J. T. Reed, the producer who was the current president of the Academy, had had a hand in drafting that NRA Code. In theory, Reed should have represented the interests of both the actors and the producers. The actors' position was that he had represented only the producers to the Code Authority.

Any lingering doubt as to whose side the power machinery of the Academy was on was now dispelled. For the performers the Academy represented the producers. The artists would have to build their own, independent organization.

EXODUS AND GENESIS

They resigned from the Academy en masse, and the Guild signed up some of the biggest names in Hollywood. Among the stars who joined were Groucho Marx, Ralph Bellamy, George Raft, Eddie Cantor, Gary Cooper, Spencer Tracy, Otto Kruger, Paul Muni and Robert Montgomery, to name a few.

Most of these stars were big enough to get any terms they wanted from the producers, NRA Code or no code. Why then did they decide to take up the cudgels for the performers who could not protect themselves?

Robert Montgomery, now a prosperous communications consultant who numbers John D. Rockefeller III among his clients, explains: "I came to Hollywood like every other kid, believing all the myths. The streets were paved with gold and everybody made at least $50 a day. It didn't take long to find out that the average wage was about $2 a day, and the performer earned that, maybe 45 days out of the year. The producers said they couldn't afford any more than that. But if you offered to gamble on your talent, to take a small percentage of the profit from a film, they very quickly said no. It was all wrong, and it had to be made right."

In the months following the first public reading of the NRA Code, SAG launched a massive campaign against it. They bombarded Washington with telegrams, issued spirited press releases and finally threatened to strike. Washington listened.

Eddie Cantor, who succeeded Ralph Morgan as president of SAG, was invited to Warm Springs, Ga., to present the actors' case directly to President Roosevelt. Banjo Eyes must have had a silver tongue too, because when the final version of the NRA Code appeared in November of 1933, the actors had managed to nullify its most objectionable clauses.

The whole NRA Code was held unconstitutional in 1934, but from this preliminary skirmish several things had been made clear. The clauses the actors considered important had been rectified, the stars had demonstrated that they could launch a united campaign, and most important, the need for an independent bargaining agent to represent the actors had been demonstrated beyond the shadow of a doubt. SAG now turned its efforts to being recognized as that bargaining agent.

GROWING PAINS

One of its first moves was to join the Four A's, thus affiliating itself with the AFL. There was no voice raised in protest this time, and SAG was recognized by labor as the representative of the screen actors.

Now began the long haul for recognition from the producers, marked, as it had been on Broadway, by circumlocutions and delays.

SAG elected a negotiating committee of four: Aubrey Blair, Robert Montgomery, Franchot Tone and Kenneth Thomson. These men literally took their careers in their hands to press SAG's cause with the producers. Montgomery remembers more than one threat that he'd "never work in the motion picture industry again."

In 1937, SAG seemed no closer to recognition than it had been in 1933. Like Equity though, the new union had used its time well. By now virtually every top star was a member. The only question was would their top stars, who made thousands of dollars a week join the extras, the bit players, the struggling newcomers, and walk out on the producers?

Once again came the secret meetings, the impromptu conversations on movie sets or in dressing rooms. The question was always the same: Will you support a strike by the Screen Actors Guild if it is necessary to win a contract with the motion picture industry? More than 98 percent answered "Yes!"

On May 7, 1937, the *Hollywood Reporter*, a trade publication, used its largest type to headline Stars in Strike Pact. "Ninety-two stars and featured players," the story ran, "with combined weekly salaries of more than $200,000 have agreed to strike if SAG calls it."

Who were those stars? "There wasn't one of them who wasn't with us," Nagel remembers. "Or if there was, they kept quiet about it. All the big ones were with us, and that's what mattered."

PRODUCERS CAPITULATE

The producers saw that SAG meant business. Negotiations went on round-the-clock in those final, hectic hours and all the big studios signed, or agreed to sign agreements recognizing SAG. All that is, except Metro-Goldwyn-Mayer. But SAG's position was that unless it got agreements from all the major studios, it still intended to strike.

A mass membership meeting had been set for the evening of Sunday May 9, 1937. On Sunday morning, Robert Montgomery, then president of the union received a call asking if he would meet with Louis B. Mayer at Mayer's beach house in Santa Monica.

"Mayer was a flamboyant, dramatic kind of guy, always the grand-stand player,"

Montgomery says now. "He knew he was standing alone, and that he'd have to sign. He could've told me over the telephone, but instead he insisted on this meeting.

"When we got there, he carried on for a while about what a great industry this was; what a great tradition we had, how the show must go on. That was always the line they used when their backs were to the walls. When I got tired of listening, I asked him what he was going to do about this agreement. 'Well,' he said, 'I guess we'll have to go along.'"

Montgomery hurried to the Hollywood Legion Stadium where several thousand motion picture actors were waiting. The turnout included every star and prominent player in the industry. Three hundred autograph hunters waited outside, and because of the emotional atmosphere present in Hollywood in those days, police guarded the door.

When Kenneth Thomson, then executive secretary, announced that all of the major motion picture studios had agreed to recognize SAG, the meeting went wild. Bit players and stars hugged each other, some cried, and the Legion Hall rained down the hats that had been thrown into the air by the exultant SAG members. Then Ralph Morgan took the floor and opened his speech with his own interpretation of a quotation from Victor Hugo:

"You can stop, maybe, an army of a million men," Morgan quoted, "But you can't stop a right idea when its time has come."

Even while the actors were fighting their battle, other branches of the entertainment field were joining the wave of organization that swept the country with the passage of the Wagner Act in 1935.

TWO GROWS TO FIVE

In quick succession opera and concert performers organized the American Guild of Musical Artists (AGMA), radio announcers and performers organized the American Federation of Radio Artists (AFRA) and performers on the night club circuit organized the American Guild of Variety Artists (AGVA). Each, in turn, applied for, and received its charter from the Four A's.

It is interesting to note that the problems prevalent in each of these fields were almost identical to the problems that had led to the founding of Equity almost a quarter of a century before.

In the unorganized sectors of show business, many performers still worked for excessively low wages, or none at all if business was bad. They worked without any contract or if they had one, it was favorable to the employer. Rehearsal time was usually not paid for, and often stretched hours or days beyond the time necessary to get a show in shape.

Not even stars were protected. Lawrence Tibbett, one of the greats of the Metropolitan Opera, was under contract to the Met during the late thirties. He had what was known as an "exclusive contract", meaning that if he performed any place other than the Opera House, he had to pay the Met a percentage of his fees.

One year, in going over his accounts, Tibbett discovered that he had paid the Met more in percentages than they had paid him for their own performances.

It was Tibbett, along with other prominent stars, who founded AGMA in 1936. In less than two years, they were able to gain recognition from the Met by proving that they represented over 75 percent of its employes.

AGMA's most important victory in those early days though, was the establishment of a basic agreement with the Columbia Concerts Corporation and the NBC Artists Service. These two were large organizations of managers or agents for the performers.

A performer's agent is usually his only line to employment. With varying degrees, the manager truly "manages" the performer's whole career. He secures engagements, works out contracts, keeps the performer's accounts, and, of course, collects a fee.

But until AGMA's intervention, there were no rules governing this relationship. The manager might charge high fees for his services, negotiate poor contracts, prevent the performer from looking at his accounts for months, spend his money for "expenses" without restraint and sometimes even collect a fee for securing an appearance for which the artist was never paid. AGMA's basic agreement eliminated most of these practices by setting up safeguards. Today, AGMA, with its 2,000 members, though one of the smallest unions in the country, represents the most prestigious names in the concert and opera fields.

RADIO MAKES IT BIG

It was little AGMA, along with SAG and Equity that joined to sponsor still another organization, the Radio Performers' AFRA. (Later, when television developed into a commercial success, AFRA became AFTRA, the American Federation of Radio and Television Artists).

By the late 1930's radio had come into its own as a big business. Advertisers were discovering that the little boxes that sat in almost every home were an ideal way to sell their products, and they were willing to pay the networks handsomely for air time. Yet wages and working conditions of the performers reflected little of this new affluence.

Payments ranged from $75 for a half-hour show on prime time, to as little as $5 for a fifteen minutes spot on some of the soap operas. To make matters worse, the performer, in those faceless days of radio, sometimes played two or three parts in the same show. But got paid for only one. Rehearsal time was free, and unlimited.

How did performers survive on those wages? "You hustled," says Bud Collyer, who was the M. C. on *Cavalcade of America* and also performed on a dozen or so of the soap operas in those early, unorganized days. "It was common for an actor to do fifteen or twenty shows a week. We had the commuting time from one studio to the next measured down to the last minute. I remember one season when I was doing 34 shows a week. It was brutal, but it was the only way to make a living."

It is difficult to say exactly who founded the radio performers union. Radio artists had been talking about organizing as far back as 1930, and many had a hand in putting together what eventually turned out to be AFRA.

The three existing performing arts unions all loaned it money to get started, and its early officers were veterans of other organizational fights.

Eddie Cantor was AFRA's first president, Lawrence Tibbett its first vice-president. Jack Benny, Rudy Vallee, Edgar Bergen and Bing Crosby all served on its early Council, and Collyer was a member of its first Board of Directors. But when it came to the actual toe-to-toe negotiations with the networks and sponsors one name keeps coming up—George Heller.

Heller was a young actor-singer who was appearing on Broadway in *"You Can't Take It With You"* while AFRA was fighting for recognition in 1938. Also a radio performer, he immersed himself in the struggle to organize the people in front of the mike.

It was Heller, along with Emily Holt, a lawyer and veteran of Equity's battle on Broadway, who led the negotiations.

SAME STORY—DIFFERENT CAST

The pattern was the same. Networks and sponsors stalled, or refused outright to discuss any grievances or to recognize AFRA as a bargaining agent. The situation was made even more difficult by the diffusion of the producers in those days. Everyone, it seems, was putting shows together—networks, advertising agencies, individual companies and individual entrepreneurs.

"We were treated very civilly," Mrs. Holt remembers. "Nevertheless the answer was—go away. The networks said we'd have to speak to the sponsors. The sponsors said they couldn't talk because there was no one empowered to negotiate for all of them. They had nothing like a bargaining committee."

But AFRA, taking its cue from SAG's experience, went to its stars and asked for their support in a walk-out and got it. Jack Benny, Gene Hersholt, Fred Allen—all of the names rallied around once more.

"When the word got out there was a little scurrying around, you can be sure," Mrs. Holt remembers. "They got a committee together fast enough, and agreed to talk if we'd postpone the strike. We agreed to hold off for a week."

Heller and Holt, backed by Henry Jaffe, another attorney, Alex McGee, a singer, and Mark Smith, president of the New York local, met with that committee for four days and nights.

DAILY REWRITES

AFRA's committee walked into that first meeting with a printed contract. ("People have great regard for the printed word," Mrs. Holt explains). Every evening, when negotiations were finished, a member of the committee would be designated to ride downtown to a printer, and have a new contract, incorporating the changes that had been made that day, printed up.

The next day, the new, official-looking contract confronted the producers. Their concessions were immediately set down in black and white and they were never allowed to bring them up again.

Within four days, AFRA had negotiated the first collectively bargained agreement on a national scale in broadcasting.

The last group of performers to join the Four A's were the descendants of the vaudevillians—the night club performers.

Night club performers are a large, diversified group that includes such luminaries as Tony Bennett, Sammy Davis, Danny Thomas (Thomas is the current president of AGVA) as well as every young newcomer facing his first audience in out-of-the-way roadhouses across the country. This diversity made organizing difficult and policing agreements even tougher.

Life was not a bowl of cherries in this area of show-biz. Smaller clubs had no such thing as a contract. Talent was hired and fired at will. Payment was at the whim of the club owner. Female talent had other problems. A girl was never sure just how far she would be expected to go in "co-operating" with the owner or "mixing" with the customers.

The American Guild of Variety Artists received their charter from the Four A's in 1939. Since then, AGVA has made significant gains. Most recently, under the guidance of Vice-President Penny Singleton, it succeeded in raising the pay scales and instituting rehearsal pay for the Rockettes at New York's Radio City Music Hall.

With the night club performers, the last group in show business was brought into the fold of organized labor. Their story is one of the most colorful chapters in the history of labor, not only because of the great names involved, but because of the altruism they displayed.

Probably in no other time have so many of the rich and famous united together, as Eddie Cantor once said, "to help the little guy who can't help himself."

THE 4A'S ARE UNIQUE

Compared to other Internationals, the Associated Actors and Artistes of America are a tiny group. With all its member locals—the five already mentioned and three others, the Hebrew Actors' Union, the Italian Actors' Union and the Screen Extras' Guild, it has a total membership of only 64,500.

But in many ways, it exemplifies the "unity" of the labor movement. Its elected officers, important personalities with handsome incomes, serve without pay, but give unstintingly of their time.

Charlton Heston, national president of SAG, is just as likely to be found at a union meeting as on a film set. Conrad Nagel is at his Four A's office every day, keeping track of the unions under his dominion.

It is interesting to note, too, that the associated groups have done an almost complete about-face in their attitudes toward labor. Gone are the early suspicions that the performers were somehow above the electricians, carpenters and other wage earners who make up the work force.

The performer's pride in his profession is undiminished. And it exists now along the recognition that organization and a united front are the best means of maintaining what is good in show business, and eliminating what is bad.

During the recent Equity strike on Broadway, Equity president Frederick O'Neal, who has been in the theatre for 25 years and is one of the founders of the American Negro Theatre, led the union negotiators in their demands for higher wages and shorter contract lengths, and got them.

"I don't feel any conflict between my role as president of this union and my role as an artist," Mr. O'Neal said during the srtike. "Actors have to eat too, in spite of the romantic image the public has of them. They don't realize that 80 or 85 percent of the people in our jurisdiction earn less than $5,000 a year."

Or take Mel Brandt, announcer on the NBC soap opera, *"The Doctors"* and president of AFTRA. At a recent interview, Mr. Brandt sat in his television-blue shirt and spoke in the deep, well-modulated tones that are the trademarks of his profession. But what he was saying was: "There's a new militancy in AFTRA, a willingness to fight for what we have to have. The broadcasting unions, all of them, the engineers, the actors, the writers, are in a powerful bargaining position when they cooperate with each other. The companies are going to have to realize this."

And this is the essence of the change. Actors still look and dress like actors, but at the bargaining table—though the tonal qualities may be richer, they talk like labor leaders.

They now know that a bundle of straws is a lot harder to break than one.

REORGANIZATION OF POST OFFICE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. ZWACH. Mr. Speaker I have introduced a bill today designed to improve our post office and mail service. This great Department has become a multibillion-dollar industry and the volume of mail handled by this Department increases yearly. The Post Office Department is one of the largest employers in Government and we should not waste any time in providing the same care and qualification yardsticks to the selection of the administrators of this political borough.

My bill would remove the Postmaster General from the President's Cabinet, and give him a term of up to 12 years. The bill specifically limits the Postmaster's duties to that directly affecting the efficient conduct of postal business. In addition the office of the Deputy Postmaster General shall be filled by Presidential appointment with advice and consent of the Senate, and his term of office shall be for 6 years.

The bill also creates six Assistant Postmasters General for a 6-year term, except that none of the terms shall expire simultaneously. These positions would allow and bring to the Post Office Department the needed efficiency and administration that is so sorely lacking.

I have also stipulated that the duties of these men shall be entirely that of conducting their work in the Department. It further states that no more than three Assistant Postmasters General shall be appointed from the same political party, in a great sense nullifying this agency as a home for political activists.

I urge your consideration of this recommendation.

LAW ENFORCEMENT AS A BUSINESS

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 14, 1969

Mr. TOWER. Mr. President, Mr. John L. Guseman, director of the police department in Victoria, Tex., has recently written an article for the January 1969, FBI Law Enforcement Bulletin entitled "Law Enforcement as a Business." The article shows that Mr. Guseman has a keen insight into what it takes not only to train policemen, but perhaps more importantly, how to keep them interested in their most important jobs and make them even more active and vital parts of their community. With the ever-increasing emphasis on the training and vitalization of our Nation's police departments, I believe that Mr. Guseman has some important words for us. I therefore commend this article to my colleagues and those others interested in improving law enforcement and ask unanimous consent that this article be included at the appropriate place in the Extensions of Remarks.

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

LAW ENFORCEMENT AS A BUSINESS

(By John L. Guseman, director of police, Victoria, Tex.)

"OUR BUSINESS IS PEOPLE"

Someone once said that progress is not possible without change.

We of the Victoria Police Department believe that we made tremendous progress when we reorganized the department on January 1, 1968. To us, it is an entirely new concept of police organization. Military ranks within the department were phased out, and the department was organized on a basis of business management. One reason we did this was to prevent the continued loss of officers to other police departments because of the lack of advancement opportunities and the loss of officers to higher paying jobs in industry and business.

Under the old system, a man would go to work as a probationary patrolman. After 6 months of training and probation, he would advance automatically to the rank of patrolman. He remained a patrolman for a period of years, or until such time as a sergeant vacancy occurred. Then the patrolman would be required to compete with other patrolmen for this particular position.

We believe that the man who does the work out in the field, the so-called patrolman, is the backbone of the police operation and we must retain this man in the department. We can no longer afford to lose his valuable training and experience.

Under our new organization, we have a median classification. This professional classification enables an officer, after completing basic training, to advance in responsibility and compensation without becoming a supervisor. We feel that a properly trained police officer does most of his work without supervision anyway. Why make it impossible to progress in responsibility and compensation without advancing to a supervisory position?

The long-range aim of our new organization is to provide administrative mechanics through which officers with proven ability and preparation can achieve greater responsibility and increased income. These were not, in all instances, possible under the old system.

This new organization plan was not conceived by the head of the department alone, nor was it instigated or instituted just for the sake of change. After the report of the President's Commission on Law Enforcement and Administration of Justice was released, the staff and I studied it very carefully, analyzed the thoughts and ideas, and found some things we did not agree with and many things that we did agree with. We then started sending the higher ranking officers, the captains and lieutenants, to business management school. The captains, lieutenants, and I completed a short course in business management at the University of Texas. We also completed a course in police administration sponsored by the Texas Department of Public Safety and the Texas Police Association and a comprehensive course in police administration conducted by the FBI here in Victoria.

CONFERENCES HELD

Following this training and research, the captains, lieutenants, and I held many staff conferences. After we discussed the situation and talked to other employees in the department, we devised a tentative plan for reorganization. Our plan was that a new employee would come into the department at a position, at that time unnamed, and, after a period of probation and basic training, would advance one step. In the second step the employee would still be on probation but would have more responsibility. We wanted to see what he could do on his own initiative with minimal supervision. If, after a period of 6 months, the employee had shown considerable self-improvement, and his services were satisfactory for the amount of training and experience he had acquired, he would advance another step and the same evaluation would be made.

After a period of 18 months of satisfactory service, which included selected training and three minor advancements, the employee would advance to the first position in the "professional corps" of the police department. This position would be the end of changing titles or changing of position names.

We decided that the professional grade should have eight pay levels. The professional police officer, we felt, should be able to advance in pay grade by self-improvement, satisfactory service, and completion of a required number of police training hours plus college semester hours.

One of the problems we faced was selecting proper titles for the new position created by the reorganization. We were particularly anxious to get away from "military" ranks since we believed that position descriptions

similar to those in the business community would be more consistent with our goal.

Many names and titles were brought into the discussion, but most were discarded. Since the beginning officer is on probation for a time, the position was finally named Probationary Employee (PE). At the end of a 6-month period of training and satisfactory service, the Probationary Employee advances one step. Since our business is public safety, the second position, or the step just above PE, was named Public Safety Officer (PSO). The Public Safety Officer has some training and experience, but is still actually on probation with much to learn and experience to gain.

PST

After a period of 18 months' satisfactory service and extensive training, the Public Safety Officer advances to the grade of Public Safety Technician (PST). This position too was named with our utmost concern—public safety—in mind. We felt that Public Safety Technician would be the proper title for a police officer who requires little supervision and who is proficient in his work.

Once the officer attains the Public Safety Technician position, he has opportunity for higher salary and more responsibility. PST is the highest position available outside the "management" level; however, a PST may serve as a supervisor when needed.

In the management area of the department, we again borrowed from the business world. We believe that an officer responsible for a division of the department is, in truth, managing the division. Consequently, we selected the title of Division Manager for this position. The assistant to this position is called Assistant Division Manager. These two positions replace the Captain and Lieutenant ranks in our old setup. The Division Managers are also staff officers to the Director, which, of course, is the new position title for Chief of Police.

This method of organization has been in operation for a number of months. Even though we still have separations from the department, under this new plan we have been able to retain those officers who are better trained and more experienced. I think the redeeming factor of the Public Safety Technician position is that there does not have to be a vacancy in a higher position before a man can advance in salary and responsibility. Within our allotted manpower, we may have, by the authority of the city council, any number of Probationary Employees, Public Safety Officers, or Public Safety Technicians without regard to the number of personnel in each position or in each pay grade within each position. In theory, every officer outside of management could hold the position of Public Safety Technician. Consequently, the Probationary Employee knows that he is going to become a Public Safety Officer if he meets all the criteria, and a Public Safety Officer knows that he will advance to the position of Public Safety Technician after he has met the requirements. He also knows that to do this, he does not have to wait for someone to retire, to be promoted, to be demoted, or for the department to increase in size.

ADVANCES IN PAY

We have devised a point system of measurement to advance the men within grade to increase their income. We believe that 1 year's experience as a police officer teaches a man something that he cannot possibly learn any other way. Consequently, we give 30 points for 1 year of police service. We know that college training is very important, so we give 30 points for 30 semester hours of college. Knowing also that police training is important, we have related police training to semester hours of college work and have given 1 point for 20 classroom hours of police training. Thus, an officer knows in advance how he can accumulate points. He knows that he can accumulate as many points in two semesters of college as he can in one full year of police service. If the man is ambitious and wants to get ahead, he is going to get semester hours. He also knows that for each 20 classroom hours of police training, he can get one point.

TRAINING INITIATIVE

The classroom training is conducted by our own police academy. We believe training, except for basic and operational training, should be on a voluntary basis rather than compulsory. Consequently, all advanced training is voluntary. If a man wants to advance to a certain position, the training necessary to obtain that level is available to him.

In this new system we can hire individuals with 60 college hours directly from the outside and give them a higher salary to start—the same compensation that they would receive if they had been in the police department for a period of 2 years. This does not mean that they would immediately become Public Safety Technicians, nor does it mean that they would not have to serve a probationary period. Applicants with college training start as Probationary Employees, advance to Public Safety Officers, and then to Public Safety Technicians. During this time we pay them to take police training and gain police experience because we believe they have greater potential.

The requirements of law enforcement today, particularly in the technical and legal fields, are most demanding. We go along with the theory that a good educational background, other things being equal, enables a police officer to better serve his community.

The question is asked for our department, "What happened to the individuals already in the department who cannot compete with the new appointees who have 2 or 3 years of college or a college degree?" Our entrance standards are very high and we have very few people in the department who did not meet these standards on entering. These persons have been in the department for 15 years or more, and we have been able to assign them to positions compatible with their education and training. These men are still valuable to our department because their experience cannot be replaced, and we have no intention of phasing them out.

POSITION FOR WOMEN

We have established still another position within the department that is open to persons who meet all our standards, except possibly that of education, age, or physical condition. In this group are certain key female employees of the department who are unable to function as full-time Public Safety Technicians. The position has been designated Police Agent. There are five salary steps in the Police Agent position, and the fifth is immediately below that of a Probationary Employee.

The Police Agents work primarily in civilian clothes. Most of the female Police Agents are assigned to work within the station house, such as interviewing females, matron duty, typing, clerical work, radio dispatching, and assisting in the identification section.

We do not anticipate that all our female employees will become Police Agents. Police Agents must take the same classroom instruction as other police officers, as well as defensive tactics and firearms training, be able to pass all examinations satisfactorily, and be available for outside work when necessary. A number of our female employees have already had the basic training phase.

New insignia to designate the various positions within the department are still under consideration. At present the Probatonary Employee's uniform consists of Khaki trousers and shirt, and his badge and cap piece have the wording, "Police—Victoria, Texas." The Public Safety Officer wears the regular blue uniform with sidearm and the same badge as the Probationary Employee. The Public Safety Technician wears the same uniform and a two-tone badge with the wording "Technician—Victoria Police." The Assistant Division Manager and the Division Manager wear the same blue unform and badge as they did under the old system.

Currently, we are surveying and evaluating our reorganization. We have found that the public as a whole, especially those of the business community, are all for the new system. They understand we are in a business and our business is people. We are better able to relate to them and they are better able to understand our problems. We believe that public acceptance of our reorganization will mean renewed interest and support of our department and its responsibilities.

Our department is not covered by police civil service. We operate under a merit system. New employees are brought into the department after the completion of a very complicated and extensive application. The applicant is also submitted to a rigorous and thorough background investigation, and a physical examination. After he enters the department, his compensation and responsibility are increased as he proves himself.

The department is operated in a very flexible manner as opposed to military rigidity. All changes of policy are thoroughly discussed in staff meetings and any alternatives are considered. The department is not operated by majority vote, but the Director of Police receives and considers the combined ideas of his staff and then makes his decision based on the proposals brought out in the staff meetings. There is no way for the Director of Police to transfer his responsibility to the staff; consequently, he must make the final decision.

After working under our reorganization for the past year, we are of the opinion that it is a workable structure and that we wish to continue the plan with modifications as they are needed.

A LESSON FOR LIBERALS

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. MIZE. Mr. Speaker, everyone knows that riot and resentment have followed the greatest outpouring of governmental assistance to the poor in our Nation's history. This deeply tragic condition has threatened to destroy what significant social progress the United States has made, under five Presidents, since the early 1930's.

Republicans, in assuming the burdens of the Executive, cannot and will not return blindly to the economics of pre-F. D. R. days. Just as Apollo flight contrasts sharply with Charles Lindberg's historic *Spirit of St. Louis*, so also do the responsibilities and functions of the American Presidency today provide marked contrast to Calvin Coolidge's appreciation of his duties.

The opportunities for Richard Nixon and his administration are unparalleled. The new administration may synthesize and innovate—embrace the challenge of the future armed with the lessons of the past. The challenge could not be greater.

Mr. Speaker, in his Newsweek column of January 13, Stewart Alsop has stated Mr. Nixon's opportunity quite well. Because its message will be of value to

Members, I insert the column at this point in the RECORD:

A LESSON FOR LIBERALS

(By Stewart Alsop)

WASHINGTON.—One deeply important lesson of the Johnson era, now so soon to end, seems to be this: American liberalism, New Deal-style, doesn't work very well any more.

Oddly enough, a lot of the evidence supporting this conclusion has been supplied by a great New Deal-style liberal, Wilbur Cohen, the outgoing Secretary of Health, Education and Welfare. Cohen is a small, bouncy and wholly admirable man—he is the kind of liberal who really does want to help other people to be better and happier people.

Cohen is also the very achetype of the New Deal liberal—as a young man, he played an important part in Franklin Roosevelt's New Deal. Cohen's kind of liberalism is the liberalism of a whole generation. Its basic thesis is that social problems are essentially economic; and that therefore social problems can be solved by the vast economic power of the Federal government.

This theory has been tested as never before during the Kennedy-Johnson years. The results are outlined in a chart-filled and statistic-crammed booklet which Wilbur Cohen has had prepared as a going-away present for President Johnson. The statistics are impressive—so impressive that, if the basic thesis of American liberalism were correct, this country's major social problems ought to be just about solved.

GOODBY TO POVERTY?

For example, to judge from Wilbur Cohen's booklet, poverty should fairly soon be a thing of the past. When President Kennedy took office, 22 per cent of the American people were poor. Now, just half that percentage—11 per cent—are poor. Negroes have moved above the poverty line in greater proportions than whites—in the last five years, 40 per cent of the poor Negroes have ceased to be poor, as against 36 per cent of the poor whites.

Funds spent specifically to help the poor, according to Secretary Cohen's figures, have doubled in the five Johnson years, and they have tripled—from around $8 billion to around $25 billion—since John Kennedy was elected. Funds spent by HEW for social purposes of all sorts have shown an equally startling increase.

In the Johnson era alone, over-all HEW spending, including social-security outlays, has risen from $20 billion to $50 billion. Spending on health has gone from $1.6 billion to $12.3 billion; on education, from a measly $700 million to $3.8 billion, on welfare from $3 billion to $4.4 billion. As a percentage of the ever-climbing gross national product, spending by HEW (by no means the only government agency spending money for social purposes) has climbed sharply, from 3.7 per cent to 4.8 per cent.

EVERYTHING JIM-DANDY?

Moreover, the Keynesian theories which are an integral part of New Deal-style economic liberalism have clearly worked and worked very well. While the government has been spending money at a rate undreamed of by the Keynesians of Franklin Roosevelt's day, average personal incomes measured in real dollars have increased dramatically, while unemployment has been held fairly close to the vanishing point.

So everything ought to be just jim-dandy, and American society ought to be blooming with exurberant health. Instead, American society has rarely, if ever, been sicker.

There is no thermometer to measure a society's sickness, of course. But there are plenty of statistics, like the appalling crime rates, or the figures of lives lost and property destroyed in the big-city riots, to suggest that American society is suffering from some sort of wasting disease. All the major riots occurred during the five Johnson years of unprecedented prosperity, while spending for the poor was doubled, and 40 per cent of the Negro poor were escaping from poverty.

The major symptom of the American disease is the alienation between the races. The gap of suspicion and fear that divides white from black has grown even more rapidly than the gross national product. But racism is not the only symptom—everywhere, even in the affluent suburbs, there is a restlessness and discontent such as this country has not known before, and for the first time large numbers of people question the validity of the country's basic institutions. It could be argued, however speciously, from Wilbur Cohen's statistics, that national unhappiness increases in direct proportion to increases in funds spent for social purposes.

Wilbur Cohen is quite aware of this anomaly. To explain it, he quotes de Tocqueville: "The evils which are endured with patience so long as they are incurable, seem intolerable as soon as hope can be entertained of escaping from them." Maybe so, but it will be a long time before mankind's ancient evils are escaped from. Meanwhile, it is time for a searching new look at the whole Federal social-spending program, and a lot of rethinking of priorities.

In the Nixon Administration, the chief new looker and rethinker will be Cohen's successor, Robert Finch, who will be President Nixon's chief of staff for domestic affairs. Finch, handsome, cool-mannered and reserved, is a very different sort of man from the ebullient Cohen. Finch is no New Dealer, but he is no orthodox, old-school "real Republican" either—it is significant that he tried hard to persuade New Dealer Cohen to stay on in some capacity at HEW. Finch is what Nixon calls a "pragmatic centrist," and his new look at the social programs will be coolly non-ideological.

PLEASANT SURPRISE?

Finch starts with a big advantage of which he himself is well aware—since the new Administration owes little to the Negroes politically, the Negroes expect little, and they may be pleasantly surprised. If, for example, Finch succeeds in making sense out of the welfare mess, which is his first objective, he will deserve the wholehearted thanks of the Negro community. For the welfare system, by making the ghetto poor furiously resentful wards of big-daddy government, has had a lot to do with the alienation between the races.

Finch is certainly sensible enough not to try to turn any clocks back. If he can deal pragmatically and reasonably successfully with the vast social problems which confront the Nixon Administration, that could mean the end of the long era of New Deal liberalism, which has also been the era of the Democratic Party's dominance, and the beginning of an era in which the Republican Party will again be the majority party in the nation.

THE NEW UNDER SECRETARY OF AGRICULTURE PHIL CAMPBELL

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. O'NEAL of Georgia. Mr. Speaker, Georgians generally are delighted that the new Under Secretary of Agriculture will be the Honorable Phil Campbell.

All political considerations are forgotten. Georgians only remember that he served the State well for many years as State commissioner of agriculture and will bring the same background knowledge, incisive logic, and forthrightness to the national problems.

As a matter of fact, his work with the State commissioners of agriculture in all 50 States caused the first suggestions of his suitability to come from outside Georgia.

Georgians are pleased, as will be seen from sample editorials from Georgia newspapers:

[From the Atlanta (Ga.) Journal]

PHIL CAMPBELL

Phil Campbell is leaving the post of Commissioner of Agriculture of Georgia to become Number Two man in the U.S. Department of Agriculture.

Mr. Campbell is a fine forthright man who knows his job and is good at it. He also is one of the Georgia Democrats who turned Republican after the Democratic convention. There is no inconsistency in this decision, though some political observers wonder why he did it.

We suggest one reason which has nothing to do with self-seeking or self-serving. Agriculture is Mr. Campbell's life and it may be he thinks he has done all he can as Commissioner of Agriculture in a state which is converting its fields into forests and pastures.

The national field is broader, much broader, and if everything we read about the federal agricultural program needing reform is true, then Hercules himself is needed in Washington.

It is possible, even probable, that Mr. Campbell is looking for broader fields and more of a challenge than he currently has at home. We hope so, anyhow, for the farm program does need reforming and Mr. Campbell has the talent and experience which can be helpful.

[From the Albany (Ga.) Herald]

PHIL CAMPBELL TO WASHINGTON

President-elect Nixon's appointment of J. Phil Campbell as Under-Secretary of Agriculture will be hailed in all quarters of Georgia. Such widespread approbation lies above the realm of politics. It comes to him as much for his ability as for his strong personality.

Mr. Campbell has put together an exemplary career in public service in this State. He was a member of the Georgia Legislature for six years, acting as chairman of the House Agriculture Committee for four years. In 1955, he was elected Commissioner of Agriculture for the State, a tenure which has been long and fruitful. The experience gained in that capacity will serve him well in Washington, as he moves into one of the most sensitive areas of Governmental function—not only commercially but politically. We have no doubt of his capabilities in either direction. For, over the years, he has demonstrated his astuteness, intelligence and vigor along lines that went beyond his ordinary duties.

Mr. Campbell is a warm and human person, whom success has not dissuaded from genuine concern and affection for the whole human family. He has given his zeal and his resources of every kind generously, not only to "good causes" broadly but also to many individuals. He has a deep and abiding love for his home State, and it was this feeling, more than any other, that prompted his recent political switch-over to the Republican Party after the unfortunate events at the Democratic National Convention where the only established Democratic Party in the State was set down rudely for inside political deals in which it had no part.

As the No. 2 man in the nation's agricultural department, Mr. Campbell will face many problems. In particular is the plight of the small farmer a cause for concern, to say

nothing of supplying food for American impoverished. That he will rise to the occasion is beyond question. He has the talent and organizational ability to make an outstanding administrator. We wish him well.

GI'S ARE PUZZLED AT STATESIDE NEWS

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. TAYLOR. Mr. Speaker, it is my privilege to submit for my colleague's consideration the following "letter to the editor" which appeared in the Asheville Citizen in Asheville, N.C. on December 9, 1968, from Cpl. J. H. Gibson.

Also enclosed is a copy of response which I would like to submit from the Reverend Jimmy Lyons, of Swannanoa, N.C., one of my constituents:

[From the Asheville (N.C.) Citizen, Dec. 9, 1968]

GI'S ARE PUZZLED AT STATESIDE NEWS

In a combat zone in Vietnam a black man holds his wounded white buddy and weeps in sorrow, while back in the States the white and black men preach "hate" against each other.

A Marine in Hue crawls up a flagpole, blood on his hands, to rip down a Communist flag. In the States, a student wraps a Communist flag around him to show defiance against his country.

A Company on sweep near the D.M.Z. takes 30 per cent casualties from North Vietnam fire. In Washington they halt the bombing of North Vietnam.

On a hospital ship off the coast of Vietnam, a Navy medical man works nine hours to save the life of a wounded soldier. On a campus in Berkeley, California, a student lies on a dirty cot, donating blood to my enemy.

The Armed Forces of the United States has lost over 28,000 men in Vietnam since 1965. The protestors, hippies, yippies, and "power" leaders have lost relatively few.

Now we Ask America, "Why?"

Cpl. J. H. GIBSON.

THE FIRST PRESBYTERIAN CHURCH,
Swannanoa, N.C., December 9, 1968.

Cpl. J. H. GIBSON,
FPO, San Francisco, Calif.

DEAR CORPORAL: Your letter was published in the Asheville Citizen today. I read it with shame—and pride—and hope.

There was shame because you wrote of a paradox that is mercilessly imposed on all Americans today. The paradox of black and white fighting together for all of us in Vietnam while pariahs of hate seek division of the races at home; the Communist banner of our enemies flaunted by students who have been beguiled by artless sophistication to parade their foolish treachery as if it were virtue; rivers of armament unleashed against you from the North while our own government stops the bombing; . . . pitiless portions of the paradox that bids you ask, "Why, America, Why?"

I am shamed, Corporal, for I do not know the answer to your question. I don't believe there is one.

But your letter brought pride, too. Pride in you and your fellow Marines. Pride because I know what you are going through. Many of us went through the same thing in Korea in the fifties.

You're up against the same enemy—relentless, crazed, and deadly. Yet you fight on. There is anger in your letter but it is right for it so to be. But beyond the anger is a confidence that cannot be hidden bespeaking your conviction that our cause on the battlefield is just and that victory must surely be seized and held. You back that conviction with your life and because you do, I believe America will live.

It isn't the first time our countrymen have been committed to battle and then denied the loyal support of their own people. While Washington camped at Valley Forge, Tories sold food to the Redcoats for British gold. But America lived. She lived because the love of her Patriots was greater than the contempt of her traitors. You and your men stand where gallant men of your nation have always stood—and prevailed.

Your letter brought me hope, too, Corporal. The hope is that your love of country will not waver. I don't believe it will for I see in your words that which will never indulge your nation's faults and weaknesses but which will never abandon her dream. That dream has led us on for nearly two hundred years. It is a dream woven of freedom and liberty, equal justice under law, genuine peace, and the right to worship God as each man would choose for himself. It is a dream robed in honesty and industry of her people unashamed to demand integrity and honor of her national life despite the sneers of her detractors.

Thank you for that shame, Corporal. I needed to feel it. Thank you for that pride, too, for without it I would despair. Thank you for that hope. It is the mandate for renewed dedication to the greatest country on earth.

God love and keep you, soldier, and all who fight for us there. We pray for the day when you can all come marching home again.

II Corinthians 13:14.

Kept with you in His Love,

JIMMY LYONS.

MORAL POLLUTION IN EDUCATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. HUNT. Mr. Speaker, the academic upheaval on our college and university campuses over the last half of the present decade has no precedent in the 193-year history of our Republic.

The perpetrators of this "revolution" justify their ill-defined cause in the name of academic and intellectual freedom and claim in their defense the cherished freedoms guaranteed by the Constitution. when cited as the framework within which our society conducts its affairs, however, these same individuals deride the Constitution as an outmoded document conceived in an age whose principles defy application to present-day life.

As the times change, Mr. Speaker, the pendulum swings, and I feel the emergence of a new awareness of and rededication to the American ideal from among the masses. As recalcitrant minorities encroach upon the rights of society taken as a whole, the dangers inherent in the unrestricted abuse of our constitutionally guaranteed freedoms must not be allowed to prevail.

A recent news article caught my attention in the use of the phrase "moral pollution," a phrase one might more readily associate with the spiritual preachings from the pulpit. It was found, however, to be applied to the conduct of faculty and paid speakers at one of our large Midwestern universities. Even more interesting is the fact that it was the result of a grand jury investigation which claimed, "There is a need for increased emphasis at all levels of education of the American ideal."

It is strange, indeed, that academic freedom has been allowed to justify the conduct of those who would pollute and corrupt the minds of our young citizens; that "militant activists" and "student radicals" be permitted the "freedom" to infringe upon the ambitions of those who responsibly seek an education imbued with the spirit of our American heritage and love of God and country. I am heartened in some quarters that there are those among the educational administrators who are dealing forthrightly with these alien and destructive forces at the behest of an aroused public which sees the survival of a free society at stake.

The American ideal, embodied in the spirit and words of the Declaration of Independence and the Constitution of the United States, is being constantly challenged. Our educational institutions must teach and enhance it rather than fall to the hands of those who would subvert and destroy it.

At this point in the RECORD, Mr. Speaker, and with the permission of the House, the full text of the news article, as reported in the December 29, 1968, issue of the Philadelphia Inquirer, follows:

PROBERS CITE MORAL POLLUTION AT IOWA SCHOOL

AMES, IOWA, December 28.—A grand jury in Story County, Ia., wants "moral pollution by faculty and paid speakers" at Iowa State University discouraged by changes in the humanities curriculum.

"The militant radical activist, both teacher and student, is involved in the humanities," said the jury after a three-month investigation.

The jury said it was up to the State Board of Regents to make "corrective" policy changes, and said regents' membership should be changed if the public is not satisfied with what it does.

REPORTS CITED

"There is a need for increased emphasis at all levels of education of the American ideal," the jury report said. "Our soldier boys have been dying for this ideal. Education as never before should clearly teach it."

The jury said it began the investigation after frequent reports of "student radicals and other activists using campus media to pulpiteer, sensationalize and otherwise promote illicit sex, drug use, draft evasion and defamation of our country."

Iowa State, with an enrollment around 18,000 is one of three state universities governed by the nine regents.

DOING ITS BEST

"Is it unreasonable to expect the Board of Regents through definitive delegation of responsibility to school executives to discontinue speakers who are liars, who blaspheme our Flag, our heritage, our moral scruples on the ground of academic freedom?" the jury asked.

The jury said it concluded that having radicals centered in the humanities was not a problem "peculiar" to this university, and the administration was doing its "level best" to meet it.

A related item, addressed to the subject of campus violence, appeared in the January 9, 1969, issue of the Evening Star in a column written by James J. Kilpatrick. I call your attention to the heart of the issue which, I believe, is plainly stated by Mr. Kilpatrick when he says:

The campus of a college or university is like any other community. In the presence of violence, the rights of the law-abiding residents—the sudents who want to learn, the teachers who want to teach—have to be defended at any cost. These come first. Any compromise with this principle is an invitation to anarchy.

I commend to your reading Mr. Kilpatrick's column which follows:

REAGAN HAILED FOR GETTING TOUGH ON CAMPUS

Those who undertake to read the currents of public opinion are engaged in a difficult art. Such tides never can be predicted to the fraction of an inch. Mostly it's guesswork or just plain hunch. But it's a good bet that California's Governor Reagan has sensed public attitudes exactly in his resolute statement on campus violence.

The governor ran into newsmen this past Sunday at the Sacramento airport. It was the day before San Francisco State College was scheduled to reopen. Reagan was asked for comment. He paused deliberately; then he laid it on the line.

"Those who want to get an education, those who want to teach, should be protected in that at the point of bayonet if necessary. The college has to be kept open. I don't care what force it takes. That force must be applied."

Hallelujah! That is precisely what should have been said and done all along. It is amazing, in retrospect, that such eminent men as Grayson Kirk of Columbia ever could have lost track of the truth that Reagan stated so bluntly. The campus of a college or university is like any other community. In the presence of violence, the rights of the law-abiding residents—the students who want to learn, the teachers who want to teach—have to be defended at any cost. These come first. Any compromise with this principle is an invitation to anarchy.

A year or so ago, Reagan's statement would have provoked moans, groans and gasps from the intellectual community. No more. The professors and presidents who have condoned the outrages, and sought to appease the firebrands, have gone out of style. Increasingly, the public demand is to expel the fascist students and to fire the faculty members who enter into conspiracy with them. These militants can respect the rights of others, or they can get out. It's as simple as that, and no phony invocations of "tenure" or "academic freedom" or "the right to dissent" should be heeded any longer.

The firmness voiced in California by Reagan is not unique. Other responsible administrators have taken the same high-principled view. The trustees of Worcester Polytechnic Institute adopted a statement of policy last June—a copy has just come across my desk—that provides a model for every college in the land.

The Worcester statement opens by affirming the institute's belief in individual freedom. But "academic freedom is not academic license, and the right to criticize and protest is not the right to disrupt or to interfere with the freedom of others." The statement continues:

"Students enter Worcester Tech voluntarily. They apply presumably because they wish to further their education and hopefully because they believe Worcester Tech, with its traditions and reputation, is capable of advancing their intellectual attainments. Students come to learn, to be guided, not to direct.

"If they do not like some of the rules and regulations, traditions and policies of Worcester Tech, they do not have to enter. But let it be understood that having been accepted, and having decided to enter, they are expected to abide by the laws of our nation and comply with the rules and policies of Worcester Tech. Criticisms and suggestions are always in order and will continue to be welcomed, but threats, disturbances or force of any kind—whether by a single student, a minority or a majority—will not be tolerated."

The Worcester statement concludes with an explicit warning that the college offers no sanctuary to any person who condones advocates, or exercises the seizure of private property or the use of intimidation. "Any who engage in such activities will be held fully responsible, and punishment at this college for such acts will be prompt and sufficient to the cause, including expulsion."

Worcester Tech hasn't had the first breath of trouble.

This is the sound approach. It is right in principle; it is right politically, too. The tides of permissiveness are running out. From San Francisco to Worcester, the new year sees a determination among free men to restore the order on which freedom itself depends.

J. W. McSPADDEN COMPILES OUTSTANDING RECORD

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. EDMONDSON. Mr. Speaker, I have in my district a remarkable public servant. He is Mr. J. W. McSpadden, of Tahlequah, who is contemplating, at age 84, seeking his 26th term as Tahlequah city treasurer.

During the 51 years Mr. McSpadden has held this job, he has earned the honor and respect of the people of his city. A measure of their respect for him can be seen in the fact that only twice in 25 elections has Mr. McSpadden been opposed. This is a record almost without parallel in Oklahoma.

I know and admire Mr. McSpadden, and I was pleased to see that Liz Gilbert, a fine writer for the Muskogee (Okla.) Phoenix & Times-Democrat, had recently visited and talked with Mr. McSpadden. Her report of this interview in the Muskogee Sunday Phoenix & Times-Democrat on January 12 under the heading, "He'll Decide When It's Time."

I would like to have Miss Gilbert's excellent story about this outstanding public servant appear in the RECORD.

HE'LL DECIDE WHEN IT'S TIME—AT 84, TAHLEQUAH TREASURER HAS HELD POSITION 51 YEARS

(By Liz Gilbert)

TAHLEQUAH.—Tahlequah's city treasurer hasn't yet decided whether he will file for re-election this May. Oddly enough however, his indecision on the matter does not arise from local politics.

"I won't make up my mind until I see how I feel," J. W. McSpadden says. He recently celebrated his 84th birthday and is beginning his 52nd year as treasurer.

Should he re-file for the office it will mark the 26th time he has done so. An opponent in the contest would make only number three for McSpadden.

He campaigned against Ed Hicks many years ago and W. E. Hicks about 10 or 15 years ago.

"I was manager of the mill and elevator company and it took a lot of time. I didn't have any time to electioneer and it didn't pay enough to work hard to get it," he says of his campaign for the post in the latter race.

Tahlequah's several bonds and "figuring all those different rates of interest" takes more of McSpadden's book work time than any other single phase of the accounting project.

He says he just works on the books in his spare time. He keeps the records at his home and makes two or three trips a week to the city clerk's office or to the bank.

"I'm too old for hobbies," McSpadden says when asked how he fills the rest of his days in the rambling two-story house built on Bluff Street in Tahlequah 79 years ago by his father.

He first became city treasurer in 1917, when he was appointed to the position vacated by H. B. Upton, who is now a Tahlequah bank vice president.

Prior to his appointment, McSpadden had served on the city council, school board and library board.

During those first years as treasurer, he also served as Tahlequah's first tag agent, a position he held 14 years.

For several years McSpadden operated the flour mill begun in Tahlequah by his father, who came to Indian Territory as a child with McSpadden's grandfather, a Methodist minister from Alabama.

He took over the Tahlequah Mill and Elevator in 1915 and operated it until 1962, when he retired because of his wife's illness.

Mrs. McSpadden (Callie) a native of Tahlequah, was frequently cited by the Cherokee Tribe for her work with the Cherokees.

Shortly after her death in 1964, W. W. "Bill" Keeler, principal chief of the Cherokees, wrote her family a letter praising Mrs. McSpadden. The framed letter is a treasure of the McSpadden's and hangs in his home alongside other mementos of a colorful family history.

McSpadden has eight children—four daughters, Mary Layton of Collinsville, Caroline Crawford of Tulsa, and Cora Ann O'Reilly and Nancy Grimes, both of Muskogee, and four sons, Tom and Vance, both of Muskogee, J. A. of Tahlequah and Ray of Bartlesville. He has 18 grandchildren and six great-grandchildren.

COMMISSION ON AFRO-AMERICAN HISTORY AND CULTURE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. SCHEUER. Mr. Speaker, I have the pleasure to introduce today for myself and Messrs. ADDABBO, BINGHAM, BURTON of California, Mrs. CHISHOLM, Messrs. COHELAN, EDWARDS of California, FARBSTEIN, FRIEDEL, GILBERT, HALPERN, HATHAWAY, HAWKINS, KOCH, MCCARTHY, MIKVA, MOORHEAD, MORSE, NIX, PODELL, REID, REUSS, ROSENTHAL, RYAN, TIERNAN, and WHALEN a bill providing for the establishment of a Commission on Afro-American History and Culture. The bill would establish an 11-member Presidential Commission which would be empowered to conduct a thorough study of all proposals designed to create a better understanding and knowledge of the contributions of Afro-Americans and their heritage to American history and culture.

This Commission would be composed of authorities on Afro-American history

and culture, American history, education, journalism, communications, and other related fields. The Commission's findings and recommendations would be submitted to the President and Congress within 1 year after the enactment of the bill creating it.

I have been working on this legislation for several years, and I reintroduce it today in recognition of the urgent need, in these times of stress and tension, to document and disseminate the facts, materials, and artifacts relating to the many contributions of the Afro-American to this country's history. This legislation, in its present form, holds promise of rich achievement, not only for the black population in America, not only for black children in finding a new pride and identity in self-image, but also for white America, so that white children in our school system can have a new appreciation of their fellows and a new understanding of the contributions that our black citizens have made to every aspect of American life.

Our politics, our arts and letters, our war, our peace, our humanities are permeated with the contributions to our civilization made by black citizens. Unfortunately, our education curriculum, our textbooks, and by and large our public media—radio, television, press, have failed to convey even a marginally adequate understanding to black and white children alike of the role that blacks are playing today and the contributions their people have made in the past. This gap diminishes us all.

Happily there is much evidence of concern over the problem. In recent months, we have seen scattered efforts on the part of leaders in the radio and TV industry and in our magazines to begin the lengthy process of improving the situation. I hope that the Commission on Afro-American History and Culture can give leadership and direction to this effort and distill the most creative ideas and the most thoughtful and sensitive insights into the problem from among black educators, archivists, and the like, and from experts in the media themselves, experts in education and textbooks and education curricula.

Mr. Speaker, I strongly believe that this Commission could play a significant role in reversing the widening racial divisions within our society. It could help bridge the gap between black and white, bring the two communities closer together, and prevent the creation of two separate and unequal societies.

GAO CONFIRMS CHARGES OF ABUSE IN MDTA

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. SCHERLE. Mr. Speaker, in April of 1968 I reported to my colleagues in the House that the alert Iowa State auditor, Mr. Lloyd Smith, had discovered serious mishandling of certain OJT contracts under the Manpower Development and Training Act. Because of denials made by those charged with the responsibility for the administration of this program it was necessary to request an investigation of this matter by the General Accounting Office.

The findings are now in, and they confirm the existence of the abuses alleged. In an article published in the Des Moines Register on January 5, Mr. Clark Mollenhoff, nationally known writer and author, discusses the GAO audit. I commend his fine report to your attention:

U.S. CHARGES ABUSE IN IOWA JOB TRAINING: WILL SEEK TO GET FUNDS BACK

(By Clark Mollenhoff)

WASHINGTON, D.C.—The comptroller general has ruled that an Iowa Public Safety Department job training program violated the provisions of the contract as well as the federal law.

The opinion of Comptroller General Elmer B. Staats was included in a report made Saturday to Senator Jack Miller (Rep., Ia.) who had asked for the study of the operations of the Iowa State Manpower Development Council program with the Public Safety Department.

In a report to Miller, Staats said the Labor Department already has instituted action to recover the funds that were improperly and illegally expended in the Iowa program.

Although the amount of money involved in the Iowa Public Safety Department programs was small, the comptroller general said that the General Accounting Office (GAO) investigation indicated weaknesses in the administration of the job training program that has caused it "to expand our already considerable efforts of reviewing program operations under the MDTA (Manpower Development Training Act)."

Iowa State Auditor Lloyd Smith first revealed last March that the Iowa Public Safety Department was obtaining funds for a federal-state job training program that existed only on paper.

Smith, a Republican, declared that several state safety department employes were listed as trainees in a program the trainees didn't even know existed.

Smith called the project "a pet project" of the then Gov. Harold Hughes. The comments by Smith prompted Hughes to announce he was starting his own investigation of the Iowa Manpower Development Council. The council operated under Director John Ropes.

The GAO investigators are career Civil Service employes, and in carrying out the federal investigation were under the direction of Staats, appointed by a Democratic administration.

In releasing the report, Miller said he asked for the GAO investigation after reading of State Auditor Smith's report in The Des Moines Register, and noting "partisan criticism of the report."

"I decided that the best way to get an objective view of the Iowa job training program was to ask for a GAO investigation," Miller said.

"The GAO report fully substantiates State Auditor Smith's reports, and indicates that the criticism of Smith was completely unjustified."

Miller also noted that the Department of Labor in a Democratic administration has "disallowed" the funds used in the program and has requested a refund from the state of Iowa.

The GAO stated: "If the state does not refund the amount involved, then the matter should be referred to the Department of Justice for collection."

The GAO report stated that the objective of the Manpower Development and Training Act of 1962 was to alleviate the hardship of unemployment and to institute training programs for unemployed and under-employed individuals.

A Labor Department survey was made in May that questioned the payment of the full amount of $4,365 provided in three on-the-job training subcontracts with the Public Safety Department.

JOB OPPORTUNITIES

Two of the subcontracts were for the purpose of upgrading a total of 13 existing employes and thus providing job vacancies at the entrance level which could reasonably be filled by applicants recruited from employed, disadvantaged rural or minority groups.

The third subcontract was for the training of 10 new employes at the job entry level.

The GAO had these conclusions on the first two contracts:

"1. Training provided under the subcontracts did not have the effect of generating job slots at the job entry level.

"2. The employes who were reported to have participated in the training programs were not upgraded.

"3. The training was to include a two-day seminar at one of the state universities, and four follow-up lectures at the sub-contractors' office. All the trainees attended the seminar; however, not all the trainees attended the follow-up lectures."

With regard to the contract dealing with training employes at the entry level, the GAO stated:

"1. Seven of the 10 trainees had been employed prior to the time of their enrollment. Three of the seven were employes of the Public Safety Department.

"2. Two of the five trainees who, at the time of the audit, were still employed by the Public Safety Department stated that they had not received any training and did not know that they had been enrolled in the . . . program."

The GAO concluded that the funds provided to the Iowa Public Safety Department "were not used in accordance with the provisions of the contract or the purposes of the Manpower Development Training Act.

"Also, we believe that the findings of the state auditor and the Department of Labor auditors point to a need for improvement in the administration of the Manpower Development Program in Iowa."

BAIL REFORM ACT NEEDS REVISING

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. McCLORY. Mr. Speaker, the dilemma created by the passage—in all good faith—of the Bail Reform Act of 1966 demands that prompt action be taken to revise this new, well-intentioned law.

It was clearly not the intention of Congress to compel the release of a criminal on his personal bond—where there was danger that the defendant would engage in further criminal activity—pending a trial.

My colleagues, the Republican leader of the House, Mr. FORD of Michigan, and the ranking Republican on the House Judiciary Committee, Mr. McCULLOCH, of Ohio, have taken leadership in sponsoring H.R. 2781 designed to overcome the defects in the Bail Reform Act.

Both the Washington Evening Star in its issue of Friday, January 10, 1969, and the Washington Post in the Sunday issue of January 12, 1969, have editorialized in favor of revising the law respecting bail in the Federal courts.

In the Evening Star editorial justifiable support is extended to District Judge Gerhard A. Gesell who refused to release a convicted criminal without bail although the U.S. Court of Appeals had directed otherwise. As the editorial points out, Judge Gesell has expressed his primary interest in the law-abiding public.

In order to bring these two excellent editorials to the special attention of my colleagues in the House of Representatives and to the American public, I am including them in the CONGRESSIONAL RECORD as follows:

[From the Washington (D.C.) Evening Star, Jan. 10, 1969]

CONCERN FOR THE PUBLIC

District Court Judge Gerhard A. Gesell has taken the eminently sound position that he is not going to be pressured by the U.S. Court of Appeals into releasing a convicted criminal who might be a menace to the community.

Judge Gesell, of course, did not state the case quite so bluntly. Nevertheless, his meaning was clear.

Archie Blyther Jr., 33, was convicted last summer of carrying a dangerous weapon. He and a companion, also a "frequent criminal," had been caught in an automobile that shortly before had been used as a getaway car in a Maryland bank robbery. Each man had a loaded revolver under his car seat.

After being convicted, Blyther asked to be released on personal bond pending an appeal. Judge Gesell refused. The appeal, he said, was frivolous. Furthermore, Blyther's record showed three felony convictions, a conviction for contributing to the delinquency of a minor girl, and a yoke robbery while still a juvenile.

This record did not impress Chief Judge David Bazelon and Senior Judge Charles Fahy of the Court of Appeals. They ordered Judge Gesell to make a statement, in writing, of his reasons for refusing to release Blyther, meanwhile holding the appeal in abeyance.

The trial judge, although saying he was not obliged to do so, responded by setting forth in detail the defendant's record—a record which also had been fully available to the appellate judges. If Blyther, on his record, is to be released, Judge Gesell said, the appellate judges will have to release him and assume the responsibility for the consequences. Then he added: "There is not a judge of this (District) court that takes commitment of an individual to prison lightly or with disregard for the human factors involved. But as trial judges there is also a responsibility placed on this court to protect the interests of the community. These interests are paramount whenever a jail sentence is imposed on a convicted felon with a substantial anti-social criminal record whose appeal, as in this case, is frivolous."

This show of concern for the rights of the public is refreshing. It is too bad that there is not more evidence of a similar concern in the Court of Appeals.

[From the Washington (D.C.) Post, Jan. 12, 1969]

THE CRIME CRISIS IN WASHINGTON

The murder of two young FBI special agents who were trying to arrest a robbery suspect, taken together with the recent rash of bank holdups and multiple shootings, are grim confirmation in dramatic form of a far wider condition—a kind of crisis of crime—in our community. The killing of law enforcement officers in the performance of their duty has a special shock effect. So do bank holdups, because they are daring and usually involve a deadly weapon and large amounts of cash. There have been 14 such robberies in this area just since the beginning of this year, and if the rate continues, bank holdups this year could more than double the number in 1968. This prospect is harrowing enough, and all the more so when placed in the perspective of the total crime problem. For the robberies of banks and other large businesses actually account for only a fraction of all robberies that occur on streets and in alleys and dark hallways, and probably inflict the least human suffering. Insurance does not usually cover the week's wages snatched from a handbag, or the week's earnings taken from a small shopkeeper's cash register. For these victims, small crimes can be a very large personal catastrophe.

The minutely detailed statistics in the President's Commission on Crime in the District of Columbia illustrate this point. Between 1960 and 1965, the Commission reports there were 14,187 robberies. Of these, 10,509 (74.1 per cent) took place on the street. During that six-year period, banks accounted for 35 (or .2 per cent) of all robberies.

These statistics are the most accurate available and yet they do not give the full picture for they do not take into account the countless robberies that are not reported—the purse-snatchings and muggings which the police are never told about. And these statistics, it has to be emphasized, deal only with the crime of robbery, which is in itself only a piece of the larger crime problem, running the gamut from prostitution and narcotics traffic to rape and murder. Crime of all kinds must be counted in, not only because almost all kinds of crime are on the rise, but because it is crime, in its totality, which is creating a growing crisis of confidence in our community. This secondary, psychological effect, this sense of near-hysteria, is not always rational; it contributes very little to a reasoned solution of the problem. But it is no less real on that account and no less reasonable—the fear of the private citizen, black as well as white, to walk the streets and the fear of corporate leaders, and of businessmen big and little, black as well as white, of doing business in our city.

Plainly, more, much more must be done. To say that, however, is not to say very much, for if any of the answers were easy, we would not have the problem that we have. Yet there are things that can be done, for the long haul and for right now, and as good a place as any to begin looking for them is in the Crime Commission's recommendations for improving the entire system of law enforcement, criminal justice, punishment and rehabilitation. The report was issued in December, 1966, yet two years later little has been done with it beyond a significant beginning in reorganizing the police department.

For example, the Commission called for substantial reduction in the time it takes for a felon to be brought to trial and for additional court personnel to make this speed-up possible. Yet the delays and backlogs get longer, so much so, in fact, that of the 53 adult suspects arrested for robbing Federal banking institutions in 1968, none has been tried. And of the five judges the Commission suggested be added to the Court of General Sessions, Congress authorized only two—and they have not been appointed.

The "major effort" the Commission called for to upgrade the city's correctional institutions has been miniscule. Ironically, the Commission called for an improvement of the security of Lorton Reformatory, from which the man accused of slaying the FBI agents escaped last year. Perhaps the most important set of recommendations—on which the least action has been taken—was for a major expansion of rehabilitative services for juvenile delinquents, because that would serve to interrupt a juvenile career in crime before behavior patterns became permanent. And still the facilities for handling youthful delinquents are badly understaffed—and still ineffective.

Apart from these longer-term proposals, there is one area of potential reform—bail procedures—which might offer some promise of more immediate benefit. The right to release pending trial is basic—but not necessarily immune to sensible and reasonable restrictions in cases where an overriding public interest is found to be involved. Under present law, in most cases, judges are required to grant bail unless there is some good reason to believe an accused person will not show up for trial. But release of an accused is now such a simple, routine business that cases abound of defendants committing the same or more serious crimes while awaiting trial. Serious consideration should be given to an amendment that would make it possible for a judge to use more discretion before making it too easy for hardened criminals to be set free for prolonged periods; tougher bail regulations, however, must come accompanied by judicial reform to prevent long delays before a defendant is brought to trial. In any event, a set of bail procedures appropriate to shoplifters is not necessarily appropriate to an accused holdup man with a long history of arrests.

Not even a combination of many measures offers certain promise of an early end to the current crisis in crime. What is certain, however, is that if extraordinary measures are not taken, an already intolerable situation will get still less tolerable, and the measures that may then become necessary—or that an alarmed and outraged public may insist are necessary—will be of a kind that will seriously threaten those elementary human rights which must always be upheld if we are to remain a free society under law. It is not too late to find that proper balance between justice and effective law enforcement, to move forcefully along lines the President's Crime Commission has already laid out. But it is getting very late.

MR. TUCK RETIRES

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. DANIEL of Virginia. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased and privileged to include an editorial from the Richmond News Leader, of Thursday, January 2, 1969, complimenting my distinguished predecessor, Hon. William M. Tuck, of South Boston, Va.

Governor Tuck, as he is fondly known by a host of friends and admirers, is one of Virginia's most beloved public servants. His career, beginning in 1924, and spanning a period of 45 years, included membership in the house of delegates and State senate; Lieutenant Governor and Governor of the Commonwealth; and Representative in the Congress from the Fifth District of Virginia, until his retirement at the end of the 90th Congress.

The text of the editorial is as follows:

MR. TUCK RETIRES

The final days of the 90th Congress cannot be permitted to slip past without a word of affectionate farewell to one of Virginia's departing statesmen: William M. Tuck of South Boston, member of the House from the Fifth District of Virginia. At 72, he is returning to Halifax County and marking an end to a long career in public life.

Inevitably, such a tribute tends to take on obituary trappings. This is especially regrettable in the case of Mr. Tuck, who has a vast deal of life remaining in his well-padded bones; but it does no harm for a man to

read a few friendly observations while he's still alive. They won't read nearly so well later on.

Forty-five years have elapsed since Mr. Tuck first came to Richmond, in January of 1924, a 28-year-old member of the House of Delegates. Eight years later he moved to the State Senate, where he was one of that grand company of men that included Aubrey Weaver, Burr Harrison, Robert O. Norris, Lloyd Robinette, Morton Goode, Vivian Page, Hunsdon Cary, Charlie Moses—*eheu!* The names stir memories of happy times. Mr. Tuck fitted into this fraternity as an oyster fits in its shell. He went on to become presiding officer of the Senate, as Lieutenant Governor from 1942 to 1946. Then came his unforgettable four years as Governor from 1946 to 1950.

It seems impossible that a whole generation could have grown up that knew him not. Mr. Tuck gained the governorship in the same way that cream rises to the top of the bottle, because it is the natural order of cream to rise. This was the glorious heyday of the Byrd Organization, and Mr. Tuck was quintessentially the symbol of its strength—a small town lawyer and countryman, a farmer, a conservative, a loyal Organization man. He had "waited his turn," as the saying used to go; he had labored in the vineyards and was entitled to the office.

There was a good deal of delicate twittering, all the same, when Mr. Tuck assumed the gubernatorial chair. He had not then acquired the Falstaffian dimensions he would later take on, but he had the comfortable appearance of a man who has just dined on a dozen pork chops. He was known to chew tobacco, drink whiskey, and play a wicked hand of poker. His taste in music ran to opera, but this was opera Tennessee style. His vocabulary began where the resources of Mark Twain left off; he once denounced some of his foes as fuglemen and thimbleriggers, and he teed off on a lean and lanky editor from Virginia Beach as a *spider-legged* you-know-what. Coming on the heels of the erudite Colgate Darden, Mr. Tuck seemed something of a scow in the wake of a yacht.

That was at first. Mr. Tuck confounded his critics and delighted his friends. He sponsored Virginia's right-to-work law. He drafted a public utilities labor relations act that proved remarkably effective. Virginia's progress in the control of stream pollution dates from his administration. He found Virginia's mental hospitals in abominable condition, and plunged into spectacular reforms. To glance over the indexes of the 1946 and 1948 sessions of the Assembly is to understand Mr. Tuck's rank as one of the two most effective and able Governors of this century. The other was Harry Byrd himself.

And all the time—this is what we really wanted to say—Mr. Tuck was preaching what he called "the sound doctrine." He *believed* in the power and dignity of the States; he *believed* in strict construction of the Constitution; he loved his people, his Commonwealth and his country, and if he took delight in a good joke—he was one of the finest story-tellers of his time—the twinkle in his eye belied a deep seriousness of purpose down below.

When he left the Governor's office, this newspaper urged him to return to the General Assembly. It seemed good advice then, and in retrospect it seems good advice now. Mr. Tuck chose instead to move on to the Congress. In the indifferent confusion of Washington, he was a whale in shoal waters. These past fifteen years have not been notably happy years for the Governor. He became immensely popular in the House, but his sound doctrine made small impression. Much of the time he seemed an old-fashioned figure, an aging ship of the line in a flotilla of snappy speedboats. Any man who has a deep love of place—of community—finds that he lives in Washington an exile's life. Mr. Tuck used to say that the *elevator* operators, dammit, had more prestige than a mere *Con*-gressman. But he stuck it out as long as Judge Howard Smith was around. When Judge Smith fell by the political waysides in 1966, Mr. Tuck let it be known that his eighth term would be his last.

We wish him the best of everything in retirement—the best companions, the best stories, the best courtroom battles, the best reminiscences of good times past. In any gallery of the most colorful Virginians of the Twentieth Century, Mr. Tuck will dominate the hall.

RHODESIA

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. UTT. Mr. Speaker, former Secretary of State Dean Acheson, speaking of the claimed international threat to peace of Rhodesia's independence, on the grounds that its existing electoral system would so outrage the black dictatorships of Africa that they might attack her, said:

> This theory has the authority of the wolf in Aesop's fable who dictated that his prospective dinner, the lamb drinking downstream from him, was polluting his water.

All the people of these United States who celebrate July 4, Independence Day, and recall our glorious history, should be as outraged as I, at President Johnson's Executive Order No. 11419, which was not only a reaffirmation of an unconscionable boycott of Rhodesia, but which actually intensified and expanded the previous restrictions, down even to preventing the shipment of a small potted plant to that country by one of my constituents.

Mr. Acheson suggests that the United States can help to settle the matter, by encouraging a guarantee by Rhodesian Prime Minister Ian Smith of internal constitutional safeguards, in exchange for British Prime Minister Wilson's demand, in the recent negotiations with Smith, for a veto power for the London Judicial Committee of the Privy Council over proposed constitutional changes.

Certainly, for the good of Rhodesia, and of those American citizens who find it desirable to do business with her, any such settlement of this dispute would be welcome.

Yet any objective study of Rhodesia's recent and relatively late past, when devoid of the blinding influences of attempts at racial equalization, will show that there is as much, if not more, racial disharmony between whites and blacks in the United States as there is in Rhodesia, and thus we are in no position to cast the first stone against her.

Mr. Acheson calls attention to the immense importance to the free world of the good will of Southern Africa, "the use of its ports, the cooperation of its government—including their participation with immense resources and advanced technology in aiding the development of adjoining black states." He says:

> As the principal responsible power in the free world, it is our duty and responsibility to encourage these attributes while it is the height of folly to sacrifice (them) to an aggressive reformist intervention in the internal affairs of these states.

The latest British proposal would require that Rhodesia guarantee conditions that would lead to eventual rule by the black African majority, but Mr. Acheson considers this to be an electoral practice "that none of the black African or Communist states and few of the Asian accept."

Mr. Speaker, I am reintroducing my joint resolution calling attention to the illegal action of the United Nations, which was in violation of chapter 1 of its own charter, when it ordered economic sanctions against Rhodesia. It points out the inconsistency of this so-called "Peacekeeping Body," which seriously threatens international peace by such sanctions, and it demands that the restrictions on commerce between Rhodesia and the United States be terminated. I hope that many of my colleagues will join with me in this effort, and that a change in the administration will result in the recognition of the error of supporting the United Nation's sanctions, so that affirmative action can be taken quickly, either by passage of this resolution or by recision of Mr. Johnson's actions by our new President.

A LAW NIXON NEEDS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. PELLY. Mr. Speaker, the modernization of Congress already has been discussed openly in this new session, and one of the areas of interest to most of us is the Reorganization Act of 1949 which was allowed to die in a Government Operations Subcommittee in the Senate last year.

The Seattle Times recently carried a thoughtful editorial on this subject which I would like to bring to the attention of my colleagues. The editorial, entitled "A Law Nixon Needs," follows:

A LAW NIXON NEEDS

Congressional quarterly points out that because Congress last year failed to extend a 20-year-old government-reorganization law, Richard M. Nixon will be unable to make the slightest changes in the federal government's structure when he takes office this month.

The Reorganization Act of 1949, which had bipartisan support, has been of value to four Presidents in the unending quest for efficiency and economy in the federal government.

It allowed the President to propose reorganization plans for federal agencies—changes which automatically took effect unless vetoed within 30 days by either the House or Senate.

President Johnson last year asked Congress to extend the basic law for four more years. In April, the House authorized a two-year extension.

But the measure was allowed to die in a government-operations subcommittee headed by Senator Abraham Ribicoff of Connecticut.

Although Capitol Hill sources insist that politics was not a consideration in the failure to act, Congressional Quarterly quotes a subcommittee aide as saying Ribicoff felt "no great urgency" about pushing the bill, espe-

cially since a new administration would be in power.

It ought to be obvious in this era of swift change in virtually every aspect of American society that the often-cumbersome federal structure requires constant modernizing.

The 90th Congress ought to act promptly to give the new President the tools to do the job. In times past, this has not been a partisan issue. There is no reason why it should be now.

DJILAS AND EICHMANN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. DERWINSKI. Mr. Speaker, recently the Freedom House presented an award to Milovan Djilas, a Yugoslav Communist, who has consistently been a source of controversy and debate. The Macedonian Tribune of Indianapolis, Ind., in its editorial of January 9, discussed this award presentation in an interesting and spirited fashion. I believe it merits attention in order to present the American public with a balanced interpretation of Djilas which was lacking in metropolitan press during his recent visit to the United States.

The editorial follows:

DJILAS AND EICHMANN

(By Christo N. Nizamoff)

A few weeks ago, for reasons hard to comprehend, America's Freedom House granted its 1969 award to Milovan Djilas, whom Yugoslav refugees in New York City, demonstrating outside the Roosevelt Hotel, branded as "Bloody Executioner", and "The Yugoslav Eichmann".

We hold that the grant is a travesty of good taste and a mockery of the meaning of freedom, such as it is accepted by the non totalitarian world. And we are at a loss to understand how the recipient merited that award.

Until a few years ago Mr. Djilas was the right hand man of Marshal Tito and one of the most feared and blood thirsty Communists in Yugoslavia. Like Eichmann, his name was synonymous with torture and death.

Since his confinement to prison, and release, Djilas has not repudiated Communism nor the avowed purpose of the Communist party. He has not renounced his own theory that the new social order, meaning of course the Communist order, must be built upon death and blood, because death and blood accelerate the revolutionary process and clear the ground for a party take over. When did Djilas emerge as a devotee, as a fighter for freedom?

If confinement in a Communist jail is the sole merit badge for a Freedom House award, then millions of people behind the Iron Curtain, thousands of whom have fled in desperation to the West, must become recipients of that award. Some of the refugees who demonstrated outside the hotel, may deserve it more than Djilas.

The fact that Djilas was a high ranking Communist should have no bearing on the case. Many high ranking Communists have passed through the torture chambers of their own making. But that experience has not mellowed them and it has not changed their concept of freedom. They have remained ruthless men.

Kadar of Hungary and Gomulka of Poland have tasted life in the Communist Hell House, but that has not prevented them from becoming torturers of their own people and their own associates once they climbed back to the helm of power.

It must be remembered too that when Mr. Djilas first came out against certain practices of the Yugoslav Communist Party, and some of its hierarchy, he did not, we repeat, he did not propose that the power of the government be turned over to the people. He stood for certain changes in conduct and application, but this did not envisage free speech and free press, nor the formation of opposition parties to compete for the vote and the confidence of the people. On this vital issue, which separates Communism from democracy, he has remained as adamant as Tito, or any of the other Red leaders.

Aside from this everyone in Belgrade knows that Djilas had reasons of high personal nature for breaking with his former partners in murder and crime. These reasons had absolutely nothing to do with party policies and ideology or freedom.

The granting of this award to Djilas was a major blunder by a group of well meaning, but utterly naive persons, whose ultra liberal leanings permit them to equate freedom in the United States with the supposed freedom in Communist countries like Yugoslavia.

We are certain that none of these gentlemen would be able to live more than 24 hours under a government headed by men like Djilas, with their perverted concept of democracy and their maniacal urge for death and blood.

Our true sentiments of the matter are that someone should recommend Eichmann posthumously for a similar award, since he and Djilas are so alike in their pursuit of . . . murder.

DEDICATION TO LEARNING

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. FLOOD. Mr. Speaker, one of our most outstanding public servants will be leaving the Federal Government next Monday. I have reference to the Honorable Wilbur J. Cohen, Secretary of Health, Education, and Welfare. He has made enormous contributions to a better America in numerous fields and I, as chairman of the Appropriations Subcommittee for the Department of Heath, Education, and Welfare, am well aware of the truly outstanding job he did as Secretary of that important Department. On December 1, 1968, Secretary Cohen delivered the dedicatory address of the Physical Education Building at King's College in Wilkes-Barre, Pa., my hometown, and as part of my remarks today I include the text of the Secretary's remarks. Secretary Cohen's address follows:

DEDICATION TO LEARNING

I am indeed pleased to participate in the dedication of this splendid new Physical Education Building. This is a very satisfying and happy occasion for all of us. It is one more step in the development of a truly fine college which is affording many young men the opportunity for intellectual and spiritual enrichment. In its brief history, the college has gained national recognition as a center of academic excellence. The growth of your college is a tribute to the farsightedness and the commitment of many individuals and groups.

Congressman Daniel Flood, a man who has been closely associated with this institution since its establishment, has told me a great deal about your work here. He, of course, has had a major role in the expansion of the college. His deep personal interest and involvement has been reflected in his work as the distinguished Chairman of the House of Representatives Appropriations subcommittee for labor, health, education and welfare. Through his able and competent representation he has been responsible for the significant improvements that are taking place in education throughout the entire nation, as well as in Wilkes-Barre.

He has served his community, State, and the country in many ways. It has been my privilege to work closely with him for many years. His experience and his dedication as well as his skill and expertise have been responsible for the success of many of the new historic social programs that were enacted in the past decade.

I am pleased that the Department of Health, Education, and Welfare, with Congressman Flood's support, was able to assist through grants and loans, in this venture.

I would also like to commend the founders of this institution for their choice of a location in the heart of the community. In cooperation with the Wilkes-Barre Redevelopment Authority you are helping to rebuild a great American city. Your students are where the action is. The community is one of your laboratories. And the citizens of Wilkes-Barre are the benefactors of your many facilities, academic activities and cultural programs. You have a unique opportunity to help solve the mounting problems of urbanization and the perplexities of our modern society.

The age in which we live is most trying. We are confronted with monumental problems and pervasive paradoxes. The sweeping change brought about by science and technology, communications and rising expectations confuse, frustrate, and unsettle us.

Although we have been able to unravel the genetic code, transplant hearts and other vital organs, send men into space, transmit instantaneously pictures around the world, mass produce goods and services on a scale never dreamed of by our forefathers, we are not able to cope with the social implication of these dramatic developments.

Poverty, racial tensions, the generation gap, decay of the cities, the destruction of our physical environment, technological unemployment, the world population explosion, the attacks on long established institutions, although soluable if taken one at a time, collectively paralyze our minds.

We have not yet learned how to apply all of our intellectual resources, which if combined with the vast collection of knowledge we now have, would offer a world of greater promise.

We must learn to cope with this difficult world in which we live. How well we cope will depend on the degree to which our people are educated and trained to live in society which becomes more infinitely complex each day.

The education of these men and women must begin at birth and be reinforced through life.

It begins with a healthy, wholesome home environment—an environment that encourages and motivates, stimulates curiosity giving the child a sense of achievement, of being able to deal with his or her environment, and a willingness to grapple with problems and seek solutions.

One of our greatest needs, in this country and throughout the world, are adequate preschool programs—the kind of start in life that will enable each child to develop his abilities to the highest extent of his capacity. Today, many of our children are damaged by our failure to stimulate them intellectually in the years when they are most eager to learn—the years between birth and age 6.

Some of the most exciting and promising new ideas in education relate to the early

learning abilities of children. There is a growing body of knowledge that very, very young children can be stimulated to learn far more than has been expected in the past. One scientist believes that by beginning at the earliest possible stage in the child's development, we could perhaps stretch the IQ of future generations by as much as 30 points. I believe that we could have a "Revolution in Learning" within this generation by investing more attention, time and money in the early years of a child's life.

Young children, particularly the socially and culturally deprived, can be given a head start in learning through creative, stimulating experiences in day care centers, nurseries and kindergartens. The Head Start program has demonstrated what can be done for children in the immediate preschool years. Such programs need to be extended.

Some of our universities are beginning to develop programs specifically addressed to the problems of child development in the preschool years. For example, one university is training lay leaders to understand the behavior of children so that these adults can lead study and discussion groups. The newly trained leaders then go out into the neighborhoods and come into direct contact with the parents and children.

Much more can be done to reach out directly to the parents of very young children. Mothers should become as well versed in the skills of preschool education as they are in the skills of homemaking. The home should become an increasingly productive educational environment. We must bring vital learning experiences to children wherever they are and in all their activities.

We must, in short, be concerned with the whole child and all the factors that relate to his potential. Healthy development depends on the parents and other members of the family, the neighborhood, the surroundings, the school and the attitudes which influence the child.

A child who is hungry cannot learn. A child with uncorrected vision or hearing impairment can fall so far behind that it is virtually impossible to make up for the lost early years. A child who has no access to books or museums or the theater is culturally stunted before he starts. A child whose only companion is the squalor of the slums is almost hopelessly defeated.

We are discovering, therefore, that we must go far beyond the traditional school setting in order to have an impact on learning and motivation. We must take advantage of the knowledge and skills of many professional groups, as well as the skills of parents, neighbors, and other children. We must broaden our approach to involve substantial numbers of people outside the professions. Our real hope lies in these very young children, for if we fail them, our future fails.

We need to further improve the quality of education in our elementary and secondary schools. Today many of our schools are inefficiently organized and inadequately financed. There are vast disparities in educational opportunities and resulting inequities. In the 1966–67 school year, average per pupil expenditures ranged from $912 in New York to $335 in Mississippi with a national average of $569. Within States, similar disparities exist in urban and suburban schools.

The financial problems of the schools are deeply rooted in the tax structures of our communities. Most school systems are financed by a property tax which is incapable of producing the revenue needed to pay for high quality education. We must find other ways of financing our schools.

Although I do not have answers to the fiscal problems of the States and localities, I have suggested that the present welfare system be replaced by a wholly Federally financed system, which would relieve the States and localities of the tremendously growing cost of welfare and enable them to devote more of their resources to education. A sound Federal welfare system would really be a good Federal aid to education program.

A good education costs money. When schools are inadequately financed they are not able to attract competent teachers, enrich the curriculum, introduce innovation, or support research which could lead to great improvements.

We must do more at the elementary and secondary level to prepare students for responsible citizenship and for the world of work. Counseling should begin in the early grades to develop each student's potential as a worker as well as a responsible citizen, as a parent, and as an individual with a life to live as well as a living to earn.

Every year millions of high school graduates enter the labor market totally unprepared. They lack skills and motivation. For those students who do not wish to go on to college, we have to build better bridges between the schools and employers; design vocational courses which are relevant to the job market, devote more time to anticipating future manpower needs.

It is often said that higher education faces a crisis. Students are rebelling, costs are soaring, enrollments doubling, responsibilities expanding. The challenge to higher education is of awesome magnitude.

During the past 5 years, Federal aid for higher education has expanded dramatically. The Higher Education Facilities Act, the Higher Education Act, and improvements in the National Defense Education Act have been enacted into law. But much remains to be done, as college enrollments do spiral and college costs do soar.

In the years ahead we must redouble our efforts to insure the vitality of a diverse post-secondary education system — with ample assistance to all types of institutions, public and private, large and small, great research institutions, and high quality teaching colleges for the facilities, library, fellowship, and other programs which help to insure quality in our institutions of higher learning.

We are still distant from the goal of providing educational opportunities beyond high school to all our youth who deserve such opportunities and can benefit from them. Despite our progress, the hard truth remains that for many of our financially needy youth the college doors are closed. For a Nation dedicated to the proposition that an adequate education is the rightful heritage of all its youth and that no economic or racial barriers should be allowed to stand in the way of claiming that inheritance, this is an intolerable situation. Therefore, we must resolve that sufficient Federal resources be made available to see that no student of ability will be denied an opportunity to develop his talents because of financial inability to meet the costs of obtaining an adequate education beyond high school.

This national goal is within our grasp. It can be achieved over the next four years by increasing the funding of our present basic student financial aid programs by about $1 billion annually. This would provide an opportunity for more than two million more of our youth to contribute their fullest talents to our society. A total of over 3 million students would be aided.

To assure that all funds for education are well spent, we need a continuing national assessment of the state of learning in the United States. Today we know little about what our students learn or what good they get out of what they learn. Without such an assessment, the Federal Government cannot know where its financial help is most needed, or how much the Nation is getting for its educational dollar. More important still, the local school systems have difficulty deciding what educational methods to use, or assessing the extent to which their educational institutions are adjusting to new problems and potentialities.

A project known as National Assessment, authorized by Congress last month, will begin soon. It will consist of a set of tests of basic academic skills that will be given to a random sample of Americans, both children and adults. This assessment will give the American people an idea of whether we are making any progress in education, and also help us learn what results emerge from different methods of education or different levels of educational expenditure. With proper precautions, a system of knowing something about what our schools and colleges actually produce in the way of learning, understanding, and skills is a necessity for the years ahead. Such a national assessment will help local school boards and superintendents, State educational agencies, and colleges and universities evaluate educational policies and programs and improve the equality of education in the 1970's and beyond. Although the Congress authorized funds for the first year, I believe and hope that funds should be provided for the 3-year study authorized in the law.

The problems facing our country today call for an educated and adaptable society, and a growing, dynamic, and health economy. If further generations are going to have the capacity to deal with our constantly changing environment, they must have as early a start as possible. But the follow through to this head start must be a lifelong pursuit.

As we become a more affluent society, to a greater degree the quality of life will depend on education and the many new enjoyments it can provide.

As I look into the future I envision a society in which—

Educational opportunities will be provided for all Americans from age 9 months to 90 years—with every child having the opportunity for creative, stimulating early education, every youth having the opportunity to continue education as far as his or her talents will take them, and every adult having the opportunity to continue learning throughout life.

New research will uncover the secrets of learning and creativity, finding ways of fostering intellectual growth, beginning with infancy throughout the life span.

The barriers between home and school, school and work, school and community will crumble and education will penetrate even more formidable barriers—between old and young, rich and poor, city, farm, and suburb.

Instead of a school year of around 180 days, I believe a school year of 200 days is required in the decade ahead.

The schools will become community centers for youth and adult activities—keeping their doors open 18 hours a day, 7 days a week, 12 months a year.

The educational system will be tailored to the needs of the individual rather than the other way around.

New special educational services for the creative, brilliant child, as well as for the retarded, the physically handicapped, and the average child, will be provided to help every child develop his full potential.

The Nation will accept learning as a truly joyous experience, with a wide variety of choices for each individual, and the learning force will continually increase in quality and quantity—for exceeding the labor force.

The individual through education, will gain a respect for learning in the present, a hope for the future, and a sense of purpose and direction in sharing the problems, challenges, rewards and responsibilities of society.

Dreams, you may say. But I believe that we have already begun to implement the most important dream of our time—education for everyone who wants it and will work for it. Many of the foundations have already been laid. But ahead of us lies a great testing of our Nation to see whether we have the will and the determination to fully achieve them.

I believe that we do and that we will consummate one of the most exciting and demanding dreams in the Nation's history.

JOB TRAINING MUST BE PART OF BASIC EDUCATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. PUCINSKI. Mr. Speaker, I recently had the privilege of addressing a gathering of the National Business Education Association in Chicago on the subject of the ever-increasing need to provide basic job training to youngsters in school before graduation.

It is my firm belief that we must provide marketable skills to students who will not have an opportunity to attend college following high school.

As chairman of the General Subcommittee on Education, and coauthor of the 1968 Vocational Education Act Amendments, I would like to include in the RECORD at this point the text of an article which appeared in the Northwest Side Press of January 8, 1969, outlining my remarks to the National Business Education Association on the crises many of our young people are facing.

The text of this article follows:

JOB TRAINING MUST BE PART OF BASIC EDUCATION, ROMAN PUCINSKI TELLS NBEA

Telling young people they must remain in school until they get their diploma may become a cruel hoax unless those students get job training as part of their basic education, U.S. Congressman Roman C. Pucinski [D-Ill] recently told a group of educators.

When speaking to the National Business Education Association, Pucinski assailed American education "for its failure to reach the 83 percent of young men and women in our nation who never will achieve a college education.

"American education confers prestige upon occupational preparation in college or graduate school, while scorning occupational programs taught at the high school level," he added.

Pucinski is chairman of the House Subcommittee on General Education which has jurisdiction over all education legislation affecting 55 million elementary and high school youngsters in America.

He said the mounting number of school bond issues being defeated all over the nation shows a tax payers' revolt against educators for their failure to make education relevant to what parents believe are the needs of young people.

"These defeats will mount," Pucinski said. "If they put another school bond issue to the people of Chicago at this time, it would go down to ignominious defeat."

He warned that "young people who fail to find jobs because of poor education or lack of education become easy prey for those who would exploit their frustration and anger.

"It is this frustration and anger which has too frequently resulted in the explosions in our city streets," he added.

"This nation has developed more than 5,000 new skills during the past decade and yet very little is being done to provide in our elementary and secondary educational system any guidance or education for young people in these newly developed skills.

"Unfortunately, the too familiar practice of separating academic education from occupational skill development is not easily abandoned.

"To speed its demise, the 1968 Vocational Education Amendments emphasize that the dichotomy between academic and vocational education is obsolete and should be discarded.

Pucinski said it is the essence of acceptable education that it be socially relevant and adaptable to change, and that it comprehend a broad range of instruction, designed to develop the particular talents and abilities of each student as well as fulfill his need for basic education.

The Amendments seek to eliminate the point of view which confers prestige upon occupational preparation in college or graduate school, while scoring occupational programs taught at less than a college level.

"College is not the only means to self-development, nor is it the only path to a successful life.

"The public schools can ease the student's transition from the classroom setting to the next stage of his personal growth by offering liberal mixture of academic and vocational courses.

"The Congressman said the 1968 Vocational Education Amendments are designed to aid in this endeavor. One of the most important goals, that of resolving the critical problem of youth unemployment, may in this way be substantially alleviated, he continued.

"The paradox of the high unemployment rates among our young men and women at a time of unparalleled prosperity was underscored in the President's 1968 Manpower Report: 'The United States keeps larger proportions of its children in school longer than does any other nation, to insure their preparation for lifetime activity. Yet the unemployment rate among youth is far higher than in any other industrial nation and 'had been rising sharply.' "

"The unemployment of our nation's young people remains at a disgracefully high level."

In October 1968, he pointed out when the national unemployment rate was only 3.2 per cent, 9.8 per cent of the white young men and women, 16 to 19 years old, were unemployed; and 25.1 per cent of the nonwhite young men and women of the same age group were without work.

"The President's 1968 Manpower Report also states that 'No inroads have been made into the extremely serious problems of nonwhite teenage joblessness. While the unemployment rate for white teenagers dropped as the economic climate improved, among nonwhite teenagers the rate in 1967 was actually higher than in 1960.'

"A high school diploma is no longer a guarantee of a good job, nor is it even a guarantee for job market entry, unless it is accompanied by some sort of occupational preparation.

"To advise a child to remain in school until he receives his diploma because it automatically opens doors to a good job, decent wages and a better life may become a cruel hoax, unless that child has been given a skill which he can sell to a prospective employer."

Pucinski quoted the 1968 National Advisory Council Report on Vocational Education which states that 83 per cent of the young men and women in the nation never would achieve a college education, but only 25 per cent of the total high school population would receive vocational training.

"Less than 4 per cent of the 18 to 21 age group population were enrolled in post-secondary full-time vocational education and less than 3 per cent of those aged 22 to 64 were enrolled in part-time adult extension courses," he said.

Pucinski called for a more liberal mixture of academic and vocational courses and urged state legislatures to vote matching funds for the Vocational Education Act Amendments of 1968 which Pucinski sponsored and which will bring to local communities more than $2 billion of federal aid for improving vocational education programs.

He pledged he would seek full funding to finance the authorization incorporated in his vocational education bill.

AIR TRAFFIC CONGESTION: TWO POINTS OF VIEW

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. OTTINGER. Mr. Speaker, much has been said and written regarding the critical congestion and safety problems which have arisen in our Nation's more crowded air corridors. I and a number of my colleagues have made recommendations for action to the Federal Aviation Administration and a wide range of proposals have come from various members of the aviation industry.

To its credit, the FAA has begun to adopt a new attitude toward the related problems of congestion and safety. It seems there is less concern over the fact that a safety proposal may be controversial within some segment of the industry, than whether it would be an effective step toward alleviating the problem.

Perhaps the most controversial proposal made by the FAA in many years was its high-density-traffic airports regulation. Because this subject is certain to come under congressional scrutiny in the months ahead, I offer, for inclusion in the RECORD, an article on the regulation from the January issue of the AOPA Pilot, and the text of a recent speech by Robert E. Peach, chairman of the board and chief executive officer of Mohawk Airlines, Inc. I do not subscribe entirely to either point of view but I do believe both merit our attention:

IT'S HERE, ALMOST: FAA ORDERS "RATIONING" AT FIVE AIRPORTS

(By Lew Townsend)

Federal officials, shrugging off massive opposition from all classes of users and some law-makers, adopted the highly controversial "high density traffic airports" regulation which all but bans private pilots and aircraft owners from using certain major public airports and gives the airlines special privileges.

Though initially affecting only five major airports, the new Federal regulation is considered the opening wedge in a move to force elimination of private pilots and aircraft owners from any public airport where airline traffic is heavy.

The new regulations, which basically require rationing of operations at the "high density airports," were announced officially Dec. 3 and are scheduled to go into effect April 27, 1969, at John F. Kennedy International and LaGuardia Airports in New York; Newark, N.J.; Washington National in Washington, D.C.; and Chicago O'Hare. The airlines are given the lion's share of the allowable operations at these airports.

AOPA President J. B. Hartranft, Jr., said the new restrictions would seriously hamper general aviation. Among the many things under consideration as countermeasures is a massive fly-in demonstration in the nation's capitol by general aviation pilots and aircraft owners.

Such a fly-in demonstration, if determined to be practical, would allow general aviation pilots to confront their individual Congres-

sional representatives and impress upon them the extreme seriousness of the restrictions—restrictions which could lead to elimination of the privately owned and operated aircraft as an effective tool in air transportation.

"The rules, which would grant priority and sometimes exclusive use of public facilities to one class of the public over others, are illegal, discriminatory and induce Federally imposed segregation," the AOPA said in an official statement following the Dec. 3 announcement.

AOPA stated it felt adoption of the new restrictions was unnecessary and had been engineered by Department of Transportation (DOT) Secretary Alan S. Boyd as a parting blow against general aviation.

". . . they serve no constructive purpose at this time and act only as a means of increasing dissent and retarding progress toward positive solutions for meeting the needs of air transportation of all types," the AOPA said, after noting that though adopted in 1968 the restrictions were not to be put into effect until after Boyd's regular term of office expired.

Acting FAA Administrator David D. Thomas reportedly opposed adoption of the new regulation but refused to comment on his agency's position. As reported in the Washington (D.C.) Post on Dec. 6, "Two basic options open to the Transportation Department, parent agency of the FAA, were to give up top priority to handling commercial airplanes during rush hours or to work out a mix of commercial and private aircraft on the basis of past experience.

"The Transportation Department chose the first option," the Post article said, then added, "While Thomas himself, in an interview, would not comment on his agency's position, it is known that the FAA favored the second option to preserve more of the 'first-come-first-served tradition' of the skies. Transportation Secretary Alan S. Boyd evidently saw it the other way."

The FAA restrictions announced Dec. 3 differ only slightly from those first proposed by DOT through the subservient FAA in early September. Details on the restrictions and public hearings conducted in September and October appeared in the October and November issues of The PILOT.

Final form of the restrictions does not include the originally proposed requirements that all aircraft operating IFR into or out of "high density traffic airports" have a minimum of two pilots and be able to maintain a minimum airspeed of 150 knots. Deletion of these two items, which came under heavy fire from AOPA and others during the public hearings, was considered by some as a prearranged sop to general aviation interests, with the items never meant for adoption in the first place.

Though the objectionable two-pilot and speed requirements were killed before final adoption, the regulation still contains the requirement that each aircraft hoping to use "high density traffic airports" must be equipped with a 64-code radar beacon transponder. The only other significant change in the final regulation involved granting supplemental airlines the same preferred treatment in priorities to be given major scheduled airlines in the allocation of airport capacities. Supplementals originally were relegated to the lowest priority class along with general aviation.

All but a handful of airlines-oriented individuals and organizations registered strong opposition to the regulations during the public hearings and in written comments to the FAA. Most opponents, including AOPA, submitted counterproposals to solve air traffic problems. There were no indications any of the counter-proposals were incorporated into the final regulations except for the addition of the supplemental carriers to the privileged ranks of the major airlines.

The date for putting the new regulation into effect is the normal date for airlines to make seasonal schedule changes.

Thomas called the departure from past philosophies in governing use of airspace and public airports a "monumental change."

Closest parallel in the history of American transportation development to the new changes is the Federal action taken in the late 1800's to award large land grants to a few influential individuals during the heyday of early railroad development.

The new Federal regulation not only blocks off massive portions of airspace for the primary use of the airlines, it also provides the airlines with nearly exclusive use of public airports which were conceived, built and maintained over the years with general public funds for use by all segments of the air traveling public.

Cast in the role of interlopers are those of the estimated 680,000 private and business pilots who might seek advance permission to use the affected public airports. This group owns and operates more than 125,000 aircraft, which constitute 98% of the total U.S. civil aviation fleet.

Under the new rules, the FAA will use its authority as the nation's air traffic policeman to set specific limits on the number and types of aircraft which can make landings and takeoffs at any of the five airports. All five have experienced degrees of traffic congestion both in the air and on the ground due to their heavy use by airlines.

Both Boyd and Thomas have indicated other strategic public airports throughout the United States are likely to be stamped with the same "high density traffic airports" label. Under the adopted regulation, airlines and air taxis will be given all but a handful of available takeoff and landing slots at the pubic airports.

Hourly limitations on IFR operations at Kennedy will be 80 and for LaGuardia, Newark and Washington National, 60. Chicago O'Hare will have an hourly limitation of 135 IFR operations. Each takeoff and landing will count as one operation. All IFR operations will be allocated on an advance reservation basis, with the airlines granted their block of reserved slots merely by publishing their schedules. All others will have to obtain their IFR "reservations" through regular procedures and hope they can be squeezed in between the airlines.

The airport limitations apply in all weather. VFR flights also are subject to the reservation system, requiring advance approval.

Of the 80 hourly IFR operations at Kennedy, 70 automatically will be reserved for scheduled and supplemental airlines; five will be reserved for air taxis whose main business involves hauling passengers to make connections on airlines; and the remaining five allocations will be available to any of the nation's estimated 680,000 private and business aircraft pilots and "others" under the advance reservation system.

In addition, during the three-hour period from 5 p.m. to 8 p.m. at Kennedy, only scheduled airlines will be allowed either to land or to take off. The FAA did not adopt an earlier suggestion made by the Air Transport Association (ATA) that the period of exclusive use by airlines be expanded and extended to the other airports.

At LaGuardia, 48 of that airport's 60 hourly IFR allocations automatically will go to the mass transit airlines; six will be reserved for air taxis; and six will be open to general aviation, the military, and other operators. Hourly operations at the remaining three airports will be: Newark, 40 for airlines, 10 for air taxis, 10 for others; O'Hare, 115 for airlines, 10 for air taxis, 10 for others; Washington National, 40 for airlines, eight for air taxis and 12 for others.

The specific allocations for "air taxis" are for scheduled air taxis. All unscheduled air taxi operations will compete for allocations set aside for "other." "Other" also includes general aviation, military and Government aircraft operations. Washington National currently is averaging about 4,000 military operations annually.

The hourly allocations will be in effect from 6 a.m. to midnight daily at each of the airports, the FAA reported. Officials also said the new regulation was adopted as a permanent rule and not as a "temporary" measure. "While the rule will not be 'temporary,' as many commentators urged, it will be kept under continuing review and modified as circumstances require or permit," the FAA rule-making preamble stated.

"Additional reserved IFR and VFR operations at the five high density traffic airports, over and above the established hourly quotas, may be permitted on short notice when these operations can be conducted 'without significant additional delay to the allocated operations,'" the FAA said in spelling out details of the new regulations.

"In addition, the rule provides for local 'Letters of Agreement' to cover aircraft, such as helicopters and V/STOL aircraft, which can be operated either IFR or VFR without interference to any other aircraft using the airport," the FAA added.

"Extra sections, charters and other nonscheduled flights of scheduled or supplemental air carriers at Washington would not count against the total limitation," the regulatory agency continued. "Extra sections at the other four airports will count against the total allocations for those airports, however.

"Under the rule, reservations will be required in advance for each flight operated under instrument flight rules to or from a designated high density traffic airport. Approvals will be granted by Air Traffic Control up to the allocated limitations." The reservation system also applies to VFR flights.

In officially announcing the new rules, the FAA attempted to justify its actions in killing the "first-come-first-served" principle and in granting preferred treatment to airline operators.

"This rule grants a greater priority to certificated air carriers and scheduled air taxis who provide common carriage service in accordance with the policy of recognizing the national interest in maintaining a public mass air transportation system offering efficient economical service on equal terms to all who would travel," the FAA stated, ignoring widespread use of private and business aircraft by adding, "For the traveler today, there is frequently no feasible alternative mode of travel [to the certificated air carriers].

"The concept of 'first-come-first served' remains as the fundamental policy governing the use of airspace, so long as capacity is adequate to meet the demands of all users without unreasonable delay or inconvenience," the FAA said.

"When capacity limitations compel a choice, however, the public service offered by common carriers must be preferred. This policy is fully consistent with the Federal Aviation Act's provisions relating to the certification of common carriers by the Civil Aeronautics Board (CAB), wherein the Board finds that the service provided is required by the public convenience and necessity."

Adoption of FAA's new regulations with their built-in restrictions on the use of private and business aircraft in air travel was viewed by many as a protectionistic move to insure the 40-odd major airlines of a steady flow of passengers who because of the Government restrictions will be all but denied the right to use private transportation to and from "high density traffic airports."

Immediately following announcement of the new rules, which were signed by Acting FAA Administrator Thomas on Nov. 27 but not made public until Dec. 3, AOPA issued

its formal statement to meet a flood of telephone inquiries.

The statement said: "The decision of the Department of Transportation to issue flight restriction rules against the overwhelming objections to them voiced at both public hearings (November 1968 PILOT) and in written comments to the FAA is a mistake which fortunately can be corrected by the incoming Administration before the effective date for the rules.

"The rules, which would grant priority and sometimes exclusive use of public facilities to one class of the public over others, are illegal, discriminatory and induce Federally imposed segregation. Obviously, the present Secretary of Transportation is making a last-ditch attempt before he leaves office to impose his views against the wills of the people who strongly opposed this destructive attempt to solve air transportation problems.

"There have been no abnormal air traffic delays since midsummer when air traffic controllers exercised their decision to 'follow the book' as a means of calling attention to their requests for added personnel and equipment. Even the peak travel season of Thanksgiving weekend did not cause unusual delays or congestion. This should have demonstrated conclusively that the imposition of restrictions was not necessary at this time. This is further borne out by the fact that although the rules were issued during the last weeks of the term of office of the present Secretary of Transportation, they are not to become effective until three months after his term expires.

"Thus, they serve no constructive purposes at this time and act only as a means of increasing dissent and retarding progress toward positive solutions for meeting the needs of air transportation of all types.

"We are confident that whoever is selected to replace Alan S. Boyd as Secretary of Transportation will recognize the illegal and unjust and unnecessary aspects of this rule making and take immediate steps to have the rules withdrawn. In the meantime, AOPA intends to take any and all measures to cause this rule to be withdrawn."

Shortly before the Dec. 3 formal announcement, AOPA officials received indications Secretary Boyd and the FAA had decided to shrug off the strenuous objections lodged against the regulations during public hearings conducted in September and October.

Acting on the information that the public hearings amounted to nothing but a sounding-off period for objectors before Federal regulators proceeded to implement what they already had deemed to be in the "public interest," AOPA sent telegrams to President-elect Richard M. Nixon, President Johnson and some members of both parties in Congress.

The telegrams pointed out the discriminatory and unnecessary aspects of the rules and recommended they not be put into effect. They also suggested the FAA adopt constructive suggestions offered by AOPA and other aviation leaders to alleviate the nation's air traffic problems.

"Abnormal delay of air traffic at one or two airports last summer was caused by peak season airline traffic," the AOPA wired President-elect Nixon. "There is no immediate need for action in this situation since delays have subsided to normal and safety is not impaired. Remedial studies are in progress," the wire continued.

"Your administration should have a chance to give serious consideration to the many constructive measures that can be taken to improve the adequacy of our nation's facilities in consonance with your policy statement on aviation as printed in the October issue of The AOPA PILOT magazine.

"Imposition of this negative and restrictive regulation should be deferred," the AOPA recommended to Nixon. "We strongly believe that the Federal Government should be fostering the development of civil aviation rather than restricting and inhibiting its growth and usefulness."

The AOPA wire mentioned the rules were being implemented "despite thousands of protests filed with the FAA," and added, "We understand also that this is against advice of the technical experts within the FAA. Many members of the Congress also have expressed opposition."

In announcing adoption of the controversial rules, FAA attempted to dispel beliefs, fostered in the public's mind by some individuals and news media, that the restrictive rules were being put into effect to correct failings in safety practices of pilots.

Referring to statements made during the September and October public hearings, the FAA said, "In regard to some of the comments, it appears important to correct any misunderstanding in regard to the purpose of NPRM 68-20. The proposals contained in that Notice were intended to provide relief from excessive delays at certain major terminals. They were not, as some persons concluded, intended to correct a safety problem."

The after-the-fact admission by the Federal regulators that safety in air travel is not a factor in the current restrictions was expected to have little effect on correcting impressions given the public during the public hearings that midair collisions and other accidents would increase if the new rules were not adopted.

The lingering impression that safety still is a factor remains even after the FAA denial. This impression was shown in a Dec. 5 editorial in the daily Washington (D.C.) Post, which commented on adoption of the new rules.

"Despite the inevitable protests of those involved in noncommercial aviation," the editorial said, "the tight limits placed on operations at five major airports by the FAA are fully justified. The new rules, which go into effect April 27, will decrease some of the safety hazards now involved in flying into Washington, New York and Chicago and will make it possible for those who fly to be reasonably confident that they won't spend most of a day waiting for air traffic to lessen."

Reversal of the DOT/FAA decision through Congressional action was viewed by many as the final course of action which might have to be taken if President-elect Nixon or his new Secretary of Transportation fail to abandon the devastating new restrictions.

THE GOLDEN CART

(By Robert E. Peach, Chairman of the Board and Chief Executive Officer, Mohawk Airlines, Inc., Utica, N.Y.)

I am honored to be present today at this, the Twentieth occasion of the Salzberg Memorial Lecture. Through the years, under the imaginative leadership of Chancellor William P. Tolley, Syracuse University has become nationally known as a forerunner in the development and implementation of refreshing new ideas in all phases of public transportation, and particularly in the training of able transportation administrators. If I may be permitted a personal note, Chancellor Tolley's human understanding and business acumen have been in no small measure responsible for the development of our own company, which he has served as a Member of the Board of Directors for the past five years. Also, at the moment Syracuse University is playing an important role in the training of future management leadership for Mohawk in that my own Executive Assistant, Mr. Peter Cass, is currently a candidate for a Master's Degree in Business Administration at Syracuse. So it is with considerable enthusiasm that we participate in today's program.

I would like to discuss briefly with you today the most critical problem concerning the mass transportation of people and, to some extent, cargo over other than very short-range suburban commuting distances. This is the problem of the development of an adequate *system* of air traffic control, airport development, airport traffic control, airport access and, most particularly, a fair resolution of the impending conflict between private aviation and common carriers by air.

For twenty years the growing inadequacy of the patchwork system of air, ground and air traffic control has been obvious to any thinking person engaged in any field of aeronautics. The problem has been the subject of never-ending, expensive studies by various governmental agencies and contractors. Some of these reports have never seen the light of day—others have been emasculated and adopted in bits and pieces at the whim of the then-controlling agency. Never to date has there been a system attack on this very complex problem—never has there been a consistent effort to meld together the various interests concerned and to place the available solutions above the reach of petty bureaucracy and political expediency.

For this the government and, more specifically, both the FAA and the Congress, must be blamed: so also must the airline industry, the air frame and engine manufacturers, and the lobbying interests representing corporate and private aviation. The result of twenty years of incompetency, neglect, and apathy is obvious today to every layman. It culminated in an almost total breakdown of the ability to fly in and out of New York City, Washington and Chicago during the summer months of 1968, whether in a Piper Cub or an intercontinental jetliner. Accusations as to blame flew thick and fast. Honest, non-self-serving attempts at solutions were and are few and far between.

Plainly speaking, today's airports and air traffic control procedures differ from those of twenty years ago in only one relatively minor aspect—the increased use of radar. Other than that improvements have been solely a patch-upon-patch increase in numbers, whether it be of instrument landing systems, high intensity approach lights, additional navigational fixes or more control towers.

The FAA, nominally charged with the responsibility for the development of adequate systems to permit the flow of air traffic from runway end to runway end, has consistently reacted instead of acting. For example, when the inherent difficulties became apparent in managing a single-engine, eighty-mile-an-hour pleasure aircraft in the same congested approach area with a four-engine, six-hundred-mile-an-hour jet aircraft, the first solution proposed and adopted by the FAA was to place all jet aircraft under instrument flight rules, regardless of weather. This told the over-worked, under-equipped and underpaid air traffic controller within fuzzy limits where the jet aircraft was located. It told him nothing about the presence of the eighty-mile-an-hour small aircraft.

The next suggestion also adopted was akin to seeking the least common denominator, i.e., reducing the speed of jet aircraft to not more than 250 knots below 10,000 feet. Therefore, for example, a Mohawk jet traveling from Syracuse to New York City some two hundred direct air miles can achieve its economical cruising speed for only ten minutes, and spends the rest of the time literally dragging its brakes.

The third proposal, effective now for over two years at Washington National Airport, was to restrict the number of common carrier movements which could be handled at and within the airport to an arbitrary level set for the worst possible conditions. Fortunately those conditions seldom prevail, but the restrictions always do. The net effect of this shortsighted ruling has been to reduce the common carrier ability to best serve the nation's Capital, while the openings left vacant the great bulk of the time by the common carriers have been filled by the planes of corporate and private aviation—whose movements have increased some 40% at Washing-

ton National over the past year. Incidentially, I would stress that this and other comments having to do with private aviation are by no means critical of the practices of private aviation, and particularly those of the extremely sophisticated, well-equipped and well-managed corporate aircraft fleet. Indeed, to our knowledge, much of the increase in corporate flying has been necessitated by the arbitrary restrictions, such as those named above, imposed upon common carriers.

In short, the entire governmental effort to date has been based on arbitrary and artificial restriction of aviation activity, designed to fit the various segments of this great industry into the known inadequacies of an inflexible, ill-administered set of bureaucratic rules. There has not been any commensurate effort at thinking through objectively and attempting to implement either short or long range solutions to what has become one of the major problems of our society. I must add that, in my opinion, no segment of our industry can take much credit for attempting to spur our government to such developmental efforts. It was only the crunch of last July's and August's near paralysis in New York and adjacent cities that focused public political and industry attention on the gravity of the problem.

I can state with some pride that I believe Mohawk Airlines has been more vocal and more active in promulgating both short and long term solutions to these problems than any other carrier, primarily and admittedly due to self-interest in that a higher proportion of our total company economics are involved in high-density traffic areas than those of any other air carrier. The Port of New York Authority, the FAA, other air carriers and corporate aviation have gradually responded to some of these suggestions, rejected some, improved upon others, and today for the first time in decades it appears that constructive, forward planning is underway at various levels.

Such planning must involve a compromise of interests within the aviation community so that airlines are not helped at the expense of military and private aviation and vice versa. It must involve a realistic appraisal of how the best interests of various segments of the industry can best be served. For example STOL airports can and must be developed in high density areas. All classes of pilots must be better trained in their ability to traverse and land at high-density areas. Outmoded World War II military surplus equipment must be replaced with today's generation of electronic capabilities. There must be an ability for airlines to talk among themselves to avoid over-scheduling and schedule peaking where possible, which does not exist today under anti-trust restrictions. Let me hasten to add, however, that the so-called peaking of airline schedules or its elimination is not the panacea that the less reasonable elements of government and private aviation would have you believe.

Perhaps highest on the list of priorities must be a compromise on the subject of jet noise and its impact on communities surrounding the airports. The same cries were raised in the early 1900s by horseowners about automobiles as are raised today by suburban home owners about jet aircraft. Yet the largest single employer by far of the people living in the communities surrounding Kennedy Airport is the aviation industry based at Kennedy. Have a look at the south side of Chicago surrounding Midway Airport where an effective compromise was not reached, and a major segment of one of the world's largest cities virtually disappeared economically when the airplanes left. Unfortunately, but true, there is a price to be paid for every technological improvement in our society, including the jet airplane. At the same time, realistic efforts must be made by manufacturers and operators alike to reduce jet noise and dirt, to control surrounding land areas for industrial uses rather than residential, and to be responsive to legitimate complaints of the public.

Ultimately, when the action plans are jelled, we will be limited only by the common denominator that stands before all progress in our society. Money.

Today I would like to propose a way to get the ball rolling that would, initially, have very little effect on the public pocketbook. In fact, I suspect it would be applauded, either openly or privately, by many more people in the transportation industry that you'd imagine.

I'm quoting from the introduction of a rather elaborate FAA brochure on the U.S. Supersonic Transport program. It says, "In the 1970s, man will outrace the sun across the world's oceans, riding serenely in a needle-nose aircraft at supersonic speed miles above the earth's surface . . . The history of transportation, ever since the first horse was 'broke to saddle,' indicates man's desire to travel faster and farther."

The fact is, at a cost to the public of some $2 billion, the SST *might* be flying by 1976. Cruising at 1,800 miles per hour, it should be able to span the Atlantic in about two and one-half hours—but will probably spend more time than that in holding patterns over Kennedy.

As you know, the billion-dollar SST development program got underway in 1963. It has the *largest* financial requirement of any industrial project in history. Some $186 million is now planned for continuing work in Fiscal 69 and the project is expected to cost $300 million more in 1970. If the design work goes well,—and by all reports it isn't—the plane might go into production in 1971. And *that* could cost another billion dollars.

Just recently, the FAA said the program is now two years behind schedule. Boeing will present its final design to the FAA next January. If accepted, and if test flights of prototypes in 1972 are successful, FAA certification for passenger service could come by 1976, unless major technical problems arise.

In any event, the first production version of the SST will probably not be permitted to fly over land because of the sonic boom it will leave in its wake. Possibly, with expenditures of more billions, this problem will be solved someday.

But while billions are being spent to develop this airplane, relatively little funding is targeted to improving the conditions in which it and the rest of the air-transport fleet must operate. Next year, for example, less than $75 million in Federal help will go into airport construction and improvements—less than half of the SST appropriation.

Let's take an objective look at what the average taxpayer and the traveling public really want and really need. As the FAA brochure says, "essentially the SST will be a time saving machine." For whom? Do you really care whether it's possible to go to London from Syracuse in eight hours or in three? How often do you go?

Conversely, do you care whether you can get from Syracuse to New York in twenty minutes, which every airplane flying between Syracuse and New York twenty round-trips a day is now capable of, or in three hours, of which two and one-half are spent circling LaGuardia or Kennedy or waiting for a gate on the ground? The cold, hard facts are that more than 50% of the flight plans filed from New York City are for distances of two hundred miles or less. This includes the single-passenger pleasure airplane as well as the Boeing 707 destined for Syracuse, so that more than 50% of the human beings involved are obviously interested in the ability to travel two hundred miles in half an hour—work, play, visit—and return with assurance at a time of their choice.

It is said that the SST will bolster national prestige. Why? We already have multiple numbers of military supersonic aircraft. The French-English combine and the Russians will have SSTs in scheduled service well ahead of the United States program. The Anglo-French Concorde is scheduled to fly this year and has already undergone extensive ground and taxiing tests.

It strikes me, thinking of national prestige, that the U.S. manufactured SST flying in scheduled service eight years hence at the earliest will be a sorry substitute for the painful contrast several months ago when the first New York to Moscow direct air service started. You will remember that the initial Russian flight circled JFK for forty-five minutes and then was able to land only because it was accepted out of sequence at the expense of dozens of inter-continental and domestic airplanes of all types who were further delayed. Its U.S. counter-part landed in Moscow without delay.

So why are we spending billions to develop the SST? At the inception of the program, and in great controversy, it was adjudged to be "in the public interest." This meant that it would create new jobs, would have a favorable affect on foreign sales and thus upon the balance of payments, and would gain economic benefits by continuing U.S. leadership in the commercial aircraft industry. And, it was also pointed out, the government will someday recover its investment by way of a complicated "royalty" formula on the sale of the aircraft. It has been calculated that Boeing will have to sell 300 SSTs for such a recovery, and by the time 500 have been sold the government will have received sufficient return to pay for the additional cost of borrowing. Under the agreement, the government will collect royalties on the airframe for at least fifteen years after certification, but after recovering its investment and receiving a return of six percent, compounded annually, the royalty will be reduced. If at least six percent return is not realized in fifteen years, the government may collect royalties until 1999 or until a six percent compounded return is realized, whichever comes first.

In any event, the public won't get its tax money back. Presumedly, the royalties will go right back out again for some other project "in the public interest." Hopefully, this won't be a Mach-5-plus hypersonic jet.

Hopefully, like or even greater sums of money will be spent in the first-time development and implementation of all facets of the system required to permit human beings and cargo to move rapidly, efficiently and dependably from door to door. The great bulk of these expenditures should and can be financed by the users of the system, whether it be the flying public, the air carriers, the military or private aviation. Some facets of the system, like high-speed rail and highway systems, will have important side effects which can and should be financed through public funds.

To continue today's pace of public expenditures for the present development schedule of the SST in the face of the current chaos in this nation's traffic control system is little short of gross negligence. Not only will the inherent advantages of the SST be completely wiped out by the inadequacies of the present system even as currently forecast to be developed by 1976, but the other 99% of the air commerce of the United States will be completely stymied unless the same imagination, initiative, enthusiasm and money is applied to the orderly short and long term system development of aviation controls as has been applied to the SST to date. Let's put first things first!

Admittedly, the SST *is* in the public interest as outlined in the FAA sales pitch. It *has* created more jobs and there *will* be many other economic benefits. But there must also be a logical utilization of the end product; elsewise, the program becomes no more than a technological welfare ploy. In the case of

the SST, this utilization must be seriously questioned.

I believe that the public has a far greater interest in simply getting to their destinations safely, comfortably, on time, and at a reasonable cost. If a small segment of the public wishes to travel further and faster—and can afford it—all well and good. But the problem is that the limitations of the present air-transport system usually prevent a smooth flow of traffic and, unless drastic changes are made, the day is drawing near when nobody will get into or out of a major airport on time or even at all.

Keeping this in mind, I suggest the SST program be stretched out to the point where private industry can take a greater share of the investment, while at the same time making sure that the plane will have favorable conditions in which to utilize its potential. And if someone just *has* to get to Europe faster, let him take a Concorde for three or four more years. Will it hurt our pride more to fly a Concorde in 1980 than in 1970?

You've all heard the figures on the growth of aviation in the next decade. 1,300 new jetliners. 68,000 new business and private planes. Air-busses and 490-passenger jumbo jets. Our present system, even if enlarged to its full potential, just can't handle them.

I propose we use the billions we're planning to spend on the SST and other future aircraft to lick instead the problems of today and tomorrow's traffic control and airport system, and charged to their users.

The time for action is *now*. New runway construction . . . more jetports . . . special facilities for private aircraft . . . construction or expansion of regional airports . . . better ground access to terminals . . . improved navigation systems to better utilize airspace. And the shopping list of "mores" and "betters" goes on and on.

Unless this is done, by 1976 in all likelihood we will have built a golden supersonic cart, but we'll have only a broken down horse with which to pull it.

TRIBUTE TO WILLIAMS AIR FORCE BASE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. RHODES. Mr. Speaker, the flag that is flying over the U.S. Capitol today will be presented to Williams Air Force Base, Ariz., which today celebrates its 27th anniversary. Williams—or "Willie" as it is affectionately called by the personnel stationed there and by the residents of surrounding communities—was the Nation's first jet fighter school and is now the largest Air Force undergraduate pilot training base. Well over 10,000 Air Force officers have been trained there since 1942 in what is now a 53-week program which earns a student the coveted silver wings of an Air Force pilot. The base was named for Lt. Charles Linton Williams, a native Arizonian who died when his plane crashed into the sea during an aerial demonstration for Lts. Lester J. Maitland and Albert Hegenberger, the first men to fly nonstop across the Pacific shortly after Lindbergh's historic flight in 1927. The contribution of Williams Air Force Base to our national defense is immeasurable, and I take this opportunity to salute the base and to congratulate its wing commander, Col. Roger B. Ludeman, and the men who support its mission.

It is particularly gratifying to me to be able to present this flag. I was one of the first officers assigned to Williams Air Force Base, and had been stationed there for over 6 weeks when it was finally named. It was my "home" for 4 years and 3 months during World War II, and as my duty station it allowed me to become acquainted with Arizona and Arizonians, resulting in my decision to become a citizen of that State. Therefore, I have a very special spot in my heart for Williams Air Force Base.

CLARY ANDERSON—HAIL AND FAREWELL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. RODINO. Mr. Speaker, the Clary Anderson era has come to an end at Montclair High School with the departure of the school's distinguished athletic director, who for 25 years directed an outstanding five-sport athletic program. This is a tremendous loss to Montclair High School, for he has been more than a teacher and coach—most importantly, he was "a major molder of the young people in their most impressionable years."

But Clary Anderson, with characteristic skill and foresight, has left the school with a fine and promising athletic staff to carry on his work. And, most fortunately, this is one occasion where the community will not lose the counsel and dedication of a valued citizen, for Clary Anderson has accepted a unique offer to serve as assistant athletic director and head baseball and football coach at Montclair State College. Mr. Speaker, I join with his many friends and admirers in honoring Clary Anderson. I know his future activities will equal his incalculable contributions to the community, and particularly its young people, over the past 25 years. A fine editorial in tribute to Clary Anderson appeared in the Montclair Times of January 9, and I ask that it be printed in the RECORD following my remarks:

CLARY ANDERSON—HAIL AND FAREWELL

The announcement that Clary Anderson will leave Montclair High School at the end of this school year means that a brilliant 25-year five-sport coaching career will come to an end.

This will leave a deep void in the athletic affairs of Montclair High School. But such is the organizational genius of Mr. Anderson that in recent years as Athletic Director he has had a hand in making certain that the best available men have been hired to fill positions as they became vacant in the athletic section.

There may never be another Clary Anderson Era at Montclair High School, but there are those at the high school ready and willing to take up the cudgels. When chosen, they deserve the completely unfettered opportunities to make eras for themselves.

Residents can take pride from the fact that a Clary Anderson Era may well be starting at Montclair College, where beginning in June, Mr. Anderson will become Assistant Athletic Director and Head Baseball and Football Coach. At Montclair High School, he is now Athletic Director, Director of Physical Education and Head Baseball, Hockey and Football Coach. Previously he had coached basketball and swimming.

It is comforting to realize that Mr. Anderson will not be leaving Montclair, which may have been an important factor in his decision to accept what Superintendent of Schools Dr. Robert W. Blanchard last week described as a "unique" offer.

In years past, the 57-year-old graduate of Montclair High School had at least 3 college offers which he, himself, characterized several years ago as "good ones." However, those would have required him to leave a community that recognizes Mr. Anderson as more than a teacher and coach but also most importantly as a major molder of the young people in their most impressionable years.

The vast majority of people of good will in Montclair, we feel sure, will join with us in extending congratulations to Mr. Anderson and hoping that the future years will bring the same successes he enjoyed at Montclair High School. Those closest to Mr. Anderson know that this will come to pass.

There aren't very many of us who can point with pride to honors from friends and associates, from those working in a community, and from competitors who spend many waking hours devising schemes which, if successful, ultimately might bring about our own downfalls.

And yet, Clary Anderson has been honored with his own "Day" by friends and associates between the halves of a football game as "friend, teacher, coach, counselor" and as an example to the young people of the community.

He also received the Annual Joint Service Clubs Council Award as one of Montclair's "most outstanding" citizens, thus joining a group which included such as former mayors, former Town Commissioners, the developer of the Presby Memorial Iris Gardens, a minister and a hospital president.

Perhaps most treasured by Mr. Anderson are sentiments expressed several years ago by other coaches in New Jersey when they honored him as the High School Football Coach of the Year.

He won the honor, the coaches said, as a leader who exerted a positive influence in the development of sportsmanship and moral responsibility both on and off the field, who recognized and met his responsibility to his school and community and who demonstrated superior skill in the coaching profession.

We, like so many in Montclair, are proud to be a friend to a man who when honored used these occasions to thank his parents, his wife and daughter, his associates on coaching staffs, the type of people who make Montclair the town it is, administrative personnel and most of all to the youngsters themselves for maintaining and adding to the reputation.

INTRODUCTION OF H.R. 913, TO REPEAL RECORDKEEPING PROVISIONS OF FIREARMS CONTROL ACT OF 1968

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. ULLMAN. Mr. Speaker, on January 3, 1969, I introduced H.R. 913 to repeal the ammunition sales recordkeeping provisions of the Firearms Control Act of 1968.

I have received genuine complaints from legitimate dealers and purchasers of ammunition concerning these recordkeeping provisions. I think most of my

colleagues will agree that these provisions will be totally ineffective in preventing crime or the indiscriminate use of firearms. Mr. Speaker, you will remember that during House debate on the Firearms Control Act last September, we defeated all amendments calling for Federal firearms registration, licensing, and ammunition sales recordkeeping. The Senate added the ammunition restrictions which have proved to be burdensome, objectionable, and as some employees of the Treasury Department will privately admit, unenforceable.

I am asking for the support of all my colleagues in passing this corrective legislation. I urge your full consideration and approval of H.R. 913.

TOP LEVEL PAY RAISES WILL FAN INFLATION, SET POOR CONGRESSIONAL EXAMPLE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. NELSEN. Mr. Speaker, back in 1967, some of us took a lot of heat for our failure to support the Federal postal rate and pay raise bill. However, when the President's state of the Union and budget messages are delivered, it is likely that our reasons for voting in the negative on that bill will become crystal clear.

The 1967 legislation permitted the creation of a commission to make recommendations on salaries of the top-level officials of the three branches of Government, including for Members of Congress. The legislation specified that the President was to use these recommendations in drawing up his budget. The new pay rates would become effective after 30 days unless in that period either House of Congress specifically disapproved any or all of them, or a statute had been enacted into law establishing different rates of pay.

At the time this unwarranted procedure was established, I wired the editors of the daily papers in my district:

> The omnibus bill includes questionable rate increases, disguises a pay hike for Congressmen themselves, and so inflates the President's own recommendations as to make likely the passage of the President's income tax increase.
>
> It was my hope that salary adjustments could have been made for lower level postal workers, with a step increase which would have been fully justified. It is regrettable that this bill was loaded down with increases for the higher salaried Federal employees, including Members of Congress.

I further pointed out to constituents, in a report dated October 23, 1967:

> Such a (commission) procedure might take some of the pressure off Congressmen who want to vote themselves more pay but fear the public wrath. But such a procedure is also a sorry abdication of congressional integrity and responsibility.

Mr. Speaker, I believe subsequent events have upheld these views. The tax increase is now an unwelcome fact of life. The Commission on Executive, Legislative, and Judicial Salaries, as suspected, has determined that "present salary levels are inadequate" and "not sufficient to support a standard of living that individuals qualified for such posts can fairly expect to enjoy." In its report to the President on December 2, 1968, it recommended increases totaling $34,700,000 spread over 2,047 Federal officials. These increases would cover virtually the top hierarchy of the Federal Government including Senators, Congressmen, Supreme Court Justices, and many lesser Federal judges, heads of departments, agencies, bureaus, and so forth.

It seems almost a certainty that President Johnson will touch on these increases short hours from now. To all Americans beset by war, inflation and heavier taxes, this is deeply distressing. And it will be considerably more distressing if such top-level pay hikes become effective through a backdoor spending device that conceals from the people how their elected representatives stand.

Hefty pay raises at this time will fan inflationary flames that have already scorched the dollar and incinerated buying power.

The need to set a responsible and moderate example is pressing on all who serve in the Federal Government in these difficult times. In accordance with this obvious need, I urge the Congress to look with a probing and unselfish eye at any salary recommendations which may be forthcoming. In fact, we should be given the opportunity to reject the whole kit and caboodle. In basic fairness to the taxpayers, any such salary boosts should be subject to a recorded vote before they become effective.

HON. WILLIAM C. FOSTER RETIRES

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, on December 31 the Honorable William C. Foster retired from his position as Director of the U.S. Arms Control and Disarmament Agency. As all of us know, Mr. Foster, a lifelong Republican, has served in major capacities in the executive branch in each of the last four administrations. He served at various times as Deputy Secretary of Defense, Under Secretary of Commerce, and as administrator of the Marshall plan. During the Eisenhower years, he served as a prominent national security adviser, including participation as Co-Chairman of the blue-ribbon Gaither Panel, consultant on reorganization of the Pentagon, adviser to Secretary Dulles on arms control matters, and U.S. representative to the 1958 Technical Conference on the Problem of Surprise Attack. During the Kennedy and Johnson administrations, he has been an originator as well as first Director of ACDA.

The United States has been fortunate indeed that a man of Bill Foster's talents and energy has devoted so much of his many-faceted career to the service of his country. As a member of the Committee on Foreign Affairs, I have had the honor and pleasure of having a close personal relationship with this outstanding American. In 1965 I served with him on the U.S. delegation to the 20th Assembly of the United Nations, and saw at firsthand his skill and good judgment in the exercise of his responsibilities. It has been my particular privilege also to serve in recent years as congressional adviser to the Eighteen-Nation disarmament Conference; in that capacity I have knowledge of the sensitive and critical tasks which Bill Foster has handled so ably in his years as head of ACDA and as chief U.S. representative to ENDC.

Trying to check the arms race, both in terms of nuclear and conventional weapons, is, as we are all aware, a frustrating and sometimes seemingly hopeless affair. But to Bill Foster, the challenge of making efforts to curb the arms race has been consistently pursued with intelligence, toughness, high diplomacy, and great determination. And to the benefit of the United States and the rest of the world, his painstaking efforts have met with not inconsiderable success.

The Limited Test Ban Treaty, the hot line, the Outer Space Treaty, and now the Nonproliferation Treaty all attest to the progress which Bill Foster was able to achieve. Of course, there is still a long, long way to go. But at least a significant beginning has been made. Even when prospects for reaching meaningful and realistic agreements seemed dim indeed, Bill Foster never wavered from his task or lost the determination that progress could and must be made.

I am proud to have this opportunity to pay tribute to one of those durable Americans who has performed so many important duties for his country over such a long period of time. We are all grateful for his accomplishments and we regret that we shall lose his services. In conclusion, I am sure I speak for your many friends on Capitol Hill in wishing you, Bill Foster, the pleasant but rewarding retirement which you so richly deserve.

OUR NATION NEEDS MORE LOYAL AMERICANS

HON. EDWIN W. EDWARDS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. EDWARDS of Louisiana. Mr. Speaker, at a time when so many people have the false impression that beatniks and hippies of our country are representative of the youth of the day, it is most encouraging to come from an area in which our young people are loyal, dedicated Americans, proud to accept their roles as future leaders of our country. The spirit of the youth of Louisiana is exemplified by the following essay by Miss Carolyn Foreman, a student at Father Teurlings Central High School in Lafayette, La. Louisiana is most proud of her future citizens such as Miss Foreman who reflect in the best possible way the hope and inspiration of our country. Our Nation needs more loyal Americans such as Miss Foreman. Mr. Speaker, I am pleased to place the following essay

in the RECORD as a fine example of the work of young Americans:

WHY IT'S GREAT TO BE AN AMERICAN

(An essay by Miss Carolyn Foreman, Teurlings Central High School, Lafayette, La.)

Ah, it's so very wonderful that I am living in wealth, for you see, I was born rich. Every person, regardless of race, creed, or former nationality has the privilege to enjoy the freedom that prevails in the United States: Citizens often say, "What about the people living in slums and ghettos in the United States; are they born rich?" Regardless of the amount of money one has, everyone is born rich in America because he is born free. Each citizen votes for the candidate of his choice. An abundant number of people are not born free; furthermore, they will never enjoy the joys of freedom.

A few years ago an eighty year old Russian immigrant couple came to America. Although they were frail and weak, they were determined to make the strenuous journey. When asked the reason for their long journey to America, they remarked by saying that they had often dreamed of this refuge for the young and old alike. To them, America was a land of promise. They had never acquired this precious gift of "life, liberty, and the pursuit of happiness."

In 1776 thirteen small colonies desired freedom strongly enough to revolt against their mother country—England. America had a courageous spirit and a determined will; these two basic attributes were the basis for freedom. America began to grow and expand. As a nation we proudly adopted this following motto: "Together we stand; divided we fall."

"Why is it great to be an American?" I can freely live, speak, and breathe without any fear. Frankly, there is no other country that compares to America in superiority and equality.

EYE WITNESS REPORT—NORTHERN ISRAEL "SEMI" WAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. BROWN of California. Mr. Speaker, one of the local newspaper chains in my congressional district is performing a unique public service by having its own foreign correspondent located in Israel, sending exclusive eye witness reports on the Middle East crisis back home.

Miss Carol Kovner, although young in years, is a seasoned journalist with years of experience in reporting and commenting on the news. She has worked as a managing editor for a national magazine for more than 5 years, and also as managing editor for her present employer, Kovner Publications, located in Los Angeles.

The first in a series of articles which she will be writing appeared recently. I believe that all of my colleagues will find this stirring account of life today in a small Israeli border town to be quite revealing. The article follows:

EYE WITNESS REPORT FROM CAROL KOVNER ON NORTHERN ISRAEL "SEMI" WAR

(By Carol Stevens Kovner)

The Emek Beisan is a valley next to Jordan's border across the river Jordan in Northern Israel. Because of the 6-day War, its kibbutzim and towns have become the target of almost daily shelling by the Arabs, Iraquis as well as Jordanians.

The shelling has become a spiralling escalation that is sure to become a bone of contention in the UN this winter. The reason is the Beisan and Jordan valleys are the only places in Israel where Arabs can directly hit populated areas without infiltrating.

On November 11th we visited Beit She-an, a town of 12,400 where homes have been and are being shelled by the Arabs. All apartments have shelters against the bombs. Sand bags are stacked deep and high around their entrances.

Gadna boys of 15–16 who come to Beit She'an from a different high school every day, had come up from Tel Aviv this day to fill and stack the sand bags. Gadna is Israel's Youth Corps for boys and girls 14–18 with training along Scout Lines. They worked hard and with a great will, but like all boys, they cut up a little, too.

Michael Saraga, Segan-Mishneh or 2nd Lt., wiped the smile from our face at the antics of the boys when he brought us to the synagogue that had been hit the week before, on a Saturday, November 2nd. A huge crater and collapsed wall were the work of a Katyusha rocket, a Russian-made bomb famous from WW2. It is actually six bombs in one. The synagogue was in the process of being repaired.

At the synagogue we heard that Kfar Ruppin had been hit earlier that morning. The conducting officer from the Israel Government Press Office, Missem Gabbi, took us to the Kibbutz. We were the first news people there.

Mortar fire holes had pockmarked two buildings, scarred the thick lawn and damaged one sidewalk. Three people were wounded, one girl seriously. She was 18.

At the dining hall, where the kibbutzniks were matter-of-factly eating their noon meal and listening for news on the radio of what had occurred, we talked with Axraham Yakir, whose house had been most seriously hit. He had just recently been Secretary of the Kibbutz.

Anger was still fresh on his face from what had happened not to his home, but to his friends. The shelling had begun at 8:30 a.m. and had lasted for several minutes, he told us.

Yakir said the Jordanians had begun firing into the valley last January, finally bringing the kibutz members at Kfar Ruppin and the other settlements in the area to a decision to let the children sleep in the shelters every night. It has been found through a study, that it is less psychologically harmful than rushing them in whenever there is danger. The shelling is done mostly at night.

They had lived quietly, he said, for 20 years, communicating with the Arab farmers across the river. After the war, the farmers were moved away and the would-be infiltrators, frustrated by double fences with mine fields along the border, now shoot at them from safe vantage-point.

Kfaar Ruppin was originally founded in 1938 because of Arab attacks. It was part of the Young Maccabee movement from Europe, and now belongs to the new United Labor Party, because of its membership in Mapal. It is a prosperous, well-established community, with many new buildings going up. There have never been any American volunteers here.

We asked Yakir what he thought about the day's shelling. "It is part of the plan of the Arabs to destroy us and cause suffering in several locations in Israel," he stated quietly.

"What has happened today . . . is a good example of the way Arabs speak from one end of their mouth about peace, but shell and kill and destroy at the same time. It is a good example of their ambivalent attitude always when their real aim is to destroy.

"They accuse us of not accepting their 'peace offers' but meanwhile attack peaceful people. What else could prove their real aim? To kill civilians . . . and children, learning and playing."

Later that evening we learned that the young girl who had been seriously wounded by that morning's shelling had died.

The fortnight following this visit was a period of steadily escalating, worsening attacks on the villages and farms in the Beisan and Jordan valleys, and the new settlements on the Golan finally.

Then on Sunday night, December 1, Tel Katzir on the Sea of Galilee and Nave Ur came under fire at about 10, in a continuation of an exchange in the Beisan Valley that earlier in the evening had left Yardena and Degania Alef (called the mother of settlements) on the south end of the Sea slightly scarred. At the time the artillery was not identified.

After midnight, following shelling of four hours duration, Israeli jets were sent out to silence artillery positions in Jordan. Targets included Iraqi positions using 122-mm guns of Russian make with which they were shelling new settlements on the Golan Heights; El Al, a private moshav where settlers are temporarily in the black basalt huts of the former Syrian army digs, and Nahal Golan, a farming settlement of young soldier-farmers sponsored by the army.

On a previous visit to the Golan Heights settlements, one of the young officers at Nahal Golan had explained to us the reasons for Nahal's presence there. His age is 22. He is the young son of Avraham Yakin of Kfar Ruppin.

He told us, in the laconic Sabra manner, "The aims of Nohal are 1. to settle here. 2. to make modern agriculture, There are good fields here and they were never used. Only the Syrian army was here for 20 years, no farmers. 3. Stop the Fatah, Syrian, Jordanian and all guerrillas. We will stop them with the army and with agriculture. We stop the enemy with staying in the place, working the fields and guarding them."

In the valley below the Golan Heights Monday night, December 2, enemy shells rained down over a wide sector ranging from Tel Katzir to Maoz Haim where four cows were killed, Kaytusha rockets were used. (The use of such missiles were sited in the reasons for the commando raid on December 1st on two bridges in southern Jordan, one the railroad bridge of the Hedjaz line, familiar from the Lawrence of Arabia adventures.)

Settlers in the Jordan and Beisan Valleys spent the night in their shelters or at defense posts. The children in most of the settlements had spent long periods in the shelters over the last fortnight, as well as the last several months.

On Tuesday, December 3, it became apparent this was the heaviest shelling of civilian settlements since the 6-Day War. Settlements hit included Hamadiya near Beit She'an where a poultry shed was leveled, Beit Josef, Neve Etan, Maoz Haim, Kfar Ruppin, and near the Sea of Galilee, Massada, Degania Alef and Bet, Ashdot Ya 'akov, Kinneret, Tel Katzir. The shelling ended only when Air Force jets silenced the artillery.

Military observers here believed that the shelling was authorized by Amman. Reasons ranged from retaliation for the Hedjaz bridge raid on Sunday by Israelis in which the communication lines were cut to Akaba, Jordan's only sea outlet, to diversionary tactics hiding internal troubles in Iraq, or between Iraq and Jordan.

On the December 2–3 nights, it was apparent that the Iraqis took the initiative for the first time, opening with an intensive artillery bombardment, unlike earlier occasions in which they joined in after border incidents with Fatah infiltrators had become duels with Jordanian artillery.

On Wednesday, Israeli Ambassador to the UN, Josef Tckosh, sent a letter to the Security Council accusing Iraqi troops of being re-

sponsible for eight major artillery attacks since Oct. 17.

Also on Wednesday, December 4, Israeli jets struck at two Iraqi artillery, ammunition dumps and troop concentration sites, near Irbid and Mafraq in Jordan. One Israeli pilot and jet was lost, but the one and one-half hour attack stopped the long bombardment of the villages.

At Kfar Ruppin, the following Saturday, one of the members said the children had been forced to stay in the shelters for a solid week. They were very much aware of what was happening. When not in the shelters, if they heard a door slam, they asked immediately, "What's that!"

Although Kfar Ruppin was hit only in the fields this time, the week's work and schooling was disrupted. "Usually we hear an armoured patrol being attacked or another sign of danger. But this time, on Monday and Tuesday, the shelling began with no warning.

"There has been two days of peace, since the Iraqi's artillery was silenced by the IDF, but we want more than two days, we want more than two years of peace, we want peace for good."

And the children of Kfar Ruppin? When they are allowed to play in their sandboxes, their games now include "bomb attack", building a farm of sand and then destroying it.

ONE MAN'S PERSONAL CRUSADE AGAINST MOUNTAIN POVERTY

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. MARSH. Mr. Speaker, John Lamb, age 77, is an ambassador of good will and help to the poor, both materially and spiritually.

This man's dedicated efforts to his fellow man is described in the current edition of the magazine, "Rural America."

I think it is a fitting testimony for us all as to what one man can do who is dedicated to the service of mankind.

For this reason, I would like to bring to the attention of the other Members this article:

ONE MAN'S PERSONAL CRUSADE AGAINST MOUNTAIN POVERTY; AT AGE 77 GOOD SAMARITAN JOHN LAMB BEGINS HIS 21ST YEAR OF HELP TO RURAL POOR

(By Ray J. Taylor)

Barely 60 miles west of D.C. I turned off Route 50 across a narrow bridge into Sperryville, Va., and pulled up to an ancient diner.

Slow-moving traffic headed for Skyline Drive had me twenty minutes late for my rendezvous with Washington's good samaritan, John Lamb.

"Do you know John Lamb? Have you seen him this morning?" I asked as I ordered coffee.

"Saw Mr. John earlier with a bunch of kids on his truck; he was headed into the hills."

"Said something about making applebutter," volunteered the lone departing customer.

"Know John Lamb very well?" I asked the waitress.

"About 20 years I guess. He's sure been a God-send to most of us around here at one time or another. He's always bringin' clothes, books, furniture, toys and even jars to help folks canning. If you see him tell him folks around here could sure use some more clothes like he brought last Christmas. Not much money around here now you know, not past apple pickin' time."

I finished my coffee and wandered back across the road past an abandoned frame schoolhouse. Five miles back up the road I had passed the new consolidated school.

SAVE THE CHILDREN

John's warning still rang in my ear: "We'll never get rid of rural hard core poverty unless we do it through the children. But these kids don't have a chance. No money for lunches, or books or supplies, ill fitting clothes, no help at home, kept out of school to pick apples or take care of smaller children until they're so far behind each year they fail. Then they don't want to face their school friends and as a result dropout—and our next generation of hard core poor families has its start."

A DAY IN THE HILLS

A beep on a horn and a tall, lanky, ruddy-faced John Lamb waved me into his truck with an enthusiasm at least 30 years younger than his age of 77. Thirty minutes and twenty miles later we drove up a tortuous "Rag" mountain road into a lane and up to a two-room log house.

One of Mr. Lamb's pet projects was well under way. High school students from Arlington Trinity Presbyterian Church choir were helping the Archie Dodson family build another two-room log cabin to accommodate the girls in their 11-member family.

Archie told me they had tried moving off this mountain site into a home closer to town but didn't like it and returned to their isolated cabin homestead.

More skilled for pioneer building needs than some, Archie was adept with axe, saw and hammer and could lay a foundation, wall or chimney with equal ease. More at home with rifle and reels, most mountain men lack job skills.

Mrs. Dodson proudly showed me the hundreds of jars of canned vegetables that Mr. Lamb had helped her preserve. He had supplied the jars. The side hill acre that was a garden plot couldn't have produced very much. Before this day would end I would see again and again the need for basic skills in survival farming and rudimentary housekeeping.

Throughout the day I visited homes that did not deserve the description as homes. Barely one hour from the nation's capital I found myself 60 to 100 years behind the times.

Back in 1947, John Lamb bought a mountain home with 37 acres near Shenandoah for his summer retreat and retirement home. He soon learned that the famed beauty of the Skyline Drive hid countless pockets of poverty-stricken families in heart-breaking squalor.

Touched by the plight of the ill-fed, poorly clothed children whose education is mostly too little, too late and constantly interrupted, Mr. Lamb turned his mountain home into a training center and meeting place. He concentrated first on introducing his city friends to the overwhelming need.

His personal dedication was never more apparent than when he entered and won a local newspaper subscription selling contest that offered a new truck as first prize. He needed that truck to make his almost daily deliveries from donors to the hill folk.

Mr. Lamb's home at 4402 44th St., N.W., Washington, became a focal point for charitable donations. Literally tons of clothing, food, furniture, books and toys have found their way into more than 1,000 mountain homes in an eight-county area since 1947.

"MR. JOHN" FOUNDATION STARTED

In 1962, Mr. John Lamb retired as superintendent of the Alexandria Dairy and organized the "Mr. John" Foundation to enlarge upon his effort. Since then he has depended more upon volunteer groups such as Girl Scouts, church groups and high school students from Arlington, Fairfax and the Washington area to collect and sort books for his "home library projects," collecting and sorting clothing, and making deliveries. Others have donated quilting frames, canning equipment and money for medical and dental aid.

Thanks to Mr. Lamb a way may yet be found to recover this lost generation from the bonds of poverty and rescue their children from a similar fate.

A PLAN OF ACTION

It is becoming obvious that there is a need to teach survival farming, pioneer skills, canning, quilting, sewing, basic home making and early American handicraft skills as well as 20th century job training.

A really strong argument can be made for a domestic Peace Corps to effectively reach and deal with the needs of the nation's hard core poverty families. Too proud to seek help, too unsure of themselves to move to town or city, too uneducated and unskilled to know where to turn, these 14 million hard core families need personal, day-to-day help, training and counsel to become self sufficient.

Repeated efforts in the past by John Lamb to secure government program or funding help have failed. Such meager public services as do exist are largely inaccessible to most of these families because they lack means of transportation. Meanwhile, poor health, rotting teeth, unsanitary water supplies, poor diets and disease could be alleviated by help from the proper agencies of state and federal government.

For example, OEO has channeled about 5 million dollars into the Richmond area to help approximately the same number of poverty families as are in the eight-county mountain region that has received none.

It takes hard work, personal involvement and know-how to help overcome the obstacles our rural poor are facing. Mr. Lamb is both an example and inspiration for those who share our concern. He deserves our commendation and support. He points the way.

U.S. SOUTH AFRICAN POLICY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. RARICK. Mr. Speaker, when one is able to obtain comments from members of South African Parliament on matters of interest to Americans, I think their remarks are entitled to dissemination to our colleagues.

The Honorable Marais Steyn and Paul Vander Merwe of the South African Parliament were interviewed by Mr. Dean Manion on "Manion Forum," and under unanimous consent I submit the colloquy as follows:

[From the Manion Forum, South Bend (Ind.), Jan. 12, 1969]

U.S. SOUTH AFRICAN POLICY IS DOUBLY SELF-DEFEATING—SALE OF SUBS AND JETS WOULD BOLSTER CAPE DEFENSE AND SWELL TRADE BALANCE

(Hon. Marais Steyn, Member of the South African Parliament)

Dean MANION. With me here at the microphone today is the Honorable Marais Steyn, a member of the South African Parliament, representing a Parliamentary district in the city of Johannesburg.

Mr. Steyn, welcome to the Manion Forum.

Mr. STEYN. Thank you, Dean Manion. I do appreciate the opportunity of being with you.

Dean MANION. Mr. Steyn, last week on this program we had Dr. Paul Vander Merwe, who, as you know, is a representative in the South African Parliament, representing a district in Southwest Africa.

Mr. STEYN. Yes, I know him well.

Dean MANION. Now, as I recall, Dr. Vander Merwe is a member of the National Party, the party that now controls the Government of South Africa. Are you a member of his party, or are you a member of the opposition party?

Mr. STEYN. I'm a member of the oppositional minority party, the official opposition in our Parliament. It is known as the United Party.

Dean MANION. As a member of the opposition party, am I to understand that you oppose the policies and principles of the government party? For instance, on our program here last week Dr. Vander Merwe defended the policy of apartheid—does your party support that policy?

Mr. STEYN. No. I think that I should explain to you that there's much misunderstanding in the world about this concept of apartheid, and I'm glad Dr. Vander Merwe had the opportunity to explain it. But my party in South Africa opposes the idea that the people of our multiracial state cannot exist in peace and the idea that we have to dismember South Africa into separate sovereign states.

Our attitude is that we *are* a multiracial state, that the races *are* interdependent, especially economically. We believe, in fact, that they cannot be separated now successfully; that we have to devise some way of making a multiracial state work, making it possible for the people to live together in peace. I don't want to go into details, but our idea is to establish a federal relationship among the races in Southern Africa.

Dean MANION. So this matter of apartheid, at least how it is to be applied in the future, is a matter of political dispute in South Africa?

Mr. STEYN. I think I can tell you that the Parliament of South Africa devotes more than half its time to a discussion of questions of race and race relations in our country. It's a subject of the most lively, and vigorous and intelligent debate among South Africans.

Dean MANION. That's very interesting, because we don't hear about that over here. Now, tell me, what are some of the positive achievements of the party in power to which you do subscribe?

Mr. STEYN. Well, you know no government is completely bad. I think that here a Republican would admit that the Democrats are not completely bad, and I have to do the same as far as our government is concerned. They have some positive achievements.

Indeed, the South African people, beyond government, have positive achievements, I think, for example, in the field of education. Although we are putting South Africa together with primitive people, we have succeeded in getting 85 per cent of the African children, the black children in my country, of school-going age, in school, which is three times higher than any other country in Africa. We have in South Africa more university graduates than the rest of Africa put together.

Dean MANION. White and black?

Mr. STEYN. There are more black university graduates in my country than of any color, any creed, any race, in the rest of Africa put together. And that is something—a fact that no one can dispute. That is an achievement. We have at the moment, because education is one of our main objects, no fewer than 35 training colleges producing black teachers to educate black children. The standard for the black teacher is exactly the same as the standard for the white teacher. We do not allow them to teach at lower qualifications than white teachers.

Dean MANION. Mr. Steyn, these expenditures that you talk about being made for the black people must amount to a lot of money. Now what is the proportion again of whites to blacks in South Africa?

Mr. STEYN. Well, out of a population of about 18 million, we have 3½ million whites and 12½ to 13 million black people. The others are minor groups.

Dean MANION. Who pays for all of this education that you're providing for the blacks?

Mr. STEYN. The people of South Africa. The whites and the blacks, but obviously because the whites are, at the moment, very much the wealthier community, we pay proportionately very much more in direct and indirect taxation for this purpose. Fortunately, we can do it.

Dean MANION. Is there any inferiority in the facilities provided for black people—hospitals, education and so forth—as compared to the white people, or are the blacks treated as well in this respect as the whites?

Mr. STEYN. You must appreciate that the black people come from primitive reservations, primitive homelands, and there the facilities have fallen behind. But in our cities we do our best to give them treatment which is equal to anything in the Western world. One of the largest hospitals in the Southern Hemisphere is the hospital at Baraqwanath, near Johannesburg, for blacks only, and it is the pride of Southern Africa. We are, indeed, tremendously proud of this most astonishing hospital which is available to our black citizens.

Dean MANION. I can subscribe to that because I was there and went through it and saw it.

Mr. STEYN. Good, so I'm not exaggerating.

Dean MANION. Well, in this expenditure of money, how can you afford it? Do you get foreign aid, or what?

RAPID PROGRESS THROUGH FREE ENTERPRISE

Mr. STEYN. South Africa is one of the few developing countries of the world that has never asked America for money, except on a business basis. We borrow money, we pay interest like a normal business client. We are the only country that has paid its war debt in full, interest and capital. Our economy is expanding, almost by the hour. We have one of the fastest expanding economies in the world, and that is because we work together in South Africa in a peaceful effort to raise the standard of living of all our people through capitalist methods, through methods of private enterprise.

We believe, and we prove it, and you have proved it in America, that there is no economic system that raises the standard of living of the masses faster than the system of private enterprise. And we are proud that we can prove it in South Africa.

Dean MANION. What are some of the economic resources of South Africa from which all this prosperity comes?

Mr. STEYN. Like the United States of America, we started off with agriculture. That was for a long time our only economic activity, and then in the middle of the 19th century, gold and diamonds and other minerals were discovered in South Africa. That brought about a revolution in our economic organization. It stimulated the development of secondary industry, a stimulus that was taken further by the First and the Second World Wars in which we participated on your side. As a result, today manufacturing industry is by far the most important economic activity in South Africa.

Dean MANION. Mr. Steyn, does South Africa buy anything from the United States?

Mr. STEYN. Oh, we have a very healhy trade between our two countries. In round figures we buy from you every year something like 450 million dollars worth of goods, and you buy from us about 250 million dollars of goods. You have a favorable balance of trade with South Africa, very favorable. You also have invested in South Africa something like 715 million dollars today of capital in the business of South Africa. I think any American businessman who has money invested in South Africa will agree that it is a most profitable and remunerative investment.

Of course, it is a pity that some of the things we need from you, we are not allowed to buy from you.

Dean MANION. What are those things?

Mr. STEYN. Well, I think, for example, of armaments. You know, we in South Africa have responsibilities. One of them is to defend the sea route around the Cape of Good Hope, which is strategically of tremendous importance. For that we need things like jet planes and submarines. We would like to buy those from Britain, from America, but for political reasons you've imposed an embargo upon the sale of such armaments to South Africa.

Dean MANION. Is that the embargo that was routed out of the United Nations and that we followed along like the tail of a kite?

Mr. STEYN. I'm not passing on that comment. But it did follow from a decision of the United Nations.

Dean MANION. Well, I think the people listening ought to know that. With our unfavorable trade balance with the outside world, you are ready and willing to buy how much armament from us which we won't sell to you?

Mr. STEYN. I can't tell you how much it is from the United States of America specifically, but it runs into about half a billion dollars worth of armaments that we wanted to buy from various countries, and you were one of them. You know, we don't want stuff that one uses for anti-personnel purposes—to use for mob suppression or riot suppression internally. Those arms we make ourselves; we can export to others. What we want are submarines and supersonic jets and things like that to defend the sea route around the Cape of Good Hope in the interest of the Western World.

Dean MANION. Now that the Suez is closed, that becomes a very strategic pathway for the advance of Communism, doesn't it?

CONTROL OF CAPE ESSENTIAL TO WEST

Mr. STEYN. Now that the Suez is closed and it has become a strategic routing point, one could say, and also with the withdrawal of the British from the Indian Ocean, there is a vacuum there. And we are on the edge of the vacuum.

Dean MANION. And if you fall, the whole West will fall, if I interpret the map correctly.

Mr. STEYN. Well, I'm not a military expert to the extent that I can say that, but it is generally accepted that the loss of Suez and of the route around the Cape would be a major disaster for the Western democracies.

Dean MANION. Mr. Steyn, how do you account for the fact that South Africa is so unpopular? In the United States, in Canada, and in other places, South Africa has become a bad word. What is your explanation for that?

Mr. STEYN. Well, I suppose we are not a perfect community. I suppose we do make mistakes. I think there are things wrong in South Africa, but I am satisfied that the propaganda against South Africa is gravely exaggerated, it is truly exaggerated. I believe the reason is that there are a great many of the have-not peoples of the world who are today envious of the success of the have nations of the world.

I don't think I need emphasize that to an American. You are six per cent of the world's population; are extraordinarily wealthy for your own enterprise and for the gifts of Providence given to you and in the use of those gifts. And six per cent of the world's population in America produce more than half of the manufactured goods in the world. And that is why many people think that you have an unfair proportion of the world's wealth.

And South Africa, it's an interesting fact, which is six per cent of the population of Africa, produces more than half of the manufactured goods of Africa. And that, too, engenders jealousy and envy, and perhaps greed. I think, fundamentally, the reason for South Africa's great unpopularity is that we

are wealthy. People who are poor resent the wealth of the white man on the Southern tip of Africa.

Dean MANION. Mr. Steyn, what is the attitude of South Africa to the threat to freedom which is presented to the world by the advance of the Communist conquest?

Mr. STEYN. We in South Africa, I think, are unanimous as a people in our condemnation of Communism. We do so for many reasons, but, I think, intellectually, the reason we do it is this: Communism wants to use the machinery of the privileges of freedom in a democracy in order to subvert that democracy. And when they succeed, they will not extend to the people of the country they govern their right of organization and of freedom of expression in order to rectify a mistake if it's proved to be a mistake. That we've seen in Hungary and in Czechoslovakia.

For that reason, we think that Communism has no right to claim to itself the privileges of freedom in a democracy in order to destroy democracy finally for the people concerned.

America, Sir, can rely upon South Africa. The world can rely upon South Africa. We have proved our loyalty to Western democracy in two world wars; we were one of the few countries that supported you in Korea—not with words and gifts and comforts, but with a squadron of our Air Force and the blood of our young men. And we are loyal in our support of America's attitude in a country like Viet Nam. We look upon America's championship of freedom in the world with sympathy, with understanding, and with gratitude.

Dean MANION. As a final word, South Africa is a very attractive target for the Communist conquest, isn't it? Your gold, your diamonds, your industry—wouldn't that be a very fat prize to fall into the lap of the Communists?

Mr. STEYN. It has been publicly said at meetings of the Organization of African States—the anti-South African organization—that they cannot achieve their ends for Africa unless they obtain the riches of the Southern part of Africa.

Dean MANION. Thank you, Mr. Marais Steyn, member of Parliament for South Africa, for this revealing account of the power and peace of your fascinating country in the perspective of America and the world.

Ladies and gentlemen, last week we brought you a broadcast by Dr. Paul Vander Merwe, a member of the South African Parliament representing the territory of Southwest Africa and a member of the party in power in South Africa, the National Party. Mr. Steyn is a member of the opposition party in the South African Parliament. Together, these two broadcasts give you an authentic condensed account of South Africa vis-a-vis the United States that you can find nowhere else on American radio or television. Get these broadcasts and use the facts disclosed therein to refute the Communist propaganda against South Africa and against our own American interest in that country, with which our communications media are unfortunately loaded today.

[From the Manion Forum, South Bend (Ind.), Jan. 5, 1969]

APARTHEID OR ANNIHILATION—ONE MAN, ONE VOTE WOULD MEAN END OF WHITE AND BLACK MINORITIES IN SOUTH AFRICA

(Hon. Paul Vander Merwe, Representative of Southwest Africa in the Parliament of South Africa)

Dean MANION. I have a distinguished foreign visitor with me here at the microphone today. He is the Honorable Paul Vander Merwe, a member of Parliament representing Southwest Africa in the Parliament of South Africa. Dr. Vander Merwe, welcome to the Manion Forum.

Dr. VANDER MERWE. Thank you very much, Dean Manion. I'm delighted to be here.

Dean MANION. Now, tell, us, Doctor, you are a member of Parliament representing Southwest Africa in the Parliament of South Africa. How were you chosen for that position?

Dr. VANDER MERWE. Southwest Africa has six members in the Parliament of the Republic of South Africa and they are elected by the population of Southwest Africa. I'm one of those six elected members.

Dean MANION. How frequently do you have elections?

Dr. VANDER MERWE. Just about every five years.

Dean MANION. Now, tell us, what is the relationship of Southwest Africa to South Africa?

Dr. VANDER MERWE. Southwest Africa is at present regarded as a fifth territory to South Africa. We have four provinces—the Transvaal, Cape Province, Natal and the Orange Free State. Those are provinces, constitutional provinces of South Africa. Now Southwest Africa is a fifth territory, formerly a mandated territory. It is now part and parcel of South Africa.

Dean MANION. To give the audience some appreciation of the extent of this territory, how would it compare, for instance, with the size of some of our states?

Dr. VANDER MERWE. It covers an area of 318 thousand square miles, that means about twice the area of California.

Dean MANION. Twice the area of California. I realized that it was a vast territory when I flew in and around it last winter, but I had no idea that it was as large as that.

When I came home from South Africa last March, the first thing people here wanted to know about your great country was "apartheid," or as it is more properly called in South Africa, "separate development"—the separate development of the races in South Africa. Would you undertake to explain that to this audience, please?

Dr. VANDER MERWE. Yes,. Apartheid or separate development could perhaps be defined as a policy which aims at the preservation and promotion of the cultural identity and individuality and personality of the various peoples where they live in South Africa, and their economic, social and political development until they attain self-determination, and eventually, if they wish to, national sovereignty.

Perhaps I could explain to you why we feel that is the only policy which we could pursue in South Africa. I take it that you know that South Africa is quite different from the United States of America where the Negroes speak the American language and where they have the same customs, religion and so on.

In Africa and in South Africa it's quite different. In Africa there are more than 800 different languages; there are more than 400 different nations in Africa. There are, at present, 42 independent states in Africa.

Now we in Africa have to contend with the sins of the old colonial powers. When they entered the scene in Africa centuries ago, they simply demarcated their colonies according to the river banks, coast lines, mountain ranges and so on. They did not take into consideration the fact that in some instances they were dividing nations into two, three or four parts. And that in other instances they were including four, five or even more nations into one national unity. The result is that today, in about every African state there are five, six or even more nations.

That is why in Africa today, referring to Nigeria and Biafra, for example, those different peoples just can't live together. That is why in Africa during the last 13 months there were 16 coups d'etat. That is why in Uganda, for example, there were last year 266 tribal clashes. That is why in Burundi 25,000 people were killed last year. That is why in the Congo large sections of the population were simply wiped out. That is why in Nigeria more than 200,000 people were killed in combat and why 10 times that figure are presently dying of hunger. That is why in the Sudan more than half a million, more than the entire population of Southwest Africa, were killed during the last 13 months.

Dean MANION. Dr. Vander Merwe, I think you said that you had seven separate black nations in the country of South Africa. These are different tribes, speaking different languages, as I understand it?

Dr. VANDER MERWE. Yes, quite right.

Dean MANION. What is the total population of these seven tribes?

Dr. VANDER MERWE. About twelve and a half million.

Dean MANION. And what is the total population of the white people in South Africa?

Dr. VANDER MERWE. About 3 and one-half million.

Dean MANION. So you have 3 and one-half million whites as against how many blacks?

Dr. VANDER MERWE. Twelve and a half million blacks.

Dean MANION. Yes, now go ahead. Pardon the interruption.

SEPARATE DEVELOPMENT IS NOT SEGREGATION

Dr. VANDER MERWE. So, in South Africa we must either maintain apartheid or embark upon a policy of one-man, one-vote, which will mean that the majority nation will rule the country. That will mean not only the end of the white population, but also of all the minority black nations in South Africa. Therefore, the Government in South Africa, and that is my party, pursues a policy of separate development.

Now separate development, let me just explain to you, is not segregation—segregation amounting to discrimination between people who form part of the same state and are subject to the same government. Perhaps the most striking difference between apartheid and segregation is that apartheid aims to change horizontal lines into vertical lines. In South Africa we have embarked upon a policy of developing the separate homelands, the historic homelands of all the black people, so that they could have in their own countries self-determination and, eventually, if they wish to, sovereignty.

Now the most advanced one is the Transkei, with a population of about 3 million. They have their own legislative assembly; they have their own Prime Minister; they have their own political parties and eventually they could have their own sovereignty if they wish to.

Dean MANION. The Transkei is the traditional homeland of this particular tribe?

Dr. VANDER MERWE. The Transkei is the traditional homeland of the Xhosa people. It is very significant that only about two weeks ago they have had an election there. There are two political parties—the party of Mr. Matanzima, which supports the separate development of the government of South Africa, and his opposition, the party of Mr. Guzana, which goes for integration in South Africa. And it is very significant that Mr. Matanizima scored an overwhelming victory in the election two weeks ago. That means even the people of the Transkei voted to support the policy of apartheid.

Dean MANION. Do you have other homelands that are being developed the same way for other tribes?

Dr. VANDER MERWE. Yes, we have a homeland for every one of those nations. As a matter of fact, in Southwest Africa the Ovambo people got their own legislative assembly only a couple of weeks ago. And before the end of the year there will be two more other nations getting their own legislative assemblies in South Africa.

Dean MANION. Dr. Vander Merwe, when the white people came to Africa years and years ago, did they drive the black people out of the territory or did they find any black people?

Dr. VANDER MERWE. No, they did not. As a matter of fact, the black people moved down from the north of Africa to the Southern parts. The white settlement came to South Africa in 1652, and we met them about half way as we went north.

Dean MANION. Were there ever any black slaves held by South Africans?

Dr. VANDER MERWE. No. There were no black slaves in South Africa, ever.

Dean MANION. Dr. Vander Merwe, how is apartheid working and what do you envision for it in the future?

ENVISION EUROPEAN PATTERN

Dr. VANDER MERWE. At this stage we are still in a sort of a transitional stage. But we visualize a pattern similar to that one in Europe today. As you will remember, Europe, centuries ago, had the Gauls and the Romans and the Anglosaxons and the Prussians and all those people. And they had their battles and many of them were killed—they had their conquests and defeats and so on. Eventually, after so many centuries, they are settled in separate countries now. The Germans separately, the Hollanders separately, the Italians, the French and all of them.

In South Africa we visualize in more or less the same pattern, only that we'll attain that pattern not by wars and conquests and defeats and by killing people, but by peaceful means, so that eventually in South Africa you will have a separate homeland for the Xhosa, one for the Zulus, one for the Tswana, one for the Venda and one for every one of those black nations in South Africa, so that they could work together, not politically only but on an economic basis like the European economic market today, and so that we could have political and economic stability in the southern tip of Africa, which could, perhaps, contribute towards solving the problems of the rest of Africa.

Dean MANION. At the present time do you have any sharp conflicts, riots and so forth, between the whites and the blacks in South Africa?

Dr. VANDER MERWE. No. As a matter of fact, for the last 100 years in South Africa we have quite a clean record of relations between blacks and whites. As you probably know we had a war between the English people and the Afrikaans people only about 60 years ago, but we have maintained very good relations between black and white for more than a century. We had, of course, this occasion at Sharpesville some ten years ago, but that was a very minor incident in comparison with what is happening elsewhere in Africa today.

Dean MANION. Dr. Vander Merwe, you represent Southwest Africa in the South African Parliament, and you've told us how big this area is. What is its future, population-wise and with reference to industry and so forth?

Dr. VANDER MERWE. The Government of the Republic of South Africa is developing Southwest Africa now as fast as possible. As a matter of fact, within the next five years some 460 million rand—that is the equivalent of about 700 million dollars—will be spent on Southwest Africa. That is, on the population basis, in comparison with the population of the United States, equal to about five billion dollars of foreign aid, and that is quite unique in the history of the world.

Dean MANION. Thank you, Dr. Paul Vander Merwe, member of the Parliament of South Africa, representing the territory of Southwest Africa.

Ladies and gentlemen, Dr. Vander Merwe has given us vital statistics in this broadcast which we all must remember. For instance, South Africa is practically the only country in Africa where black people are not engaging in the wholesale massacre of other black people.

Dr. Vander Merwe told you that in just one African country more than half a million people were killed in the last 13 months. Do you recall what country that is?

Get a copy of this broadcast and remember these statistics. And be back with us next week when we will interview another member of Parliament from South Africa, one who belongs to the United Party—the party that opposes the National Party represented by Dr. Vander Merwe. Be with us next week to hear what the opposition has to say about apartheid and other political issues in South Africa.

ONE PLUS FOR RUMANIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. DERWINSKI. Mr. Speaker, the distinguished international columnist of the Copley Press, Dumitru Danielopol, is especially equipped to discuss developments in Rumania since he was in the diplomatic service of that country prior to and during World War II and has intimate insight into domestic as well as foreign policy developments.

His analysis of the Rumanian performance during the tragic Soviet seizure of Czechoslovakia is especially pertinent.

His column, which appeared in the Elgin, Ill., Daily Courier-News of December 27, 1968, follows:

ONE PLUS FOR RUMANIA

(By Dumitru Danielopol)

WASHINGTON.—"You only write the bad things about us. Can't you find anything good in our behaviour?" asked a Communist Rumanian diplomat.

Until recently the answer was "no." Any movment toward independence in foreign policy by the Bucharest regime did not matter much so long as the Rumanian people continued to suffer under the most Stalinist regime in Eastern Europe.

What was particularly objectionable was the refusal with rare exceptions—to grant passports or exit visas to their people.

The restrictions on travel were so strict that many people feared they would be persecuted even for requesting a passport. Answers to such requests took months, even years, and sometimes never came.

But it looks as if Rumania has finally changed, perhaps in an anxious effort to count Western support after seeing what happened in Czechoslovakia.

Since October the Ceausescu government has passed a series of decrees to facilitate passports and exit visas.

Every demand for a passport must now be solved within 30 days, either one way or another.

What is more, an increasing number of people have already been allowed to rejoin their families abroad. Some of these are people who had lost all hope of getting out.

That is all to the good. I hope this trend will continue.

Also to be commended was the correct attitude of the Bucharest government in the Czechoslovak crisis.

While other Warsaw Pact nations—Poland, Bulgaria, East Germany and Hungary—helped in the invasion of Czechoslovakia, Rumania not only refused to participate, but protested vehemently to the Kremlin.

Bucharest, albeit Communist, was true in this instance to its historical tradition.

Here are some facts from the tradition:

In 1938 during the Czechoslovak crisis, King Carol of Rumania stood by President Edward Benes. He promised that, should Czechoslovakia fight the Nazis, Rumania would enter the war immediately and would grant passage to Soviet troops en route to Czechoslovakia.

After Munich where Hitler, Mussolini, Britain's Chamberlain and France's Daladier carved up that country, Poland and Hungary also helped themselves from Czechoslovak territory.

Carol also was offered a slice by the president of Poland, Col. Beck. The king vehemently refused.

A similar situation developed after Hitler invaded Yugoslavia in 1941. Bulgaria and Hungary both helped themselves. Hitler's offer to Marshal Ion Antonescu, to take the part of the Yugoslav Banat mostly inhabited by Rumanians was rejected.

In 1968, the Rumanians once again refused to join the jackals.

For that, Ceausescu deserves credit.

ELECTORAL CHALLENGE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, on Monday, January 6, this House rendered a decision on a historic challenge to the vote of a member of the electoral college.

That challenge, while it was overruled by the House of Representatives and the Senate, could well lead to reform of what is now widely recognized as an anachronistic and potentially dangerous procedure for electing our President.

The originator of the challenge was my good friend and colleague from Michigan, Congressman JAMES G. O'HARA. While I am sure he would have preferred to win the battle, he knew that either way the Congress decided, his action to contest the vote of the elector from North Carolina would dramatically demonstrate once again the potential danger of the electoral college system.

He was joined in this effort by Senator EDMUND S. MUSKIE, and they enlisted six other Senators and 37 Representatives—including members of both political parties—to join in the objection.

In this case there was only one "faithless" elector—a man who chose to disregard the voters of his State and the ticket he ostensibly represented—the Republican nominees for President and Vice President—and cast his ballot for the third-party candidate, George C. Wallace.

While this single errant vote is of little immediate consequence, one can see that a substantial block of faithless voters could swing the election to a man who was not the popular choice of the electorate.

Thus the peril remains that electors, by either capriciously abandoning the candidate to whom they are pledged or by casting their vote at the candidate's whim in a political power play, could thwart the will of the electorate.

On Monday, the day that Congress counted the electoral college vote, the New York Times published an editorial in which it discussed the impending challenge by Representative O'HARA and Senator MUSKIE. The editorial declared

that, while the elector chose to exercise the discretion that the Constitution gives presidential electors, "he was wrong in the sense that his action violated party pledges and disenfranchised those who voted for him."

The Times hopefully concluded that the challenge "should remind a nation which still seems to need reminding, that fundamental electoral reform is long overdue."

Mr. Speaker, I commend the effort of Representative O'HARA and Senator MUSKIE and include the editorial from the New York Times, "Electoral Challenge" in the RECORD:

ELECTORAL CHALLENGE

Representative James G. O'Hara and Senator Edmund Muskie—acting with Republican as well as Democratic support—plan to make an important challenge when Congress counts the electoral votes today. Viewed technically, their action may perhaps be viewed only as an effort to correct one wrong by committing another. It is, in a larger sense however, a challenge to the nation to get on with the business of electoral reform.

The two Democrats plan to challenge the electoral vote cast in North Carolina by Dr. Lloyd W. Bailey, who was elected on a slate of electors committed to Richard Nixon, then became disenchanted with Mr. Nixon's initial appointments and switched to vote for George C. Wallace. Dr. Bailey chose to exercise the discretion that the Constitution gives Presidential electors. Yet he was wrong in the sense that his action violated party pledges and disfranchised those who voted for him.

Representative O'Hara and Senator Muskie will doubtless make this argument in their challenge. Congress is empowered to count electoral votes, and the power to count implies the power not to count. In the elections of 1820 and 1832 several electoral ballots were rejected by Congress on technical grounds. In 1880 the ballots of Georgia's electors were not counted because they had been cast on the wrong day. In 1872 Horace Greeley, the Democratic nominee, died after the popular voting but before the Electoral College convened, and Congress refused to count electoral ballots cast for him on the ground they had been cast for a deceased candidate. A Congressional commission set up after the disputed Hayes-Tilden election chose between several competing slates of electors.

All of this gives some precedent to the move expected today. Never before, however, has Congress refused to count the ballot of an elector who simply disregards his pledge and votes his personal whim. This electoral discretion, enshrined in the Constitution, has formed the basis of unpledged elector and third-party movements. The two challengers would like to deny third-party candidates the leverage that Wallace planned to exercise by promising his electoral votes, in a deadlock, to whichever major candidate agreed to certain of his policies.

The challenge itself raises constitutional issues. Certainly any attempt to give the defecting elector's ballot to Mr. Nixon, as Representative O'Hara and Senator Muskie have indicated they plan, would raise grave doubts. Who would cast this ballot? How?

In the sense that the challenge runs contrary to the Constitution, it too can be considered wrong. While two wrongs of this sort cannot make a right, the challenge nonetheless should serve to alert the nation once again to the dangers inherent in the present Electoral College system for choosing Presidents and Vice Presidents. And, by their own admission, this is the challengers' main purpose. Their action should remind a nation, which still seems to need reminding, that fundamental electoral reform is long overdue.

A CHRONIC DISEASE HOSPITAL MONTH PROGRAM LAUNCHED IN BEHALF OF KINGSBROOK JEWISH MEDICAL CENTER

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. CELLER. Mr. Speaker, chronic diseases are America's No. 1 medical problem afflicting more than 26 million Americans, of whom at least 3 million require hospitalization.

In support of programs which require public support for the maintenance and expansion of these institutions, Mayor John V. Lindsay proclaimed the month of September 1968, as Chronic Disease Hospital Month in New York City.

This annual Chronic Disease Hospital Month program, which focuses attention on the problem of chronic diseases, has been sponsored annually by the Kingsbrook Jewish Medical Center, formerly known as the Jewish Chronic Disease Hospital, located at Rutland Road and East 49th Street, Brooklyn, the leading institution in this field.

At ceremonies at city hall, Commissioner John S. Palmer of the department of public events, greeted hospital president, the Honorable Morris Kirsch and Gig Young, distinguished star of stage, screen, and TV and chairman of Chronic Disease Hospital Month, 1968.

He presented to them the mayor's proclamation, which reads as follows:

Whereas chronic diseases are America's number one medical problem afflicting more than 26,000,000 Americans, of whom at least 3,000,000 require hospitalization; and

Whereas services available for the care and treatment of the chronically sick are not adequate to meet the needs and existing hospitals in the city of New York which service the chronically sick patients are not sufficient to serve all those who require the services of such hospitals; and

Whereas the Kingsbrook Jewish Medical Center, our country's leading institution in the field of long term care, has launched a half century development program designed to expand its facilities, and the hospital is also expanding its area of specialized service to include a home care program, a nursing home and expanded rehabilitation facilities to help relieve this very serious problem,

Now, therefore, I, John V. Lindsay, mayor of the City of New York, do hereby proclaim September 1968 as "Chronic Disease Hospital Month" in New York City, and appeal to my fellow citizens to support our chronic disease hospitals by contributing towards their maintenance and assisting in their expansion and renovation program.

While September was designated as Chronic Disease Hospital Month in New York City, the institution as the leading hospital in this field carries on a year-round program to acquaint the public with the problem of chronic diseases and the need for supporting local institutions which specialize in the care and treatment of men, women, and children afflicted with long-term ailments, and to erect new facilities and to expand existing ones.

The Kingsbrook Jewish Medical Center is an 817-bed rehabilitation, teaching and research center devoted to the treatment of acute and long-term illnesses.

CONGRESSMAN DOMINICK V. DANIELS OF NEW JERSEY, HAILS JUDGE CHARLES DEFAZIO, JR., AND COL. ISIDORE HORNSTEIN, OF THE HUDSON COUNTY BAR ASSOCIATION

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, late last year a very distinguished leader of the Hudson County, N.J., bar, Judge Charles DeFazio, of Hoboken, completed his year of service as president of the county bar association. Indicating the strength of the bar association, Judge DeFazio is to be followed in office by another equally distinguished son of Hudson County, Col. Isidore Hornstein, U.S. Army, retired.

Mr. Speaker, as a longtime member of the Hudson County Bar Association, I am proud to be associated with men like Judge DeFazio and Colonel Hornstein. I ask unanimous consent that an editorial published in the December 21, 1968, edition of the Hudson Dispatch, a leading and highly respected daily newspaper, published in Union City, N.J., be inserted in the RECORD following my remarks.

The editorial follows:

TWO BAR LEADERS OF HIGH CALIBER

One good term of service should be followed by another of equal capability. Former Judge Charles DeFazio Jr., of Hoboken technically concluded a year as head of the Hudson County Bar Assn. Thursday night—a year which was marked by notable accomplishments—and he was succeeded by Col. Isidore Hornstein, U.S. Army (Ret.), who can be counted upon to live up to the standards set by his predecessor. Actually, the gavel won't be handed over until the installation dinner Jan. 16.

"Dory" Hornstein, who is senior partner of a Jersey City law firm with which his son Major Leonard Hornstein is associated, througout his entire life has been a doer. He has gotten so many things done, it would be impossible to list them. He is especially noted for his services to the oppressed and the destitute.

Not only has he had an illustrious military and legal record, but he somehow has found time to devote himself to duties on behalf of civic, philanthropic, business and professional groups. Notably, he has served Jersey City Salvation Army and Christ Hospital. He has been a member of the Jersey City Board of Education for a number of years.

A month before his election as president of the Hudson Bar Assn., Mr. Hornstein was accorded the signal honor of being chosen a Fellow of the American Bar Association, a goal attained by only three other Hudson County barristers. In all there are but 26 attorneys in New Jersey who are members of this highly esteemed group.

Mr. Hornstein was admitted to the New Jersey and New York Bars in 1919, having been graduated from New York University Law School as was his son. Next November he will celebrate his 50th anniversary as a lawyer.

"Dory" interrupted his law studies in 1918 and enlisted in the army as a private. After that war was over, he resumed his pursuit of a legal degree and admittance to the bar. He served his clerkship under the late Chief Justice Arthur T. Vanderbilt, who served a term as president of the American Bar Association.

In 1940, the elder Hornstein was recalled to active army duty and attained the rank of a full colonel. He served in Germany, France and Belgium in World War 2. He was the staff judge advocate for all of Belgium.

Having enjoyed treasured friendships for years with both "Charlie" and "Dory," we are delighted at the bar association's transition of leadership. Although never a legal beagle ourselves, we've had decades of close association attorneys in our area. They've helped us on unnumbered occasions and, we think, we reciprocated.

Mr. DeFazio following his election as president of the county Bar last January was chosen by the late Hoboken Democratic leader, John J. Grogan, who served many years as mayor of the "Mile-Square City" and later as county clerk to succeed Attorney John McAlevy as an assistant county counsel.

When named to be a vital cog in the Hudson County legal department, Mr. DiFazio ended a long term of service in the Hoboken legal department as a member of the staff headed by Law Director E. Norman Wilson. Hoboken's loss of this efficient barrister's services has been Hudson County's gain.

Nothing in any phase of life can remain static. If such were the case, everything would stagnate. And, of our own knowledge, "Charlie" DeFazio would be the last one to subscribe to a fait accompli. He has always looked toward new horizons, whether personal or for the benefit of the community, which is why he has devoted so much time and effort to promoting one cause after the other.

Aside from his natural, human desire to advance himself in the legal profession, Counselor DeFazio has, we have personally observed over many years, been most interested in such activities as the Hudson County Mental Health Assn., to which he gave several years as president; and in Hoboken's UNICO Chapter, of which he is a former president. The organization honored him in October, 1967, as its "Man of the Year."

In setting forth these services, we haven't begun to scratch the surface of this man's freely-given and extensive dedication to such organizations as the Hoboken Lawyers Club, the Hoboken Elks, Hoboken Red Cross, the Hoboken and the International Lions Club and the Hoboken Knights of Columbus. He has been the recipient of so many citations that we find ourselves at loss to detail all of them.

Mr. DeFazio has been local, state and international president of more groups than one could count on the fingers of both hands. We can only refer briefly to his work for the Red Cross, of which he was director in Hoboken for more than 20 years.

We will always remember his dedication year after year to his city's observances of Columbus Day and his appearances at the annual services held for the past seven years every June 20 in Church Square Park at the life-sized monument of the famous Italian inventor, Guglielmo Marconi, "Father of Wireless" and the pioneer of today's marvelous age of television and radio.

NO FUNERAL FOR THE "ALIANZA"

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. MORSE. Mr. Speaker, in the Washington Post of last Friday, January 10, there appeared an article about outgoing Assistant Secretary of State for Latin America, Covey T. Oliver. Mr. Oliver has been a dedicated public servant serving in a sensitive position and I think he deserves both our praise and thanks as he leaves the State Department to resume teaching duties at the University of Pennsylvania and to serve as U.S. Executive Director of the World Bank.

Covey Oliver's understanding of the need for political and social as well as economic development have marked his service as Assistant Secretary. And, while I do not always agree with his assessments, I have great respect for his devotion to the development process, and his untiring work for the strengthening of Latin American relations, and high regard for his quick intelligence, deep sensitivity, and humanitarian instincts.

I ask unanimous consent to have the text of the Washington Post article reprinted in full at this point in the RECORD.

NO FUNERAL FOR THE "ALIANZA"

(By Stephen S. Rosenfeld)

President Johnson gave him three instructions, says Covey T. Oliver, when he took over Latin affairs in the State Department 18 months ago. First, maintain a stance of idealism—don't get tagged as "pragmatic." Second, emphasize social as much as economic development. Third, don't get outflanked from the left rhetorically—that is, develop a rational and attractive set of concepts to put down the Marxists and fend off the notion that violence will bring social revolution.

Covey Oliver, the short, rumpled law professor and Latin hand who has just bowed out as Assistant Secretary of State and U.S. Coordinator of the Alliance for Progress, believes his presidential mandate was correct and wise. He gave the impression, in a recent on-the-record interview, of a man shaken but still upright after trying to fulfill it.

This is an attitude somewhat more positive than the intense frustration known to have been expressed privately in some Johnson Administration quarters over the series of Latin coups which peaked last December in Brazil's reversion to near-full dictatorship. After Brazil fell under military rule in 1964, U.S. officials decided—in the name of "realism"—to back the Rio government. About a quarter billion dollars worth of American aid a year has been given since then, despite widespread misgivings throughout the Hemisphere about undermining the social and political premises of the Alliance by supporting an undemocratic regime. Officials had seized anxiously on any signs of a return to constitutionalism. So the backsliding last month in Brazil, the largest country in Latin America, was felt here as a bitter blow, in some cases virtually as a personal betrayal.

But as Oliver heads back to the University of Pennsylvania to teach and begins working part-time as U.S. executive director at the World Bank, nobody can accuse him of discouragement. "To appraise difficulties is not to admit defeat," he says. He finds Americans positively masochistic about Latin America, too rough on themselves. Especially liberals, he feels, figure wrongly that the United States controls Latin America and that therefore the United States should take the rap for what goes wrong there ("the control-blame syndrome"). "I want to dredge up the collective guilt out of the Jungian subconscious," he says very seriously.

Oliver regards himself as a liberal, but without liberal illusions. He smarts under the charge that U.S. Latin policy caters to business ("outmoded Marxism"), and moans over the Latin coups. Coups, he says, breaks the Alliance compact; they lead to congressional aid-pinching; they impede development.

On development, Oliver expands: the United States understands its economics but not its sociology. Under the best conditions, development is a great strain. Invariably its burden falls on the common man. Summary confiscation of all oligarchy property wouldn't provide the requisite funds. The people must sacrifice. But if they are asked to sacrifice, they must have some reasonable degree of participation in the society. "Imposed government based on the organized use of arms is not popular participation." That's why coups hurt development.

Oliver confesses to wry bemusement at the "widespread tendencies to a death wish for the Alliance." As Ambassador to Colombia in 1964, he began hearing that the Alliance had died with John Kennedy. He won't buy it. His explanation is that by 1963 the Alliance had moved from conceptualizing and goal-setting to operations, and a letdown was in order for any President. He locates the "funeral orators "among Latin opponents of change, among articulate Latin genuinely concerned about the patient's health, among critics wishing to spur on the U.S. Government, and "maybe even among a few competitors in the assistance business." He detects too "a touch of morbidity in Hispanic culture."

"We are long past the point of being able to walk away from the Alliance as though it was a crashed aircraft," he states. "It was not just Communists who arranged Mr. Nixon's bad reception in 1958, but the pent-up fury at having been ignored by the United States since World War II. Belatedly we have begun to help. The consequences of walking away would be very serious, beginning with a national guilt complex. Latin alienation would produce a dismal effect on our own national psyche. The 'lost China' syndrome was terribly bad and it could be repeated if we 'lost' Latin America.

He stews over foreign aid, saying "there is no substitute for large scale transfers of public capital." Private-sector investment is useful but can't be easily targeted on essential areas like education, highways, liquidity in national accounts. The best possible terms of trade would not earn Latins adequate foreign exchange.

He is worried about Mr. Nixon's past stress on trade and private investment. "I hope the new Administration will be very careful about its rhetoric," he advises. "Unless it really believes in trade and private investment, I hope it won't speak as though it did. The effect would be to send a spurious signal of very great damage to our relations and to shared goals of development." Trickle-down economics won't work, he says, won't promote quick, effective and equitable sharing of benefits. He's sure of this.

Money leads Oliver to the country's "most serious" foreign policy problem, congressional "intrusions" into Executive policy-making. He fears that past bridges across the Executive-Legislative gap—coordination through the political party, the President capturing the popular spirit and bringing it to bear on Congress, the current "novel" doctrine of Senate participation in policy-making—have broken, and he anticipates the problem will be acute for Richard Nixon.

Oliver laments that diplomacy is still too much understood as a "narrowly defined national-interest game of maneuver in the 'world arena,'" a model ignoring the crucial difference induced by the status of the United States as a superpower. The superpower courts troubles that do not afflict a middlepower, for instance, while exercising the traditional obligation to defend maltreated nationals. The discrepancy calls for "psychodiplomacy—we have to be therapists, and we don't know how to do it."

On Government operations, Oliver found that the Johnson procedure of putting re-

sponsibility for regional policy in an Interdepartmental Regional Group, chaired by the appropriate Assistant Secretary of State, was sound and facilitated effective coordination in the Executive branch. "The Johnson Administration and the White House staff let the major departments carry out their mission." This Johnson procedure, he says, is "compatible" with the systems-analysis technique known as PPBS (Program Planning Budgeting System); he expresses pride that his bureau has been "in the forefront of this new technique."

Covey Oliver says: "We need powerful new thought about international relations and development. We don't have great words from great men, just a lot of niggling experts. It is somewhat horrifying that a busy generalist late in middle age, modest with much to be modest about, should leave office feeling that he has put more new ideas into practice in our Latin affairs than anyone else he knows."

RIGHT PROBLEM—WRONG SOLUTION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, the January 1969 edition of Analog Science Fiction, Science Fact carried an excellent editorial which I commend to all our colleagues for thoughtful consideration. I include the editorial, entitled "Right Problem—Wrong Solution," at this point in the RECORD:

RIGHT PROBLEM—WRONG SOLUTION

(An editorial by John W. Campbell)

I cannot recall ever having read of any instance in which a gun killed a human being. I cannot, therefore, see any reason to pass laws against guns.

I have, however, seen far, far too many instances in which human beings have used guns to commit murder, and I can see the absolute necessity for having, and enforcing, stringent laws against the *misuse* of guns.

Guns, as manufactured today, are extremely reliable, safe, stable devices; they do not spontaneously explode save under the most drastic conditions such as fire, or extremely violent impact in just the wrong direction.

Human beings, on the other hand, are remarkably unsafe and unstable devices who do explode spontaneously under quite unpredictable circumstances.

I am strongly opposed to the "gun laws" currently being discussed, because they are one hundred percent directed at the wrong problem. They will, if enacted, make the situation more dangerous, rather than less. They are, in effect, equivalent to treating a man with acute appendicitis by giving him a heavy dose of morphine. The dope makes him feel much better—it damps out the frantic pain-warnings his nervous system has been giving him, and he can comfortably drift off to sleep while the appendix ruptures and spreads lethal peritonitis through his body.

Laws directed at guns will tend to make the public feel as the appendicitis victim did—that something useful has been done, and they can go back to sleep because the symptom—but not the disease!—has been treated.

Nothing is, in the long run, more dangerous than so treating a symptom that the cause of that symptom is happily ignored.

To pass laws against ownership of guns, to require licensing, as a means of restraining murderers, is about as useful as morphine as a treatment for acute appendicitis.

First, consider the registration concept as a means of stopping murderers-with-guns.

Problem No. 1: Grandfather, thirty years dead now, had a fine high-power rifle he used in hunting when he was more active. He stored it—carefully greased and cared for—in the attic forty years ago, back in 1928. That rifle is still in perfect condition; the ammunition stored with it may be a bit unreliable now, but it's still usable. Modern explosives engineers—and those of forty-five years ago, too!—know and knew their business.

But . . . who, in the family, now remembers that the gun is still up there? And who, in the family, is most apt to find the gun? Great-grandson, age fourteen or so, in his ceaseless explorations. Who else would dig that far down among the dusty mementos of bygone days?

Consequence: An illegally unregistered gun in the hands of a teen-ager who couldn't get a license anyway.

Problem No. 2: Bill Blow has a rifle, knows it's there, but hasn't used it in years and doesn't have any intention of using it, because he never has time to go out after rabbits any more. Since he doesn't intend to use it, and registration is a damn nuisance, he doesn't bother.

Problem No. 3: It's easy to license and register automobiles; an automobile hidden away in a garage somewhere may escape notice—but you can't use it *as an automobile* without exposing it to immediate notice, and immediate demands for registration. Take it on the road, and people see it.

So all usable automobiles are registered and licensed.

Yet practically every major crime involves the use of an automobile, properly registered and licensed . . . to some good citizen from whom it was stolen just before the criminal act.

If licensing and registration were any good whatever in preventing the use of an object—automobile or gun—in crime, the one hundred percent complete registration of functional automobiles would make bank-robbery getaway cars impossible.

Problem No. 4: When is a piece of pipe a gun? Every major-city JD knows the technique of making a perfectly workable, adequately deadly bullet-projector from things as common as a piece of water pipe, nails, wood scrap and rubber bands. Can you arrest anyone carrying a piece of water pipe along the street on the grounds he has "a concealed gun"?

O.K.—so such guns won't carry accurately more than about twenty feet. But how far was Sirhan Sirhan from Robert Kennedy when the lethal wounds were inflicted?

Overall conclusion: It's impossible to register all guns; even with intentional cooperation they wouldn't all be remembered. If they were all registered, it wouldn't do any more good than the registration of cars does in preventing their use in crimes. Besides which, anyone who wants to can flange up a workable bullet-projector.

And that leaves out the possibilities of longbows, crossbows, and assorted simple, highly effective bombs.

Criminals are generally willing to take risks—they're usually nutty enough to take crazy risks, like the famous New York City case of the safecracker who got off *because* he took insane risks. The man was a known cracksman, who specialized in blowing safes by pouring in some nitroglycerin and then setting it off.

The police had walked in on him, and found him prepared for his next jobs—he had a quart milk-bottle half full of nitroglycerin sitting on the mantlepiece in his cheap apartment. He had prepared it by putting commercial dynamite in hot water, so the nitroglycerin was displaced from the adsorbent by water, and floated to the top, where he skimmed it off.

When he was brought to trial, his lawyer claimed insanity, and the jury agreed with the lawyer—no psychiatrist needed. Any man who lives for ten days or more with a half-quart of nitroglycerine sitting in a milk bottle on his mantlepiece *must* be insane.

Your friendly corner drugstore can readily supply the ingredients for a simple, effective, high-power bomb that doesn't even need a detonator. Just mix a couple of white, crystalline powders—being *very* gentle!—and put them in a length of gas pipe, capped at both ends, and all you need do is throw it.*

There are plenty of simple chemicals, available at drugstores, hardware stores or supermarkets that can readily be combined to make bombs that don't even need detonators.

However, dynamite caps aren't too hard to steal, if you're in the crime business anyway, or planning to get in. And then all you need is some fertilizer and household heating oil for a really professional high-explosive bomb.

If the detonators seem hard to come by, a little disinfectant from the drugstore, and some innocent ammonia can be converted to a real dilly. (Any chemist present knows what I mean.)

The point of all this? Simply that guns are not the problem—they're the symptom. Take that symptom away, and in any high technology culture alternative technical weapons are available on every supermarket, hardware store or drugstore shelf.

In a modern high-technology civilization, the smart and utterly unprincipled barbarian has a million tools of death available to him.

If you insist on death-by-remote-control, remember that a crossbow is just as deadly now as it was five hundred years ago—and with modern metallurgical products available—such as automobile springs—could be made capable of even greater range and penetration power.

The problem is not weapons.

The problem is murderers.

The problem is the problem of imposing discipline on the unprincipled.

Punishment of criminals is not intended to restore the victim; nobody ever considered it would. It's intended to prevent the criminal considering the crime worth the cost.

Fools have said that, because punishment of criminals never stopped murder, punishment is, therefore, useless.

This is like saying that, because doctors can't cure death, there's no use for doctors. That because the space vehicles, such as Gemini and Apollo, leak air into space, there's no point in having seals around the windows and lock-doors. That because heat still leaks out of your house during the winter, there's no use having insulation and storm windows installed.

In effect, that because total success cannot be achieved, there's no use trying.

The death penalty for murder makes a great deal of sense; most people prefer not to die, and the stronger the probability that a certain act, murder, will lead to execution, the less attractive murder will appear. Moreover, execution has the great advantage that one known murderer—for whatever reason he may have chosen to commit the crime—definitely will not repeat his act.

Sure . . . there's some degree of probability a few innocent men will be wrongfully convicted and executed. That probability is less

*Any chemist can name the two powders; pardon me if I skip publishing the details involved for some not-too-bright kid to try experimenting with. Only the stupid and/or insane would do so, but there're always some around.

than the probability that a murderer will mistake his victim and kill somebody else, and much lower than the probability that a murderer, seeking to kill A, sprays the neighborhood with death killing B, C, D, and E also, while wounding and crippling for life four other bystanders. (He had to use a bomb because the gun laws made a selective death tool much less convenient for him.)

All that we-may-make-a-mistake argument means is that nothing human is perfect. O.K.—so face up to it, acknowledge that that's how life is, and don't expect perfection as your natural right. It isn't. You're stuck in a Universe too complex for human-of-the-present-level understanding; give over the idea you'll ever get perfection, and do what any sane, responsible engineer does: Design for *optimum function*—not expecting perfection. Later, when we learn more, we can improve the optimum.

For instance, given full telepathic probes, we could assure that only the truly guilty were punished, and that all truly guilty were punished. All that would be needed would be a mind-reading probe of all those around the scene, and guilt would be immediately and infallibly determined.

The citizens remaining in any area would certainly be clean, law-abiding citizens, too—every one of them. Because the only kind of person who would not mind such a probing would be those who had absolutely nothing, either public or private, that he felt should be hidden.

That might be a perfect, crime-free state all right—but how many of you want to vote for it?

So we need an optimum. And that we definitely do *not* have—not with the swiftly rising crime rate. Of course the spectacular murders of leaders make headlines, but they are, actually, a very minor part of the crime bill. The great crime bill has to do with muggings, small-store stickups, private murders, and things that hardly make a three-inch item in the daily paper.

The reason the crime syndicate flourishes is that they do, in fact, operate with reason and restraint; the organization is run by intelligent, competent executives who have an excellent sense of what constitutes optimum from their viewpoint. They're not unduly greedy; their income derives from things the public actually wants, but won't acknowledge it wants, and won't make legal. The public wants to gamble—and doesn't pass laws making it legal and open and controlled. So the Syndicate supplies what is wanted.

Prostitution is referred to as "the oldest profession"; it's pretty evident that it's something human beings want, but are too dishonest to acknowledge—so the Syndicate supplies it.

The Syndicate is completely amoral—but not witless. They minimize murder, and confine it almost entirely to disciplining the members of their own community. The individuals who drift into professional crime are essentially undisciplined, rebellious, untrustworthy types; it takes hard-handed, hard-headed management to keep such petty crooks in line and behaving properly.

The Syndicate represents an "optimum" given the cockeyed situation of a culture that insists on having something which it insists it doesn't consider proper.

It isn't Cosa Nostra crime-in-the-streets we have to worry about; that's controlled by intelligent, though amoral, men.

Our problem is the undisciplined rebel who has *not* been taken in by the Syndicate, and disciplined in the only way that works with that type—by beatings, and a certainty that death will most assuredly follow major violation of the Syndicate rules.

The problem is the mugger, the rapist, the crackpot, and the petty crook—the type that hasn't wits enough to realize he's incompetent and a conviction that he can get away with it because he's so much smarter than the law-abiding fools. The James Earl Ray type, who spent decades trying to be a big-shot criminal, and never once got away with his crimes. And *still* didn't catch on to the fact that he was a fool.

But that, of course, is the inevitable consequence of being a fool—he doesn't see what anyone but a fool could see.

This wasn't because his childhood and home life were less than ideal—it wasn't "society's fault."

Save only in that Society didn't give him the hard-handed, hard-headed discipline that would have forced even a fool to see that he couldn't live the way he wanted to.

Our problems stem from the failure of Society to recognize that *not all men are equally competent*. That not all men have equal IQ's, or equal Moral Quotients either. Some men are born mentally defective—no fault of theirs, or of anything but The Way Things Happen. The Way the Statistical Laws of Genetics work.

And some are born morally defective; some quirk of genetics has produced an entity simply totally lacking what we know as "conscience." Such an individual simply cannot be moral-by-nature; it is no more his "evil will" than that a genetic moron's stupidity results from "willful refusal" to learn.

Incidentally, it has now been demonstrated, in a beautifully neat experiment with dogs, that conscience is *a genetically controlled factor*. The experiment—very briefly—involved testing different breeds of dogs in a "conscience test." The test involved taking the dog into a room, with a pan of food on the floor; the dog's master-trainer then told the dog he was not to eat that food, making sure the dog understood by a few swats with a folded newspaper when he first went for it.

Then the trainer left the room—while observers watched through a one-way mirror-window. If the dog had not touched the food after ten minutes alone in the room—he had a conscience!

There isn't room here to give the whole experimental setup, but the essence of it was that the African Basenji dogs showed no conscience; they devoured the food as soon as the trainer was out of the room. (The Basenji is a dog bred for ages as a lion-hunter—bred specially for bravery, persistence, and hunting ability.)

The Shetland collies proved to have one hundred percent conscience; they didn't touch the food at any time during the ten-minute test.

Retrievers showed a near-perfect record.

Shetlands have, for centuries, been bred as working sheep-dogs—and shepherds hate a sheep-killing dog with an abiding hatred. A sheep-killer, when caught, not only earns death for himself—but for all his get. The dog must *never* attack a sheep or a lamb; he must *always* herd them, care for them, and protect them against enemies—although a sheep is a wolf-dog's natural prey.

Keep up that selective breeding program for a few hundred generations and what do you expect? Dogs with a tremendously strong conscience!

Retrievers, on the other hand, are required to find downed birds, and carry them gently—uninjured—in their mouths, to their masters. They must not break the bird's skin, and must not eat the bird (despite having the odor and taste of the killed bird's blood in its mouth—something of a difficult problem for an instinctive carnivore!) on the way back to the master.

Though that was not the original intent of the experiment, it definitely showed that conscience in mammalian organisms is a heritable, genetically controlled potential.

The conclusion for humans, it seems to me, is that some people are born with consciences, and refrain from crime because they have that built-in self-discipline; others can refrain from crime when they feel that there is a pressure that backs up their somewhat feeble self-discipline with a strong, firm external discipline. And some simply have no conscience.

And these variations of natural potential are genetic, not due to any fault, or flaw, in Society.

The evil flaw in our current society is, simply, the failure to help those with intermediate, present-but-weak conscience by supplying the firm external discipline.

The strong-conscience types don't need a policeman on the beat—they have one built in. And, obviously, policemen should be selected from the "Shetland collie" types who have born-in one hundred percent self-discipline. (Note that the true sheep dog will not harm a lamb—but will attack a coyote, or a wolf, that threatens his flock. He's gentle—but by no means unready, or unwilling, to attack enemies with slashing fangs. He's got just as much iron-willed courage as the Bessanji—plus a conscience that directs it.)

The intermediate types do need a policeman on the beat—a policeman who can, and will apply real discipline if their own self-discipline slips. These are the ones who can be saved for their own, and Society's benefit, by effective, firm, external discipline.

The third class has no built-in discipline—and will behave only so long as the policeman is immediately watching. That's the type that punishment does not affect—they are the ones who will murder even when the policeman *is* watching. The ones who are not stopped by punishment—they are the ones who have led the oft-repeated cry that "Capital punishment has never stopped murder—it does no good! It's mere angry vengeance, which is inhuman!"

It is not mere angry vengeance; it helps to eliminate from the human gene pool individuals who do not have the gene for conscience. It assures that one murder is all the killer has a chance to commit.

And it does help the intermediate type to brace their somewhat weak self-disciplined conscience.

We've removed that restraint recently.

And we wonder why there's been such a ghastly increase in crime in the streets.

Isn't it mysterious?

PLAUDITS FOR POST OFFICE AT FAYETTE, IOWA

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. DULSKI. Mr. Speaker, it is pretty much human nature to complain quickly, but to put off and often to eventually forget to pay compliments for jobs well done.

It was a great pleasure for me to receive the following complimentary letter a few days ago about the postal service in Fayette, Iowa:

UPPER IOWA COLLEGE,
Fayette, Iowa, December 7, 1968.

Hon. THADDEUS DULSKI,
Chairman, Post Office and Civil Service Committee, House of Representatives, Washington, D.C.

DEAR SIR: I feel impelled to write to you about a matter that has come under my observation.

In the small town of Fayette, Iowa, I have been deeply impressed by the fine new Post Office Building, and I particularly want you to know of the excellent service we are getting.

The Post-Master here and his staff are extremely courteous and hard working. As

public servants, in my long years of experience, they seem to me to be exceptional. They are patient, efficient, and much respected by those of us who observe these kinds of things.

Would you be kind enough to let them know that at least one citizen appreciates their efforts.

Yours truly,

FRANK JONES,
Chairman, Department of Philosophy.

Mr. Speaker, I am sure that this kind of service is duplicated all across our country—but all we normally hear about are the complaints about mail delays, and so forth.

The Post Office Department is doing basically a very good job in handling the mail on a day-to-day basis. This is not to say that the postal operation is perfect, by any means. But many of the problems are due to the intolerable restrictions on the Department's administrative authority.

Postmaster William H. Merkle, of Fayette, is to be commended for the excellent job he and his staff are doing. They are a credit to the postal service.

TAX CREDIT FOR EXPENDITURES FOR THE EDUCATION AND TRAINING OF MENTALLY RETARDED AND PHYSICALLY HANDICAPPED CHILDREN

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. VANIK. Mr. Speaker, I am pleased to reintroduce my legislation of the 90th Congress which would allow parents of mentally retarded and physically handicapped children tax credit up to $600 per year for the costs of providing education and training for their children. It has become abundantly clear that progress has not been sufficiently accelerated in the regular school system to provide for adequate education for these youngsters.

There is no reason why parents should assume the tremendous burdens of assisting their children to lead normal lives without some benefit of tax relief. For this reason, I have consistently supported this legislation and plan to do so in the 91st Congress.

It is my hope that full hearings into this problem of providing special education for mentally retarded and physically handicapped youngsters can be started in the Education and Labor Committee of the House of Representatives at the earliest possible time.

Until such time as regular facilities will be available, free of charge, to the parents of these children, I will press for hearings before my Committee on Ways and Means to determine the feasible formula for tax relief for parents who must now bear tremendous expenses to provide adequate education and training for their children.

The legislation reads as follows:

H.R. 16940

A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for expenses incurred in providing education and training for mentally retarded or physically handicapped children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asesmbled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 40 as section 41, and by inserting after section 39 the following new section:

"Sec. 40. Expenses of education and training for mentally retarded or physically handicapped children.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, the amount of any expenses which are paid by him during the taxable year for the education and training of any person who (at the time the expenses are paid) is under 21 years of age and is mentally retarded or physically handicapped, and with respect to whom such individual is entitled for the taxable year to an exemption under section 151, to the extent that such expenses paid by such individual during the taxable year do not exceed $600.

"(b) TYPE OF EXPENSES INCLUDIBLE.—The expenses paid for the education and training of any person which may be taken into account for purposes of the credit under subsection (a) shall include only (1) expenses of tuition, fees, books, supplies, and equipment which are necessary for the education and training of such person at a private school for the mentally retarded or physically handicapped, or for home tutoring, and (2) such other expenses as the Secretary or his delegate may determine to be reasonable and appropriate for the education and training of such person.

"(c) MENTALLY RETARDED OR PHYSICALLY HANDICAPPED PERSON DEFINED.—For purposes of this section, a person is mentally retarded or physically handicapped if he suffers from mental retardation, or from any other health impairment, to such an extent that he requires special education or training by reason thereof.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed a taxpayer by subsection (a) shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and section 31).

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Expenses of education and training for mentally retarded or physically handicapped children.

"Sec. 41. Overpayments of tax."

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years beginning after December 31, 1969.

UNTOUCHABLES—UNFRUITFUL: W. AVERELL HARRIMAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. RARICK. Mr. Speaker, I have frequently had inquiries concerning the peace talks at Paris—are they to alienate and belittle our South Vietnamese ally or to negotiate terms of peace?

Accordingly, I think Frank Capell's Herald of Freedom for November 29, 1968, may well permit any inquirer to arrive at his own conclusion.

I include the Herald of Freedom report, as follows:

HON. W. AVERELL HARRIMAN

Having failed to keep the Democrats in power by every kind of maneuver imaginable, the "liberals" and their kept press are now working on the next item on the agenda—keeping the Democrats' architects of surrender at work in Paris. Top architect is W. Averell Harriman, expert in forcing coalition governments on unhappy countries, and assisting him is Cyrus Vance, sifted through the Adam Yarmolinsky screen into the Defense Department in the Kennedy Administration. We are now being treated to long harangues about how successful Harriman has been in the "Paris Peace Talks" and what a shame it would be for Nixon to rock the boat now that "peace" is almost here.

The bombing halt in Vietnam did not win the election even though it permitted the Republicans to vote with a clear conscience. About the only thing the bombing halt has produced is trouble. An article in the N.Y. Times of Nov. 19, 1968 stated that American officers in Vietnam are not even trying to conceal their irritation that enemy troops can move around within range of their guns and remain unchallenged. The article quotes remarks of Maj. Gen. Raymond G. Davis, commander of the Third Marine Division which "reflected the rising concern of officers that the halt in the bombing of North Vietnam, which began Nov. 1, was allowing the enemy to refurbish positions in the lower half of the (demilitarized) zone * * * These officers are convinced that the North Vietnamese are digging in for protracted warfare during what they expect will be long, drawn-out peace talks."

Meanwhile back in Paris, Harriman is fumbling the ball with his usual diplomatic finesse. Human Events of Nov. 23, 1968 reports on "Another Harriman Fumble" based on an article in the Christian Science Monitor by Beverly Deepe, Saigon correspondent, as follows:

"As the story is now unravelling, W. Averell Harriman, America's chief negotiator in Paris, may turn out to be the major reason why Saigon-Washington relationships have nearly come apart at the seams in the past two weeks. . . .

"Harriman . . . had made a major concession to Hanoi in the now famous secret peace package deal. But in Saigon, American Ambassador Ellsworth Bunker explained the package deal to President Thieu and the South Vietnamese government in such a way that this major concession was glossed over.

" 'The American concession,' says Miss Deepe, 'was the seating of the National Liberation Front (NLF) as a separate delegation at Paris—meaning that the expanded peace talks would be a four-power conference. Hanoi has consistently wanted such a conference, but Saigon has vowed for years that it would never negotiate with the Viet Cong as a separate entity.'

". . . the South Vietnamese have been worried that the United States plans to recognize the NLF and foist a coalition government on South Viet Nam. This has been repeatedly denied, but Harriman's actions and words have been most disquieting. And they are even more frightening when it is recalled that he played a major role in imposing coalition regimes in both Asia and Europe in the past."

When forcing the "coalition" government on Laos, Harriman reportedly did not even try to be diplomatic. The incident was described by Joseph Alsop as Harriman "berated" the anti-Communist leaders:

"Governor Harriman looked at the Lao leaders one by one; pointed a stern forefinger at each of them in turn; and told them that he wished them to know they would be 'responsible for the destruction of their coun-

try' if they refused to do his bidding. There was a brief silence, and General Phoumi then replied: 'You know, Governor Harriman, we in Laos have many years' experience of colonial rule. But we were never spoken to in quite that fashion in colonial times.' "

Harriman, as Undersecretary of State, was a member of the pro-coup d'etat faction led by Ambassador Henry Cabot Lodge, which encouraged the overthrow and murder of Vietnam president, Diem. Diem was a staunch anti-Communist and therefore unacceptable to the United States 'liberals.' By withholding financial and military aid when badly needed, the United States has been able to force coalition governments on nations depending upon it for help. A coalition government with Communists and anti-Communists participating always ends up with the Communists in control . . . it doesn't take long to oust the anti-Communists. It's like putting a tame pussy cat and a man-eating tiger in the same cage; one is surely going to get eaten, and the people who make the arrangements know it, even though they pretend surprise when it happens.

Harriman always seems to be in the thick of it when negotiations with Communists are involved. In his new book, "The Suicide of Europe," Prince Michel Sturdza, former foreign minister of Rumania, described Harriman in his Index of Persons as "in a leading or cooperating position in all U.S.-Soviet diplomatic arguments; less successful than in business he failed to win any of them." Sturdza watched the Communist take-over of his country, described by M. Stanton Evans in "The Politics of Surrender:"

"In late 1945, a similar (to Yugoslavia) coalition was imposed on Rumania. The non-Communist leaders wanted no part of such an arrangement, but were chivvied into it by Averell Harriman, who performed there the role assigned to Marshall in China. At Harriman's urging, the Rumanian anti-Communists reluctantly entered the coalition, and not too long after that entered prison as well. Rumania went Communist."

Human events of March 3, 1962 pointed out that "From Rome it is reported that conservative and center politicians have personally reproached the American ambassador with remarks like 'Why did you not try to stop this disaster?' Averell Harriman and other diplomatic personalities of the Kennedy regime have been accused by Italian newspapers of fostering this changeover to a left-of-center government in Rome and a 'neutralist' policy for Italy."

The Allen-Scott Report of February 20, 1965, referring to the situation in the Congo, stated. "Under Secretary of State Averell Harriman either isn't reading the Central Intelligence reports from Africa or he is deliberately misleading Congress.

"That's the opinion of one legislator briefed on the Congo by Harriman during a closed-door meeting of the House Foreign Affairs Committee.

"When Harriman failed to mention anything about Soviet or Chinese Communist activities in the strife-torn Congo, Rep. Frances Bolton of Ohio, ranking Republican on the committee, asked the former U.S. ambassador to the Soviet Union if he had overlooked this.

" 'There is no Chinese or Soviet intervention in the Congo,' replied Harriman. 'We have no evidence that Peking or Moscow has sent either arms or men there.'

" 'You must be mistaken,' challenged the soft-spoken Mrs. Bolton. 'Pictures have been sent me from Africa showing both Chinese and Soviet arms captured from the Congolese rebels. I am told this information has also been gathered by the CIA. Haven't you been advised?' "

William Averell Harriman was born in New York, N.Y., November 15, 1891, the son of Edward Henry (Ned) Harriman and the former Mary W. Averell. He was educated at Groton and graduated from Yale in 1913. His father died before he entered college, leaving him and his brother, E. Roland Harriman, about a hundred million dollars. The story of how his father acquired such a fortune is extremely interesting.

We are indebted to the book by Stephen Birmingham about "The Great Jewish Families of New York," entitled "Our Crowd" for much information about the father of W. Averell Harriman. In this book is traced the progress of this ex-office boy and son of a poor Episcopal clergyman who made a fortune in railroads with the financial backing of Jacob Schiff of Kuhn, Loeb and Company, who were also the financial backers of the Communist take-over of Russia, commonly known as the Russian Revolution.

The collaboration of Schiff and Harriman began when they bought the Union Pacific Railroad on November 2, 1897, and continued for over twenty years during which the two men were in "almost daily contact." Harriman amassed the "greatest single railroad fortune in the world," and Schiff became rich through his alliance with him. Schiff lived at 932 Fifth Avenue and Harriman at 881 Fifth Avenue, the elegant section of New York City. When E. H. Harriman died in 1909 his sons inherited his wealth and railroad holdings.

W. Averell Harriman went to work for the Union Pacific Railroad after graduation from Yale and rose within two years to become a Vice President, which isn't too hard to do when you own the company. He established the Merchant Shipping Corporation shortly before World War I and in 1920 established the private bank of W. A. Harriman and Company which merged with Brown Brothers in 1931 to become Brown Brothers, Harriman and Company. In 1927 he had disposed of his shipping interests to devote his time to finance and became chairman of the board of the Union Pacific Railway in 1932 and later established the winter resort, Sun Valley, on land owned by the railroad.

As early as 1920 Harriman and Co. granted a loan to Lenin who had been put in business by his father's friend, Schiff. In 1928 Harriman and Co. were the chief organizers of the engineering undertaking that put afoot heavy Soviet industry. It furnished securities for all the Soviet purchases in the United States and collected all the commissions. ("The Suicide of Europe," Sturdza, $6.95, Western Islands) in the book "Present-Day Russia" by Ivy Lee (Macmillan Co., 1928) we read about the Harriman Concession:

"The Russians consider that the best illustration of their real concessions policy is to be found in the Harriman case. Mr. W. A. Harriman made a contract with the Russian Government involving the development of manganese ore properties in the Causasus. Under his contract he was to pay to the Government a certain royalty on each ton exported, he was to build a railroad, and of course he had to employ labor to work on his properties. The concession has been found unworkable, however.

"The Harriman concession has now been renewed upon terms far more favorable to Mr. Harriman. . . . The Russian Government officials instance the Harriman case as an example of their reasonableness and disposition to meet the concessionaire halfway in taking care of unexpected conditions. Just how much of the attitude of the Government is due to its quite frank recognition of the fact that upon the success of the Harriman concession will depend any possibility whatever of enlisting the interest of American capital in Russia, cannot be estimated.

"One of the members of the Concessions Committee outlined the attitude of the Committee toward the Harriman concession in the following language:

" 'We are interested more in the organization of enterprises conducted by the newest and best methods. . . .

" 'When we signed the original agreement with Harriman, its conditions must have been acceptable both for him and for us. . . .

" 'However, we did not hold to the letter of the agreement. We decided to meet him halfway and help him organize a model enterprise. We are ready to alter some of the provisions of the contract. In so far as it depends on us to do it, we are willing to help him solve his troubles.

" 'Of course we are naturally interested in finding a place in the sun for our own manganese which is produced at the Nikipol mines. We want to find a niche for it in the world market, but we are willing to curtail our export in order to make it possible for Mr. Harriman to fight his competitors. . . . We know that if one big concession becomes a failure it will mean a serious blow to our concessions policy. That is why we are interested, no less than the concessionaires themselves, in making concessions successful.' "

So we see that W. A. Harriman was cooperating with the Communists even before they were officially recognized by the United States as the legal government of Russia. He seems to have never stopped cooperating, even when we are presumably "fighting Communism" in Vietnam. His machinations have helped turn country after country over to the Communists.

Harriman reportedly entered government service under Roosevelt through a "chance meeting" with Harry Hopkins (a Communist agent) on the croquet field at the Long Island estate of Herbert Bayard Swope. Harriman had originally been a Republican but became a Democrat in 1928 because he liked Al Smith. Harriman was appointed by Roosevelt to be Administrator of Division II of the NRA in January 1934, moving up rapidly to become special assistant administrator for the NRA in March 1934 and two months later replaced Gen. Hugh Johnson as administrator. He joined the Business Advisory Council for the Department of Commerce in 1933 and was its chairman from 1937 to 1940.

Before the American entry into World War II Roosevelt created the job of "defense expediter" for Harriman who worked in London as liaison officer between the American and British Governments, keeping the President informed of British needs. After the Lend-Lease Act was passed in March 1941 Harriman extended his orbit, going to the Near East and Russia. Harriman promised that hundreds of planes and tanks would be sent to Russia, stating "The flow will be constantly increased and eventually will be limited only by problems of transport." He stated, "Hitler will never destroy Russia" and called for "quick and increasing" aid to Russia.

In the book "The Roosevelt Myth" by John T. Flynn (page 340) our "negotiating" ambassador was referred to as follows: "Harriman told various persons that Stalin was not at all a revolutionary communist but just a Russian nationalist."

In the Senate Internal Security Sub-Committee Hearings on the Institute of Pacific Relation, page 2682, the following appears: "September 30, 1941 New Masses (communist magazine) . . . It is good to hear from Averell Harriman . . . that hundreds of American planes are arriving on Soviet soil. But the plain fact is that American aid, both for Britain and the Soviet Union, is still a shadow of what it ought to be."

Harriman was present at Roosevelt's meetings at Casablanca (Jan. 1943), Quebec, Moscow, Teheran, San Francisco and Potsdam. On October 1, 1943, Harriman was named Ambassador to Russia, a position which he held three years during which he consulted with Salin approximately once a month, a courtesy supposedly not accorded any other diplomat. At his first press conference Harriman stated: "One matter I think deserves the greatest possible consideration at this time is the assistance the United States can

give to the Soviet Union in the rehabilitation of devastated areas and the repairing of other dislocations caused by the war."

Current Biography 1946 describes Harriman's activities at this time: "The American Ambassador often acted in concord with the Russians, as when he told the Polish Committee of National Liberation that the United States would not oppose Russian wishes in regard to the Polish question. In February 1945 he was appointed to the committee conferring in Moscow with the various Polish factions. He attended the conference at Potsdam in July and soon after Christmas of 1945 transmitted the terms of the peace treaty to the Rumanians which facilitated the *broadening* (Emphasis ours-Ed.) of the Bucharest Cabinet as a condition of recognition."

While in Moscow, Harriman was instrumental in the turning over of plates for printing U.S. currency to the Soviets. In "From Major Jordan's Diary" we read:

"It started early in 1944 when the need for uniform occupation currency in Germany was acknowledged by the Allies. On January 29th Ambassador Averell Harriman informed our State Department from Moscow: 'Great importance is attached by the British Government to the Russian Government's participation in this arrangement.' Cordell Hull informed Harriman on February 8th that the U.S. would be glad to print money for Russia: 'The production of sufficient currency to take care of Soviet requirements, if desired is being contemplated.'

"On February 15th Moscow's answer came from Harriman: 'The Commissariat for Finance considers that in preparing the currency it would be more correct to print a part of it in the Soviet Union in order that a constant supply of currency may be guaranteed to the Red Army. . . . It will be necessary to furnish the Commissariat for Finance, in order that the M-marks may be of identical design, with plates of all denominations, a list of serial numbers, and models of paper and colors for printing.'

"The Russian technique was clever: don't ask whether your demand will be met; ask when it will be met. Harriman's cable ended as follows: 'Molotov asks in conclusion that he is informed soon when the Commissariat for Finance may receive the prints, models of paper and colors, and list of serial numbers. Please instruct.' "

The Russians printed hundreds of millions of dollars with the U.S. plates, all of which were redeemed at U.S. taxpayers' expense. In this connection Harriman cooperated with Soviet agent, Harry Dexter White, who had infiltrated the U.S. Treasury Department and approved the turning over of the plates to the Communists.

When Harriman resigned as Ambassador to Russia in February 1946, he returned home via Chungking where he conferred with Chiang Kai-shek and Gen. George C. Marshall, who was the one who forced the coalition government on China which resulted in the Communist take-over of those unfortunate people. Upon his return to the United States Harriman held a press conference in which he stated: "Russia does not want war with the United States and is trying to cut off avenues of invasion by surrounding herself with friendly small nations."

Harriman was named Ambassador to Great Britain in March 1946 and appointed Secretary of Commerce in September, 1946, a position he held until April, 1948. He was the U.S. representative in Europe under the Econ. Cooperative Act of 1948; special assistant to the president, 1950–1; the American representative on NATO, 1951; director of the Mutual Security Agency 1951–3. Harriman had presidential aspirations in 1952 and 1956 but was unsuccessful in obtaining the nomination. His only elective office was that of Governor of New York, being elected in 1954 to serve from 1955 to 1958. He failed in his attempt at reelection and remained in the background until resurected by the Kennedy Administration. He was named ambassador-at-large, Assistant Secretary of State for Far Eastern Affairs, 1961–3; Undersecretary of State for Political Affairs 1963–65; reverting to ambassador-at-large on March 11, 1965. Among his accomplishments was the no-inspection test ban treaty with Moscow in 1963.

Harriman married Kitty Lanier Lawrance on September 21, 1915, and they were divorced in 1929. The following year he married Mrs. Marie Norton Whitney, former wife of Cornelius "Sonny" Whitney. He has two children by his first wife: Mary Averell (Mrs. Shirley Carter Fish) and Kathleen Lanier (Mrs. Stanley Grafton Mortimer, Jr.). He is a member of the Council on Foreign Relations.

Since June, Harriman, who has supported a cease-fire since 1965, has been in Paris participating in "Peace Talks" which have accomplished exactly nothing except the alienation of our supposed ally, South Vietnam. In spite of this poor record, the N.Y. Times and "liberal" spokesmen are calling for Nixon to retain him when he takes over the presidency in January. An article in the N.Y. Times of November 17, 1968 states:

"Ambassadors W. Averell Harriman and Cyrus Vance hailed as a 'splendid team' today and said that he would recommend to President-elect Richard M. Nixon that they continue to direct the Paris talks with Hanoi after the inauguration. . . .

"Both Mr. Harriman and Mr. Vance are warmly endorsed as well as the Administration's over-all peace efforts.

" 'I think continuity is extremely valuable in the situation,' he said. 'Whether it is fair to ask these two men to stay on is another question. I know that Mr. Vance has been trying to return to his civilian practice for some time. But if at least one of them could be persuaded to stay, it would be a good thing.'

"Mr. Harriman, a stanch (sic) Democrat who is 77 years old, has said that he intends to return to his home in Washington. He is known to bear personal opposition to Mr. Nixon, and in recent weeks it has been said that he probably would decline to serve under him."

However, newscasters have said that Harriman would probably put the good of the country ahead of his personal feelings and stay if Mr. Nixon requests him to do so. When it comes to a choice between his private feelings and the opportunity to help a country go Communist, Mr. Harriman can be depended upon to choose the latter, if previous experience counts for anything. We hope Mr. Nixon won't give him the opportunity to make that choice.

PRIORITY FOR ELECTORAL REFORM

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. ULLMAN. Mr. Speaker, the first day of the 91st Congress I introduced legislation which would be known as the National Presidential Elections Act. One measure, House Joint Resolution 99, would amend the Constitution to abolish the electoral college, provide for a direct popular election of the President, and establish a national presidential primary election. It is accompanied by a bill, H.R. 18, which outlines the procedures for accomplishing these reforms.

In an editorial last Monday, the editors of the New York Times asked Congress and the new administration to address themselves to the need for electoral reform in our country. I include this editorial in full in today's CONGRESSIONAL RECORD:

PRIORITY FOR ELECTORAL REFORM

A tide of public and Congressional support is building up for an end of the Electoral College system of selecting Presidents and Vice Presidents. The 1968 election loser, Hubert Humphrey, has already set forth his conviction that the system is "archaic" and in need of fundamental reform. The winner, President-elect Nixon, has perhaps even more reason to share that view. Circumstances have conspired to involve him in a series of potential constitutional crises.

It was Mr. Nixon, as Vice President in the Eisenhower Administration, who endured the agonizing dilemma of not knowing when or how the powers and duties of the nuclear-age Presidency would become his should an incumbent President prove too seriously ill to discharge them. This uncertainty produced the 25th Amendment detailing procedures on succession and disability.

Then, as a candidate for the Presidency in 1960, Mr. Nixon lost narrowly to John F. Kennedy under circumstances in which a slate of unpledged electors might have denied both candidates the requisite electoral majority.

If there had been a deadlock, the unpledged electors would have been in position to offer their votes on an auction-block basis in exchange for commitments from the candidates.

In November Mr. Nixon won under circumstances in which a third-party candidate might—by the shift of a few thousand votes in Illinois and Missouri—have created an Electoral College deadlock. This deadlock could have forced selection of the President into the House under an inequitable one-state, one-vote procedure susceptible to political wheeling-and-dealing and subversion of the popular will.

Fate has not left things at this.

Only shortly after winning an electoral majority, Mr. Nixon and the nation learned of the arrest of three men charged with conspiring to take his life. Despite constitutional amendments clarifying some aspects of succession, large, gray areas of doubt remain and the death of a President-elect could still create a crisis. Who would become President?

It is time the nation revised an electoral system that was designed for a wholly different day. Mr. Nixon could prepare the way by appointing a Presidential commission to study existing problems and recommend solutions. Such a commission could draw on work already done by the American Bar Association and the Congressional hearings already held. It could also provide a focus for the new hearings planned by Senator Birch Bayh and Representative Emanuel Celler.

This newspaper favors simple, direct election of Presidents and Vice Presidents, as does Vice President Humphrey, and there seems to be growing sentiment for that sort of reform. A Presidential commission could study ways of implementing direct election, including ways of providing for national voting standards, assuring the honesty of the tally and setting up machinery for swiftly resolving disputes.

The search for electoral reform deserves priority in the new Administration.

HOW THE RUSSIANS HELPED THE CZECHS

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. O'NEAL of Georgia. Mr. Speaker, a cogent and pungent editorial appearing in the Daily Tifton Gazette of Tifton, Ga., deserves sharing with my colleagues.

With withering logic and powerful expression, it deals with the Soviet occupation of Czechoslovakia and the lame excuses of the American Communist rat, Gus Hall. The editorial follows:

HOW THE RUSSIANS HELPED THE CZECHS

The Soviet occupation of Czechoslovakia has not occasioned a crisis of conscience among American Communists or Communist sympathizers like the one that turned hordes of them away from the religion of Marx and Lenin during the bloody suppression of the Hungarian revolt in 1956.

There has been muttering in the ranks, however, enough to warrant the publication of a 36-page apologia by Gus Hall, general secretary of the Communist Party, U.S.A.

To the charge that the Soviet Union, Hungary, Poland, East Germany and Bulgaria violated the national sovereignty of Czechoslovakia, Hall answers with a homely analogy:

"No man has the right to enter another man's house without his permission. Suppose, however, that a fire has broken out at night in your neighbor's house, endangering his house and yours and others. You knock on the door to awaken him." (Translation: The Kremlin issues a warning.)

"No answer. You knock louder." (You summon Czechoslovakia's leaders to a meeting.) "No answer." (They refuse to knuckle under.) "You break in and help put the fire out." (You send in a couple hundred thousand troops.)

"Does anyone really believe that the five powers were really violating national sovereignty?" asks Hall.

We suggest the question be put to the Czechs and the Slovaks, who seem remarkably ungrateful to their neighbors for their timely aid. Perhaps it is because the fire which Russia saw raging in their house was to them merely the flickering flame of democracy.

Hall grants that there were abuses of democracy by the Communist bureaucracy in Czechoslovakia and legitimate grievances against its policies.

"But in the correction of these policies the new leadership of the party went to the other extreme and forgot the limitations of democracy under conditions of the dictatorship of the proletariat," explains Hall.

"What are those limitations? That democracy, the right of free speech, press, etc., does not mean the right to undermine the leading role of the party, nor to undermine socialism."

This definition of democracy reminds one of Henry Ford's statement that customers could have any color car they wanted, so long as it was black.

As an American, Hall takes full advantage of his constitutionally guaranteed rights of free speech, press, etc., to attempt to undermine this country's political system.

Is it not passing strange that this system—false, brutal, corrupt, evil, oppressive and enslaving, as the Communists tell us it is—seems absolutely immune to any assaults by print or speech that Hall or anybody else can mount against it, while the noble people's governments of socialist lands tremble at the mere thought of allowing the people to freely express their opinions?

America will only be in danger when it begins imitating the Communists—when it begins to be afraid of the likes of Gus Hall and afraid of letting him say whatever he wants to say, as loud and long as he wants.

QUALITY EDUCATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune, on January 9, carried an editorial entitled "Quality Education," which addresses itself to the dilemma of providing adequate education in this country today.

Intent attempts at every level of government are now being made to insure the finest educational systems in the world throughout this country. Needless to say, in a country where the greatest educational programs are carried out—as is the case in America today—we find ourselves confronted with the tremendous task of providing quality education for all.

As chairman of the General Subcommittee on Education here in the House, I cannot impress too deeply upon my colleagues the need for direct and positive action in the area of education.

I urge each and every one of my colleagues to review the excellent editorial prepared on the question of quality education by the Chicago Tribune, which follows:

QUALITY EDUCATION

Current discussions involving the Chicago board of education and the Chicago Teachers union provide but one of an infinite number of examples of loose talk in the United States about "quality education." Educationists have been so secretive about what goes on in American schoolrooms that discussions of "quality" in American education are all too often based on too many assumptions and too few facts.

It is known that some individuals manage to reach college age with an admirably sound eduction—and that far too many, both dropouts and high school graduates, reach mature years still functionally illiterate. That formal education is ineffective with a dangerously high proportion of youngsters cannot be denied. But that school problems are soluble in more money is a bald assumption. It just has not been demonstrated that if teachers' salaries were high enough, classes were small enough, and teachers took enough courses in pedagogy all would be well.

Roger A. Freeman, economist on the staff of the Hoover Institution at Palo Alto, Cal., and for many years a close student of school financing, has written for the current issue of National Review a cogent article entitled "Dead End in American Education." Here he uses a number of official reports to deflate the assumption that what the schools need is more money rather than more intelligence.

For example, the Coleman report to the federal office of education in 1965 stated, "The physical and economic resources going into a school had very little relationship to the achievements coming out of it. . . . If it were otherwise, we could give simple prescriptions: increase teachers' salaries, lower classroom size, enlarge libraries, and so on. But the evidence does not allow such simple answers." This report found that pupil-teacher ratios "showed a consistent lack of relation to achievements among all groups under all conditions." These conclusions followed a study of 4,000 schools with 600,000 pupils.

To back this up, Mr. Freeman quotes an underpublicized passage in "The Encyclopedia of Educational Research" [1950] stating, "On the whole the statistical findings definitely favor large classes at every level of instruction except the kindergarten." Obviously, small classes make life easier for teachers—and harder for taxpayers—but there is no evidence that they are a great help to pupils' learning.

And how successful have various expensive educational experiments been? Mr. Freeman has found several little-known official reports. One by the Center for Urban Education to the New York school board on the "More Effective Schools [MES] project read: "The achievement test data showed that the profiles of MES schools were no different from the profiles of these same schools before the program was instituted." Of "compensatory" education under title I of the 1965 school aid bill, Rep. Roman Pucinski of Chicago, one of the bills' sponsors and chairman of a House education subcommittee, said, "It is a monumental flop." Assistant Commissioner of Education Joseph Froomkin said of the program, "We still have little evidence that the problem is being licked; in fact, we may even be falling behind."

Headstart, the most appealing of the federal educational experiments, yielded some positive evidence. But time has shown that gains in the test performance of Headstart youngsters did not last. After these children had spent some time in ineffectual schools, they were no better off than classmates who had not been in Headstart.

In short, this country's school problems cannot be dissolved by putting ever more millions of dollars into the hands of people who do not know how to make good use of money. All of us with a sincere interest in quality education should insist not so much on more money for education as on more education for the money.

In a book published in 1960, Mr. Freeman wrote, "Productivity in other types of activity [than education] has been climbing steadily and steeply. . . . But each teacher now instructs fewer pupils than she did 30 or 50 years ago. Whether the achievement level of the schools' graduates meanwhile has improved or deteriorated is controversial. . . . Pupils in American public schools are reported to be two or more years behind their European counterparts in academic achievement."

What American education needs most is a clear-eyed, forthright, public examination of the results. We strongly support efforts to develop before-and-after information which will make possible identification of educational practices which succeed [and thus deserve wider use and funding] and of those practices which fail. Without such information, multiplying money too often will only multiply waste and frustration.

HONESTY IS THE BEST POLICY: THE U.S. COMMISSION ON CIVIL RIGHTS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. GONZALEZ. Mr. Speaker, I have learned from lifelong observation, from

bitter political fights, and from deep personal experience that racial discrimination is among the most devastating and destructive forces in any society. Nothing is more callous, more unmindful of human decency, or more irrational than racial discrimination. Decency demands an end to it, and I have engaged in long and bitter fights to bring about an end to discrimination. I need no lessons in what this evil practice is or what it can do, nor do I need any lessons in the courage required to fight it.

The U.S. Commission on Civil Rights is empowered to investigate alleged violations of voting rights, study and collect information on legal developments which constitute a denial of equal protection of the laws as guaranteed in the 14th amendment, serve as a clearinghouse for information related to civil rights matters, and appraise Federal laws and policies bearing on civil rights matters. In short, Congress created this Commission to keep abreast of civil rights-related developments and to recommend such changes in law or policy as might be necessary to help assure that every citizen in this land does in fact enjoy his full rights. My recent experience with the Commission leads me to believe that it is failing in its function, and that it ought to reform its activities so as to be more productive, and to serve the goals set out for it in the Civil Rights Act.

I do not believe, for example, that there is any profit in the Commission investigating facts that are already known. Nor do I believe that there is anything to be gained if the Commission staff establishes investigations or hearings that are unfair or unobjective. The Commission has just recently concluded hearings in San Antonio, and I have every reason to believe that the hearings developed nothing new, and that they certainly were not conducted in anything like the thorough and fair manner that must be expected of such an organ of the Government. Commission staff members seemed to have been far more inspired by moral fervor than pursuit of facts, and far more interested in political hay than individual rights. Emotion replaced judgment, and a desire for exposé overcame any hope for sound findings and recommendations. At one time my staff pointed out patently false charges made by a Commission advisory board, and asked for the Commission to correct the record, but the reply was that the result had been to the Commission's liking, so there was no real need to correct any record. In short, the end justified the means. At one time I asked why I had not been kept informed of Commission activity, and received the incredible response that Congressmen generally were not interested in such matters, and anyway if I had been informed, every other Member of Congress in the Southwest would also have had to be informed; it was just too much trouble apparently. Deceit, poor judgment, plain discourtesy, and other failings are failings whether they are committed by a righteous or an unrighteous man, and I suggest that for all its good intentions, the Commission staff has serious shortcomings.

It is unfortunate that the members of the Commission on Civil Rights are not full-time members, but must instead take time from their busy lives to run hearings from time to time, and attend to Commission business only as it suits them or as they are able to find time. The result is that the Commission staff acts independently from the Commission itself; the least informed people about Commission work seem to be the Commissioners themselves. I think that if they were able to spend more time on the job and devote more energies to their work, the Commission members would have a very much more effective organization. I suggest that Congress should consider creating a full-time Commission on Civil Rights, with paid full-time commissioners. This would present us with work that is truly the work of the Commission rather than a staff that appears to be less than objective, and often less than competent, sometimes almost comical. This is work that needs attention and needs direction of able and dedicated men, not the staff work of men who may be dedicated, but not terribly able. Those who suffer from poor Commission work are the people who need help—the poor, the left-outs, and the left-behinds of society. I suggest that as long as Commission work continues as I have seen it in my own experience, there is little hope that substantive progress can be achieved in writing such new laws as may be needed, or in setting up new programs that could be of benefit.

The conception of the Commission staff seems to be that their job is to expose injustice. But the fact is that we know about injustice, and there is little need to keep investigating what we already know. For instance, in the San Antonio hearings, a migrant family told of its problems. This is good, but the Senate Subcommittee on Migratory Labor already knows about these problems, and has been pushing for corrective legislation for many years. I myself know these problems, and have made it my business to know them, and have sponsored and will again this year sponsor laws to prevent the exploitation of migrant workers, to improve their wage and working conditions, and to enable them to enter into collective bargaining under the National Labor Relations Act. The San Antonio hearings elicited information about certain school problems, but these are already known matters, and these are matters that are being dealt with through new programs, new laws, and through certain court actions. There was discussion about the identity crisis and other race-related matters, but these too are already known to scholars and laymen alike. Much testimony the Commission heard could have been read from my speeches to this House and my articles in various publications, some of them dating back 5 and 6 years. In short, the Commission made good headlines, but it broke no new ground and discovered no uncharted lands. The quality of injustice is known, and what we need is proposals for bringing justice about, suggestions for action and reform rather than repetitious exercises in frustration.

Mr. Speaker, the Commission on Civil Rights can play a valuable function in the urgent business of this land, but only if its affairs are conducted efficiently and effectively, only if its words and actions are credible, and all of these can only be if the Commissioners themselves devote enough time and energy to giving direction to the work of the staff; they cannot hope to achieve success by remaining mere figureheads and decorations at setpiece hearings.

I say to the Commission: Honesty is the best policy.

I propose in future days to bring before the House details which will support my claims, and which will show why reforms are needed. I thank you for your attention.

V/STOL AIRCRAFT: A DEFINITIVE VIEW

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. OTTINGER. Mr. Speaker, the pilot issue of Government Executive includes a definitive and perceptive article on V/STOL aircraft. Development of V/STOL is reaching a critical point. The decisions and policies made in the next year or so will have profound effects on the shape of aviation and air travel for decades to come.

I commend Government Executive's article to the attention of all those who share my concerns over aviation development and offer it for inclusion in the RECORD:

V/STOL AIRCRAFT NEARING DECISIONS: QUESTION IS: WHAT WILL THEY BE?

Highlights: The Vertical Takeoff and Landing (VTOL) and Short Takeoff and Landing (STOL) aircraft are a puzzlement and imminent. The future of V/STOL is both assured and uncertain. These points are established.

1. Neither the Federal Aviation Administration nor the Armed Services have successfully defined what a STOL aircraft is;

2. This lack of definition is hampering development of the aircraft and the STOL ports they would operate from;

3. STOL, when it arrives, will help solve noise abatement and air pollution problems as well as relieve air and terminal congestion;

4. Military requirements are established sufficiently to justify research and development, but some programs will terminate in 1970;

5. Studies are underway to improve Instrument Landing System equipment for STOL and VTOL aircraft but it may be years before refined equipment is available for both aircraft and the ports that will handle them.

VTOL is fairly easy to define, but STOL is not; both FAA and the military agree on this. VTOL is a helicopter pure and simple; STOL is not simply an aircraft that takes off and lands on a short strip of real estate. "Every time you say STOL," said one Air Force expert, "you have to put a number with it, . . . a 1,000-ft. STOL, a 1,500-ft. STOL, a 2,000-ft. STOL—however much runway you need to get that aircraft off the ground or back on it. If you go to a 3,000-ft. STOL, why that isn't a STOL, it's a C-130 *Hercules*, and that's a different horse. It depends on lift and payload; how much payload are you going to

sacrifice if you're going to get that aircraft airborne in the length of strip you want to restrict it to. I cannot assess the word STOL; the 'V' I can."

Last March, FAA, in announcing a four-day meeting of experts from military and Government agencies and industry to discuss tentative airworthiness standards proposed by FAA for V/STOL aircraft, admitted it too had difficulty in defining STOL. It said:

"For convenience, VTOLs are defined as those aircraft capable of vertical lift and hovering with respect to a fixed point in space under calm conditions, while the STOL class is identified mainly with conventional fixed wing types having lift augmentation.

"Many VTOLs also have a STOL mode of operation at higher weights; however, some STOL types may employ additional lifting means similiar to VTOLs.

"The more inclusive term, 'V/STOL,' therefore, is used to designate such aircraft. An aircraft found capable of meeting the certification requirements for both VTOL and STOL types would be certified V/STOL."

The tentative standards being proposed by FAA were based to a large extent on existing certification requirements applicable to transport category rotor-craft and fixed wing aircraft where design features were similar to those aircraft. "At the same time," said FAA, "they attempt to reflect the wide variety of novel design and operating features characteristic of V/STOLs and on which these new classes of aircraft depend for lift and control."

Still under study are such diverse features as boundary layer control, lift fans, tilt wing turboprops, ejector jets, rotable props and ducted fans, direct lift jets, deflected thrust devices, stowed or stopped rotors and propulsive wings.

In December 1965, FAA called in military and industry experts, as well as some of their own, to form a group known as the Airworthiness Standards Evaluation Committee (ASEC). The purpose of the group was to study FAA's airworthiness regulations from the standpoint of their timeliness and applicability to modern types of aircraft. The Committee recommended that a set of tentative standards be developed for V/STOLs to serve as the basis for "special conditions" to be applied by the FAA in V/STOL certification.

Industry thought the 1970s would be the market years for large V/STOL transports for 100 passengers and more and told FAA that if it, industry, was to develop such an aircraft for operational use in 1975, it would need the tentative standards by July 1968. As a result of a series of meetings by a team headed by Charles E. Chapman, Acting Chief of Program and Planning in the Flight Standards Service of FAA, the Agency, in one year's time, wrote and published a detailed "guidance" users refer to as the "Yellow Book"—because of the color of its cover page. It is titled "Tentative Airworthiness for Verticraft/Powered Lift Transport Category Aircraft"; it was published last July.

"It is a guide," Herb Slaughter, Jr., FAA's Chief of Engineering and Manufacturing Division, told *Government Executive*, "it has no legal basis—but it does give a feel of present FAA thinking in the design of this type civil aircraft." Generally, he said, all major manufacturers are looking at paper designs of STOL. All major manufacturers participated in preparing the Yellow Book and FAA may soon get requests for certification from two or three companies.

The Yellow Book recommends STOL airport facilities have runways 1,500 feet long and 100 feet wide, taxiways 60 feet wide, and pavements strong enough to support 150,000-pound transports. This gives a silhouette of sorts of an aircraft design that is most likely to get approval. The recommendations, of course, are only that—recommendations—and industry may rightfully feel that the cost of developing a 1,500-ft. STOL aircraft would be excessive in cost at this time and costly in delay required by design. The Yellow Book does provide an extra 150 feet at either end of the runway for overruns, with an extra 50 feet of prepared shoulder surface on each side of the strip.

Slaughter believes that the difficulties for STOL should not be great because of the state of the art. He also believes that STOL aircraft should have a tendency—power being equal—to reduce noise because it climbs at a higher angle, getting away soon from the immediate area.

To this latter point, Miss Joan B. Barriage agrees. She is FAA's Program Manager for VTOL and STOL in the Aircraft Division, and one of two or three ladies in the country with a degree in aeronautical engineering (Purdue). A STOL designed with deflected slip-stream can climb, after takeoff, at 133 knots at a 16° climb angle for noise abatement, or it could accelerate to 200 knots in level flight in approximately 20 seconds and climb at 4,000 feet per minute at a 13° angle.

The McDonald Douglas Corp, is working with Societe Breguet of France on the type of certification of a 50-passenger version of the cross-shafted, deflected-slipstream STOL concept. It has been flight demonstrated since June 1961 by the Breguet 941–01 model. Lockheed has conducted studies of manufacturing a 30-passenger compound helicopter using the rotor and other system technology developed for the Army in the AH–56A. But it would be about three years before either of these concepts would be ready for airline service.

"A large STOL would be economic," Miss Barriage told *Government Executive*, "it would be using its own facilities. The airline industry is looking upon STOL aircraft in view of public acceptance and maintenance and feels it is just another aircraft which the industry can handle. But I don't think the public will accept such a large passenger-carrying rotary."

It is possible to operate V/STOL aircraft at busy terminals, but FAA would insist that the aircraft can be controlled more efficiently at high density airports by using a separate approach pattern and runway. This was concluded in a recent FAA study. The tests were conducted near Atlantic City, N.J., and showed that, although it was possible to operate using present air traffic control procedures, it may be difficult to get desired spacing between aircraft on final approach. "This difficulty," said FAA, "is due to the great differences in final approach speeds between V/STOL and conventional airplanes and also the variations in approach and landing speeds of different STOLs." Separate, but parallel facilities are recommended.

Said Miss Barriage, in a paper prepared in collaboration with Richard E. Kuhn of NASA's Langley Research Center, "Whether undertaken by municipal governments or by air-transportation services, construction of the VTOL and STOL facilities must be done concurrently with the aircraft and airspace developments. The ports must be much nearer, either physically or timewise to concentrations of travelers than the conventional airport, must have good interface with ground-transportation facilities and must be compatible with surrounding land use, primarily from the point of view of noise."

If our aviation system can provide a parallel strip for STOL shorter than that which jet transports are using today, Miss Barriage told *Government Executive*, then the system stands a chance of succeeding. An FAA air control team covered some 20 sites, talked to airport authorities and asked, What can be provided for a STOL strip? "STOL strips at airports are not a simultaneous, independent operation *yet*," said Miss Barriage. It is, again, a question of requirements. "There is a need for an instrument approach system—not just on the ground, but in the aircraft as well. The Agency has in the works now a prototype for evaluation.

"How much STOL do you need? That's a big question. The more STOL, the more costly the aircraft because of development. And the airport vs. aircraft facilities acceptability is a question of which will come first, the chicken or the egg. The companies won't build aircraft until land is available and cities won't build STOL ports until they see the aircraft. An investigation of the Northeast corridor is bringing the Government, manufacturers, industry, airports and cities together, to study routes for airlines. This might break the cycle.

"In Phase I of this study, we're establishing the need and feasibility of V/STOL service and is tentatively set up so that it will be completed next June or July. In Phase II, the routes will be awarded."

Conceivably, by that time major decisions by airports and manufacturers will be made, for routes in the Northeast corridor are very lucrative ones.

Military interest in V/STOL is real and dates back many years. Hugo G. Sheridan, Technical Advisor for Aerospace Sciences on the staff of the Deputy Chief of Naval Operations for Development, dates the Navy's interest back to 1911 when Eugene Ely, flying a Curtiss pusher, landed on a specially built platform aboard the armored cruiser USS *Pennsylvania* at anchor in San Francisco Bay and 57 minutes later took off from the same platform. "An aircraft launched by catapult from an aircraft carrier is a STOL," he said. And technically, he is correct. "The attention today is in the design of STOL rather than VTOL for it can carry a better payload." Said the Air Force expert, "We've been interested in V/STOL as far back as I can remember. More recently, we launched a real effort in 1964 and in 1965 came Light Intratheater Transport (LIT)." In the late Fifties, the Marine Corps wanted to improve the Amphibious Force by introducing an aircraft with more capabilities than helicopter. In 1956, the Navy participated in an Army-funded testbed investigation of the Vertol 76 tilt-wing and Ryan 92 deflected-slipstream aircraft. Other studies were undertaken, research projects begun, until in February 1961 a request for proposals was sent to 31 prospective bidders for a Tri-Service VTOL transport aircraft.

Said Sheridan: "Evaluation of the proposals indicated that meeting the Navy's carrier compatibility requirement was difficult and, if included in the project, would increase the risk. Rather than continue under these stringent conditions, the three services decided to proceed immediately under Air Force management with full consideration of the Navy's need in all plans and decisions."

Another Navy expert said that there were three configurations that came out of the tri-service competition: tilt wing with some variations; tandem tilted duct; and tandem tilted prop.

"The general feeling among people evaluating the proposals," he said, "was that the tilt wing with the standard prop was closer to a real aircraft and therefore offered minimum risk in proceeding with development. This resulted in the XC–142 as winner of that competition. Problems in the X–19 and the X–22A proved this was good judgment—they got the best aircraft to do the best operational evaluation job. As a result of decisions on the XC–142, Air Force felt the tandem tilted prop was the best, but the Navy thought the duct was better. Defense Research and Engineering told each service to go ahead with individual development.

"The only reason the X–22A is continuing today is that it has a variable stability system and can be used in a flight research program to develop requirements and an understand-

ing of flying qualities in the transition region—hovering to flying or flying to hovering situations."

A variable stability system (VSS) was installed in the aircraft in June this year. Initial tests gave indication that the system would be satisfactory. However, minor difficulties involving portions of the circuitry were encountered. Testing of the VSS will be a joint effort between Bell Aerosystems Company, developer of the aircraft, and the Cornell Aeronautical Laboratory, supplier of the VSS.

The X–22A is being flown with a gross weight of 15,700 pounds. This is the estimated structural limit of the aircraft. But due to funding limitations, structural testing has been curtailed and no effort is planned to raise the weight limitation through static tests. Funding restriction has also eliminated planned flutter tests. "Consequently," said the Navy, "the planned X–22A flight envelope investigation has been reduced and flight tests are limited to a speed of 200 knots."

Flight test results indicate overall stability and control characteristics appear satisfactory, but the side force characteristics are somewhat higher than estimated. And it appears to have higher drag than estimated. The Naval Air Systems Command now estimates the maximum speed to be in the order of 230 knots. This compares to the original Bell estimate of about 303 knots which was later revised downward to 283 knots as a result of wind tunnel tests.

Said Hugo G. Sheridan, a Navy Technical Advisor for Aerospace Sciences, "The X–22A has been threatened by Budget restrictions because of Vietnam expenditures and the cutdown of monies available for research and development. This will probably be the last year it is funded. It is a research vehicle, *not* a transport VTOL. It may go to NASA."

The Air Force program in VTOL transports is in full swing.

A series of studies was launched by six contractors for the Light Intratheater Transport (LIT) to meet Air Force requirements. These requirements were determined by the Tactical Air Command which will supply the pilots and crews, as well as the aircraft, for operation in the theater force command—Strike Command, Air Force Pacific Command, etc. One firm requirement: it *must* be capable of deploying without refueling.

The STOL aircraft is less attractive in LIT than the VTOL, but this surface comment will have no bearing on the final decision—if the STOL design appears superior. "If you have a 1,500-ft. runway with a STOL parked at one end of it and a bomb blasts a hole in the middle of the strip, the STOL is parked period. Now, a VTOL could take off regardless—with a lighter payload, obviously, but it could take off. If you have a 1,500-ft. STOL and later decide you'd rather have a 1,000-ft. STOL, you're out of luck unless you want to spend more money on VTOL development—and time, which you may not have a lot of.

"But even if you go to STOL, you've got to go to VTOL to get the maximum lift-weight ratio. If you had a V/STOL aircraft and only used it as a STOL, you'd have a better STOL."

Six companies are participating in the competition, each submitting VTOL designs and three of them also submitting separate STOL designs. They are: Lockheed California (stop and stowed rotors); Sikorsky (also stop and stowed); McDonnell Douglas (lift fans); Lockheed Georgia (lift fans and a separate study on lift jets); Boeing Vertol (tilt wing turboprop); and LTV (also tilt wing turboprop). The STOL submissions are by Boeing, LTV and McDonnell Douglas.

Air Force believes it has identified a good breakpoint in size of the aircraft, but will not divulge it at this time, pending full evaluation of all the studies. The studied payload range is from three tons vertical to 24 tons STOL.

The LIT research and development was not touched in the 1969 Budget, but how it fares in future Budgets is unknown. "We're encouraged," said the Air Force official, "but I just don't know the future." Air Force hopes to make contract definition awards before July.

The future of the Marine Corps' OV–10A aircraft may be in question. As one expert said, it is hard to get an unbiased opinion of it. "It began on an emotional basis in the Department of Defense by non-engineers. Defense assigned the Navy agent for the aircraft for the Marine Corps—who didn't want it. It began with the Light Armed Reconnaissance Aircraft (LARA) with an original wing span of 25 feet; it's now nearly 40'."

The Marine Corps *Gazette* (professional magazine for the Corps) last May carried an article praising the OV–10A. The November issue published a blistering rejoinder. The writer's comments are contained in a section clearly marked "Opinion." A few excerpts:

". . . Because it is not a VTOL, it cannot 'live' with the troops by reason of flight performance; nor can it 'live' with any troops but its own organizational maintenance support troops, and in this respect it will need a great deal more maintenance than the O–1 it replaces. . . .

The 'need' for this aircraft . . . needs some elucidation. Four years ago, Marine Corps Landing Force Development Center issued what purported to be a comprehensive operational study and program analysis to support the 'need' not only for the OV–10A but also for the accompanying support (personnel and equipment). This document was remarkable for a number of pseudo-analytical rationalizations, not the least of which was total omission of any comparison with or even reference to the OV–1, which was not only the only comparable twin-turbo-prop aircraft then in existence, but which had previously undergone extensive study by the Marine Corps and had even been evaluated in combat by a Marine pilot . . .

"I would be the first to agree that the OV–1 was not (and is not) the world's greatest airplane, but it was (and is) a whole lot better airplane than the OV-110 is or will ever be. In point of fact, the OV–1 is an operational member of the 1st Marine Air Wing team and has proven to be a valuable supplement to I Corp reconnaissance capability."

At the same time, some pilots of the OV–10A swear by it, not at it. How the Marine Corps will resolve this requirement can only, publicly, be the subject of educated guess work. It has been reported, however, that the Corps has expressed interest in the British vectored thrust Hawker Siddeley *Harrier* V/STOL being produced in quantity for the Royal Air Force. It is the first V/STOL fighter and the only fixed wing V/STOL aircraft of any type to get beyond the experimental stage.

The U.S. assisted in developing this aircraft, financing engine development and providing research facilities at NASA. Said Roy M. Braybrook, Senior Project Engineer at Hawker Siddeley in *Vertiflite*, "In addition, we found that under the impetus of John Stack (now Vice President-Engineering, Fairchild Hiller) the models were manufactured by three-shift working so that they were actually completed much earlier than was possible (in England)."

A development contract of a new design was let in August 1966 and Hawker Siddeley is now manufacturing 60 single seat *Harriers*, the first of which flew last December, and ten two-seat models, which will follow about one year behind the schedule of the single-seaters.

Several lessons are clear from all of the foregoing: 1—that research and development of V/STOL aircraft is active by both industry and military—each for their separate reasons; 2—that industry can learn much from the fallout of military-gained expertise; 3—that research and development are falling off both in industry (awaiting STOL ports) and military (by cuts in R&D funding); and 4—proliferating air traffic insures the relatively early introduction of commercial STOL on a large scale—indeed, some airports (e.g., New York and Washington) are already operating such craft.

HENRY A. KISSINGER—SPECIAL ASSISTANT FOR NATIONAL SECURITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. RARICK. Mr. Speaker, can the American people feel secure if the special assistant for national security does not believe in security?

An interesting documentary on the new special assistant to replace Walt Rostow has been prepared by OSTH Information Service, Box 448, Berryville, Va., which I ask be here reproduced for our colleagues' attention and perusal, followed by several news clippings.

The material follows:

[From the OSTH Information Service, Berryville, Va., Jan. 19, and 26, 1969]

HENRY A. KISSINGER

No appointment made by Richard M. Nixon is nearly so important as that of Prof. Henry A. Kissinger of Harvard as special assistant for national security affairs. Much of the conservative press has praised the appointment thinking Dr. Kissinger was a hard-liner insofar as opposing Moscow is concerned. Many more sophisticated political and cold-war experts believe otherwise. Consider the following commentary from well-known liberal and even socialistic sources:

Adam Yarmolinsky declared, "I will sleep better with Henry Kissinger in Washington. He has the kind of judgment, balance, and ability to see that the President is exposed to the whole spectrum of views he should get."

Said Arthur Schlesinger, Jr., "I think it's an excellent appointment. It's very encouraging. He's the best they'll get. He asked for my advice a few weeks ago and I urged him to accept."

According to reports, George F. Kennan "applauded the appointment." Carl Kaysen called Kissinger "a very able man." John Kenneth Galbraith "called the appointment of his friend 'a good one.'"

The New York Times commented editorially, "His appointment as President-elect Nixon's assistant for national security should assure the new Administration of strategic assessments that keep military and political factors in balance . . . As an active participant in arms control studies in Cambridge, Washington and abroad since the early 1960's, he is known as a strong proponent of ratification of the nuclear non-proliferation treaty and of talks with Moscow to curb the missile race. No contribution he can make in his new post will be more important than the role he plays as efforts are made to bring these measures to fruition."

What is the background of Henry A. Kissinger?

A B.A. from Harvard in 1950, with the aid of a Rockefeller Foundation Fellowship for Political Theory. From 1951 to the present, he has been Director of the Harvard International Seminar which has been revealed as having been CIA financed in 1967. A Ph. D.

from Harvard in 1954, under McGeorge Bundy. From 1954 through 1956 he was Study Director for the Council on Foreign Relations on Nuclear Problems. CFR, as is generally known, is substantially subsidized by Rockefeller money. In 1957 his CFR study expounding the theory of limited warfare was published under the title, *Nuclear Weapons and Foreign Policy*. From 1956 through 1958 he was Director of a Special Studies Project for Rockefeller Brothers Fund, Inc. In January of 1958 the "Kissinger Report" appeared. It dealt with military strategy and said the U.S. should spend $3 billion on arms, and reorganize services under a single command, and prepare for limited warfare.

In 1958 and 1959 Kissinger was Research Secretary for a CFR discussion group on Political and Strategic Problems of Deterrence. The group also included Frank Altschul, Robert Amory, William C. Foster, Roswell Gilpatric, Hans Morganthau, Dean Rusk and James Perkins.

By 1961 Kissinger was Special consultant to President Kennedy on the Berlin Crisis. He was also consultant to the Operations Research Office, the Operations Coordinating Board, the Weapons Systems Evaluation Group, the Psychological Strategy Board, the National Security Council and the Arms Control and Disarmament Agency. That same year, 1961, he published *The Necessity for Choice*, under the auspices of Harvard's Center for International Affairs which is also a probable recipient of CIA funds. Kissinger thanked both the Center and the Council on Foreign Relations for assistance, and also thanked the Carnegie Corporation and John Gardner.

In 1962 Kissinger was a full Professor at Harvard, on the faculty of the Center for International Affairs. In 1965 he published *Problems of National Strategy* under the Center's auspices. In 1967 he was cited in the New York Times as foreign policy advisor to Governor Rockefeller with regard to a reported soft policy on Vietnam (Oct. 4 issue). On July 14, 1968, when Governor Rockefeller announced a 4-stage pull-out for Vietnam, he cited Kissinger as his adviser.

Kissinger's ideas have often been self-contradictory. When this Service asked one of Washington's top experts on foreign policy to categorize Kissinger's ideas the reply came back that this was difficult to do because his basic thesis is presented in the form of a paradox. He says we must be militarily strong so that we can negotiate universal disarmament. He is fascinated with the thought that diplomacy will solve all our problems. Military strength is only one tool in the diplomat's pouch. The job of the military is to hold off the aggressor until brilliant diplomacy reconstructs world order.

One may read Kissinger's historical study of Metternich and Castlereagh entitled "A World Restored" to note his confidence in and fascination with diplomacy.

Our Washington contact said that Kissinger differs from McGeorge Bundy and Walt Rostow in that he places more emphasis on military preparedness, but his goals are essentially the same, i.e., *the surrender of national sovereignty and nuclear superiority through arms control and disarmament*. It is a mistake, we were assured, to look only at his remarks on military preparedness because they mean little in the context of his obsession with arms control. The paradox in his thesis is evident in the following quotes from *The Necessity for Choice* (Anchor Books, 1962):

"We must be willing to face the paradox that we must be dedicated both to military strength and to arms control, to security as well as to negotiation, to assisting the new nations towards freedom and self respect without accepting their interpretation of all issues." (p. 9)

"The flexibility so often demanded of our diplomacy is impossible without a spectrum of military capabilities." (p. 58)

"Limited war is based on a kind of tacit bargain not to exceed certain restraints . . . it takes two to keep a limited war limited or a local defense local." (p. 62) (Compare this with our no-win type of Vietnam policy.)

"However paradoxical it may seem, the danger of escalation is one of the chief reasons why a strategy of limited war contributes to deterrence and also why, if deterrence fails, there is a chance of keeping a conflict limited." (p. 62)

"Any limited war must have some sanctuary areas." (p. 63)

"Limited war should not be considered a cheaper method of imposing unconditional surrender but an opportunity for another attempt to prevent a final showdown. We must enter it prepared to negotiate and to settle for something less than our traditional notion of complete victory. To be sure, the most likely outcome of a conflict fought in this manner is a stalemate." (p. 64)

"If we make the issue depend on 'purely' military considerations, any conflict is likely to expand by stages into a conflagration. . . . Graduated retaliation would not strive for a military advantage as such." (p. 68)

"We would have to weight the tactical advantage of nuclear weapons against the political cost. Once nuclear weapons were used in limited war, it is possible that the pressure of other countries to acquire nuclear weapons of their own would grow irresistible. Or else world opinion would impel a renunciation of a strategy which might appear to have brought humanity to the brink of a catastrope. Whatever the likely result, the concern that use of nuclear weapons may have incalculable political effects could outweigh all military considerations." (p. 88)

"This is the measure of the task ahead. At the same time that we build up our capability for limited war and our conventional forces, we will be embarked on arms control negotiations of crucial importance. Our leadership must convince public opinion that we have to increase our military expenditures even while making earnest efforts to negotiate on arms control." (p. 97)

"Unilateral disarmament—tacit or avowed—and the quest for independent retaliatory forces are two sides of the same coin." (p. 116)

Liberal columnists Rowland Evans and Robert Novak commented on the appointment by Nixon of Kissinger very favorably. However, they deplored the choice of Dr. Richard V. Allen of the Hoover Institution on War, Revolution and Peace as "senior staff assistant" to "the highly respected Dr. Henry Kissinger." Evans and Novak declare that "For his part, it is inconceivable that Kissinger will make much use of Allen. His personal aide will be not Allen but an outstanding young diplomatist (Daniel Davidson, currently an aide to Ambassador Averell Harriman). . . ."

New York Times reporter Hedrick Smith mentioned Allen and Kissinger on December 14, 1968. He wrote that Dr. Allen had maintained discreet contact with Dr. Kissinger during the Nixon campaign, and later with Dr. Zbigniew K. Brezezinski, who advised Vice President Humphrey on foreign affairs in the election campaign. But Hedrick Smith pointed out that while Dr. Allen is known as a conservative or relatively hard-line analyst of Soviet affairs, "He is not, as he has explained to friends, 'a visceral anti-Communist who believes in a monolithic Communist conspiracy or that the Sino-Soviet dispute is a hoax.'" Congressional committees investigating international Communism have declared there is a conspiracy and the record points that out very clearly.

With the replacement of Walt Rostow by Henry Kissinger, will our policies in regard to the Soviet Union continue consistently to overlap or complement the Communist design? Will the 20-year old U.S. policy of mutual accommodation continue?

In March 1967 Senator Strom Thurmond delivered a major speech given no publicity at all to the Cornell University Forum. In discussing the international Communist conspiracy he pointed out the similarities between Soviet Policy and U.S. Policy as follows:

1. Soviet Foreign policy must not be identified with the organized world communist movement under Soviet domination. U.S. policy has shown no evidence of Soviet control of international communist conspiracy by Soviets. The Empire is now fragmenting. We should support independent Communist regimes.

2. Soviet Policy: There is no force in the world that can halt the advance of Soviet society. Our cause is invincible. We must keep a firm hand on the helm and go our own course, yielding neither to provocation nor to intimidation. U.S. Policy: Do not provoke the Soviets since this will increase the danger of general war. Bring about changes in Soviet Union by containment and Evolutionary processes, take no action which might escalate into general nuclear war.

3. World Union of Soviet Socialist Republics uniting the whole of mankind under the hegemony of the international proletariat organized as a state, is Soviet Policy. U.S. Policy says, no direct reference should be made to Soviet control of the International Communist Conspiracy. World domination theme should not be used against USSR. Changes are taking place within the USSR. They are mellowing into a peaceful state.

4. Soviet policy: Socialist Society leading to a world communist society. U.S. policy, bring about changes in Soviet Union by evolution instead of revolution. Support socialist causes. This will keep the violent form of communism from emerging. We are now moving through a period of great transition.

Regarding Cuba: Soviet policy has been to establish Missile Bases there in order to secure a Communist Base for subversion and reveal weakness of U.S. U.S. policy contends the establishment on Cuban soil of Soviet nuclear striking forces would be incompatible with Soviet policy.

Still regarding Cuba, Soviet policy has been that the USSR will support the Castro Regime and assure its continued existence as a Socialist state. U.S. policy is that we should peacefully coexist with Cuba since we cannot allow any military action to escalate.

Senator Thurmond also noted in 1967 that we were then in the midst of stepped up activity in the policy of "mutual accommodation," of which the prime factor was universal disarmament, both psychological and military. That remains true today. The Senator said the Soviet government, under orders from the Central Committee (of which the Soviet Government is merely the "front"), has been the most extreme advocate of all the steps of disarmament; and U.S. policy has fallen along in step. The Central Committee, on the other hand, has not stopped arming. Senator Thurmond cited five points on that subject showing how the policies of the Soviet Union and the United States coincided. Some of these aims have been accomplished while others still remain up in the air.

1. Soviet Policy: The disarmament policy of the Soviet Government must be utilized for purposes of agitation and as means for recruiting sympathizers for the Soviet Union,

the champion of peace and socialism. U.S. Policy: In the interest of peace, we should try to arrive at some form of disarmament with the Soviets, even to the point of unilateral disarmament on our part.

2. Soviet policy: Obtain ratification of the "Moscow" treaty or nuclear test ban once 1962 tests were completed. U.S. policy: Ratify nuclear test ban treaty in the U.S. Senate.

3. Soviet Policy: Obtain U.S. Senate ratification of the Consular Treaty. U.S. Policy: Obtain U.S. Senate Ratification of the Consular Treaty.

4. Soviet Policy: Obtain a treaty on peaceful uses of outer space in order to keep U.S. from placing in orbit objects carrying nuclear weapons. U.S. Policy: Obtain a treaty on peaceful uses of outer space.

5. Soviet Policy: Disrupt NATO. U.S. Policy: NATO is no longer necessary since USSR is no longer a threat.

Above we see the outline of U.S. foreign policy over the past number of years. We will note with interest any change for the better under the new Administration and we will watch the words and actions of Dr. Henry Kissinger and his advisers.

[From the New York Times, Dec. 3, 1968]

NIXON'S KEY ADVISER ON DEFENSE—HENRY ALFRED KISSINGER

Some years ago, Dr. Henry Alfred Kissinger, lecturing his Harvard undergraduate class on the principles of international politics, began with the remark:

"As I was saying to General de Gaulle last summer . . ."

The remark was not typical of Dr. Kissinger, for although he is known at Harvard as being, in the words of one colleague, "impatiently arrogant," he is usually somewhat circumspect when it comes to name-dropping.

Circumspection was apparent in his attitude yesterday when Dr. Kissinger, named as President-elect Richard M. Nixon's assistant for national security affairs, was asked how he would counsel Mr. Nixon on the war in Vietnam.

"I believe very strongly that the position of a White House assistant is inconsistent with making public statements on substantive matters," Dr. Kissinger said briskly.

MET AT CHRISTMAS PARTY

Dr. Kissinger has known Mr. Nixon less than a year—they met at a Christmas party at the home of Mrs. Clare Boothe Luce—but Mr. Nixon said he knew Mr. Kissinger long before through his writings.

Mr. Nixon indicated he was particularly impressed with Dr. Kissinger's book in 1957, "Nuclear Weapons and Foreign Policy." That was the volume that brought Mr. Kissinger to the attention of scores of politicians, diplomats and military men and became a source book for American policymakers.

In the book, Dr. Kissinger said that survival for America "depends not only on our strength, but also on our ability to recognize [and fight] aggression in all its forms. In the nuclear age, by the time a threat has become unambiguous it may be too late to resist it."

Mr. Kissinger, who was only 34 years old when the book came out, was born in Fuerth, Germany, on May 23, 1923. His parents, Louis and Paula Stern Kissinger, brought him and his brother, Walter, to New York in 1938 to escape Hitler. He was graduated from George Washington High School in 1941.

During World War II, Dr. Kissinger served with the 84th Infantry Division and with the 970th Counterintelligence Corps. He was released as a sergeant and went to Harvard, from which he received a bachelor's degree, summa cum laude, in 1950. Harvard, which gave him four scholarships, conferred a master's degree on the political scientist in 1952, a doctorate in 1954.

Dr. Kissinger married the former Ann Fleisher in 1949. They had two children, Elizabeth and David. They were divorced in 1964. He now lives at 419 Beacon Street in Boston.

The first of Dr. Kissinger's five books, "Nuclear Weapons and Foreign Policy," was the outgrowth of his work for the Council on Foreign Relations, which had begun an effort to find answers to the possibility of the threat of Soviet action against what was considered "insufficient American initiatives."

Dr. Kissinger was study director of three subcommittees, and after 18 months it was decided that he should write an analysis of the groups' mediations.

The year the study was published, Dr. Kissinger's "A World Restored," subtitled "Metternich, Castlereagh and the Problems of Peace, 1812–22," was released. A New York Times reviewer said that Dr. Kissinger's analysis of the Metternich era was "brilliantly formulated."

A ROCKEFELLER FUND AIDE

In 1957, Dr. Kissinger began a long association with Governor Rockefeller when he became director of the Rockefeller Brothers Fund's Special Studies Project. One study for the fund found the United States lagging behind the Soviet Union in major areas of military technology, and suggested that the United States increase its defense expenditures by $30-billion a year.

During this year's campaign for the Republican Presidential nomination, Dr. Kissinger was an adviser to Mr. Rockefeller on foreign affairs, in the Governor's effort to prevent Mr. Nixon from receiving the nomination. Dr. Kissinger was one of several Rockefeller aides credited at the Republican Convention with transforming the party's Vietnam war plank from a hawkish to a dovish one.

The graying, bespectacled Dr. Kissinger, who is 5 feet 9 inches tall and weighs 175 pounds, retains a slight trace of his Germanic accept. He pronounces his name KISSing-er.

At Harvard, where he has been serving lately as a professor in the Department of Government, from which he will take a leave of absence to serve Mr. Nixon, Dr. Kissinger is known as a brisk, businesslike and demanding teacher and scholar.

Some colleagues say he sometimes shows a self-deprecatory sense of humor. For example, when introducing one staff member to another, he is said to have remarked:

"He's a kind of mother to me. He does all the work and I get all the credit."

[From the New York Times, Sept. 10, 1962]

FOREIGN AFFAIRS MAGAZINE MARKS ITS 40TH YEAR

Articles by Chancellor Adenauer and the Earl of Avon, formerly Anthony Eden, highlight the 40th-anniversary issue of Foreign Affairs which appears today.

The distinguished quarterly with the blue-gray cover has changed little since its founding in September 1922 except that the price is now $1.50 instead of $1.25. However, the 40th anniversary issue illuminates the historic changes that have occurred in the field of foreign affairs since then.

The magazine, published by the Council on Foreign Relations, 58 East 68th Street, prints articles by the world's foremost statesmen and by historians and other students of international affairs.

Foreign Affairs has published the opinions of such diverse figures as John F. Kennedy, Trotsky, John Foster Dulles, Marshal Tito and Arnold Toynbee.

On occasion the magazine publishes pieces signed "L" or "X." In 1947, for instance, the magazine published an article by "X," who was George F. Kennan, then the State Department's chief policy planner.

The quarterly began with a printing of 4,000 copies. With the anniversary issue its circulation will exceed 50,000, according to John J. McCloy, the chairman of the Council on Foreign Relations and President Kennedy's adviser on disarmament.

The editor of Foreign Affairs is Hamilton Fish Armstrong. He joined the magazine at its inception and became editor in 1928.

The Council on Foreign Relations was founded after World War I by United States delegates to the Versailles Conference to "create and stimulate international thought," in the United States.

The anniversary issue of Foreign Affairs contains seventeen articles. The lead piece, "Then and Now," is by Mr. Armstrong. In it he compares the post-war years of the Nineteen Twenties with the Nineteen Fifties and the League of Nations with the United Nations.

In assessing the differences in the two organizations brought about by the participation of the United States in the United Nations, Mr. Armstrong writes that this country is sometimes thought to use its power unwisely "but there no longer is doubt, as there was four decades ago, that we shall use it."

An article by Chancellor Adenauer urges that negotiations on a European political union be concluded this year. The West German leader implies that delay might make the movement lose momentum and thus aid the Soviet Union.

The Earl of Avon looks back on forty years and decries what he considers a decline in respect for international obligations. He writes that the Council of the League of Nations was "as serviceable a piece of diplomatic machinery as I have ever known," while the United Nations is "an instrument ready to the hand of the prejudiced propagandist, but not always so pliant to the patient toiler for peace."

(By Walter Trohan, Chief of Chicago Tribune's Washington Bureau)

WASHINGTON, May 29.— Within a few weeks, a heavily financed organization, which boasts that its discussion groups often "serve as a training ground for members called upon to serve the government in important positions," will celebrate its 41st birthday.

This is the Council on Foreign Relations, which propagandizes and researches in the field of international relations with startling success from sumptuous quarters, Council House, with generous foundation grants. Few organizations can boast of such influence as the council does in its annual reports, which frankly assert that the state department welcomed the council's suggestions and asked for more detailed plans on foreign policy.

President Kennedy was a member at the time of his election, altho he has dropped the association in the White House. Dwight D. Eisenhower was a member before, was during, and has been since his occupancy of the Executive mansion.

Virtually every secretary of state, every undersecretary of state, and a host of top foreign policy officials have been members or still are members of the Council on Foreign Relations, whether the administration be Democratic or Republican.

NUMBERS MANY INFLUENTIAL IN GOVERNMENT

Secretary of State Dean Rusk and Undersecretary George W. Ball are members. Dean Acheson, secretary of state under Harry S. Truman, and Christian A. Herter, secretary under Eisenhower, are also members. So was the late John Foster Dulles, secretary under Eisenhower, who had served also in the state department as a special consultant under Truman.

A few of the members influencing the government today include:

Charles E. Bohlen, special assistant to the secretary of state.

Chester Bowles, special White House adviser on Asia, Africa, and Latin America.

Arthur H. Dean, head of the United States delegation to the Geneva disarmament talks.

Douglas Dillon, secretary of the treasury.

Felix Frankfurter, justice of the Supreme court.

J. Kenneth Galbraith, ambassador to India.

Fowler Hamilton, director of the agency for international development.

George F. Kennan, ambassador to Yugoslavia.

Edward R. Murrow head of the United States information agency.

Walt W. Rostow, state department counselor.

Adlai E. Stevenson, United Nations ambassador.

Arthur M. Schlesinger Jr., White House special assistant.

Maxwell D. Taylor, White House military adviser.

NUMBERS SOME WHOSE NAMES ARE TARNISHED

The council is not so proud of some of its former members. Alger Hiss, the spy-perjurer, was an important member. Harry Dexter White, the treasury aid who died and was buried with secrecy just before he was about to be questioned on his communist associations or connections, also was a member. John Carter Vincent, Philip Jaffe, and the late Lawrence Duggan, all targets of the late Sen. Joseph McCarthy [R., Wis.], the controversial investigator of communist activities and associations, were council members.

Other members who figured in congressional investigations are still on the rolls, such as Owen Lattimore and Philip Jessup, who were questioned about their connections with the Institute of Pacific Relations. There are a handful of members out of step with the international majority. Herbert Hoover, for instance.

The council began as an idea in France in 1919, when a group of Britons and Americans decided that their countries needed internationalist inspiration. The Britishers went home and established what is now the Royal Institute for International Affairs. The Americans set up the council.

The original thought had been to set up one organization, but it was concluded that internationalism could best be advanced by independent groups working toward the same end. It was felt that the tag of patriotism would hamper the aims and objectives of the council, which are chiefly to develop a new look of internationalism.

"To create and stimulate international thought among the people of the United States, and to this end, to cooperate with the government of the United States and with international agencies, coordinating international activities by eliminating, in so far as possible, duplication of effort, to create new bodies, and to employ such other means, as from time to time may seem wise and proper," is the way the council states it.

[From the New York Times, Dec. 6, 1968]

BUCHAN, LONDON STRATEGIC STUDIES HEAD, PRAISES KISSINGER BUT CRITICIZES U.S. POLICIES

PRINCETON, N.J., December 5.—On being named assistant for national security affairs to President-elect Richard M. Nixon, Henry A. Kissinger said on Monday that he would call on the services of foreigners such as Alastair Buchan, director of London's Institute of Strategic Studies.

Mr. Buchan, who is attending a seminar at Princeton University on the problems of America, says he doesn't know what Dr. Kissinger has in mind. "I've no idea," he insisted in an interview, "and I'm not sure I would do it, I have a very active and busy life of my own." he continued.

"Henry Kissinger is a very old friend of mine—I've known him for at least 10 years. But I've had lines of communication into the White House ever since the Kennedy Administration.

"I've got great regard for Kissinger. I think his appointment excellent. He doesn't look at problems of security in a purely technologic way.

"We've had a lot of discussions about what form of European cooperation is feasible and what the United States should encourage."

"One of the things he has been keen on," Mr. Buchan said, "is the reopening of American lines between the United States and France—which I attach a lot of importance to as well.

"The United States has very little freedom of action. It's one of the two main pillars of the balance of power in the world. This difficult dual position requires it to be in dialogue with the Soviet Union for its own safety, and also with its allies.

"Once Vietnam is over the United States is going to be involved in a dialogue with the developed powers—Europe and Japan. Its role as policeman will end. The role isn't feasible anyway."

Mr. Buchan said that in the last 30 years his respect for the United States Administration had steadily declined. He maintained that successive American executives pursued action instead of thought and that it was impossible to tell which of half a dozen policies running in Washington would predominate at any time.

Alastair Buchan (pronounced BUCK-an) grew up in the world of letters and diplomacy. His father was the Scottish author John Buchan (1875–1940) who wrote historical works, thrillers such as "The 39 Steps," and an autobiography published in the United States as "Pilgrim's Way." John Buchan became Lord Tweedsmuir in 1935 and from that year until 1940 served as Governor-General of Canada.

Alastair, the youngest of four children, was born in London Sept. 9, 1918. He is a moderately rugged-looking man with thick, dark blond hair. He was educated at Oxford and Eton, lived with his family in Canada, and was on his way to graduate work at the University of Virginia when World War II broke out.

Mr. Buchan spent six years in the Canadian Army, emerging as a major of the 14th Canadian Hussars (tank) regiment. "I hated the army," he said.

From 1948 to 1951, he was assistant editor of The Observer, a British weekly that ranks as one of the so-called "quality" papers to distinguish it from the popular press.

He spent 1951 to 1955 in Washington for The Observer. During this period, as he explained, "one could see that strategic studies were going to dominate policy."

The creation of the H-bomb, the cold war, the thinking of Dulles, Eden, and foreign officers all over the world was getting affected by strategic questions, and I became more absorbed in them," he continued.

From 1955 to 1958 he was The Observer's diplomatic and defense editor.

He was then invited to be director of a new body called the Institute of Strategic Studies. Mr. Buchan described this organization as an "internation institute for the study of the role of force to international relations—the problems of strategy and arms control."

He added: "It has no real American counterpart. Membership stretches to 32 countries, with about 1,000 members."

"We have an enormous library organization," Mr. Buchan said, "and scan about 24 daily newspapers and about 120 journals. We run a series of conferences, and a number of working groups with a mixture of officials, academics and journalists.

"For some things we have to go to governments, as for figures. By and large we run our own research."

He said that about one fourth of the institute's 1,000 members were government people and maintained that foreign governments "recognize the value of an independent organization such as ours."

"This is not a cold war organization. We have quite a lot of dealing with Eastern Europe," he said.

Mr. Buchan said that his institute was financed principally by foundations—American, British, German, Canadian and Swiss. It gets no Government money, he added, though about six years ago it did a contract study for the United States Arms Control and Disarmament Agency on the effect that implementing United States or Soviet comprehensive armament proposals would have on the balance of power in Europe.

Mr. Buchan said that the institute got $90,000 a year—or 40 per cent of its budget—from the Ford Foundation, and about $25,000 from each of the following: the Rockefeller, Nuffield, and Volkswagen Foundations.

BEST KNOWN WORK

He said that his group has never had any money directly or indirectly from the Central Intelligence Agency, noting, "I would perfectly recognize C.I.A. money if I saw it, because I know a lot about it."

"The institute opened up the debate on nuclear proliferation about eight years ago, and we are best known for our work on alliance problems," Mr. Buchan said.

In addition to a monthly called "Survival," the institute publishes a series of Adelphi papers, named after the area of London in which the institute has its headquarters and a permanent staff of about 20.

Mr. Buchan is married to a Canadian, and they have two sons and a daughter. He is the author of "NATO in the 60's." Since Septembe he has been teaching a course entitled "Force in Modern International Politics" at Carleton University at Ottawa.

The course ends next week and Mr. Buchan plans to return to London. He lives in the country near Oxford, and likes to garden, fish, and hunt birds.

A TRIBUTE TO TWO WOMEN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1969

Mr. DERWINSKI. Mr. Speaker, as we gathered for the opening session and renewed old friendships, many Members, I am sure, had in mind our colleagues of the 90th Congress who were no longer there.

Two in particular came to my mind, both being outstanding ladies and members of the House Foreign Affairs Committee.

Therefore, I believe the column in the November 20 Sacramento Union by the noted Washington columnist, Dumitru Danielopol, very properly expressed the thoughts that many of us have when we think of these two outstanding ladies, the Honorable Frances Bolton and the Honorable Edna Kelly.

I insert the article at this point:

A TRIBUTE TO TWO WOMEN

(By Dumitru Danielopol)

WASHINGTON.—The time of political celebrations by election winners should also be a time of tribute to some losers.

The United States Congress is going to miss two distinguished, gracious ladies—Rep. Frances P. Bolton, R-Ohio, and Rep. Edna Kelly, D-N.Y.

Spry and active octogenarian Frances Bolton entered the House 28 years ago when she was elected to fill the unexpired term of her late husband, Chester C. Bolton.

A dynamic and energetic reformer, she served on many committees including the Committee of Foreign Affairs since 1941. She was a member of subcommittees whose attentions focused on Europe, the Near East, the Balkans and Africa. She travelled widely and is considered an expert on the Near East and a specialist of African Affairs.

Also interesting in nursing and medical care afforded American fighting men, she contributed progressive legislation in health. She was largely responsible for the Army School of Nursing. The Bolton Bill created the U.S. Cadet Nurse Corps that graduated 125,000 nurses for World War II.

She was chairman of the Subcommittee on National and International Movements which issued the report "Strategy and Tactics of World Communism."

One of her bills sought the return of 28,000 Greek children kidnaped by Communist guerrillas during the Red insurrection in Greece.

In 1953 President Eisenhower named Mrs. Bolton a delegate to the General Assembly of the United Nations.

Her decorations would fill pages. A private law authorized Mrs. Bolton to wear the French Legion of Honor "Officer Class" conferred to her for her work during and after the war.

Edna Kelly established an equally proud record as a liberal in internal affairs, as a hard-minded patriot in foreign affairs. Unlike many self-styled liberals, she was never duped by Communist dialectics.

In a report to her constituents last October she wrote:

"We live in an age in which forces of revolution—simulated, enticed and guided by Communist ideology—are hell bent on destroying the existing order and plunging the world into mass violence and disorder to be followed by an era of totalitarian, Communist regimes."

Mrs. Kelly knows the facts and she used her knowledge with distinction as chairman of the Subcommittee on Europe on the Committee for Foreign Affairs.

Since entering the House in 1949 in a special election in Brooklyn she was active on a number of congressional subcommittees including national security, the Middle-East and East-West trade.

She came to be respected and loved by exiles from Eastern Europe for her activities concerning the Captive Nations. In 1962 as chairman of the Subcommittee on Europe she held hearings "to explore new methods of communicating with freedom-loving people behind the Iron Curtain".

Mrs. Kelly lost her seat to Rep. Emanuel Celler, D-N.Y., when a quirk of redistriction threw the two into the same district. But she has time for a comeback. She belongs in Washington.

Both Mrs. Bolton and Mrs. Kelly deserve to be remembered.

HOUSE OF REPRESENTATIVES—*Wednesday, January 15, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Spirit of the Lord is upon me.—Luke 4: 18.

Eternal God, our heavenly Father, we come to Thee at this noontide moment of prayer humbly and gratefully for in Thee is the answer to our questions, the solution of our problems, and the goal of our noblest endeavors.

May it be our aim, as we meet daily in this historic Chamber, to meet the needs of struggling humanity, to strengthen the ties that bind free men together, and to find the way to peace among the nations of the world.

God bless America. Unite our people in safeguarding our liberties, in defending our institutions, and in supporting all men everywhere who live and fight and die for freedom.

May we realize more than ever that Thy spirit must touch and transform our own spirits if we are to continue to be free for in Thee alone is the life and the light and the law of liberty.

We pray in the name of Him whose life never fails, whose light never fades, and whose law never falters. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MILITARY SUPPLY SYSTEMS

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, I believe the Members will be greatly interested in reading an article entitled "Military Supply Management: A View From the Hill," written by my distinguished colleague and good friend, the gentleman from California, Congressman CHET HOLIFIELD. The article appears in the Defense Management Journal, volume IV, issue No. 4, fall of 1968, beginning at page 6.

The Defense Management Journal is published by the Directorate for Cost Reduction and Management Improvement Policy in the Office of the Assistant Secretary of Defense, Installations and Logistics. It is concerned with Government management, and its contributors are experts in this field.

In the 90th Congress the gentleman from California (Mr. HOLIFIELD) directed hearings on military supply systems as chairman of the Military Operations Subcommittee, Committee on Government Operations. He has drawn upon these hearings and upon his long experience and extensive knowledge of defense management problems to prepare this article, which describes in candid fashion the work of our committees in this field and some of the major problems which require attention.

I include the article at this point in the RECORD:

MILITARY SUPPLY MANAGEMENT: A VIEW FROM THE HILL

(By Congressman CHET HOLIFIELD)

(NOTE.—Mr. HOLIFIELD represents the 19th Congressional District of California. He is Chairman of the Military Operations Subcommittee, House Committee on Government Operations, and is now Chairman of the Joint Committee on Atomic Energy. Mr. HOLIFIELD is serving his 14th continuous term in Congress, having been first elected to the 78th Congress in November 1942.)

The Congress gets involved in defense management in many ways. It enacts the basic legislation upon which the whole complex superstructure of procurement regulations is built. It authorizes yearly programs and provides the funds for their execution. It monitors performance and investigates complaints. In the Congress are heard many complaints by unsuccessful bidders, aggrieved subcontractors, and potential sellers seeking entry. You would think at times that the Congress is a source selection board, a board of contract appeals, or even a court of claims.

The point is, of course, that procurement impacts on the economy, on community welfare, on specific industries and occupations, all of which flourish or wither in the district of one Congressman or another. Contractors are even known to locate branch plants in districts where the chairman of a key committee or subcommittee might become a legitimate champion of their cause before the Pentagon for a sustained flow of Government business.

Military supply systems, which absorb the vast outpouring of military goods procured, are less visible to the Congress and hence less well understood—at least in problem terms. This is the realm of the commodity manager and the weapon system manager, who employ methods and terminology strange to the public and familiar to few members in the Congress. It is easier to lose sight of the taxpayer's dollar once the goods enter the distribution system. The contracts have been let, the items bought and paid for. But distribution costs are important too. Each purchased item sooner or later is cataloged, stocked, transported, stored, maintained, possibly reconditioned or redistributed, and if not used up, ultimately sold, given away, or scrapped. And if procurement is excessive because of unnecessary duplication of stocks or other inefficiencies, costs are compounded all the way along the supply chain.

CATALOGING AND STANDARDIZATION

The sheer diversity of military goods is awesome. We are told that there are no less than 4 million separately identified items in military supply systems. This estimate undoubtedly is better today than it was before the Federal Catalog System became reasonably complete and maintained on an up-to-date basis. Some 20 years ago, as a member of the House Committee on Expenditures in the Executive Departments (now Government Operations) I was active in the fight for a Federal Catalog System as a basic tool in supply management. Unless and until the great mass and mix of names, numbers, and descriptions could be rationalized, supply systems never would be brought under control. And when I refer to a fight for a Federal Catalog System, I mean just that. It took 10 years to establish the system. There was always a fight for funds, and a transient contest between DOD and GSA for management control. There were military service diehards and holdouts against central direction, and doctrinal differences among catalog experts. There were even a few unregenerate enemies of the accepted program. I trust their criti-