ing the retention of section 14(b) of the Taft-Hartley law, which was referred to the Committee on Education and Labor.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BINGHAM:

H.R. 9990. A bill for the relief of Moris Bakhash; to the Committee on the Judiciary.

By Mr. MARTIN of Alabama:

H.R. 9991. A bill for the relief of Santa Giammalva; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 9992. A bill for the relief of Raymond Cheuk-Man Chan; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 9993. A bill for the relief of Lam Hai Cheung; to the Committee on the Judiciary.

By Mr. WOLFF (by request):

H.R. 9994. A bill for the relief of Giuseppe Buffolino; to the Committee on the Judiciary.

# SENATE

## WEDNESDAY, JULY 21, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

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

Eternal Father, under the all-embracing canopy of Thy goodness and mercy which have followed us all the days of our lives, we come as children in our Father's house. In united prayer in this center and citadel of the Nation's life, we come seeking light upon our ways and strength within our hearts.

Quiet our minds of their fretting fears, allay the unhappy irritations and resentments of our spirits, and sanctify our lives through the grace of contrition and humility.

We pray for ourselves more earnestly because we are important to others who lean upon our strength. At this altar where we give utterance to our highest desires, we are thinking especially of our warrior boys, representing the will of our free land, as this very day they stand stalwartly in far and perilous places. We would remember in tender solicitude all who rely upon our fortitude of character, our fidelity in service, our power to endure, because our strength is their strength. As the winds blow harder, may our roots strike deeper. Whatever outward things these dangerous days take from us, as we risk all for truth's sake, by Thy grace, may they make us inwardly more adequate, wise, dependable, and strong.

In the Master's spirit we ask it. Amen.

## THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, July 20, 1965, was dispensed with.

## MESSAGE FROM THE HOUSE

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

H.R. 1392. An act for the relief of Annie Gabbay;

H.R. 1627. An act for the relief of Esterina Ricupero;

H.R. 3292. An act for the relief of Consuelo Alvarado de Corpus; and

H.R. 7378. An act to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1392. An act for the relief of Annie Gabbay;

H.R. 1627. An act for the relief of Easterina Ricupero; and

H.R. 3292. An act for the relief of Consuelo Alvarado de Corpus; to the Committee on the Judiciary.

H.R. 7378. An act to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

## COMMITTEE AND SUBCOMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Administrative Practices and Procedures of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Agriculture and Forestry was authorized to meet during the session of the Senate today.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Permanent Investigations of the Committee on Government Operations be permitted to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning on page 2.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. If there be no reports of committees, the nominations on the Executive Calendar will be stated, beginning on page 2.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

The Chief Clerk read the nomination of Dr. Albert H. Moseman, of New York, to be Assistant Administrator for Technical Cooperation and Research, Agency for International Development.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

## U.S. INFORMATION AGENCY

The Chief Clerk read the nomination of Leonard H. Marks, of the District of Columbia, to be Director of the U.S. Information Agency.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

## DEPARTMENT OF STATE

The Chief Clerk read the nomination of David M. Bane, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

NOMINATION PASSED OVER

The Chief Clerk read the nomination of Edward Clark, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Mr. KUCHEL. Mr. President, over, by request.

The VICE PRESIDENT. Without objection, the nomination will be passed over.

The Chief Clerk will read the remaining nominations in the Department of State.

The Chief Clerk proceeded to read the remaining sundry nominations in the Department of State.

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

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

## ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The Chief Clerk read the nomination of Robert M. White, of Connecticut, to be Administrator, Environmental Science Services Administration.

Mr. RIBICOFF. Mr. President, I would like to take this opportunity to express my wholehearted pleasure and approval at the nomination of Dr. Robert M. White, of Hartford, Conn., to head the Environmental Science Services Administration. This new office, which merges the Coast and Geodetic Survey with the U.S. Weather Bureau, demands the leadership of a man who is a top-rated scientist as well as a capable administrator. Dr. Robert White's notable contributions to the science of meteorology, and his fine experience as an administrator of meteorological research programs, eminently qualify him for this post.

Dr. White's career in the science of weather began when he studied geology as an undergraduate at Harvard, working at that time as a weather observer at the Blue Hill Observatory. After serving as a meteorological forecaster and instructor in the Air Corps during World War II, he continued his education at the Massachusetts Institute of Technology, earning a master's degree in 1949 and a doctorate in 1950.

Dr. White began joining his scientific study to administrative responsibilities in 1952, when he became chief of the Large Scale Processes Branch of the Atmospheric Analysis Laboratory at the Air Force's Cambridge Research Center. During a year as head of the Meteorological Development Laboratory, Geophysics Research Directorate, of the Research Center, he provided technical direction for a team of scientists engaged in an extensive research program on the technique and dynamics of weather prediction. In 1959, he became a research associate at MIT, and resumed his private research into the problems of stratospheric meteorology.

In July of that year Dr. White joined the Travelers Insurance Cos., of Hartford, Conn., as director of this firm's weather research center and associate director of the research department. When the Travelers Research Center, Inc., was established in 1960, he became its president. He came to Washington at the request of President Kennedy in October 1963, to head the U.S. Weather Bureau.

Dr. White has represented the United States in the international scientific community in several capacities. A member of the Royal Meteorological Society, he is also the permanent U.S. representative to the World Meteorological Organization, and a member of its executive committee.

It would be hard to find a more qualified person to direct the new Environmental Science Services Administration. I am proud to join in support of this able son of Connecticut, respected and experienced public administrator, and eminent scientist.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of H. Arnold Karo, of Nebraska, to be Deputy Administrator, Environmental Science Services Administration.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

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

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

## ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, July 21, 1965, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 627. An act to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes;

H.R. 1217. An act for the relief of Capt. Paul W. Oberdorfer;

H.R. 1314. An act for the relief of Foster Masahiko Gushard;

H.R. 1322. An act for the relief of Mrs. Ana Cristina Rainforth;

H.R. 1374. An act for the relief of CWO Elden R. Comer;

H.R. 1487. An act for the relief of Maj. Kenneth F. Coykendall, U.S. Army;

H.R. 1889. An act for the relief of Albert Marks;

H.R. 2881. An act for the relief of George A. Grabert;

H.R. 3625. An act for the relief of Alfred Estrada; and

H.R. 8484. An act to amend section 2634 of title 10, United States Code, relating to the transportation of privately owned motor vehicles of members of the Armed Forces on a change of permanent station.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LAUSCHE, from the Committee on Commerce, with amendments:

S. 1588. A bill to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes (Rept. No. 497).

Mr. LAUSCHE subsequently said: Mr. President, at its next printing, I ask unanimous consent that the name of the senior Senator from Maryland [Mr. BREWSTER] be added as a cosponsor of the bill (S. 1588).

The VICE PRESIDENT. Without objection, it is so ordered.

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.R. 6097. An act to amend title 18, United States Code, to provide penalties for the assassination of the President or the Vice President, and for other purposes (Rept. No. 498).

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

H.R. 903. An act to add certain lands to the Kings Canyon National Park in the State of California, and for other purposes (Rept. No. 499).

## BILLS INTRODUCED

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

By Mr. MONDALE:

S. 2312. A bill for the relief of Arnold Maynard Carlson; to the Committee on the Judiciary.

By Mr. DIRKSEN.

S. 2313. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

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

By Mr. HARTKE:

S. 2314. A bill to amend chapter 57 of title 39, United States Code, so as to authorize the free use of the mails in making reports required by law of certain payments to others; to the Committee on Post Office and Civil Service.

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

By Mr. COTTON:

S. 2315. A bill to amend title 10 of the United States Code so as to provide free postage for members of the Armed Forces serving in Vietnam and other combat zones designated by the President; to the Committee on Post Office and Civil Service.

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

By Mr. TYDINGS:

S. 2316. A bill for the relief of Dr. Artemio M. Cuevas; and

S. 2317. A bill for the relief of Dr. Albert Victor Michael Ferris-Prabuh; to the Committee on the Judiciary.

## RESOLUTION

### TO PRINT AS A SENATE DOCUMENT SPEECHES AND SELECTIONS MADE BY ADLAI E. STEVENSON

Mr. McCARTHY submitted the following resolution (S. Res. 131); which, under the rule, was referred to the Committee on Rules and Administration:

*Resolved*, That there shall be printed as a Senate document a compilation, to be prepared by the Library of Congress, of representative published speeches, or selections therefrom, of Adlai E. Stevenson.

## TRADEMARKS—INTENT TO USE

Mr. DIRKSEN. Mr. President, some time ago I introduced Senate bill 1411 under the title, "Intent To Use Bill," which dealt with trademarks particularly. Since that time, the Chicago Bar Association Special Trade Mark Committee, the American Bar Association Committee, the National Coordinating Committee, and the Lawyers' Advisory Committee to the United States Trade Mark Association have done some additional work in this field and have suggested some revisions.

Accordingly, I introduce a new bill which deals with the same subject matter. I believe that it is a matter that can be more easily handled by a subcommittee of the full Committee on the Judiciary if it is in the form of a new measure.

Mr. President, I ask that the bill be received and appropriately referred.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The bill will be received and appropriately referred.

The bill (S. 2313) to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on the Judiciary.

## FREE POSTAGE FOR CERTAIN REQUIRED TREASURY FORMS

Mr. HARTKE. Mr. President, today I am offering a bill to provide for payment by the Federal Government of

postage costs in the required distribution of form No. 1099 information returns to individuals who receive $10 or more in interest or dividends.

In the Internal Revenue Act of 1962 there was included language requiring persons or institutions which pay interest or dividends in excess of $10 per year to furnish a statement of the amount paid to the payee and to the U.S. Treasury. Not only is there required a statement to the Treasury, but a statement must also go to the individual involved. There are currently some 60 million of these information returns being distributed to the recipients of interest or dividends, as well as the 60 million which go to the Treasury. The burden upon the financial institutions of the country—banks, savings and loan associations, insurance companies, credit unions, cooperatives, investment bankers, major corporations, and many others—comes to $3 million at 5 cents first-class postage for each one mailed to the recipient of dividends or interest. The cost is not so great for mailing the Treasury its copies, since they can be mailed in bulk, although still at first-class postal rates. This item comes to another $500,000. My bill would provide for free mailing of these returns both to the Treasury and to the individuals to whom they must go. The Post Office Department would be reimbursed for the loss of postage by the Treasury Department.

Mr. President, the reason for such a proposal is simple. Unlike many other forms mailed at the taxpayer's expense, the only beneficiary of these reports is the Federal Government. The Treasury Department has estimated that since the requirement that notices be sent to both the Internal Revenue Service and the recipient, tax revenues have increased as a result by about $2 billion annually. Yet the cost of producing this huge additional revenue is borne exclusively by the institution making the payment to the receiver of interest or dividends.

Free use of the mails for this purpose would still leave a heavy cost to be borne by the distributors of interest and dividends. They must maintain their records, compute the annual amount for each individual involved, and prepare the forms for mailing. While no estimate is available for this cost, there can be little doubt that it exceeds the cost of postage involved in this bill. In some cases preparation of the forms may run as high as 20 or 30 cents. The burden lies heavily upon financial institutions, and it is a different one from the preparation, for instance, of business census forms. There, the information is not only useful to the Government but it is highly useful to the businesses supplying the information.

Such a bill is not without precedent, since there are already free mailings for certain requirements under the Census Bureau. This bill, providing for assistance in the provision of information for the Government required by it for its own benefit rather than that of the person or firm which must do the preparing, is a fair treatment of what is presently an overly burdensome situation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2314) to amend chapter 57 of title 39, United States Code, so as to authorize the free use of the mails in making reports required by law of certain payments to others, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

## FREE POSTAGE FOR SERVICEMEN STATIONED IN VIETNAM

Mr. COTTON. Mr. President, I send to the desk for appropriate reference a bill which is designed to extend the privilege of free postage to those in the Armed Forces serving in Vietnam.

During prior periods of hostility, the granting of free postage to members of the Armed Forces serving in combat zones has been an established practice. In 1942 this privilege was extended to our servicemen fighting in World War II. In 1950 the Congress extended this allowance to those stationed in Korea. The same language used in these previous acts has been incorporated into the bill which I have introduced.

I call attention to the Senate, and shall call attention to the committee, that the bill is so drawn that it is not necessary for the President of the United States to officially declare Vietnam, or southeast Asia as a combat zone. It extends the privilege of free postage to those serving in Vietnam until such time as the President determines that it is an area in which the Armed Forces are no longer engaged in combat. It also allows the President to grant this privilege to other areas he may designate as combat zones.

When one contemplates the billions of dollars appropriated by this Congress each year, any cost of granting free postage to our servicemen in Vietnam would, indeed, seem small. I hope my colleagues will join with me in promoting this worthwhile and needed measure.

It is perhaps a small but very important service to our boys in Vietnam. I sincerely hope it will receive the prompt attention of the committee and brought to the Senate floor for action.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2315) to amend title 10 of the United States Code so as to provide free postage for members of the Armed Forces serving in Vietnam and other combat zones designated by the President, introduced by Mr. COTTON, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

## OMNIBUS RIVERS AND HARBORS BILL—AMENDMENT

AMENDMENT NO. 362

Mr. WILLIAMS of New Jersey. Mr. President, I submit, for appropriate reference, an amendment to S. 2300, the omnibus rivers and harbors bill, to incorporate the flood control project proposed for the Elizabeth River Basin, N.J., by the Army Corps of Engineers.

When the Senate Committee on Public Works held public hearings on projects for inclusion in this year's omnibus rivers and harbors bill, the Corps of Engineers had not progressed far enough with its preliminary work on the Elizabeth River flood control project to bring it before the committee. Nor was it possible to have the project acted on in the committee's executive session on the omnibus bill.

At this time, however, the corps has completed its work and the report of the Chief of Engineers has been cleared by all interested Federal and State agencies—the Bureau of the Budget, the Departments of Commerce, Agriculture, and the Interior, the Public Health Service, and the New Jersey State Department of Conservation and Economic Development.

In view of the fact that Federal and State approval satisfy all requirements for congressional consideration, I believe it only appropriate that this project be considered by the full Senate for inclusion in the omnibus rivers and harbors bill.

The Elizabeth River and its tributaries drain a thoroughly urbanized area of about 23 square miles in Essex and Union Counties. The population of this area was estimated in 1960 at approximately 11,000 residents per square mile. Industrial development is concentrated primarily in the cities of Newark, Elizabeth, Linden, Bloomfield, Belleville, and in the townships of Union and Hillside. According to the 1958 census, there were 4,011 manufacturing enterprises in the area.

The number today is undoubtedly much higher. Farming activity and open space land, other than parks, are virtually unknown.

At this time, there are no Federal flood control improvements in the Elizabeth River Basin, and activity by the Corps of Engineers has been confined to navigation improvements. There are, however, channel improvements for flood control in Newark and Irvington which were constructed between 1933 and 1939 by the Works Progress Administration.

The Elizabeth River Basin is affected by both fluvial and tidal flooding or a combination of these. Although the largest known fluvial flood occurred in 1897, it is estimated on the basis of 1964 price levels that a recurrence of that flood under present conditions would result in damage approximating $3,700,000.

In recent years, however, the greater danger to the area results from tidal flooding caused by hurricanes. In September 1954, and again in September 1960, hurricanes Edna and Donna did substantial damage which, if they recurred today, would be estimated at $1,700,000 and $1,320,000 respectively.

Citizens of Elizabeth have long felt that sporadic flooding and its hazards to property and life have contributed to the deterioration of sections of the city along the river. Moreover, the declining commercial importance and value of the riverfront property come at a time when

desirable sites for business and industry are increasingly sought after. Within the last few years, commercial traffic on Newark Bay has increased substantially and the forecast for the near future shows every indication that this growth will continue undiminished. Already the Corps of Engineers is awaiting Federal and State approval on extensive improvements on Newark Bay in anticipation of the bay's expanded commercial importance and its ports, such as Elizabeth.

It is, therefore, essential that this flood control project be undertaken at the earliest opportunity to enable the city of Elizabeth to contribute in full measure to the economic development of the area.

The Corps of Engineers has determined that the most practicable means of providing the needed flood control protection in the Elizabeth River Basin would be a local flood control protection project located primarily in the city of Elizabeth. The major elements of the project would consist of an improved channel, levees, floodwalls, an open flume, interior drainage facilities, appurtenant works and necessary bridge and utility changes at a total estimated first cost of $12,200,000.

The Board of Engineers for Rivers and Harbors has concurred in this plan. The Board has, however, recommended that hurricane tidal flood protection should be a primary purpose of this project.

The effect of the Board's recommendation lowers the estimated costs of construction to the Federal Government from $10,075,000 to $9,769,000, and raises the non-Federal share to $2,431,000 for lands, easements, rights-of-way, relocations and alterations, and a cash contribution presently estimated at $542,000. Annual charges estimated at $517,000 including $80,000 for non-Federal operation and maintenance, remain unchanged. Average annual benefits are estimated at $655,000 and the benefit-cost ratio is 1.3. The Chief of Engineers concurs in these views of the Board.

The need for this flood control project is not only critical but also long overdue. Already, years of delay have seen severe property damage and countless lives endangered. I trust, therefore, that the Senate will see fit to give its approval to this amendment.

The PRESIDING OFFICER. The amendment No. 362 will be received, printed, and lie on the table.

AMENDMENT NO. 364

Mr. RANDOLPH submitted an amendment, intended to be proposed by him, to Senate bill 2300, supra, which was ordered to lie on the table and to be printed.

## HIGHER EDUCATION ACT OF 1965—AMENDMENTS

AMENDMENT NO. 363

Mr. RIBICOFF. Mr. President, I submit an amendment to S. 600, the administration's higher education bill of 1965.

Mr. President, college and university faculties have expanded over 30 percent during the past 5 years, but even this substantial rate of expansion has not enabled the colleges and universities of this country to meet their staffing needs. A recent National Education Association survey of most colleges and universities indicates that the number of unfilled teaching positions is continuing to rise. The winter issue of the bulletin of the American Association of University Professors listed 175 institutions seeking over 200 college teachers. It is a fact that only a very small number of available positions are ever listed in the AAUP bulletin. Nonetheless, it is significant that so many institutions were listed there. The need is great; the graduate schools are unable to meet it.

To check the developing shortage of college professors, to improve the general state of instruction and research in all of our colleges and universities, to encourage graduate students to complete their work as quickly as possible, my amendment would provide a program of fellowships for completion of doctoral dissertations. This program would be available to all graduate students in good standing in accredited graduate schools that have satisfied all academic requirements for the doctoral degree except completion of their dissertation. The Commissioner of Education would be authorized to award up to 2,000 fellowships for the first fiscal year and up to 2,000 fellowships for the next 2 fiscal years. The fellowships would be awarded for such periods as the Commissioner would determine but not exceed 2 years. The stipend provided by each fellowship would be the same as is presently offered during the third year of the National Defense Education Act programs. Recipients of these fellowships would not be subject to a residence requirement. They will have the option of traveling to any library, archive, or research center in this country or elsewhere whose resources would facilitate completion of their dissertations.

Mr. President, the gravity of the problem that this program is intended to resolve has been recognized by the administration. The complexities, controversies, and economics of graduate education in the United States has been discussed, analyzed, and editorialized many times over. The failure of our graduate schools to produce graduated Ph. D.'s sufficient in number to meet current demands is a matter of great concern to all of us interested in educational excellence. The heart of the matter is that many more students begin graduate studies than complete them. They are, if you please, Mr. President, dropouts. While the reasons for dropping out are many, one of the most important reasons for serious students leaving graduate school is economic. Most of the direct assistance available to graduate students is available for the first year of study; the availability of direct grants diminishes as the student progresses through his second, third, fourth, and subsequent years. We have many programs encouraging students to begin graduate studies but very few to enable them to complete their work.

Recent amendments to the National Defense Education Act fellowship program have tried to do something about this situation. Grants available for 3 years need not be taken in 3 consecutive years. Students may be supported for 2 years as full-time students under the National Defense Education Act, then work as a teaching assistant and part-time student in a university for 1 or 2 years and then pick up the final year of their National Defense Education Act fellowship for a year of full-time work on their dissertations.

In addition, the remainder of vacated fellowships are now available for students engaged in dissertation writing. Helpful as the amendments are they are by no means a solution to the problem.

Over the past 4 years, approximately 23 percent of the fellowships have been vacated. Under the recent amendment, these vacated fellowships would be available for redistribution to students attending the school that had been awarded the fellowship that was subsequently vacated. If no fellowships were vacated, none would be available for distribution. Furthermore, these amendments apply only to schools and to programs and departments within schools that are participating in National Defense Education Act programs.

Mr. President, my proposal goes right to the heart of the problem. My proposal will make possible completion of what has been well begun. My proposal will provide fellowships for those that need them the most. My proposal promises the maximum result for the minimum expense. I hope that this amendment will be given the most serious consideration by the distinguished chairman and members of the Subcommittee on Education.

The PRESIDENT. The amendments will be received, printed, and appriately referred.

The amendments (No. 363) were referred to the Committee on Labor and Public Welfare.

## ADDITIONAL ASSISTANCE FOR AREAS SUFFERING A MAJOR DISASTER—AMENDMENT

AMENDMENT NO. 365

Mr. RANDOLPH submitted an amendment, intended to be proposed by him, to the bill (S. 1861) to provide additional assistance for areas suffering a major disaster, which was ordered to lie on the table and to be printed.

## ADDITIONAL COSPONSOR OF BILL

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Texas [Mr. YARBOROUGH] may be added as a cosponsor to S. 2184, relating to laboratory procedures, and so reflect it at the next printing.

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

## NOTICE OF HEARING ON NOMINATION OF ROBERT E. MAXWELL, OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF WEST VIRGINIA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judi-

ciary, I desire to give notice that a public hearing has been scheduled for Wednesday, July 28, 1965, at 10:30 a.m., in room 2300, New Senate Office Building, on the nomination of Robert E. Maxwell, of West Virginia, to be U.S. district judge, northern district of West Virginia, vice Charles F. Paul, deceased.

At the indicated time and place persons interested in the hearing may make such representations, as may be pertinent.

The subcommittee consists of the Senator from North Carolina [Mr. ERVIN], the Senator from Nebraska [Mr. HRUSKA] and myself, as chairman.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 21, 1965, he presented to the President of the United States the enrolled bill (S. 627) to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8775) making appropriations for the legislative branch for the fiscal year ending June 30, 1966, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 38 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

## THE AMERICAN FRIENDS SERVICE COMMITTEE

Mr. ERVIN. Mr. President, I deeply regret that the staff of the Internal Security Subcommittee has issued a pamphlet entitled "The Techniques of Soviet Propaganda," in which there is a statement to the effect that the American Friends Service Committee is well known as a transmission belt for the Communist apparatus. Although I am a member of the Internal Security Subcommittee, I was not consulted concerning the publication of the pamphlet, and had no knowledge of its contents prior to its publication.

The statement quoted from the pamphlet is grossly unjust to the American Friends Service Committee. I have always admired the American Friends Service Committee for its great devotion and service to humanity and know that its aims and activities are in irreconcilable conflict with everything for which communism stands.

## WE SHOULD RETURN SOLDIERS AND DEPENDENTS FROM WESTERN EUROPE: STOP THE OUTFLOW OF GOLD TO FRANCE

Mr. YOUNG of Ohio. Mr. President, since World War II we have spread our men and our resources across the world. Our Nation is, of course, the leader of the free world. In fact, we have more power militarily and economically than all other nations of the world combined. In order to "keep up with the Joneses" as the saying is, we have ambassadors, not ministers, in even the least populated and most backward of the emerging nations in Africa. Of course, it is inevitable that sometimes an ambassador turns out to be a pretty shoddy representative of a great nation. Also, ambassadors become from time to time the objects of hostility in the country to which they are accredited. It appears that Gen. Maxwell Taylor was in such a situation in South Vietnam before his resignation was suggested or accepted.

It would be well if top officials in the State Department, in giving instructions to our diplomats, would advise that they shun publicity and keep out of the glare of the spotlight whenever possible. Also, it would be advisable to emphasize that a good ambassador or consul should never be one, such as we have had from time to time, who makes the boast that he associates only with Americans and has never been in the home of a national in the country to which he is accredited.

It would be well to advise our ambassadors, particularly to nations in Africa, South and Central America and in the less powerful of the Asiatic countries, not to center their attention only on the groups with power and wealth in such countries, but also to find the side streets and side entrances to local places of opposition groups and the less fortunate economically as well.

They would do well to consider the words of John Gunther in his book, "Inside Europe Today." He was making reference to our continuing support, financial and military, of Fascist Dictator Franco, of Spain. He wrote:

> One lesson that may well be drawn from all this is that it is always dangerous for a democracy, like the United States, to become too closely involved with a dictator or semidictator, no matter how convenient this may seem to be. It is the people who count in the long run, and no regime is worth supporting if it keeps citizens down—if only for the simple reason that they will kick it out in time.

Another American author, C. L. Sulzberger, in his great book, "Unfinished Revolutions," made some suggestions which our officials from the Secretary of State down the line would do well to follow. Also, this goes for Secretary of Defense McNamara. His four cardinal rules or suggestions are:

> Keep the initiative, keep in with the outs, exploit the inevitable, then, if everything goes wrong, never stand between a dog and a lamp post.

Mr. President, in Europe there is growing concern that the English pound may be again devalued. Should this startling crisis develop, that certainly will have an adverse effect on the dollar and on our bonds abroad. Instead of ignoring this situation, it would be well right now for our Government to take all precautions possible to prepare our financial structure—our dollar—to meet even a slight strain that would inevitably come were the British pound to be devalued.

We must stop the outflow of gold to France and other nations. Here we are, more than 20 years following World War II, still maintaining huge military forces in West Germany, France, and other nations throughout the world. We have rearmed West Germany, and there is even talk that we may be sufficiently stupid to permit West Germany to become a nuclear power. Without delay we should withdraw most of the American 7th Army from Europe. We need no more than a few thousand of our Air Force and a few thousand advisory officers in France, West Germany, and Spain.

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

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I be permitted to proceed for an additional 5 minutes.

Mr. MANSFIELD. Mr. President, I shall not object at this time, but I think that we should observe the time limitation during morning business. I have no objection to the Senator from Ohio proceeding for 5 additional minutes.

Mr. YOUNG of Ohio. I shall try to deliver the remainder of my speech in less time than that. I thank the majority leader.

Mr. President, Defense Secretary McNamara, for reasons of economy that he gives, closes down military bases in this country and urges other steps in the name of economy in connection with our Reserves. At the same time he indulges in inexcusable extravagance and folly in maintaining overseas so many members of our Armed Forces and their dependents. Now we are confronted with the necessity, they say, of sending many thousands of additional combat soldiers to South Vietnam, apparently so the South Vietnamese forces may remain behind the firing lines and try to reorganize the rear echelon as their leaders now advocate.

To make this increased commitment in South Vietnam the logical thing is to withdraw most of the American 7th Army from Europe. A most important result of this would be to help stop the outflow of gold to Europe.

More than 20 years after the final hours of World War II we still have 340,000 men of our Armed Forces stationed in western Europe. In addition, approximately 320,000 dependents of these officers and men living there, many "living high on the hog", what with servants at low wages and excellent residences provided. In addition, there are hundreds of thousands of civilian workers and their dependents in western Europe. In West Germany alone we have 170,000 men with the 7th Army with 165,000 dependents. This is in addition to sizable Air Force units stationed there. A good way to stop the outflow of gold that is seriously affecting our economy would be to bring 150,000 to 200,000 servicemen and their dependents home.

In event of an emergency in western Europe, we have proven airlift capacity to transfer an entire division, land it and have it combat ready with all heavy

equipment, in less than 48 hours. Consideration should be given to withdrawing immediately from De Gaulle's France 40,000 or 50,000 men of our Air Force, Army and Navy and their dependents, numbering approximately 80,000 additional Americans. With De Gaulle demanding and securing more of our gold and upsetting our balance of payments to the prejudice of our economy, why not "favor" France by commencing without further delay to withdraw the men in our Armed Forces and their dependents from that country? The anguished cries from French Government leaders would be heard loud and clear. They like our hundreds of thousands of Americans in Europe because Americans are always ready spenders.

Just this week De Gaulle rejected a proposal made by Secretary of the Treasury Fowler for a world conference aimed at improving the international monetary system. Here again is an instance of his refusal to cooperate in improving our balance-of-payments problem and that of nations throughout the world.

Another example of De Gaulle's animosity toward the United States was the public protest by the French Government just recently against the alleged intrusion of an American photo-reconnaissance jet in the forbidden airspace over the heart of France's nuclear-production facilities. This, in spite of the fact that our European command asserted that the plane had been on a prearranged flight and had not entered the prohibited zone. This despite the fact that we Americans consider France our ally and friend. Evidently that cannot be said for De Gaulle.

The protest by the French Government over this alleged incident does not represent the act of a friendly, allied nation. One would expect to hear such a public protest from the Soviet Union or the Red Chinese or from officials of other Communist bloc nations. It was shocking to hear an accusation of this nature from a supposedly friendly Chief of State to whose nation billions upon billions of American taxpayers' dollars have been given and in which thousands of American young men are stationed as a deterrent to any possible Communist aggression.

The time has come for us to strengthen the economy of our Nation instead of going all-out to bolster the economy of allied nations. Unfortunately, thousands of Americans who helped liberate France in the two world wars will never return.

Mr. President, the danger of aggression from the Soviet Union in western Europe has greatly diminished. The Soviet Union is now a "have" nation and is definitely veering away from Red China, a "have not" nation. Former Senator Barry Goldwater may have been correct in his prediction that 10 years hence Russia would be our ally in any conflict with Red China. Today our first line of defense against Communist aggression and imperialism is in the Far East. This is where the bulk of our troops should be stationed, not in western Europe, where the need for them in large numbers no longer exists and where their presence adds to our country's balance of payments problem.

Finally, Mr. President, I assert it is a fact that France is prospering as never before. That nation has a powerful navy, a mighty air force, and her army is well trained and well armed, so much so that the chief of state, General de Gaulle, has been manifesting delusions of grandeur and a napoleonic intent to make France the foremost military leader in Europe. Also, we have rearmed West Germany and even now are considering making it a nuclear power as is De Gaulle's France. We should refuse to continue to maintain huge armed forces in West Germany which is now prospering and powerful.

Let us return to the United States many, many thousands of our soldiers and their dependents. Let us thereby stop the outflow of gold from our country and build up a surplus toward our own prosperity and well-being. After all, our Nation does not have any mandate from Almighty God to police the entire world.

## TRIBUTE TO ADLAI STEVENSON

Mr. BREWSTER. Mr. President, on Monday the Nation mourned the passing of Adlai Stevenson.

Nothing I could say would better express my sentiments, and the sentiments of all who loved and respected Ambassador Stevenson, than to ask unanimous consent, which I now do, to have printed in the RECORD a beautiful tribute which was published in the Baltimore Sun of Thursday, July 15, 1965.

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

ADLAI STEVENSON

Asked once in a BBC interview to imagine he had to write his own obituary, and what point he would like to stress, Adlai Stevenson said: "I should like most to be remembered as having contributed to a higher level of political dialog in the United States." Today, as others all over the world write obituaries of this extraordinarily civilized man, we can say that he will be so remembered, and we can say more. If there may be supposed in international affairs to be a plane on which dialog proceeds in terms of reason, sagacity, and vision, he contributed to that dialog too, and will be remembered for it.

Despite a long family tradition in State and National politics, politics was perhaps not Stevenson's natural bent. He entered politics by deliberate choice, because he believed it to be the "noblest career," and when an almost random course of events took him to a field larger than he had aspired to, nomination to the Presidency, an office whose burdens he said staggered the imagination, he assumed that effort also. He was overwhelmed by General Eisenhower, who ran not only as a war hero but also as a symbol of something that might help to calm—and for a while did help to calm—a desperately feverish country. Yet the Stevenson campaign of 1952, with its thorough, thoughtful discussion of specific issues above personalities and political expediency, stands as a model in our time of politics at its most intelligent and responsible.

His campaign 4 years later was different, tailored more to compromise and vote-wooing, and on the candidate's part it gave an impression of halfheartedness. Again he lost, of course, and his career in politics seemed over, and was over.

His career in the Nation's service was not. With the election of John Kennedy in 1960 there arose the possibility that Stevenson would become Secretary of State. Instead, Mr. Kennedy named him Ambassador to the United Nations. It was a wise choice. No one understood the United Nations, with its promises and its limitations, better than Stevenson did, for he had helped create it and had worked in it and watched it, and he knew intimately the tangled problems of the world. In that troubled forum over these past few years no American could have argued so eloquently, or more firmly, his Nation's position; nor could any man have espoused more loyally the policies determined by the two Presidents whose representative he was.

Some critics of Stevenson thought him too diffident, too self-deprecatory, too witty, too sophisticated, too literary. Let us say rather, as we sorrow at his passing, that he did lack personal ambition in any vaulting sense, that he did know himself and was incapable of pretending to be other than himself, that his witticisms were not wisecracks but bubblings from the well of wisdom and, in short, that like all highly civilized men he was a highly complicated man also. There are never enough of them. There is one fewer now.

## THE PROGRESS OF THE JOHNSON ADMINISTRATION

Mr. BREWSTER. Mr. President, James Reston, the distinguished reporter and editor of the New York Times wrote an article which was published in the New York Times of June 27 which, I think, deserves the attention of all Senators. It is entitled "The Forgotten Shaft of Light" and is an objective analysis of what we really have been accomplishing in this country during the past few years. It is an endorsement of the Johnson administration—the same kind of endorsement being given to President Johnson by the great majority of Americans.

We tend to be preoccupied in this country with our problems. Although it is right to concern ourselves with what we have yet to accomplish, there is also a need to take objective cognizance of the encouraging facts. President Johnson, says Mr. Reston—and I quite agree—has us well on the road to a Great Society—and no society in the history of this planet has quite succeeded in that regard as we are succeeding today.

The President is guiding us toward social harmony. No one talks about how well we are getting along with one another in this country. Instead, emphasis is given to incidental conflict and localized unrest.

No one points out that the strides made in the field of education over the past 2 years rival those made during all the previous history of this great Republic. No one points out that in the most affluent nation on earth more people are benefiting from the natural abundance than at any other time in our history. In short, Mr. President, America is doing quite well. And cause for optimism carries far into the future.

The President, as a great political leader, is apt to be criticized occasionally, more on account of his political position

than on the basis of his work. No President has worked harder than Lyndon Johnson, and we should pay some attention to the fruits of his labors—and, of course, of our own. Neither Congress nor the President will stop working while we take account of the accomplishments we are making.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Reston's excellent article, which should help to determine where we are in the march to the Great Society. By knowing where we are, we should better be able to determine where we should go.

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

[From the New York (N.Y.) Times, June 27, 1965]

WASHINGTON: THE FORGOTTEN SHAFT OF LIGHT

(By James Reston)

WASHINGTON, June 26.—The first half of 1965, despite the troubles abroad, has been a remarkable period in the development of the American Nation. All the old differences between North and South, labor and management, black and white, city and country, rich and poor, remain; but there has been an easing of tensions among all these contending forces during the last 6 months and a definite progress on the homefront toward "a more perfect union."

Nothing has been solved but many things have been improved. A start has been made in the battle against poverty in the city and rural slums. The state-church issue, long a barrier to effective Federal aid to education, has been modified by the ingenious compromises of President Johnson's education bill.

The old and the sick, long abandoned by a restless society, are now to get some relief under the modified medicare legislation, and the disenfranchised Negroes will have a better chance under the new voting rights bill.

THE UNEVEN GROWTH

Meanwhile, the States have made substantial progress toward a more equal distribution of voting power under the Supreme Court's order redistricting the State legislatures, and the national economy is booming along, with occasional spasms of doubt, toward higher levels of productivity and employment.

Ironically, the very poor, while better off now than at the beginning of the year and considerably better off than at the start of the 1960's, are steadily falling behind the rate of economic progress of the rest of the Nation. But the over-all trend is nevertheless upward, the middle class is growing, and the divisions over economic policy and theory are not as bitter or emotional as they were at the start of the tax debate only 2 short years ago.

This trend toward compromise and cooperation on the homefront has been blurred and sometimes even overwhelmed by a contrary trend toward contention, division and violence in the Nation's relations with other countries, but this is all the more reason for recognizing the progress where it exists.

THE COMMON AIMS

There seems to be a growing realization in the Nation that neither class or region or race can achieve its objectives in isolation from the rest, and that modern science, technology and education are challenging all institutions to adopt, in their own interests, a new spirit of interdependence.

Neither the Democrats nor the Republicans, for example, now think that they can win a majority of the Nation by appealing to sectionalism or factionalism. Goldwater tried it in the presidential campaign of 1964, and his monumental failure produced the Democratic majority that is now putting through the domestic social legislation Goldwater opposed. Thus, Johnson is now wooing Republican big business, and JOHN LINDSAY is running for mayor of New York, not as a Republican but as a fusion candidate. Meanwhile the trend toward compromise is going beyond either Goldwater's ideology or Johnson's "y'all come" invitation to consensus.

For example, the State Governors, long the symbol of State's rights and State pride, are now forming regional compacts and working together on regional problems that transcend State boundaries. The churches too, long in contention over the "true faith," are now minimizing their theological and denomination differences and concentrating on the things they agree upon rather than the things that divide them.

Universities and colleges are following the same trend. They are engaged in all kinds of new cooperative experiments. Working together on common regional development programs, exchanging students and members of the faculty, and permitting their teachers to spend time serving the Federal Government which the teachers then protest against when they return to the campus.

In short, there is a kind of roving experimental inquiry going on in the United States today. Things are changing so fast that nobody seems to be quite as confident or dogmatic as he used to be about his inherited ideas and prejudices; so everybody is shopping around for new answers to new problems.

JOHNSON'S ROLE

Fortunately, this new spirit of pragmatic experimentation on the homefront happens to fit precisely the temper of the presiding officer of the Nation. Lyndon Johnson would not have been comfortable in a period of vicious ideological warfare because he is not a doctrinaire man, but when everybody is searching and all factions are vaguely mixed up together, his political genius is most effective.

It would, therefore, be difficult to find another 6 months since the war when more progress was made at home than since the beginning of 1965. Maybe at the end of the decade Vietnam will still stand out as the historic issue of the Johnson administration, but maybe not.

More than likely the transformation of the domestic scene: The acceptance of the new New Economics, the redistribtuion of political power in the South and the cities, the progress in education and social legislation and the overall movement toward greater discussion between the races and religions, and classes, will take on a larger significance than they are given today.

## MILITARY PAY INCREASE

Mr. DODD. Mr. President, yesterday afternoon brought the welcome news that the House had voted overwhelmingly, 410 to 0, to increase the pay of our Armed Forces by approximately 10 percent.

I wish to express my wholehearted support for this measure, and I hope that the Senate will move promptly to approve it.

I recently had occasion to speak on this subject at the graduating class of the National War College. That our Armed Forces are sadly underpaid has been a matter of common knowledge.

But I must say that I was amazed to discover, in the course of preparing my remarks, how much damage this situation has already done to the combat efficiency and to the morale of our service people.

The low pay of our Armed Forces is a national scandal—a scandal on which we cannot afford to postpone action, because it goes to the heart of our national security.

In dealing with this subject, I wish to quote several paragraphs from my speech before the National War College last month:

This situation has resulted in a dangerous—and increasing—rate of turnover.

In the Navy alone about 130,000 men—about 20 percent of its entire personnel—must be replaced each year.

Eighty percent of the enlisted men are lost after their first enlistment. As a result of this annual exodus, the Navy is losing 13 percent of its officer strength each year, and it is estimated that 80 percent of the officers leave the Navy before completing 10 years of service. To make matters worse, the supply of new officers seems to be dwindling. This year, I understand there are 20 percent fewer applicants than last year.

The Army and Air Force are confronted with similar manpower problems. It is my understanding that over the last 5 years the annual rate of resignation of Army officers has increased by 50 percent, while the annual rate of resignation in the Air Force has increased by 150 percent.

This is a situation that violates all the rules of efficiency and economy. A private business that suffered so large a turnover of trained personnel would go out of business in no time.

To replace the 20 percent of its personnel who each year leave the service, the Navy must recruit another 130,000. To train this massive influx of new recruits, the Navy must assign 19 percent of personnel to education and training commands.

What this adds up to is that at any given time, 39 percent of the entire personnel carried on the Navy's books are involved in the business of training—either as trainees or instructors.

I shudder to think at the cost of this turnover for the taxpayer. For example, the estimated cost of replacing a pilot aboard an aircraft carrier is $150,000. But even more alarming is the damage it does to the combat efficiency of the Navy and to its general morale.

In closing my remarks, I want to reiterate the hope that the Senate will move rapidly to approve this long-overdue measure to provide our Armed Forces a more equitable scale of renumeration.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks the complete text of my remarks before the graduating class of the National War College.

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

THE ROLE OF THE SOLDIER IN THE WORLD OF TODAY AND TOMORROW

(Remarks by Senator THOMAS J. DODD before the graduating class of the National War College, Washington, D.C., June 11, 1965)

Admiral Lee, members of the faculty and directing staff, gentlemen, I am profoundly honored by your invitation to address this year's graduating class of the National War College.

I am also grateful for this invitation.

In speaking about "The Role of the Soldier in the World of Today and Tomorrow," I am addressing myself to a subject to which I have given recurrent thought. But your

invitation obliged me to sit down and do some concentrated research and thinking about the problem—to weave the many wandering strands of my previous thoughts into a coherent pattern—to add up the facts in full and draw the conclusions in full.

I knew that the problem was a big one. But now that I have had an opportunity to focus this kind of concentrated attention on the subject, I realize that the problem is far, far bigger than I previously estimated it to be. Indeed, I think it is no exaggeration to say that the role our society assigns to our soldiers in the world of today and tomorrow, the manner in which it treats them, can have a decisive bearing on our national security and on our survival as a free nation.

Recently a U.S. Army major resigned and wrote a bitter article for the Saturday Evening Post.

"After 13 years as an officer of the U.S. Army," the article said, "I recently resigned, frustrated and disillusioned. I was supposed to be guarding something grandly called the American way of life. But, by a cruel paradox, the society I had sworn to protect is a society that is indifferent and even hostile toward me and my comrades."

It has for me been frightening to discover that the sense of frustration and disillusionment—yes, even bitterness—of which this officer spoke is widespread throughout the Armed Forces, especially among our career officers.

It has resulted in a dangerous—and increasing—rate of turnover.

In the Navy alone about 130,000 men—about 20 percent of its entire personnel—must be replaced each year.

Eighty percent of the enlisted men are lost after their first enlistment. As a result of this annual exodus, the Navy is losing 13 percent of its officer strength each year, and it is estimated that 80 percent of the officers leave the Navy before completing 10 years of service. To make matters worse, the supply of new officers seems to be dwindling. This year, I understand there are 20 percent fewer applicants than last year.

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This is a situation that violates all the rules of efficiency and economy. A private business that suffered so large a turnover of trained personnel would go out of business in no time.

To replace the 20 percent of its personnel who each year leave the service, the Navy must recruit another 130,000. To train this massive influx of new recruits, the Navy must assign 19 percent of personnel to education and training commands.

What this adds up to is that at any given time, 39 percent of entire personnel carried on the Navy's books are involved in the business of training—either as trainees or instructors.

I shudder to think at the cost of this turnover for the taxpayer. For example, the estimated cost of replacing a pilot aboard an aircraft carrier is $150,000. But even more alarming is the damage it does to the combat efficiency of the Navy and to its general morale.

This decline in the profession of soldiering and in the morale of our Armed Forces is all the more alarming because it comes at a juncture in history when our security depends perhaps more than ever before on the maintenance of a highly trained and motivated officers corps, in all branches of our Armed Forces.

This is so for several reasons.

It is so, first of all, because of the world situation and the mounting intensity of the cold war.

It is not Vietnam that is the chief target in this war, nor is it the Dominican Republic. It is the United States of America. Both Moscow and Peiping have made it abundantly clear that they regard us as the chief enemy. They have made it clear that they regard Vietnam and the Dominican Republic as skirmishes on the periphery, preliminary to the final assault, by subversion or force or by a combination of both, on our country, which they look upon as the central bastion of freedom and private enterprise.

Perhaps for the first time since the American Civil War, it may truthfully be said that our survival as a free nation is at stake.

In the old days of conventional warfare, an officer might see action in one war in the course of a 20-year enlistment. But conventional wars have now given way to the much more difficult, much more insidious, much more frequent wars of national liberation.

As of this juncture we have two such wars going full blast, in Vietnam and Laos. We have two new Communist insurgencies building up in the Philippines and in Thailand. We have just had to intervene to save the Dominican Republic from a Communist takeover.

And there is every reason to believe that things will become worse before they become better.

Instead of big wars every 20 years, therefore, the pattern of war has changed so that what we have today is a pattern of many minor or medium-sized wars of national liberation and Communist coups, occurring at such frequent intervals and in so many different parts of the world that they blend into one big, continuing, worldwide battle between the forces of communism and the forces of freedom.

The coming decades, I am afraid, will see no respite from this war. Our Armed Forces will have to be constantly on the alert, our soldiers constantly ready for action at a score of different crisis points.

The risks of your profession, therefore, are much greater today than they have been at any previous point in our history. Your profession calls for men who are prepared to assume these risks, together with all the creature discomforts and deprivation of personal life that go with them.

The increased need for a highly trained and motivated corps of career officers stems in the second place from the exceedingly complex nature of this new type of warfare.

In the old days, a soldier was a soldier, and if he learned his own profession well, he was doing his duty.

But the complex nature of Communist political warfare makes it necessary for the ideal officer of today to be an expert in many fields. In Vietnam today, for example, our military advisers in the field are frequently the only Americans in the area. In addition to being soldiers, they must be diplomats, rural development experts, statesmen, linguists, experts in psychological warfare, in propaganda, and many other things to boot.

All of this sounds like a tall order for any one man to fill. But I can assure you that we have many officers in Vietnam, at all levels, who do meet all of these qualifications. Needless to say, these are no ordinary men. They are men of altogether superior intelligence and dedication—the best that our country has to offer.

I cannot begin to tell you how impressed I was by the many officers I met in Vietnam, from General Westmoreland down to the rank of lieutenant. I felt both proud and humble in their presence.

That we have men of such rounded abilities available to us today is something for which the National War College deserves a large share of the credit. Regrettably, there are few of the general public who realize how broad the scope of your curriculum is and how much learning in how many different fields—political, historical, and psychological, as well as military and strategic—you cram into your brief 1-year sojourn at the National War College.

All of these courses are conducted in the best tradition of the free society, with no approved solutions, no school solutions, and with primary emphasis on the situation of intellectual curiosity and independent thinking.

This kind of curriculum and the kind of warfare for which it prepares you demands men of very superior ability. And the requirements are further compounded because the fantastic developments in modern weaponry place unprecedented demands on engineering and technological skills.

Men who are broad-gaged enough to meet all of these requirements are the kind of men who command a premium in the world of business and industry.

It is imperative that we attract such men to our Armed Forces and keep them there and motivate them.

But the sad fact is that we are attracting fewer of them and losing more of them.

This is a serious situation, and we must do something about it.

The third reason why we must have a highly trained and motivated corps of career officers is that, while we cannot afford to remain in a state of constant mobilization, the world in which we live compels us to be prepared for instant total mobilization, with all that this entails in terms of trained reserves and ready logistical support.

Our ability to deter war goes up in proportion to our capacity for rapid mobilization; and this capacity, in turn, is completely dependent on the size and quality of our corps of professional officers.

Our commitment is to peace and to the ways of diplomacy. But we are dealing with enemies who believe, in the words of Mao Tse Tung, that "power speaks out of the mouth of a gun." Under these circumstances our ability to implement our foreign policy and to pursue our commitment to peace, depends in the final analysis on our power. A major and decisive element of this power is military strength.

Let us have no illusions about it: if it were not for American military power, there would be no free world left today. The Communists understand this well. Our allies understand it, too. Even the so-called neutralists understand it. Confidence in American power indeed is the cement which holds the free world together. Without this cement, the entire structure of freedom would crumble in an incredibly short time.

### WHY THEY LEAVE

Why is it becoming increasingly difficult to retain officers or, for that matter, to persuade enlisted men to reenlist?

Maj. Marion T. Wood, the Army officer whose words I have already quoted, said in his Saturday Evening Post article, that when he decided to resign from the Army, he wrote himself a letter to justify his decision. This is what he wrote:

"I want the opportunity to grow personally and financially, according to my own ability; I want to be part of a stable community; I want a home; but mostly I want my children to grow up in an atmosphere which will more adequately prepare them to face the future with confidence. The U.S. Army does not offer these possibilities now."

You all know, only too well, of the gross disparity between service pay and pay scales in other departments of Government, in industry, in business and in other sectors of our society.

The low pay of our Armed Forces at every level is a national scandal—a scandal on which we cannot afford to postpone action because it goes to the heart of our national security.

I shall not belabor your time by repeating details with which you are all familiar. But I can not tell you how impressed I was when I learned that a recruit in the armed services today receives less than a dropout recruit in the Job Corps, that a third-class petty officer aboard a Polaris submarine receives less than someone on relief in New York City. This is why I have said it is a national scandal, and I believe that it is.

The late President Kennedy felt very strongly about this matter. He said that we pay less to a man who is doing something for his country than to someone who is letting his country do something for him.

THE DOWNGRADING OF THE MILITARY

The hardships, the risks, the long periods away from home, the substandard housing, the grossly inadequate compensation, the incredibly long hours of work—all these things taken together should be sufficient to discourage even the most dedicated souls.

To me it is a miracle that despite the many heavy penalties they must pay for their desire to serve their country, and despite the fact that most of them could do infinitely better in business or industry, so many thousands of our officers still remain faithful to their service.

As for those who have left the service, I am convinced from many conversations that they would have been prepared to endure all the physical and financial hardships, but that they found it impossible to endure the constant harassment and downgrading and denigration to which our Military Establishment has been subjected in recent years—the feeling that their superiors and their society regard them with disdain, as some kind of necessary evil, the feeling that even in their own spheres of professional competence, their judgments are regarded as worthless by their military superiors.

This downgrading of the military profession stems from many sources.

First of all, I think anyone who has made a study of Communist tactics and Communist propaganda is aware of the fact that in every free country it is one of the major assignments of the Communist propaganda apparatus to seek every possible way of downgrading the military, by fanning popular distrust and official suspicion.

The official Communist propaganda apparatus in this country is small, and there are some who will say it is negligible; but this apparatus is like an iceberg—one-tenth of it above the surface, nine-tenths below.

Moreover, the Communists are past masters at exploiting non-Communists and even anti-Communists in the dissemination of their propaganda. And when it comes to disseminating antimilitarist propaganda in America, the Communists find the going rather easy, because our society has until recently been one of the least militaristic in the world, and because of the traditional suspicion of the military and the traditional emphasis on civilian control of the military, harking back to our own Declaration of Independence.

There have in recent years been a number of books and a number of films and many articles devoted to the task of downgrading our Military Establishment. In the past year alone we have had two major Hollywood productions, "Seven Days in May" and "Dr. Strangelove," both of which had some merit from a purely artistic standpoint, but which unquestionably had the effect of sowing a few additional seeds of suspicion and hostility toward our military in the public mind.

I am absolutely certain that the majority of those involved in the production of these antimilitary articles and books and films were not Communists but loyal American citizens, generally anti-Communist in their outlook, who sincerely believe that the military are not sufficiently restricted and that the military mentality constitutes a menace to our society. But I am just as certain that somewhere in the barrage of propaganda directed against the Military Establishment in the United States the hand of the Communist propaganda apparatus has been at work.

At this point I want to digress for a moment to distinguish between antimilitarist and antimilitary. I consider this distinction important because I consider myself an antimilitarist, while I am mortally opposed to those who conceal their attacks on the military profession behind the facade of antimilitarism.

To me the impact of this false antimilitarist propaganda has been a frightening demonstration of the ability of skilled propagandists to condition popular thinking.

A truly surprising number of decent Americans, as a result of the propaganda barrage of recent years, have come to regard our military professionals as warmongers and extremists, as a species of rightwing kooks with a special proclivity for pushing nuclear buttons. There has been a disturbing amount of criticism, from people of the highest rank and influence, devoted to the theme that our military are inept and irresponsible and that we must keep an eye on the Military Establishment, lest it get out of hand.

I find this criticism all the more outrageous, because I know so many military men intimately. I know that we have no body of men in our society more dedicated both to the things that America stands for and to the cause of peace. And they are for peace for the very good reason that, better than any other members of our society, they know the meaning of war.

To the extent that it is in my power, I want to promise you that I will do my utmost to direct the attention of my colleagues in the Senate to the problems that I have here discussed with you.

The second thing that one in my position can do—in a small way but I hope with some measure of effectiveness—is talk about this situation publicly so that the people of the country get a balanced, sane view of the vital role of our military people.

We have spoken about these matters in hushed voices in the past. The time has come to speak out about them frankly.

I congratulate all of you graduates who have completed this very difficult course of studies. Thank God we have you, because we need you badly; and, as I have already indicated, I am fearful that our need for you will grow more acute before it grows less acute.

## REPUDIATION OF ATTACK ON AMERICAN FRIENDS SERVICE COMMITTEE

Mr. DODD. Mr. President, a revised edition of "The Techniques of Soviet Propaganda," issued by the Senate subcommittee on Wednesday, July 13, 1965, carries the statement that the American Friends Service Committee is "well known as a transmission belt for the Communist apparatus."

As vice chairman of the Senate Subcommittee on Internal Security, I wish to disassociate myself from this statement, which I never saw and never approved, and which I consider most damaging and unfortunate.

Although I have strongly disagreed with some of the foreign policy positions taken by the Friends, I have the greatest respect for their organization and for the remarkable humanitarian work it carries on in so many parts of the world.

"The Techniques of Soviet Propaganda" was originally approved for publication by the Subcommittee on Internal Security in 1960. I joined in this approval because I considered it a study of exceptional merit. Because of a failure at staff level, the revisions incorporated in the current edition, contrary to committee custom, were not submitted for my approval or for the approval of the other subcommittee members before the study went to the printer.

On examining the study further, I found other passages of the revised edition which I consider equally objectionable. For example, on page 16, it is stated that:

> From the offices of numerous institutes in Asia and Latin America, subsidized by the respectable Ford Foundation, certain distinguished sociologists persistently abuse the United States and praise the U.S.S.R.

We have sought to make it a rule that the committee does not offer opinions, pro or con, on organizations which have not been the subject of formal hearings. I consider this sweeping condemnation of the Ford Foundation completely unwarranted and out of place in any publication of the subcommittee, in view of that fact that the foundation has not been the subject of any investigation before our subcommittee.

On page 42 of the study there is a passage which can be construed as meaning that the test ban treaty with Moscow was a supreme act of folly.

I, myself, supported this treaty, as did a very substantial majority of the Members of the Senate.

Unquestionably, there were some people who exaggerated the significance of the treaty. Unquestionably, too, those who oppose it are entitled to their opinions. For my own part, however, I am strongly opposed to incorporating a condemnation of this treaty, open or implied, in any study of "The Techniques of Soviet Propaganda."

I have written to Chairman EASTLAND to express my strong disapproval of these passages and of several other passages that appear in the revised text.

I have asked that it be made an ironclad rule that no study be published by the subcommittee without the authorization of the full membership of the subcommittee.

Finally, I have asked that distribution of the present edition of "The Techniques of Soviet Propaganda" be halted.

Mr. CLARK. Mr. President, I associate myself with the statements just made by the Senator from Connecticut [Mr. DODD]. I believe that counsel for the Internal Security Subcommittee is subject to justifiable criticism for what was done.

Mr. BAYH. Mr. President, I wish to voice an objection today to the release of a study entitled, "The Techniques of Soviet Propaganda," by the Senate Subcommittee on Internal Security.

Although I am a member of this subcommittee, this study was published and released without my knowledge and without an opportunity to review the material or to register objections.

Mr. President, I have serious objections to some material contained in this

study. It contains certain questionable allegations about organizations and public policy. I do not believe that such allegations should be distributed bearing my name, among others, when no opportunity has been given to review the material in question.

I wish to make it clear that if I had been given the opportunity, I would have refused to associate myself with this study. Several members of the subcommittee who share these views are publicly dissociating ourselves from this study which we never saw, never approved and which we consider damaging and unfortunate.

I am enjoining with Senator DODD and other Members in requesting the chairman of the subcommittee, the distinguished Senator from Mississippi [Mr. EASTLAND] to consider making a rule that in the future, no publications may be issued by the subcommittee without prior authorization of its members.

A number of highly questionable allegations appear in this particular publication to which I object and which I would not have approved had there been the opportunity to review the material in advance.

The American Friends Service Committee, for example, is described as "a well-known transmission belt for the Communist apparatus."

There are implications about the wisdom of grants by the Ford Foundation, an organization whose activities have never been the subject of such allegations by this subcommittee.

There are statements implying that the limited nuclear test ban treaty amounted to folly on the part of the United States.

Mr. President, I do not necessarily agree with all suggestions made by the American Friends Service Committee pertinent to foreign policy. But this public spirited group has made a significant contribution to our American way of life. I do not necessarily agree with all programs sponsored by the Ford Foundation. But, indeed, the foundation has sponsored many extremely helpful programs. While I strongly advocated adoption of the limited nuclear test ban treaty, I do not object to persons expressing a difference of opinion.

I do object most vigorously, however, to implications, allegations, or condemnations of organizations, persons, or policies in any study issued by this subcommittee when they have not been the subject of exploration by the subcommittee. I also object to such studies being issued bearing my name among others when there has been no opportunity to pass judgment on their contents.

## TRIBUTE TO ADLAI STEVENSON

Mr. CLARK. Mr. President, Adlai Stevenson was my friend and I his; yet there were many who knew him longer and had far better claims on his affection than I.

His capacity for friendship was unique. Few of us can claim as many as a dozen human beings to whom we are really close; but he counted in the hundreds the men, and the women too, whose eyes lighted up with a warm glow when he greeted them. And this warmth of feeling was reciprocated on his part with a sincerity so obvious that it could not be doubted.

Now that this vibrant and wholly admirable gentleman has left us forever, everything which needs to be said about him has been said a hundred times over both by those who loved him and by those many others who, now that he is gone, appreciate the respect in which he was held by millions of people all over the world.

It would be redundant to speak at any length of his idealism, his dogged clinging to what he believed to be right without regard to personal consequences, his wit, his humor, the inspiration that his words and his deeds gave to those of us who remain to grasp the torch he carried and to hold it high in his memory.

He awakened his generation from complacency and cynicism. He led us a few steps farther down the road blasted into the future by those great Americans who believed with all their hearts in liberty and justice and peace and compassion.

Abraham Lincoln was the American he admired most. The purpose and the aim of his life is well reflected in the thought expressed a hundred years before his death in the second inaugural address:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the world's wounds, to care for those who have borne the brunt of the battle, and to do all which may achieve and cherish a just and lasting peace among all the nations of the world.

## APPOINTMENT OF JUSTICE GOLDBERG AS U.N. AMBASSADOR

Mr. RIBICOFF. Mr. President, I commend President Johnson for his appointment of Mr. Justice Arthur Goldberg as U.S. Ambassador to the United Nations. This choice was wise and fitting.

Mr. Justice Goldberg is a man of great ability, intelligence, compassion, and diplomacy. I was privileged to serve with him in the Cabinet of President John F. Kennedy, and came to know and admire his many talents. He is a fitting successor to Adlai Stevenson, and will serve our Nation with distinction in this most important post.

Few appointments have received such universal acclaim. I ask unanimous consent to include in the RECORD at this point a series of editorials and columns praising the appointment of Mr. Justice Goldberg.

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

[From the New York Times, July 21, 1965]

THE GOLDBERG APPOINTMENT

President Johnson achieved complete surprise with his announcement yesterday that Supreme Court Justice Arthur J. Goldberg will succeed the late Adlai E. Stevenson as U.S. Ambassador to the United Nations. Once the initial shock of astonishment wore off, many an American must have wondered to himself why he hadn't thought of Justice Goldberg too—because the more one ponders this selection the more logical, even the more brilliant, it appears.

In his extraordinarily warm statement making the announcement, President Johnson emphasized that Arthur Goldberg "is an old and trusted friend and counselor" who will have "direct and ready access" to the President and the Secretary of State. These words underline both President Johnson's high estimate of the importance of the United Nations and his strong personal affinity with his new envoy.

The American representative at the U.N. must be a skilled and flexible negotiator, an effective advocate and an able politician in the best sense of the word. Justice Goldberg is all of these. His tact, persuasiveness, and ingenuity, his ability to arrange a compromise without sacrifice of principle, his activism, enthusiasm, and pragmatism—these are qualities as applicable at the United Nations as in the world of labor, the law, and government.

There is apt symbolism in the fact that Justice Goldberg, who rose from the slums of Chicago to his present national and international eminence, now goes to the United Nations as spokesman for all Americans. He personifies the continuing opportunity afforded by American democracy to its ablest sons. While it is true that he has had little experience in the complexities of international diplomacy—and his lack of background in this field is the very reason his name never appeared in speculation over Mr. Stevenson's probable successor—it is also true that he is not bound by prejudgments or inhibited by previous positions on most major questions of foreign policy. Of course he will be carrying out the President's orders, but his voice will be heard and respected at the White House as well as at the United Nations. He is a worthy successor to Adlai Stevenson.

[From the New York Herald Tribune, July 21, 1965]

JOHNSON'S SOUND CHOICE

(By David Lawrence)

WASHINGTON.—President Johnson made a wise choice in selecting Associate Justice Arthur J. Goldberg of the Supreme Court to become U.S. Ambassador to the United Nations to replace the late Adlai Stevenson. The President recognized the need for a man of national and international stature—someone who could carry on extemporaneous debate in the United Nations Assembly or the Security Council and make an effective impression with his words.

Another basic reason for Mr. Johnson's decision undoubtedly was Justice Goldberg's keen perception of the many legal questions that affect governments throughout the world in their relations with each other.

Justice Goldberg has spoken often before national and international law organizations here and abroad. While the United Nations has among its ambassadors from other countries men who are versed in diplomacy, some of those who have proved most effective in the past had a deep insight into international law.

Justice Goldberg's appointment could result in a new emphasis on law in the councils of the United Nations. This would be a significant change. President Johnson said he had asked the Justice to serve because there was no more important task ahead today than the achievement of "a world where all men may live in peace with the hope of justice under the rule of law." He added:

"Committed as we are to this principle and to this purpose, it is fitting that we should ask a member of our highest court to relinquish that office to speak for America before the Nations of the world."

Also, in the area of mediation and negotiation, Mr. Goldberg will bring to his new task an ability which he used successfully as a labor lawyer. Many labor lawyers naturally

become masters of a kind of diplomacy in dealing with labor-management disputes which enables them in many cases to end strikes or to prevent them. They use well-balanced phrases in proposed agreements that must meet the tests of public opinion both inside and outside of the labor unions.

Justice Goldberg's willingness to leave the Supreme Court has caused many members of Congress to wonder why he would abandon a lifetime position for something else in Government. But there are some men who find that, while the service of a Supreme Court Justice is intensely interesting, there are in critical times other fields to which duty calls them.

James F. Byrnes, for example, had been Governor of the State of South Carolina and had served also in the Senate before President Roosevelt appointed him to the Supreme Court of the United States in June 1941. But when war broke out, Mr. Byrnes was called in October 1942 to take over the job of Director of Economic Stabilization and then was appointed Director of War Mobilization in May 1943. There was talk of nominating him for Vice President in 1944 instead of Mr. Truman. Upon becoming President, the latter appointed Mr. Byrnes as Secretary of State, a post in which he served effectively in a critical period in American history.

Justice Goldberg, in reaching his decision to leave the Supreme Court, may just possibly have thought that, with only a few years of service in the United Nations, he could achieve a position which would entitle him to consideration for a higher office in the country. Seven years hence, it would not be at all surprising to find him active in politics if he has made a good record in the United Nations and the country has come to know him through the numerous exposures he will have on TV. It will be recalled that in 1960 Henry Cabot Lodge, while serving as Ambassador to the U.N., was nominated for the Vice-Presidency by the Republican convention.

Mr. Goldberg's previous identification with the labor movement could be an important asset. Not only was he general counsel of the United Steel Workers Union—winning the respect of many of the men on the management side of the steel industry—but he also was able in his post as Secretary of Labor in President Kennedy's Cabinet to make his influence felt even further. This is a background which can be useful to him in his new post in the United Nations. For in many countries the labor problem has become more and more significant in its relation to national governmental policies.

On the whole, it could seem apparent that, since there was no one sufficiently outstanding on the diplomatic side to impress foreign governments, President Johnson came to the conclusion that he could add to the prestige of the United States at the U.N. by selecting a man from the highest court in the land.

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[From the New York Herald Tribune, July 21, 1965]

GOLDBERG TO THE U.N.

"The main thing you must have," Arthur Goldberg once said, "is the ability to realize there are two sides to the story, and so to be generally calm and courteous in the handling of people in inflamed situations, but at the same time not relinquish a position of leadership, which on occasion will require the calmness and courtesy to be submerged in a show of vigor and strength and even anger."

He was discussing the collective bargaining function, but it's not a bad description of qualities needed by the U.S. Ambassador to the United Nations. Justice Goldberg's surprise selection for that post may, in fact, prove an inspired choice. A highly articulate man of exceptional brilliance, a quick, incisive debater, he also has proved himself highly skilled at the difficult art of finding that elusive common ground on which seemingly irreconcilable differences can be compromised without the sacrifice of essential principles.

On the negative side, of course, is his lack of experience in foreign affairs. His predecessors—Warren Austin, Henry Cabot Lodge, and Adlai Stevenson—were also nondiplomats at the time of their appointment, but all had had considerable exposure to the foreign policy field. Goldberg's experience, both private and governmental, has been entirely on the domestic front. But he clearly has the qualities of mind and spirit to grasp the requirements of his new post quickly.

His background as a leading advocate of the labor union movement, furthermore, could stand him in good stead in his confrontations with the Soviets, who like to style themselves as the chief defenders of the working man. Mr. Goldberg, who helped rid the CIO of its Communist infiltrators, who authored the constitution of the merged AFL–CIO and served as counsel both to that and to the Steelworkers, can speak with genuine credentials as the laborer's friend—while his own life story is a testament to the continuing vitality of the American dream.

His performance can hardly be judged in advance; and he moves into the seat of a man revered the world over. But in naming Justice Goldberg, the United States has put forward a man of national stature and immense ability, whose particular talents could prove of major service not only to the United States but to the U.N. as well.

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[From the New York Herald Tribune, July 21, 1965]

JUSTICE GOLDBERG: ADLAI'S SUCCESSOR—IN HIS OWN IMAGE

(By Roscoe Drummond)

WASHINGTON.—President Johnson has chosen a man as nearly as possible in the image and likeness of Adlai Stevenson to succeed him as U.S. Ambassador to the United Nations.

In my judgment, the President has chosen very well indeed.

Of Justice Arthur J. Goldberg, who is willing to give up a lifetime appointment to the Supreme Court because of his dedication to the U.N. and his sense of duty to the President. Mr. Stevenson's sister, Mrs. Elizabeth Ives, said: "He understood Adlai and his aims."

He also understands the aims and hopes and—as in Vietnam—the courage of the American people.

The significant fact is that Goldberg has qualifications in the field of foreign affairs which would not be immediately visible from the record of his public service—a distinguished and respected labor lawyer, skilled negotiator, one of the best Secretaries of Labor the Nation ever had, and Supreme Court Justice.

I offer a pertinent appraisal of Goldberg from one who during the past decade has known well more men in public life than most any other American.

Soon after the 1960 election, when he was writing his book, "Six Crises," and President-elect Kennedy was selecting the top people in his administration, Vice President Nixon remarked to one of his closest collaborators:

"Many of these same men would have been in my Cabinet if I had been elected. But I would not have made Arthur Goldberg Secretary of Labor. I would have made him Under Secretary of State."

Nixon's judgment was that Goldberg deeply understood the issues and pitfalls of the cold war and would not be misled by surface developments.

Since becoming a member of the Court, Justice Goldberg has traveled widely abroad to speak before jurists and has become personally acquainted with a considerable number of world leaders.

It is unusual for a President to turn to the Supreme Court for an appointment of this kind. But Mr. Johnson does not blanch at the unusual and his decision reflects his high regard for the United Nations and his hope that its capacity to keep the peace can be strengthened.

It is evident that the President had this prescription in mind as he searched for Stevenson's successor:

He wanted a man who had already attained public stature.

He wanted a man who had some of his own credentials to speak for his Government and who would not have to rely wholly on the credentials which come from the position.

He wanted a man deeply devoted to the cause of world peace whose very presence at the U.N. would underline the President's own dedication to trying to bring about both peace and justice under the rule of law.

From my knowledge of Justice Goldberg I would say that he hates war and believes that the failure to resist aggression is the most likely way of getting into war.

This is the viewpoint he will, I think, bring to the councils of the administration. As with Adlai Stevenson, he will be a member of the Cabinet and at the center of U.S. foreign policy formulation. He will be a source of strength—as well as unity—to the administration team of Rusk, McNamara, and McGeorge Bundy.

No one in our time can fill Adlai Stevenson's place. He was unique.

But in Justice Goldberg the President has not only made a surprise appointment but a superb one.

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[From the Washington Post, July 21, 1965]

FROM THE COURT TO THE U.N.

The appointment of Justice Arthur J Goldberg to be the U.S. representative to the United Nations came as a shock to many who had supposed that he would spend the remainder of his life on the Supreme Bench. In nearly all cases the Supreme Court is a permanent assignment, and properly so. There are few other tasks which can justify taking from the Court one of its most energetic and brilliant members. Yet there are exceptions to all rules, and we surmise that this is one instance in which the country will heartily applaud the drafting of a Justice for a more difficult undertaking.

The Supreme Court's loss will be the United Nations' gain. The primary concern about filling this vacancy had been whether the President could find a man who would be a logical and worthy successor to Ambassador Adlai E. Stevenson. A routine appointment, it was feared, might have the effect of deflating the prestige of the U.N. and of downgrading the U.S. relations to it. That danger has been entirely averted. When a man of Mr. Goldberg's stature leaves a lifetime position on the highest Court in the land to become U.S. spokesman at the U.N. it is a powerful testament to this country's belief in the world organization and in the orderly settlement of international differences.

In appraising Mr. Goldberg's qualifications for the task, however, it is more pertinent to recall his work as Secretary of Labor in President Kennedy's Cabinet and his previous career at the bar. From a highly competitive situation he emerged as one of the country's ablest labor lawyers; he repeatedly demonstrated great capacity as a negotiator and as a spokesman for the cause of labor. This background plus his resourcefulness as debater will be invaluable at the U.N.

Now that Mr. Goldberg has put aside his judicial robe it is well to remember also that there were many laments when he gave up his dynamic career as Secretary of Labor for the bench. Some wondered at the time

whether his dynamism, his administrative ability and his skill as a mediator could not be used to greater advantage outside the judicial realm. There has been no suggestion since that he was not well adjusted to the cloistered life of a judge. But the other qualities which made him a formidable figure in the Cabinet have not been lost in the 3 years since he succeeded Justice Felix Frankfurter.

The willingness of Mr. Goldberg to leave his choice place in the judicial hierarchy for the rough scramble of international politics in New York tells much about the quality of his statesmanship. No one can seriously doubt that he accepted this more difficult assignment out of a sense of duty. Many years ago Justice Charles Evans Hughes permitted himself to be nominated for the Presidency and later Justice James F. Byrnes left the Court to become a wartime assistant to President Roosevelt for similar reasons. We think it can be stated as a simple fact that Mr. Goldberg would not have left the Court if he had not been convinced that his country has greater need of his talents at the U.N. than on the bench.

The problems he faces in the world organization are staggering. A man of his intelligence could have no illusions about that. But he sees his assignment as being intimately related to "the greatest adventure in man's history"—his search for peace and the rule of law. In this context it was no mistake but an act of great courage and faith to take the course he has taken. The problems that will bedevil him are not things that can be ironed out by any one individual, but there is much satisfaction in knowing that a man of Arthur Goldberg's talents and dedication will be directing the U.N. aspects of the American struggle for a more orderly world.

## TRIBUTE TO ADLAI STEVENSON

Mr. DIRKSEN. Mr. President, Inez Robb has been a popular columnist for a long time.

On July 19, 1965, she wrote an article for the New York World Telegram & Sun which bears the caption, "Snub of Stevenson Wit No Laughing Matter."

It is a rather intriguing comment on the late Adlai Stevenson. I believe that it is both timely and proper that it be printed in the RECORD.

I ask unanimous consent that this article be printed at this point in the RECORD.

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

SNUB OF STEVENSON WIT NO LAUGHING MATTER

(By Inez Robb)

One of the most bewildering aspects of Adlai Ewing Stevenson's two unsuccessful bids for the Presidency was the deep antagonism his wit aroused in so many of his fellow citizens.

This wit did not defeat Stevenson; Gen. Dwight D. Eisenhower, the genuine folk hero who could not have been bested by Santa Claus, did that. But, surprisingly in a nation that takes belligerent pride in its sense of humor, Stevenson's wit infuriated Republicans and alarmed Democrats.

No other facet of the Democratic candidate annoyed so many persons in a country where the wisecrack has been elevated to an art form. For the first time it was obvious that we Americans are deeply supicious of wit except in paid clowns and stand-up comedians. We make millionaires out of such as Joe E. Lewis, Fred Allen, and Bob Hope and also-rans out of an Adlai Stevenson.

The Democratic standard bearer was the last man in the world to qualify as a "smart aleck" or a "wisecracker." Yet during the campaigns in 1952 and 1956 he was repeatedly dismissed as both by persons who were far more enraged by his explosive wit than by his eloquence.

Foreigners are in the habit of describing the United States as a nation whose people take nothing seriously and to whom nothing is sacred. Yet Americans by and large, found nothing funny in Stevenson's urbane wit. The level of the Stevenson campaign in 1956 never attained the brilliant intellectual pitch of 1952 because the party wheelhorses demanded a campaign on a lower plane.

Maybe the politicians knew best, but I am one of those who never believed that Stevenson talked over the heads of the American people. Maybe over the heads of the party hacks, but not over the heads of the people.

Anyway, there is a superb doctoral thesis awaiting the scholar who has the intellectual equipment to examine wit as a political asset or liability in the United States. (Another wit, John F. Kennedy, was roundly excoriated in 1960 as a "smart aleck" and barely made it to the White House.)

In my lifetime no politician, not even F.D.R., attracted such personal devotion from his adherents as Adlai Stevenson. He inspired a bone-deep faith and idealism in partisans of all ages. In the many political conventions I have attended, no demonstration in behalf of any candidate of either party was as moving or sincere as that for Stevenson at the Democratic convention that nominated John F. Kennedy.

Day and night throughout the convention, the hall was ringed by a steady parade of Stevenson disciples—young, old, and middlin'. These were obviously not paid claques. It was always a dignified, well-behaved group, the endless marchers including women pushing baby carriages, men carrying small children, collegians and oldsters. When the die was cast for Kennedy, they faded away, many in tears.

The day after the Kennedy nomination, a close friend of Stevenson took me to have lunch with the latter. The friend theorized that a defeated candidate is a deserted man who needs the affectionate presence of loyal comrades to cheer him up.

However, when we reached the Stevenson hotel suite, the outer rooms were crowded, the telephones ringing steadily and Stevenson both gay and patient with the hubbub. Eventually, seven of us sat down to luncheon in his private dining room, and sat and sat and sat. Under the impact of a national political convention, hotel service had gone to pot.

After what seemed an interminable wait and many telephone negotiations with room service, a waiter arrived with a pot of coffee and three club sandwiches.

With aplomb, Stevenson divided the sandwiches and coffee. As he did so he looked around the table at his guests, laughed and said, "This may be hard on you, but by this time I am accustomed to the half loaf."

## COMMENDATION OF UNICEF

Mr. DIRKSEN. Mr. President, back in my days in the House of Representatives when we dealt with foreign aid there was at least one feature that always captivated my fancy, and to which I gave a great deal of time.

That was the United Nations' so-called children's fund activity. I received a small summation of the work of this agency on yesterday. I shall read it into to RECORD. It reads as follows:

The work of the United Nations Children's Fund, the only U.N. organization that focuses primarily on the needs of children throughout the world, is to be commended. In 1964, 112 countries received UNICEF aid in programs benefiting children and mothers. In its nearly 20 years of service, UNICEF has helped eradicate malaria; has given 162 million TB vaccinations; helped cure 37 million cases of yaws; treated 11 million for trachoma, and over 1 million for leprosy. The Children's Fund program is a self-help program—not a giveaway. The cooperative nature of the program is further illustrated by the fact that most countries receiving UNICEF aid not only match the aid on a dollar ratio of $2.50 to every UNICEF dollar, but also make a voluntary contribution to the central account. The United States can be particularly proud of its leadership in this worthy cause.

Mr. President, it will be one of the lasting, durable satisfactions of my life that I gave attention to this program for a great many years and sought, whenever necessary, to secure the funds to carry forward this great work in behalf of children in all parts of the world.

## VIETNAM—LETTER FROM WIFE OF SERVICEMAN

Mr. DIRKSEN. Mr. President, I seldom have individual letters printed in the CONGRESSIONAL RECORD. However, I have received an interesting letter from a mother in Nashville, Tenn. The letter is not very long.

It is dated June 25, 1965. I believe that it comes as something of a stimulus at this time when we hear such itinerant remarks over the situation in Vietnam.

The letter reads as follows:

NASHVILLE, TENN.

DEAR SENATOR DIRKSEN: I feel absolutely compelled to reach the ear of someone who can speak for me—and many thousands like me.

I am an Army wife, at present living in Nashville, Tenn., with my three children while my husband is in Vietnam. He volunteered for this assignment—it is what he has spent 13 years training for—the chance to serve his country.

I deplore, as does he, the fact that our country is at war, but at war we are.

I know of no Army wife whose husband is in Vietnam (and I know many) who wishes him back at the price of appeasing our enemy. Our enemy is global communism, be it from Red China, Russia, or the Vietcong.

Please, Senator, if we must fight, let us fight to win. The pacifists are so vocal—they, for the most part, are trained to be so. Why doesn't the President also heed the quiet voices of those of us who were raised to honor our country and have faith in her power to right wrongs.

If my husband should be called upon to give his life, let it at least be for something concrete—not a coalition that will necessitate my sons repeating this ordeal in the Philippines or elsewhere.

I wish I had your eloquence—I feel so terribly certain our only hope for the future is to finally stand firm and to let the world know we will not be swayed. Words alone won't accomplish this. We might win back some allies if they felt we had something in our arsenal besides fine words and a weasel.

Sincerely yours,

MRS. J. R. LANTHRUM.

Then there is a postscript which is irrelevant.

Mr. President, I thought that letter, coming from a mother who has three children and whose husband is fighting in Vietnam, was a hope and an inspiration for any and all people.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Edward Clark, of Texas.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

The PRESIDING OFFICER. The nomination will be stated.

## DEPARTMENT OF STATE

The legislative clerk read the nomination of Edward Clark, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Mr. TOWER. Mr. President, it is my pleasure to support the President's nomination of Mr. Edward Clark to be Ambassador to Australia.

There is little doubt among Texans who long have known him that Ed Clark is a top diplomat, for diplomacy is the art of getting along with people. Ed Clark's whole life and work have prepared him to be an excellent and effective representative for the United States.

He has reached the top in at least two fields—banking and law—and has done so by his ability to understand his fellow men. Not only is he chairman of the board of one of Austin's leading banks, but also he is president of a bank in his hometown of San Augustine and director of another Texas bank. His law firm is large and well respected by others in that profession.

Mr. Clark has been a county attorney, assistant to our State's attorney general, a secretary to Governor Allred, and later Texas Secretary of State. He was an army captain in World War II. He is a noted philanthropist.

Ed Clark is highly knowledgeable in many fields. He knows law, banking, petroleum, insurance, utilities, government, politics, history, and literature. He especially understands the inner workings of government and the motivations of people who work in public affairs.

He is blessed with an attractive wife who will bring to the Embassy in Canberra a special brand of hospitality that will make the Embassy seem more like home to the Americans in Australia and like a second home to the Australians.

He will bring to Australia special concern for the many problems and goals of Australia that also are and have been problems and goals for the State of Texas he knows so well. He will be at home in Australian ranch country with its water development needs; in Australian oil and industry expansion projects; in Australian efforts to shoulder an ever greater part of the defense needs of that part of the world.

He will bring to Australia the benefit of his special relationship with the President. In Ed Clark the Australians will have an Ambassador well able to interpret the decisions of our President and capable of seeing that Australia's interests are presented to our President whenever necessary.

And, in the process of his work for the United States, Ed Clark will make a lot of friends.

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

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

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

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

## MARINE BIOLOGICAL RESEARCH LABORATORY, CALIFORNIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 447, S. 1735.

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

The LEGISLATIVE CLERK. A bill (S. 1735) relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes.

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

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

S. 1735

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to carry out the understanding between the Secretary of the Interior and the Regents of the University of California when the latter donated approximately two and four-tenths acres of land situated on the San Diego Campus of the University of California, for establishment thereon by the United States of a marine biological research laboratory, and in recognition of the restriction in the deed conveying the land to the United States which requires the land "to be used exclusively for research on the living resources of the sea or their environment; or for purposes compatible with activities of the * * * Scripps Institution of Oceanography (situated on said Campus) or for any other purpose expressly approved by the Grantor", the Secretary of the Interior is authorized and directed to reconvey to the Regents of the University of California, or their successors, title to the donated land and the improvements constructed or placed thereon:

(a) Whenever he determines that the land and improvements are not in his judgment needed by the United States for the limited uses permitted by the deed, such determination to be made after receiving the views of other Federal agencies regarding their possible use of the land consistent with the limitations in the deed; or

(b) Whenever the United States ceases to use the land and improvements for more than two years exclusively for such limited uses.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 463), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, S. 1735, is to authorize and direct the Secretary of the Interior to reconvey certain lands to the University of California when these lands are no longer needed by the United States or when the United States ceases to use the land for more than 2 years exclusively for fishery and oceanographic research purposes. This measure fulfills the commitment made by the Secretary of the Interior to the University of California at the time when the university conveyed the land to the United States for the purpose of constructing a Federal marine biological research laboratory. This laboratory and its functions are briefly described in the following section of this report. The Secretary said in a letter to the university at the time of the conveyance to the United States the following:

"We recognize that the university does not wish to surrender its campus properties permanently. In view of this I am prepared to recommend strongly that the administration seek from the Congress special legislation to meet the requirements of the board of regents.

"I consider this a grave moral commitment and hereby so indicate to my successors."

On March 23, 1965, the Secretary of the Interior requested the introduction and favorable consideration of legislation to fulfill this commitment. His letter to the President of the Senate fully sets out the facts involved and is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., March 23, 1965.*

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory and for other purposes.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Department of the Interior has recently completed the construction of a new marine biological research laboratory at the Scripps Institution of Oceanography situated on the San Diego campus of the University of California. The laboratory was constructed on 2.4 acres of land that were donated to the United States by the regents of the University of California.

When negotiations with the university were started for a new building site, local representatives of the Department first proposed that the site would be leased to the United States for 99 years. This proved to be impractical, because Federal policy does not permit the construction of public buildings on

leased land without specific statutory authority. The Department then proposed that the site would be conveyed to the United States with a reversionary clause under which the title would revert to the university at the end of 99 years, or earlier if the Government ceased to use the land for the research laboratory. The Department of Justice advised us that it could not approve the title to the land if the deed contained this reversionary clause. The Department of the Interior then asked the university to convey the land without the reversionary clause, but with the understanding that the Department would seek the enactment of legislation which would authorize a reconveyance of the land to the university at the end of 99 years, or earlier if it ceased to be needed for research laboratory purposes. The university agreed.

The deed which conveyed the land to the United States requires the land "to be used exclusively for research on the living resources of the sea or their environment; or for purposes compatible with activities of said Scripps Institution of Oceanography, or for any other purpose expressly approved by the grantor."

The deed also recited the following understanding:

"The Secretary of the Interior has pledged himself to seek the introduction of and to support legislation * * * empowering an officer of the United States to execute a deed reconveying the property to the grantor in the event of failure to use the property as specified herein; or failure to build a laboratory facility within 5 years from the date hereof; or at the expiration of 50 years from the date hereof, unless it is determined that the land is needed by the United States for specified purposes; or at the expiration of 99 years from the date hereof."

The deed was executed on March 22, 1962, after the following assurance was given in a letter dated February 15, 1962, from the then Under Secretary:

"We recognize that the university does not wish to surrender its campus properties permanently. In view of this I am prepared to recommend strongly that the administration seek from the Congress special legislation to meet the requirements of the board of regents.

"I consider this a grave moral commitment and hereby so indicate to my successors."

The legislation now recommended will carry out the understanding on the basis of which the land was donated and the laboratory was constructed, with one modification.

The United States now holds the title to the land subject to a limitation which prohibits the use of the land for any purpose other than specified kinds of research, or purposes compatible with the activities of the Scripps Institution, or for other purposes expressly approved by the regents of the university. If that use should be discontinued, the Government would have only two alternatives under the terms of the deed, aside from the understanding with the university: it could try to sell the land to someone else who would use the land for the limited purposes, or it could let the laboratory stand idle and unused. The first alternative is not a realistic one; moreover, it would be unfair to the university because another research organization should not be placed on the campus of the university without the university's consent. The second alternative is wasteful because it involves continuing expense to the Government in the form of maintenance, or it involves allowing the buildings to deteriorate and become unsightly, which in addition to being wasteful, would also be unfair to the university.

We, therefore, believe that if the Government's use of the land for the specified purposes should be discontinued the only reasonable and fair procedure is to reconvey the land to the university. The buildings would be included in the reconveyance. The Government would have received all of the benefit from the buildings that it could receive, inasmuch as it could not use them for any other purpose, and removal of the buildings would be impractical. The buildings would not, in fact, have any value to the Government at that time. The university was not responsible for placing the buildings on the land and should not be asked to pay for them.

The understanding with the university also contemplated that the title will be reconveyed at the end of 99 years, regardless of whether the Government has a continuing need for the property at that time. We have discussed further this understanding with the university, and with its concurrence have omitted the 99-year provision from the proposed legislation. If at the end of 99 years the Government has a continuing need for the property for the uses permitted by the deed, obviously there is no public interest that would be served by a reconveyance of the property to the university, because the Government would then need to acquire substitute property and facilities at additional cost in order to continue its program.

The original understanding was based on an assumption that the Government would get full value out of its investment over a 99-year period, and in a realistic sense would suffer no economic loss by reconveying the property at the end of that period. The arrangement would be the equivalent of construction of the laboratory on a 99-year leasehold, which is an accepted commercial practice. The difficulty with this assumption is that Federal governmental programs are not undertaken as economic ventures, with an amortization or writeoff of the capital investment at the end of a fixed period. If all governmental construction were undertaken on that basis, the entire construction program would need to be refinanced at fixed intervals.

In this respect the Federal Government and the various State educational institutions have a comparable need. When they construct buildings designed to be used by future generations they do so on land that will be available as long as their programs continue.

The university has agreed that its primary purpose will be accomplished by a reconveyance of the property when it ceases to be needed or used for the purposes permitted by the deed.

The proposed legislation amounts to a reciprocal application of the policy followed by the Federal Government when conveying Federal land to a State or public agency for educational, recreational, or conservation purposes. That policy is to restrict the use of the land to the specified purposes, and to provide for a reversion of title to the Federal Government if the land ceases to be used for those purposes. That policy was applied to the University of California by the act of September 14, 1962 (76 Stat. 546), which conveyed the former Camp Matthews to the university. The proposed legislation would permit the same policy to be applied by the State in the case of the land which it donated to the Federal Government for marine biological research purposes.

The Bureau of the Budget has advised that there is no objection to the presentation of the proposed legislation from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, JR.,
*Under Secretary of the Interior.*

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FISHERY-OCEANOGRAPHY CENTER, LA JOLLA, CALIF.

The $2.8 million Fishery-Oceanography Center on the campus of Scripps Institution of Oceanography, University of California, at La Jolla, was dedicated on October 31, 1964. The Center, perched on a cliff 200 feet above the Pacific Ocean, consists of a four-building complex grouped around a central court. It contains approximately 50,000 square feet of usable space and rests on a 2.47-acre parcel of land deeded to the Department of the Interior by the regents of the University of California.

About 125 scientists and supporting staff are now housed in the Center. Eventually it is expected that 200 persons will be working here. The majority of these will be attached to the California Current Resources Laboratory or the Tuna Resources Laboratory, both operated by the Interior Department's Bureau of Commercial Fisheries, and both of which formerly were the Bureau's laboratories in La Jolla and San Diego, respectively. The Center provides the means for consolidation of support services to these two Bureau laboratories as well as opportunities to increase cooperation among scientists carrying out fishery and oceanographic research programs. Smaller organizations such as the Scripps tuna oceanographic research group also work at the Center because their work is closely related to that being carried out by the Bureau.

The types of work currently underway by the consolidated laboratories include the following:

(a) Fish taxonomic and age and growth studies;

(b) Larval developmental studies;

(c) Chemical, physical, and biological oceanography;

(d) Fish physiology and genetics;

(e) Fish behavior;

(f) Fish forecasting; and

(g) Population dynamics.

A large number of species of fish are studied but emphasis is on the commercially important resources such as the anchovy, hake, sardine, and tuna.

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## AMENDMENT OF REVISED ORGANIC ACT OF VIRGIN ISLANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 449, H.R. 8721.

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

The LEGISLATIVE CLERK. A bill (H.R. 8721) to amend the Revised Organic Act of the Virgin Islands to provide for the payment of legislative salaries and expenses by the Government of the Virgin Islands.

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

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 465), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 8721 is to vest in the government of the Virgin Islands the power to fix the salaries and allowances of members of its legislature and to provide for the payment of the same from local revenues rather than from Federal appropriations.

A companion bill, S. 2066, was also considered by the committee.

NEED

Subsection (e) of section 6 of the Revised Organic Act of the Virgin Islands (68 Stat. 487, 499), as amended (14 U.S.C. 1572(e)) fixes the basic compensation of each of the 11 members of the Virgin Islands Legislature at $600 per annum and provides for payment thereof by the United States. In addition, each legislator who is away from the island of his residence receives $20 per diem while the legislature is actually in session and is reimbursed for actual travel expenses for eight round trips per calendar year between his home island and Charlotte Amalie, the territorial capital. These allowances are also paid by the United States. Additional travel expenses and per diem, if any, are paid by the Virgin Islands government.

The Legislature of the Virgin Islands is charged with responsibility for enacting all local laws. Its regular sessions may continue for 60 days per year. Special sessions not in excess of 30 days a year may be convened by the Governor.

Enactment of H.R. 8721 will permit the Virgin Islands Legislature to determine its own salaries and allowances subject, of course, to the usual veto power of the Governor. This will result in a modest savings to the Federal Government of about $14,000 a year. More important than this, however, will be the implicit recognition by Congress that the Virgin Islands Legislature is a body of responsible men and that the electorate can be depended upon to check its membership if, by any chance, it is tempted to abuse its powers. Enactment of H.R. 8721 will thus be an expression of faith in local democratic processes.

## AMENDMENT OF ORGANIC ACT OF GUAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 450, H.R. 8720.

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

The LEGISLATIVE CLERK. A bill (H.R. 8720) to amend the Organic Act of Guam to provide for the payment of legislative salaries and expenses by the government of Guam.

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

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 450), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 8720 is to vest in the government of Guam the power to fix the salaries and allowances of members of its legislature and to provide for the payment of the same from local revenues rather than from Federal appropriations.

A companion bill, S. 2065, was also considered by the committee.

NEED

Subsection (e) of section 26 of the Organic Act of Guam (48 U.S.C. 1421d(e)) fixes the basic compensation of members of the Guam Legislature at $15 per day while the legislature is in session and provides for payment of the same by the United States. All other legislative expenses are paid by the government of Guam.

The Guam Legislature is composed of 21 members who serve 2-year terms. The legislature is charged with responsibility for enacting all local laws. Regular sessions are held annually and may not exceed 60 calendar days. Special sessions of not more than 14 days in length may be convened by the Governor.

Enactment of H.R. 8720 will permit the Legislature of Guam to determine and pay its own salaries and allowances subject, of course, to the usual veto power of the Governor. This will result in a modest saving to the Federal Government of approximately $23,000 a year. More important than this, however, will be the Congress recognition that the Guam Legislature is a body of responsible men and that the local electorate can be depended upon to check its membership if, by any chance, it is tempted to abuse its powers. Enactment of H.R. 8720 will thus be an expression of faith in local democratic processes in Guam.

## CONVEYANCE OF REAL PROPERTY OF THE UNITED STATES TO STATE OF MARYLAND

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 452, S. 1988.

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

The LEGISLATIVE CLERK. A bill (S. 1988) to provide for the conveyance of certain real property of the United States to the State of Maryland.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 6, after the word "of", to strike out "university land" and insert "University Lane"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to convey to the State of Maryland that tract of land situated on the campus of the University of Maryland at College Park, Maryland, which was heretofore donated to the United States by the State of Maryland, and which is more particularly described as follows:

Beginning at the southeast corner of an original 20.56-acre tract of land conveyed to the United States by deed dated November 9, 1935, and recorded April 20, 1939, in book 521, page 43 of the land records of Prince Georges County, said corner being marked by a cross cut in an iron grating and the north side of University Lane and immediately north of Symons Hall of the University of Maryland;

thence with the east boundary of the original 20.56-acre tract, north 0 degrees 30 minutes 00 seconds west 681.94 feet to a point;

thence south 89 degrees 30 minutes 00 seconds west 701.88 feet to a point;

thence south 40 degrees 47 minutes 04 seconds west 406.34 feet to a point;

thence south 0 degrees 30 minutes 00 seconds east 376.60 feet to a point;

thence north 89 degrees 30 minutes 00 seconds east 970.00 feet to the point of beginning and containing 14.2452 acres, more or less, and being the total remaining acreage of the original 20.56 acres above mentioned now owned by the United States Government.

SEC. 2. The conveyance authorized by the first section of this Act shall be subject to the condition that the State of Maryland pay to the United States an amount equal to the fair market value, as determined by the Secretary of the Interior, of the fixed improvements on the tract of land to be conveyed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 468—explaining the purposes of the bill.

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

PURPOSE

The bill would authorize the Secretary of the Interior to convey to the State of Maryland approximately 14 acres of land on the University of Maryland campus at College Park, Md., which was donated by the State of Maryland to the United States in 1935, and now occupied by the Bureau of Mines and the Fish and Wildlife Service. The State would pay the United States the fair market value of the fixed improvements, but there would be no payment for the land.

Because of its unusual growth, the University of Maryland for several years has desired to occupy these lands and buildings. Only a few hundred students attended the university when the land was originally deeded, but enrollment today is in excess of 25,000.

Similar legislation was passed by the House in 1958 and by the Senate in 1962.

Mr. MORSE. Mr. President, S. 1988 provides for the conveyance to the State of Maryland of certain land belonging to the United States, which is located on the campus of the University of Maryland.

Although the land in question is to be conveyed gratuitously to the State, the bill does not violate the so-called Morse formula because the tract was originally donated to the United States by the State of Maryland and thus falls under the principle of "implied reversion" which was established in the case of the Roseburg, Oreg., land transfer of 1956 (CONGRESSIONAL RECORD, vol. 102, pt. 7, p. 9323).

Furthermore, Mr. President, the bill provides for the payment of the United States by the State of Maryland of the fair market value of the fixed improvements on the tract of land to be conveyed.

## LABOR DEPARTMENT'S TREATMENT OF NEW JERSEY FIRM

Mr. CASE. Mr. President, earlier in this session, Congress voted to extend and expand the Manpower Development and Training Act of 1962. Those of us who have supported this legislation in the past and who supported it again this year have, I believe, a particular responsibility to see that the act is fairly and effectively administered. For nearly 2 years, I have felt some concern about how this legislation works in actual practice. I believe it would be helpful to the Congress to cite one example which has taken place in my own State.

After the legislation was enacted, a small business firm located in Levittown, N.J.—since renamed Willingboro—proposed to the Labor Department a project providing on-the-job training for 12 unemployed persons as building maintenance—floor—workers. The training was to include instruction in floor tile installation, rug shampooing, painting, glazing, and treatment of floors. The proposal was developed for the Wilco Floor Service by Charles W. Williams, who was troubled by the substantial number of unemployed men in the Trenton-Levittown area. They lacked jobs and the training necessary to obtain them. This situation was particularly hard on Negro workers and troubled Mr. Williams, a Negro himself.

Mr. Williams enlisted the interest of the New Jersey branch of the National Association for the Advancement of Colored People; Assemblyman S. H. Woodson, of Trenton, then president of the New Jersey branch of the NAACP; the Levittown, N.J., Chamber of Commerce; and the Carver branch, YMCA, Trenton. He held meetings with our Governor, the commissioner of labor and industry of New Jersey and with several officials of the Federal Department of Labor.

From these sessions there appeared uniformly favorable reactions. There was every reason for Mr. Williams to believe that his proposal would be a useful contribution to reducing unemployment in a difficult area. His proposal was considered by the New Jersey Department of Labor and Industry and by the Federal Department of Labor and was approved by both. A contract was signed on July 22, 1963, to launch this modest pilot training project.

Suddenly, however, just 2 days before the program was to begin in August, the contract was suspended by this telegram from the Federal Department of Labor:

CHARLES WILLIAMS,
*Wilco Floor Service Co., Carver YMCA, Trenton, N.J.:*

You are hereby notified in accordance with section 5 of contract NJ–J–5 executed July 22, 1963, between yourself, representing Wilco Floor Service Co., and Frank J. Neher, assistant regional director BAT, representing the U.S. Department of Labor, that your contract is suspended as of this date, August 15, 1963. Under terms of said contract you are not to incur any costs not already obligated up to date of suspension. A representative of the Department of Labor will contact you.

FRANK J. NEHER,
*Assistant Regional Bureau of Apprenticeship Training, New York.*

No valid grounds for the suspension were then advanced. Nor have they since been forthcoming.

Since then, several Members of the Congress, myself included, have tried to find out why this project was suspended and, finally, more than a year after the suspension, canceled. It has been a tedious effort to pull out the truth, a word at a time, from the Department of Labor. In this match between a small business controlled in the main by Negroes and the large and powerful Federal Department of Labor, there has developed a strange history of delay, questionable decisions, and some real doubts as to whether regulations are being applied fairly.

My initial inquiry on this matter elicited from the Labor Department a statement that—

The suspension of the project became necessary because of representations by responsible officers of the New Jersey Department of Labor and Industry that the project apparently did not meet all the requirements of the law, including notably the requirement that there be reasonable opportunity for employment upon completion of the training. The State agency so far has not been able to clarify that such reasonable opportunity would exist for this occupation in this area.

When I made this known to Mr. Williams, he responded:

I have signed documents by New Jersey State Department of Labor officials stating there were employment possibilities for trainees and that we had met all requirements necessary to start the training program. The documents were not only signed by New Jersey State Department of Labor officials but by U.S. Department of Labor officials.

Subsequently, a member of my staff contacted the Labor Department official who prepared the original letter and was told that there were some personal questions about an associate of the firm which he would not put into writing. These related to claims of tax delinquency, which were freely admitted to a member of my staff and which resulted in part from the fact that limited capital was tied up in equipment and other preparations for the proposed training program. It is not clear what bearing this had on the suspension. In any case, why did it not trouble the Labor Department before the contract was signed?

On February 25, 1964, I wrote the Labor Department:

As I think my office has made plain, I do believe that any person is entitled to a statement in writing as to why a project has been suspended. This is a matter of simple justice and should not be so long delayed. I should like to hear from you as to when you plan to give Mr. Williams such a statement.

In response, I was informed by the Labor Department that instructions had gone out that, "if for some reason the project cannot properly be reapproved, the reasons therefor should be stated clearly to the project sponsor." This commitment for a statement to Mr. Williams was not carried out.

By May of last year, Mr. Williams had been waiting 9 months without receiving a statement of the reasons for the suspension of his proposed training project. I sent a telegram to Labor Secretary Willard Wirtz outlining the unusual history of the project. It concluded:

But there is no doubt that Mr. Williams, during these almost 9 months that have passed, has yet to receive a statement in writing giving all the reasons why the contract, which had been approved and signed by both the State and Federal Governments, had been suspended. Obviously, he needs such a statement before he can adequately respond.

Simple justice suggests he should have had it long ago.

My staff's investigation of this unusual delay has developed different reasons given at different times as to why the project was in suspension.

It is, of course, grossly unfair to any person to suspend a contract without a prompt written statement of the reasons therefor, and this is doubly true when the person involved is a small businessman whose funds are tied up in the facilities purchased for the proposed training program. I believe this project should be evaluated on its own merits, but further delay in coming to a decision and inadequate opportunity for the affected organization to meet the views of your Department is unconscionable.

I shall welcome an immediate remedy and a prompt report.

On June 19, 1964, the Department of Labor wrote, but the reply raised a whole new set of questions. The Department's letter stated:

DEAR SENATOR: Secretary Wirtz has asked me to reply to your recent telegram and your letter of June 9, requesting a full report on the suspension of a contract under the Manpower Development and Training Act between the Wilco Floor Service, Inc., of Levittown, N.J., and the U.S. Department of Labor. This letter supplements our earlier report to you dated December 31, 1963, which was signed by David E. Christian, Assistant Manpower Administrator. Under the Manpower Development and Training Act of 1962, the Secretary of Labor has responsibility, before selecting a person for training, to determine whether there is reasonable expectation for employment in the occupation for which the person is to be trained. Further, it is the Department's policy to adhere to the report of the conference committee which urged that administration of on-the-job training programs be closely coordinated with appropriate State agencies.

The U.S. Department of Labor has made every effort in administering the MDTA to cooperate to the fullest with State agencies, thereby gaining the value of their first hand knowledge of local situations. This cooperation has resulted in considerable savings of staff time and money in New Jersey, as well as in other States.

We were advised by the New Jersey Department of Labor and Industry that Wilco Floor Service, Inc. proposed a project to train 12 building maintenance porters in the Camden labor market area. This proposal was approved by the Burlington office of the New Jersey Employment Service and the U.S. Department of Labor. Subsequently, Wilco requested transfer of the project from Burlington to Trenton.

As a result of shifting the proposed training to a different labor market area, the New Jersey Department of Labor and Industry found it necessary to determine whether there were job opportunities in the field of training for the Trenton labor market area. As a result of its surveys, the New Jersey Department determined that the proposed training project in the Trenton area did not meet the requirements of the law with regard to reasonable expectation of employment.

Therefore, the U.S. Department of Labor suspended the contract until verification could be made by the New Jersey Department of Labor and Industry that there were job opportunities in such occupations, which is an essential requirement of any contract under the MDTA.

The New Jersey Department of Labor and Industry conducted an area skill survey and as recently as June 4, 1964, we were advised that there is not reasonable expectation for employment in this area for Porter I job openings, nor are there employers in this area whose needs would absorb the trainees. I am enclosing a copy of a letter which Mr. Arthur J. Lynch, superintendent of the New Jersey Employment Service, sent to Mr. Charles Williams on June 4, which covers this basic point.

The Department of Labor is most anxious to initiate training in every area where the requirements of law and the needs of the unemployed can be met. The suspension of the Wilco contract will be rescinded as soon as the Department receives the necessary verification from the New Jersey Department of Labor and Industry that there are reasonable expectations for employment opportunities in the proposed field of training.

We appreciate the interest and concern you have shown in this matter. If you desire any further information on this project, or on any other operations of MDTA, I shall be happy to provide it for you.

Obviously, the letter did not respond to my continued question as to the reasons for the lengthy delay in giving the Wilco Floor Service, Inc., a statement in writing on the reasons for the suspension of the contract.

The Department of Labor's letter said, "Subsequently, Wilco requested transfer of the project from Burlington to Trenton." This, as I finally elicited 6 months later from the Labor Department, was a flat misstatement. In a letter on December 22, 1964, the Department admitted: "Our files do not show any documentation of a request by the contracting firm for the transfer of the project from Burlington to Trenton."

The June 19 Labor Department letter says, "As a result of shifting the proposed training to a different labor market area, the New Jersey Department of Labor and Industry found it necessary to determine whether there were job opportunities in the field of training for the Trenton labor market area." I asked whether such a survey was made before the New Jersey Department of Labor and Industry and the Federal Department of Labor gave their approval to the change of location. In the December 22, 1964, letter, the Labor Department admits, "The record does not show that a survey was made of job opportunities in the Trenton area."

Then the Department adds, "Periodic reviews of job openings in the Trenton, N.J., area disclose no shortage of available personnel or any anticipated future needs in the relevant job categories."

The last statement is a matter of contention, since Mr. Williams has confirmed as recently as March of this year that, "Letters from various prospective employers were received in which the employers stated within the year in question they would have need for over three times the number of persons that could be trained. The lack of training in this field has caused to the present date the loss of employment for many deserving individuals."

The June 19, 1964, Labor Department letter indicates that the contract was suspended until verification could be made and that there were job opportunities available. I then inquired when the first attempt was made to obtain such verification after the suspension was made on August 15, 1963. The Labor Department's letter of December 22, 1964, overlooks or ignores this specific question. I think the fact is important, for it would indicate whether prompt action was taken to clarify the suspension or whether the surveys were made only recently. The Department does leave some real questions on this point.

The Department's letter of June 19 attempts to suggest that the change in location was a major shift. In actuality, Levittown—now Willingboro—is only 12 miles from Trenton; many people who reside in Levittown work in the Trenton area. Indeed, I am informed that the Trenton office of the New Jersey Employment Service sends job applicants to Willingboro and other places in Burlington County.

Further, a number of sources have indicated to me that the reason Wilco was asked to move the project to Trenton in the first place was in fact to expand the potential job market for trainees—certainly not to curtail the market and terminate the program.

Since I was obviously dissatisfied with the June 19 letter, I addressed a series of further questions to the Department on July 7. In a letter dated September 3, 1964, the Department replied in part to my questions. Mentioned in passing was the fact that the contract had now been canceled, "in accordance with section 5 by reason of a finding that there was in that area no reasonable expectation of employment in the occupation for which the training was designed. Mr. Williams has been advised of that fact." I point out that the cancellation came more than a year after the contract was first suspended.

My questions were answered, again in part, by the Labor Department letter of December 22, 1964. In concluding, this letter suggests a belated recognition that the matter was not handled properly:

In reviewing the record, it seems to me that some new approach is needed to determine the feasibility of a training program of the kind originally proposed by Wilco.

The Department then referred to one of its officials and said that he would get in touch with Mr. Williams "to see if a training program can be established." The letter said the official "will be in touch with Wilco right after the beginning of the new year."

Over 3 months later, after I had again written to the Department to urge it to carry out its promise to contact Mr. Williams, a Labor Department representative finally met with Mr. Williams.

Reports from those attending that meeting on March 30, 1965, indicate that the results were just as unsatisfactory as previous contacts between Wilco and the Labor Department had been.

The best that the Department of Labor could suggest was that Wilco submit a billing for expenses incurred in planning and preparing for the canceled project, then start all over with a new application for a different type of project.

More specifically:

First. Wilco was invited to submit a billing for expenses incurred.

Second. Mr. Williams was informed that Wilco could submit an application for an on-the-job training contract to train workers who then would be employed by Wilco.

Third. Mr. Williams was informed that an employers' association could submit a request for an OJT contract in behalf of its members, and that one company could be selected by the association to conduct the training for those members who do not have a training capability.

Fourth. State and Federal officials offered to provide assistance and advice.

In the meantime, Wilco has reported that ads seeking building maintenance men have appeared frequently in Trenton newspapers and that the firm, on its own, has trained several welfare recipients, indicating that there are individuals on welfare rolls willing to learn this trade and that jobs are available.

More recent evidence indicates that the Labor Department has succeeded in bypassing—not resolving—Wilco's problem.

Late last month, the U.S. Labor Department announced approval of a series of Manpower Development and Training projects for New Jersey totaling over $6.2 million. The new grants brought Federal Manpower Development and Training grants to a total of over $8,888,000 for fiscal 1964–65.

This prompted the following letter to me from Mr. Williams:

Training proposed for the antipoverty program is the same as we proposed at less cost 3 years ago.

Many of the training programs are now being sublet to janitorial service companies and waxing companies to train individuals and then hire same.

Surely this is adequate proof that there are and always have been openings for these trainees as we have maintained.

The program as developed and executed today under antipoverty gives very little aid in nonwhite areas.

So there the matter stands. Wilco has submitted a bill to the U.S. Bureau of Manpower Training and Development. But Mr. Williams' long efforts to produce a useful project for unemployed men in his area have been buried quietly in a 2-year-old snarl of excuses, redtape, and unexplained delay.

However, this does not end the story. Mr. Williams' problem has attracted statewide attention in New Jersey. After an independent investigation, the labor and industry committee of the New Jersey branch of the National Association for the Advancement of Colored People has concluded that the cancellation of the Wilco contract was "an act of discrimination."

Late in May, delegates from 44 branches of the New Jersey State Conference of the NAACP voted to turn over to the organization's national legal department their findings of "morally unjustifiable discriminatory handling" of the Wilco proposal. I am including the full text of the NAACP statement at the end of my remarks.

This abuse of one man by the Federal Department of Labor is cause for constant and persistent interest to see that his rights are recognized and protected. While I would like to believe that the handling of this particular project is not typical of all the projects, I am left with nagging doubts and questions. How many other struggling businesses and forgotten men have been lost in the files of the Labor Department?

Millions of Americans, including many of us in Congress, had and continue to

have high hopes for the Manpower Development and Training Act. It would be tragic if its great potential for helping people in need were to be bogged down in a morass of boggled communications, questionable decisions, unreasonable delays, and incomplete answers to legitimate questions.

The text of the NAACP statement follows:

Delegates from 44 branches of the New Jersey State conference of the NAACP voted overwhelmingly at their conference Saturday, May 22, 1965, to turn over to the national legal department of the NAACP their findings of alleged bias toward the Wilco Floor training program for immediate action against the New Jersey Labor Department and the U.S. Labor Department and all concerned.

Cost and loss of business because of alleged bias in this case totaled a reported $78,000 which Wilco has billed both Government agencies for.

Representatives of the conference stated that their findings show morally unjustifiable discriminatory handling of the Wilco Floor proposal.

Every avenue of the Government's requirements was met and signed "approved" by the State officials before the suspension was ordered. The suspension was ordered 2 days before the starting date and was issued by the New Jersey State Labor Department officials.

The New Jersey Labor and Industry Committee of the NAACP, which is chaired by Nicholas Kourambis, upon investigation found that under no circumstances was the reason given for suspension valid.

A recommendation may also be made to have Governor Hughes request State labor officials take a polygraph test to prove without doubt that the Wilco case was unfairly handled with an alleged design to financially injure.

This case as seen by Senator CASE is a travesty on the just name of the State of New Jersey. If the facts as presented to and checked by Senator CLIFFORD P. CASE's office are made known a public outcry for justice by New Jersey citizens will be made.

Much of the manipulation pertaining to the Wilco Floor program was allegedly initiated within the New Jersey Labor Department and Governor Hughes' office. The State administration if the before mentioned is true must bear the responsibility for this dishonor to this great State.

## STATE TECHNICAL SERVICES ACT

Mr. HARTKE. Mr. President, we are conquering outer space by learning the mysteries of our solar system and the other planets that make it up. We are plunging beneath the depths of the ocean to discover what life-giving plants and minerals lie there. We are finding ways to sweeten the salty brine of the seas. We are learning more about every facet of our own planet and everything that inhabits it.

From the information developed to provide space capsules that could survive unbelievable heat and cold as well as reentry, have come new kitchen utensils for American homes. Who knows what other applications will come from the vast quantities of information gleaned almost daily from scientific expeditions?

Some years ago Indiana University began operating with a Government grant a project to disseminate information gathered in space research and translating it into potential use by free, competitive American industry.

Yesterday, in passing the State technical services bill, S. 949, we broadened this principle in a nationwide program to feed into private enterprise the new and continuous findings by science and technology. As one who has been increasingly concerned about the concentration of our technological talent in a few places on east and west coasts, I applaud all moves to diffuse the knowledge so that all may share in it and the new applications for this knowledge. I applaud efforts to spread the prosperity and better living which our industrial geniuses are bringing us from this newfound knowledge.

I was pleased, therefore, to join with colleagues of the Commerce Committee and others as cosponsors of the Technical Services Act of 1965, and I am doubly pleased by the passage of the bill.

S. 949 will set up a 5-year program of matching-fund grants to the States with which technology may be shared and fed out to business and industry. This bill will enable all Americans not only to share the blessings discovered from the new knowledge, but to share the conversion of knowledge into consumer goods and to share the prosperity their manufacture will bring.

I am enthusiastic about the prospects for all Americans that will come with passage of this bill. I sincerely hope the other body will concur and that the bill will become law.

## PROBLEMS OF A PACIFIC STATE

Mr. FONG. Mr. President, in my current effort to stimulate a dialog in the Senate on the political future of the Pacific Trust Territory, I am pleased to report that much active discussion on this subject is taking place in my home State of Hawaii.

There, the proposal for eventual annexation of the western Pacific islands to the State of Hawaii—first broached by the junior Senator from the State of Alaska [Mr. GRUENING] to me and several others a few years ago—is receiving renewed attention.

An interesting and informative article, titled "Problems of a Pacific State," has been written by A. A. Smyser, the able managing editor of the Honolulu Star-Bulletin. I commend it highly to my colleagues.

I ask unanimous consent to have printed in the RECORD the article by Mr. Smyser which appeared in the Honolulu Star-Bulletin of July 17, 1965.

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

[From the Honolulu Star-Bulletin, July 17, 1965]

PROBLEMS OF A PACIFIC STATE

(By A. A. Smyser)

If the United States ever forms a new Pacific State from Hawaii and the islands of the western Pacific, what will it be called?

Hawaii might object to abandoning the present name but the western islands might prefer something different.

This is just one of hundreds of problems that would be faced on the road to realizing the expanded State idea encouraged by Governor Burns.

The Governor himself thinks the creation of such State is years in the future, if at all, but he would like to see it studied.

The idea already has had some surprisingly favorable reaction in Washington. It is not likely to die soon, because it is one plausible solution to a problem that will grow in intensity as the years roll by.

That most of America has managed to be ignorant of the problems of Guam, Samoa and the trust territory won't make the problems go away.

The islands can not and will not remain forever in their present indeterminate status.

Sooner or later people out there are going to begin to yell "colonialism" and want to get either the whole way into the United States or the whole way out, unless we make some changes first.

If a colonialism furor breaks, it will be a defiance of the laws of political gravity if trade and diplomatic exchanges with Moscow and Peiping and other capitals don't help muddy the waters.

The number of choices for the islands is not very large.

In general they divide between independence and some form of affiliation with a richer, more powerful nation that can supply resources and protection.

The idea of a Pacific State as a form of affiliation with the United States thus looms importantly.

It offers an avenue of self-government and full participation in U.S. affairs that is probably more acceptable to Congress than a 51st State would be, or than some Puerto Rico-type commonwealth arrangement implying in this case a long-term U.S. dole.

It also may be more attractive to Congress than a grant of independence which might open the doors to unfriendly intrusions in the Pacific.

The discussion started by Dr. Y. Baron Goto of the East-West Center and encouraged by Governor Burns may help us to think through a thoughtful plan of development and pursue it, rather than simply reacting to what the future may bring.

At the practical housekeeping level the idea of a gigantic Pacific State built around the existing State of Hawaii poses all manner of problems.

For instance:

1. How do you run for statewide office?

Campaigning across 5,000 miles and 100 islands would tax the stamina of an athlete and pocketbook of a millionaire.

A ComSat communications satellite may indeed be a handy campaign aid, along with TV and radio tapes.

It may be that the State will have to underwrite a major portion of the campaign expense—possibly borrowing from the British to keep frivolous candidates from getting free travel and support. Britain requires candidates for office to post a bond which is forfeited if they fail to get a respectable minimum percentage of the votes cast.

2. How do you pass nondiscriminatory laws that apply equally to prosperous, developed Honolulu and remote, simple Kapingamarangi?

There is at least some precedent in laws already on Hawaii's books which deal with counties differently, based on population, taxable property value, and showing of need.

3. How could the people of Guam, Samoa, and the Trust Territory islands be protected against engulfment and dictation by the voters of the present State of Hawaii who outnumber them better than 4 to 1?

Some form of local autonomy might become a compact signed by both the State and United States, much as the Hawaiian homes program was made a compact in the Hawaii State constitution. Basic change re-

quires the assent of both the United States and the State.

Certainly the western islands would need far more autonomy than our present four counties enjoy (despite vocal lipservice to home rule).

4. What would happen to the present $75-million-a-year Federal subsidy that goes to the western islands?

It would be possible for it to continue under one form of agreement or another.

It would remain in the Federal interest to help build the health, school system, and economy of the islands. First reactions to the Pacific State plan included comments that it was a generous offer by Governor Burns.

Congress could recognize this and help ease the burden at least in transition.

The longrun objective would be to reduce differences between the other islands and Hawaii through their development.

5. How would a Governor administer a State 5,000 miles wide, embracing five time zones and on both sides of the international date line?

One way would be through strong local leaders that a revised State constitution could provide.

6. How would the State deal with the many different languages and dialects in the islands?

Just as it dealt with these in its own background—by providing universal education in English.

The problem is not as difficult as it seems. Of the 33 western islanders elected to the Congress of Micronesia now meeting in Saipan, 31 speak English.

Schools already are spreading English facility through the entire area.

7. What about land ownership?

Native populations have well-based fears of aggressive outsiders taking over their homes and property. Ownership of land already is restricted in the western islands. This may need to continue. The Hawaiian Homes Commission Act again offers a precedent.

8. Why not make a new State or States instead of enlarging Hawaii?

Largely because Congress would hardly accept a population of 170,000 spread so widely and with such a weak economic and political foundation as sufficient base for a 51st State.

9. What about congressional opposition?

Governor Burns, who fought the Hawaii statehood bill through Congress, thinks Congress might eventually accept the idea.

In making Hawaii a State, Congress resolved forever the question of noncontiguity and accepting a predominantly nonwhite population.

10. What of United Nations opposition?

Other powers may object. In the end, a plebiscite might be decisive.

11. What of the people in the western islands?

Like the U.S. mainlanders, many have no clear idea of their political future. Guam has some statehood ideas of its own. The matter needs more inquiry and discussion before being either accepted or rejected.

12. How in the world would a Hawaii business firm do business statewide?

That would be the individual problem of each business. Hawaii banks already are branching out across the Pacific. Many businesses would pass up the added market, but some might try for it. The Honolulu Star-Bulletin would certainly try hard to solve problems of keeping a statewide readership.

## BIG BROTHER: ON MADISON AVENUE

Mr. LONG of Missouri. Mr. President, in the July 16, 1965, edition of Time, there was a most interesting article on the attempts of the Internal Revenue Service to assume a friendlier face by hiring the services of a Madison Avenue public relations firm.

I certainly wish the public relations experts the best of luck, but I believe that the hearings of the Subcommittee on Administrative Practice and Procedure indicate they have their work cut out for them.

I ask unanimous consent that the Time's article be printed in the RECORD.

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

CORPORATIONS: THE TURNAROUND BOYS

A little-known Manhattan company named Lippincott & Margulies, Inc., was hired by the Government last week for what seems an impossible task: putting a friendlier face on the Internal Revenue Service. At first L. & M. will simplify the tax forms, rewrite the IRS's standard letters and redesign its office signs—but after that, almost anything can happen. Turned free, L. & M. might design a new shade of ink for tax bills (affluence green? bankrupt red?), or tell the IRS to change its name to something like Friendly Funding, Inc.

For similar tasks, the firm this year will bill 300 major clients throughout U.S. business about $4 million. In the past 2 weeks, the company has discreetly signed up 10 clients that want to find or change their so-called corporate image, including a major glass company, a drug manufacturer, a food manufacturer, and U.S. Steel.

WHAT'S IN A NAME

A combination industrial designer and marketing consultant, 21-year-old L. & M. specializes in what it grandly calls "the corporate turnaround." Its executives believe that a company's image is affected by the most fleeting of public impressions, such as how people react to stationery or employee uniforms. To help create the right impression, L. & M. employs 130 people, including psychologists, sociologists and anthropologists. At the top are easygoing Chairman J. (for Joshua) Gordon Lippincott, 56, onetime product-development teacher at Brooklyn's design-oriented Pratt Institute, and courtly, French-born President Walter Pierre Margulies, 51, onetime chief designer for Statler Hotels. Say Margulies: "Designers in general have too high a taste level. Our aim is to speak the language of the consumer."

L. & M. finds that the consumer has trouble remembering lengthy corporate names and complicated trademarks. For U.S. Rubber, L. & M. conceived the worldwide brand mark "UniRoyal" (the psychologists said that foreign consumers react unfavorably to "U.S. anything"). It rechristened Olin Mathieson Chemical Corp. simply "Olin." At the invitation of Chrysler Corp., the designers dropped the dated "Forward Look" slogan, created the company's five-pronged Pentastar emblem, and spread Pentastars across Chrysler's signs and showrooms. Though these outward touches seem minor, many businessmen feel that they help to highlight a company's products and aims.

When Floyd Hall took over low-flying Eastern Air Lines in 1963, one of his first acts was to call for Lippincott & Margulies. They shortened the company name to "Eastern," and devised a new color for its planes and stewardess' uniforms, "ionosphere blue" (something between navy and royal blue). More than that, their researchers questioned 6,000 passengers, found them predictably disenchanted by flight delays, indifferent service, and noise in the planes. Floyd Hall gives L. & M. substantial credit for the fact that Eastern has much improved its service and reduced the noise levels inside the redesigned cabins of its "Whisperjets." Putting in a word for the sponsor, Gordon Lippincott says: "Turnaround programs can only be carried out under a talented and determined manager. Otherwise, it's just a cosmetic job."

RELIABLE RED, WHITE AND BLUE

Lately, the turnaround specialists have fashioned a new name for Cities Service Oil Co.—"CitGo"—and switched its corporate colors from green and white to reliable red, white and blue. (Psychologists contend white connotes strength and vitality; green is too soft.) Now the designing men are working on 16 other "corporate identity programs." Among them: Dun & Bradstreet, General Mills, New York Life Insurance.

In all this work, L. & M. calls upon such satellite companies as Image Research, Inc., and Names, Inc. Perhaps Lippincott & Margulies could use a name change itself. Mail sometimes arrives addressed to Margucott & Lippinlies, and one unguided missive was addressed to Apricot & Hercules.

## MARYLAND AMERICAN LEGION POST NO. 110 ENDORSES S. 9, THE COLD WAR GI BILL

Mr. YARBOROUGH. Mr. President, on Monday, July 19, this body voted, by more than 4 to 1 the passage of the cold war GI bill, S. 9. This meritorious proposal has received the endorsement of groups throughout the United States.

The opponents claimed that veterans' organizations opposed the bill. As evidence to the contrary of that statement, I request that there be printed in the RECORD, at this point, a resolution passed on July 14, 1965, by the Huntemann-Huff Post No. 110 of the American Legion at Mount Rainier, Md., which not only endorses the principle of the cold war GI bill, but specifically endorses S. 9, the bill this body recently passed, and sets forth the specific arguments which were used on the floor of the Senate during debate on that bill as reasons for their endorsement by resolution.

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

RESOLUTION OF HUNTEMANN-HUFF POST NO. 110, INC., DEPARTMENT OF MARYLAND, MOUNT RAINIER, MD.

At the regular meeting of this post held on July 14, 1965, the following resolution was introduced and unanimously voted on and passed:

"Whereas only 44 percent of our draft-eligible young men ever serve their country in uniform; sacrificing 2 to 4 years of their lives at the crucial age of peak development;

"Whereas the 56 percent of their counterparts are using this time to further their careers and develop their education;

"Whereas these 44 percent are men who are least able to afford an education, who are least prepared for a civilian occupation, and who have to struggle the hardest to survive the competition of the future: Therefore be it

"*Resolved*, That Huntemann-Huff Post No. 110, Inc., the American Legion, Department of Maryland, Inc., does endorse the Cold War Readjustment Assistance Act of 1965, Senate bill 9, known as the cold war GI bill; and that three copies of this resolution be forwarded to the department adjutant, the American Legion, Department of Maryland, Inc., to be acted on at the 47th annual convention of the Department of Maryland; convening on the 21st of July through July 24, 1965, in the city of Baltimore, Md.; and be it further

"*Resolved*, If passed by the Department of Maryland Convention, this resolution will be forwarded to the national convention of the American Legion at the next convention to be held August 20–26 in Portland, Oreg."

Respectfully submitted.

RICHARD S. CALALANO,
*Commander.*
PERRY A. MARTIN,
*Adjutant.*

## REMOVAL OF RESTRICTIONS ON FREE FLOW OF MILK IN INTERSTATE COMMERCE

Mr. NELSON. Mr. President, I recently cosponsored with the junior Senator from Minnesota [Mr. MONDALE], Senate bill 1993, designed to eliminate unreasonable and unnecessary restrictions on the free flow of milk products in interstate commerce.

Since introduction of the bill, I have received several statements of support. One is from Pure Milk Products Cooperative of Fond du Lac, Wis., which represents 15,000 dairy farm families producing milk for markets in Wisconsin, Michigan, and Illinois.

William C. Eckles, PMC's general manager, has had many years of experience dealing with the conflicting, duplicating, and discriminatory milk ordinances which are so costly to both consumers and producers. He is highly qualified to describe the problems these ordinances create and to comment on this proposed legislation.

I ask unanimous consent that the letter from Mr. Eckles, written on behalf of Pure Milk Products Cooperative, be printed in the RECORD.

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

PURE MILK PRODUCTS COOPERATIVE,
*Fond du Lac, Wis., June 30, 1965.*

HON. GAYLORD A. NELSON,
*U.S. Senator,*
*Room 404, Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR NELSON: In behalf of Pure Milk Products Cooperative, we wish to endorse bill S. 1993, known as the National Milk Sanitation Act, which you and several other Senators have introduced and which now is in the hands of the Senate Committee on Labor and Public Welfare.

Conflicting, duplicating, and discriminatory milk ordinances have been costly to both consumers and producers. They are encouraged by local bureaucratic health agencies to perpetuate themselves, and by local milk distributors and producers to eliminate competition.

When local supplies are short, it is frequently necessary for distributors to come to Wisconsin for supplementary supplies, but shipment of such high quality grade A milk is often permitted only at the discretion of the milk inspection agency of the receiving market. Midwest plants making such supplementary sales, report having been subject to numerous local health agency inspections.

In our own area, we are faced with unnecessary duplicative inspections. Our members who have long met the grade A requirements of Milwaukee, find that they must also accept Chicago inspection if the bottler of their milk wishes to sell milk in Chicago, and northeastern Wisconsin farmers supplying the Green Bay grade A market as subject to the Michigan State inspection before the Green Bay handler can extend his distribution routes across the State line into the Michigan Upper Peninsula.

We urge that the Senate Committee on Labor and Public Welfare hold hearings and encourage passage of S. 1993 at the earliest possible date.

Sincerely,

WILLIAM C. ECKLES,
*General Manager.*

## A FOOTNOTE ON THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. GRUENING. Mr. President, a thoughtful article on the situation in the Dominican Republic, written by Jaime Benitez, chancellor of the University of Puerto Rico, appears in the current issue of the Saturday Review entitled "The Leadership Crisis."

Jaime Benitez, in addition to his standing as an academician, as a longtime educational administrator was active in the Dominican Republic during its recent upheaval in trying to secure a useful settlement consistent with democratic practice and purpose. His well-balanced views are therefore of interest, and I ask unanimous consent that his article, "The Leadership Crisis," be printed in the RECORD.

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

THE LEADERSHIP CRISIS

(EDITOR'S NOTE.—The author of the following guest editorial is chancellor of the University of Puerto Rico. He has recently been closely involved in official efforts to find a solution to the Dominican problem.)

Our hemisphere is living through a crucial hour. The subtle web of concord and understanding is being dangerously torn asunder. Frequently, what is woven in the daytime is unwoven at night. And now a second Caribbean tragedy is developing, the tragedy of the Dominican Republic. This tragedy is much different from the previous one in Cuba, with which—because of thoughtlessness, or obsession, or faulty information—it was at first confused. One's sympathy must go out to the Dominican people in their present plight. Over the years the Dominican Republic has suffered a bloody fate. Civil struggles, interventions, dictatorships, coups d'etat, brief and unstable flashes of democracy followed by more coups d'etat, and more civil struggles and interventions have left a confused legacy of poverty, uncertainty, suspicion, rejection, and, in some Dominicans, a stubborn will to correct the past.

How can one help in such a precarious situation? What can one do without aggravating even more the bitter internal strife that troubles the Dominican people? None of the Spanish-speaking countries has been able to answer these questions effectively. Latin American solidarity has failed the Dominican Republic at a moment of need. Nor has the United States, with its unilateral intervention—precipitate at first and later hesitant and faltering—been able to solve the immediate problem or reassure the rest of the hemisphere about implications for the future of its present course. Nor has the OAS, with its heterogeneous membership of diffident democracies, military and semimilitary regimes, and shaky civilian governments (all showing various degrees of fear and suspicion of their dominant partner), been able to act with anything approaching the needed firmness and cohesion.

Intervention in the Dominican Republic has aroused animosity throughout Latin America. No Latin American government depending upon popular support can endorse it and expect to survive. (President Frei of Chile and President Leoni of Venezuela, both struggling against strong Communist opposition, have made their positions abundantly clear.) Only governments dependent for their stability upon the support of the United States rather than their electorate have been disposed, and that only after much prodding, to provide the minimum votes necessary to permit formal collective action.

In the United States the hard line seems to command the greater electoral support, and this fact promises, in the days ahead, to produce an even greater cleavage between the people of the United States and those of the rest of Latin America. We face a leadership crisis in this hemisphere. Basically, the crisis is traceable to the social revolutions in ferment throughout Latin America, which are steadily gaining greater momentum. The crisis also reflects the inability of the U.S. Government to define its proper role vis-a-vis the social upheavals and political convulsions at work in Latin America.

As the world's oldest and most powerful democracy, as well as the closest to Latin America, the United States is, in the minds and hearts of the great majority of ill-housed, ill-clad, and ill-fed Latin Americans, the nation most able to support the legitimate aspirations of the common man anywhere. Unfortunately, many forces and circumstances have blocked the understanding that is needed. The difference in means, resources, power, thought patterns, and cultural traditions makes confidence and cooperation extremely difficult. American policy in the Dominican Republic seems specifically designed to render life in Latin America more hazardous and continental relations more bitter and hostile.

Going through Santo Domingo these days, one sees many clear-eyed, earnest American young men. Attired in battle dress, they man the security zones, patrol the corridors, control or support the military. In the eyes of all Dominicans they are invaders. Others, fewer in number and less visible, work as Peace Corps volunteers in hospitals, slums, training centers. All Dominicans regard them as friends. Yet soldiers and Peace Corps workers have much in common. Both groups represent the United States; they carry out their difficult tasks with integrity and loyalty; and they embody the ambivalence of U.S. policy. If we must have them both, could not the ratio of soldiers to Peace Corps be reversed?

The outlook for the future is not reassuring. The OAS, never a strong instrument of Latin American policy, is now weaker than ever. It is possible, of course, that the protracted and unrewarding stand-still in the Dominican Republic may be ended through the formula of a provisional government followed by general elections under OAS supervision. But at best, this will be only a first step in a long and difficult road ahead.

—JAIME BENITEZ.

## THE ROLE OF AMERICAN BUSINESS IN GUARANTEEING EQUAL EMPLOYMENT OPPORTUNITIES—EXCERPTS FROM REMARKS BY VICE PRESIDENT HUMPHREY

Mr. MCNAMARA. Mr. President, the important role—indeed the vital role—that American business plays in the guarantee of equal employment opportunities has again been emphasized by Vice President HUBERT HUMPHREY.

The Vice President made his remarks at the opening of the "Fair Employment Is Good Business" exhibit at the Department of Commerce.

I ask unanimous consent that excerpts from Vice President HUMPHREY's remarks be printed in the RECORD.

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

EXCERPTS OF REMARKS BY VICE PRESIDENT HUBERT HUMPHREY OPENING OF THE DEPARTMENT OF COMMERCE "FAIR EMPLOYMENT IS GOOD BUSINESS" EXHIBIT, WASHINGTON, D.C., JULY 21, 1965

I am delighted at this chance to visit the equal employment opportunity exhibit, and to pay tribute to the Equal Employment Opportunity Commission. My thanks to Secretary Connor and the Department of Commerce for making this occasion possible.

A lot has been been written and said about the important task that Chairman Roosevelt and the other Commissioners will perform. It is a challenging job and they will need all the help we can give them.

By "we" I mean all of us in this country. There is no such thing as "the Negro problem" or "the minority group problem." We have an American problem, and all Americans are working today to help solve it.

That is why, Secretary Connor, I was particularly pleased to hear you say that "the business of American business is America."

It has been my experience that the business community is more than willing to volunteer its resources to help solve problems of national concern. We have seen this recently, for instance, in the President's summer youth employment program and in the voluntary steps toward the solution of the balance-of-payments situation.

We have also seen it in Equal Employment Opportunity. In a recent meeting of some of the plans-for-progress companies in San Francisco, I reported the fact that companies with the highest productivity and profits have also provided great leadership in the field of merit employment.

I was also glad, Mr. Secretary, to hear you refer to the need to use education and training programs as a part of equal employment. Not only must we offer equal job opportunities, but we must be sure that all Americans have the chance to build a better life through equal opportunity for education and training. This is another great area where labor, business, and Government work together for the benefit of all.

The headlines that bring us news of unrest ignore the silent accomplishments of countless communities, companies, unions, and schools. The accomplishments of the past give us optimism that we will do still more in the future. Fair employment is good business because it is good sense.

## USE OF OPTOMETRISTS UNDER MEDICARE

Mr. WILLIAMS of New Jersey. Mr. President, I was delighted that the medicare bill recently passed by the Senate made provision for the use of optometric services. Optometrists have long since established themselves as trained and skilled professionals in eye care. More than 70 percent of Americans who wear glasses rely on the services of the optometric profession. Let me emphasize that optometrists are not merely mechanical lens grinders, but educated, dedicated professional men. I think the so-called freedom of choice amendment allowing a recipient of medicare benefits to choose either an ophthalmologist or an optometrist was a wise proviso, and gave long-overdue recognition to the optometric profession.

I was particularly concerned that optometric services would be available to children given medical care under special project grants for the low-income children of school and preschool age. Therefore, I wrote to Secretary Celebrezze requesting that this point be clarified. In his reply to me Secretary Celebrezze said:

It does require that projects must be comprehensive in nature. This would certainly include eye care. There is no doubt that the recipients of grants under section 532 of title V would have authority to include the services of optometrists in providing eye care.

And it would seem certain that a great many, probably a substantial majority, of the eye examinations of children would be made by optometrists.

I am certain in making this statement Secretary Celebrezze is recognizing the clear intent of Congress, and I am delighted that children will benefit from the healing skills of the modern optometrists. It has too often been tragically demonstrated that the reason that Johnny cannot read is because Johnny cannot see. As a result many optometrists are already participating on a voluntary basis in medical care programs associated with Operation Head Start activities. The medicare bill will make optometric services more easily available to young children. I ask unanimous consent that Secretary Celebrezze's letter be included in the RECORD.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
*Washington, D.C., July 16, 1965.*

Hon. HARRISON A. WILLIAMS, Jr.,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR WILLIAMS: This is in response to your letter of July 7, 1965, regarding the provisions in H.R. 6675 relating to the use of optometrists.

The recognition of optometrists was very substantially advanced by a provision in the House-passed bill which requires that under the new medical assistance programs, if a State provides eyeglasses the individual shall have free choice between having an examination made by a physician skilled in the diseases of the eye or by an optometrist.

The Senate, before passage of the bill, adopted general language applicable to all titles of the Social Security Act which would accomplish the same result in relation to any services that optometrists are licensed to render. What action the conference committee will take on this amendment I, of course, cannot forecast, but there is no difference in the Senate and House-passed bills in the provision of the medical assistance programs relating to the use of optometrists.

The section 532 relating to special project grants for low-income children of school and preschool age, as you indicate, does not refer explicitly to either eye care or to optometrists. It does require that projects must be comprehensive in nature. This would certainly include eye care. There is no doubt that the recipients of grants under section 532 of title V would have authority to include the services of optometrists in providing eye care. And it would seem certain that a great many, probably a substantial majority, of the eye examinations of children would be made by optometrists.

Sincerely,

ANTHONY CELEBREZZE,
*Secretary.*

## THE ACADEMIC COMMUNITY AND THE PROBLEM OF VIETNAM

Mr. McGEE. Mr. President, I am encouraged by the statement of 67 American college and university professors, political scientists and others, who have come forth in the past few days to, as they put it, "dispel the notion that any small but active and vocal groups of teachers and students speak for the entire academic community on the problem of Vietnam."

As one who has spent his share of time in the academic halls, I spoke here in April, asking for professors and students who agreed with our President and with our Government's policies to come forth and be counted. I asked that they make a true dialog out of the so-called campus debate over the course of affairs in southeast Asia. This group of 67 Americans has. Many others have done likewise.

These distinguished academics have made it clear in their statement of support that they do strongly desire peace and "a political settlement of the war achieved through negotiation among responsible parties." And they make it ultimately clear that they firmly believe the President of the United States fully shares this desire.

Realistically, this group has taken into account, however, the limited number of alternatives facing the United States since it was confronted with the sharp escalation of Hanoi's aggression against South Vietnam. They have stated their belief that President Johnson and his advisers have chosen wisely from among the choices presented them. And they have rejected what they call the "bizarre political doctrine" that the President of the United States has special obligations to the academic community. I ask unanimous consent that their document of support, with names, and addresses be printed in the RECORD, along with an editorial from the Washington Evening Star of Tuesday.

There being no objection, the document, names, addresses, and editorial were ordered to be printed in the RECORD, as follows:

A STATEMENT IN SUPPORT OF U.S. POLICY IN VIETNAM BY POLITICAL SCIENTISTS AND OTHERS

To dispel the notion that any small but active and vocal groups of teachers and students speaks for the entire academic community on the problem of Vietnam, we the undersigned feel it necessary to make clear our support for the policies of President Johnson. We do not believe the U.S. policy in Vietnam has been free from errors, but its infallability is not at issue. At issue are its relevance, realism, and morality. We believe U.S. policy in Vietnam is consistent with the realities of the situation, the goals of American foreign policy, and the peace and freedom of South Vietnam.

We strongly desire peace in Vietnam and a political settlement of the war achieved through negotiation among responsible parties. We regret the involvement of American troops in a foreign war. We believe the President shares these commitments and regrets. We believe in the good faith of his reiterated desire to seek a political settlement of this war through negotiation, any

time, anywhere, with any responsible parties.

We ardently support social, political and economic reform in Vietnam and elsewhere, and welcome all efforts to achieve representative institutions, economic opportunity, personal freedom and a higher standard of living for all. We believe that the present Democratic administration has made clear its dedication to progress in Vietnam by its very substantial development program and its promise of massive assistance when the cessation of hostilities makes possible full concentration of the Vietnamese people on the job of development.

We believe that war is a gruesome travesty on civilized decisionmaking and that the war in Vietnam is a hideous burden on the people of that nation. However, we also know—for this is a matter of evidence, not of opinion—that the war in South Vietnam resulted not from a spontaneous outburst of popular unrest, not from American invasion, but from the deliberate exportation by Hanoi of waves of troops trained in the tactics of terrorism and guerrilla warfare. Aggression from the north is not merely a cliche in a propaganda war; it is combat-ready soldiers, trained and equipped by Hanoi, armed with modern weapons, and Mao's strategy for the subjection of a peasant population. We regard it as exceedingly significant that no major population group in South Vietnam supports, or has supported, the Vietcong.

Confronted with the sharp escalation of Hanoi's aggression against South Vietnam, the U.S. Government had available a limited number of alternatives:

The United States might have sued for peace and met Hanoi's reiterated demand for withdrawal of all American support to South Vietnam. It would thereby have permitted South Vietnam to be integrated into the totalitarian leviathan to the north, and have abandoned tens of thousands of South Vietnamese who have resisted totalitarian expansion to liquidation as enemies of a new Communist ruling class.

The United States might have done nothing, and permitted its own forces and those of South Vietnam to be defeated by Hanoi's enlarged forces. This course would have added humiliation to withdrawal, would have enhanced the "paper tiger" image of the United States, as well as have consigned South Vietnam to totalitarianism.

The United States might have launched an all-out war against North Vietnam and destroyed that nation's cities and industrial capacity utterly and precipitously.

The United States might have begun a restrained increase of its militiary effort, designed to escalate the price of aggression and enhance the incentives for peaceful settlement.

Among the unsatisfactory and limiting choices available, we believe the President chose wisely. We support his continued efforts to find a political settlement that will achieve peace and freedom for South Vietnam.

Finally, we reject the bizarre political doctrine that President Johnson or his principal advisers have special obligations to the academic community. Obviously, the administration has obligations to explain its policies to the American people. But to suggest that some group of university professors has a right to a special accounting is as outrageous as to suggest that the corporation executives of America, the plumbers, the small businessmen, or the barbers have special claims on the Government and its principal spokesmen. It is a fundamental principle of democracy that all categories of citizens are equal under law, and that neither wealth, nor class, nor expertise entitles a citizen to preferred treatment by his Government.

Ulrich S. Allers, Georgetown University, Washington, D.C.; Dean Stephen Bailey, Maxwell School of Citizenship, Syracuse University, Syracuse, N.Y.; Comer Clay, Texas Christian University, Fort Worth, Tex.; Joseph Cooper, Harvard University, Cambridge, Mass.; George Demetrious, Director, Institute for the Comparative Study of Political Systems, Washington, D.C.; Martin Diamond, Department of Political Science, Claremont Men's College, Claremont, Calif.; Eleanor Lansing Dulles, Georgetown University, Washington, D.C.; Valerie A. Earle, Georgetown University, Washington, D.C.; John T. Everett, Jr., Texas Christian University, Fort Worth, Tex.; Mark F. Ferber, Assistant Professor, Eagleton Institute of Politics, Rutgers—The State University, New Brunswick, N.J.; Victor C. Ferkiss, Georgetown University, Washington, D.C.; Richard M. Fontera, Department of Political Science, Douglass College, New Brunswick, N.J.; Robert W. Fostor, Professor of Law, University of South Carolina, Columbia, S.C.; Carl Friedrich, Harvard University, Cambridge, Mass.; Wayne E. Fuller, Professor of History, Texas Western College, El Paso, Tex.; Stephen P. Gibert, Georgetown University, Washington, D.C.; Walter I. Giles, Georgetown University, Washington, D.C.; Joseph B. Graus, Department of Government, Texas Western College, El Paso, Tex.; Richard Greer, Executive Director, Operations & Policy Research, Inc., 4000 Albermarle Street NW., Washington, D.C.; Ernest S. Griffith, Dean of the School of International Service, American University, Washington, D.C.

George D. Haimbugh, Jr. Associate Professor of Law, University of South Carolina, Columbia, S.C.; Morton H. Halperin, Harvard University, Cambridge, Mass.; John F. Haltom, Texas Christian University, Fort Worth, Tex.; Donald G. Herzberg, Professor of Political Science, Director of the Eagleton Institure of Politics, Rutgers—the State University, New Brunswick, N.J.; Samuel Huntington, Harvard University, Cambridge, Mass.; Jan Karski, Georgetown University, Washington, D.C.; Jeane J. Kirkpatrick, Trinity College, Washington, D.C.; James E. Larson, Professor of Political Science, University of South Carolina, Columbia, S.C.; J. R. Leguey-Feilleux, Georgetown University, Washington, D.C.; Karl H. Lerny, Georgetown University, Washington, D.C.; Michael F. M. Lindsay, Professor, Far Eastern Studies, American University, Washington, D.C.; Benjamin E. Lippincott, Professor of Political Science, University of Minnesota, Minneapolis, Minn.; Seymour Martin Lipset, Professor, Political Science, University of California, Berkeley, Calif.; George A. Lipsky, Professor, Political Science and Geography, Wabash College, Crawfordsville, Ind.; Kurt L. London, Professor, International Affairs, Director, Institute for Sino-Soviet Studies, George Washington University, Washington, D.C.; Charles Burton Marshall, Washington Center of Foreign Policy Research, Washington, D.C.; Neil A. McDonald, Professor, Political Science, Douglass College, New Brunswick, N.J.; John H. McDonough, Georgetown University, Washington, D.C.; Franz Michael, Professor, International Affairs, Associate Director, Institute for Sino-Soviet Studies, George Washington University, Washington, D.C.

Warren Miller, University of Michigan, Ann Arbor, Mich.; S. D. Myres, Professor, Department of Government, Texas Western College, El Paso, Tex.; William V. O'Brien, Georgetown University, Washington, D.C.; George R. Osborne, Department of Political Science, Douglass College, New Brunswick, N.J.; Robert E. Osgood, School of Advanced International Studies of The Johns Hopkins University, Washington, D.C.; Roland I. Perusse, Associate Professor of Government, Texas Western College, El Paso, Tex.; Charles W. Procter, Texas Christian University, Fort Worth, Tex.; Lucian W. Pye, Professor, Political Science, Massachusetts Institute of Technology, Cambridge, Mass.; George H. Quester, Harvard University, Cambridge, Mass.; Charles H. Randall, Jr., Professor of Law, University of South Carolina, Columbia, S.C.; Emmette Redford, University of Texas, Austin, Tex.; Warren A. Roberts, Professor, Political Science and Economics, Wabash College, Crawfordsville, Ind.; A. A. Rommer, Georgetown University, Washington, D.C.; Harold W. Rood, Department of Political Science, Claremont Men's College, Claremont, Calif.; Paul Seabury, University of California, Berkeley, Calif.; Joseph S. Sebes, S.J., Georgetown University, Washington, D.C.; Warren Shearer, Professor of Economics, Wabash College, Crawfordsville, Ind.; August O. Spain, Texas Christian University, Fort Worth, Tex.; Melvin P. Straus, Associate Professor of Government, Texas Western College, El Paso, Tex.

Susan Tallman, Political Analyst, Operations & Policy Research, Inc., 4000 Albemarle Street NW., Washington, D.C.; Donald Tacheron, Associate Director, American Political Science Association, Washington, D.C.; N. H. Timmons, Professor of History, Texas Western College, El Paso, Tex.; Procter Thomson, Professor, Economics and Administration, Claremont Men's College, Claremont, Calif.; Richard L. Walker, Director, Institute of International Studies, University of South Carolina, Columbia, S.C.; Donald B. Weatherbee, Assistant Professor, Institute of International Studies, University of South Carolina, Columbia, S.C.; Clyde Winfield, Chairman, Professor of History, Texas Western College El Paso, Tex.; Gerard F. Yates, S.J., Georgetown University, Washington, D.C.; I. William Zartman, Associate Professor, Institute of International Studies, University of South Carolina, Columbia, S.C.

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[From the Washington (D.C.) Evening Star, July 20, 1965]

VIETNAM AND THE PROFESSORS

Despite some impressions to the contrary, not all college and university professors are alienated from the real world or lost in a fog of doctrinaire absurdities. There are important and numerous exceptions. This has been made abundantly clear by a group of 67 of them who have issued an excellent statement strongly supporting what our country is doing in an effort to save southeast Asia from Communist engulfment.

The group—made up chiefly of political scientists, historians and economists with a special understanding of Asian affairs—has left no room for doubt about its endorsement of that effort. Its words deserve to be quoted at some length: "We believe the U.S. policy * * * is consistent with the realities * * * and the peace and freedom of South Vietnam." Accordingly, it is neces-

sary to "dispel the notion that any small but active and vocal groups of teachers and students speak for the entire community" on this issue. "We reject the bizarre political doctrine that President Johnson or his principal advisers have special obligations to the academic community. Obviously, the administration has obligations to explain its policies to the American people. But to suggest that some group of university professors has a right to a special accounting is as outrageous as to suggest that the corporation executives of America, the plumbers, the small businessmen, or the barbers have special claims on the Government and its principal spokesmen."

Well said. So well said, in fact, and so sensibly, that it should be circulated throughout the academic world, at home and abroad, where too much poisonous nonsense is being written and spoken about the fight for freedom in Vietnam.

## SOUTH TEXAS PLANNED PARENTHOOD CENTER AT CORPUS CHRISTI ACHIEVES RESULTS WITH GRANT FROM OEO

Mr. YARBOROUGH. Mr. President, the South Texas Planned Parenthood Center in Corpus Christi was the first organization to receive a grant from the Office of Economic Opportunity for the purpose of population control. In just 6 months time results have been sufficient to justify an extension of the program.

This is just one more drop in the steadily growing stream of evidence that Federal assistance in dealing with the problems of population growth can yield positive results. The need is clear for a concerted and coordinated Federal-level approach. The distinguished Senator from Alaska [Mr. GRUENING] has been conducting a most informative series of hearings on his bill S. 1676, on which I am honored to be a cosponsor. The bill would create Offices of Population Problems in the Departments of State and of Health, Education, and Welfare to deal with domestic and international aspects of the population explosion. A long list of distinguished witnesses, including former President Eisenhower, have endorsed the bill.

The experience in Corpus Christi shows that positive results can be achieved in combating this problem if we put sufficient resources into the battle.

Mr. President, I ask unanimous consent that an article from the Washington Post of July 15, 1965, be printed at this point in the RECORD.

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

[From the Washington (D.C.) Post, July 15, 1965]

FEWER POSTABORTION CASES TREATED IN CORPUS CHRISTI: BIRTHS AMONG POOR ARE REDUCED IN PROJECT AREA

(By Jean M. White)

CORPUS CHRISTI, TEX., July 14.—The first Federal antipoverty grant for birth-control services among the poor has shown enough results in 6 months to justify an extension of the program, city officials and local supporters feel.

They point to figures showing a continuing drop in postabortion patients—an important indicator in an area with a strong tradition of midwifery among the Spanish-surname families—and in indigent births.

Neighborhood clinics opened with Federal funds have been in operation only 6 months, and it is too early to come up with figures showing direct results.

But doctors and local officials here emphasize they are convinced family-planning advice to avoid unwanted pregnancies will strike at one of the root causes of poverty—the overpopulated family.

Doctors point to figures showing a 41 percent drop in the number of patients treated at Memorial Medical Center after bungled abortions. The sharp decrease came over the last 5 years since a local Planned Parenthood chapter began operation. The Federal funds allowed this program to expand with four satellite neighborhood clinics spotted in the city's poverty strip.

Dr. J. M. Garrett, medical director of the Good Samaritan Clinic, reported postabortion cases dropped from 374 to 220 over the last 5 years at Memorial, which handles mainly charity cases.

Over the same period, births at the hospital dropped 28 percent, Dr. Garrett reported.

Two years ago the obstetrical clinic at the charity hospital had 805 patients during the first 4 months. This year the clinic had 505 patients during the same period.

Corpus Christi was the first city to get approval for a family-planning project as part of its antipoverty community action program. The Federal grant was a modest $8,500.

Within the last 2 weeks, the Office of Economic Opportunity has given the go-ahead for family-planning programs in four other cities: Austin, Tex.; St. Louis, Buffalo, and Nashville. Earlier, it also granted $29,424 to Oakland, Calif.

In Corpus Christi, the local Planned Parenthood chapter became a kind of subcontractor to administer the program.

The Federal money has been used to operate four 1-day-a-week clinics in the poor neighborhoods. At the first session, 10 women and 1 man appeared.

The Reverend Reynell M. Parkins, Episcopal priest in charge of St. Martin's Mission, stresses the need for "person-to-person talk."

"You can mail brochures to them, and it is like an illiterate receiving a letter," Father Parkins explains. "You have to sit down in small groups and talk to them."

Word of mouth has proved the most effective means of communication in the West Oso sections of low-income families.

At the Robert L. Moore Community Center yesterday, 15 women watched a film on birth control during the weekly clinic hours. A woman in the front row, with a baby on her lap, said she had come because a neighbor told her.

"I wondered why she hadn't had a baby this spring," she said.

Mrs. Tony Abarca, a former public health nurse, is executive director of the Planned Parenthood program. She speaks the language and knows the culture of the "Latin" families.

"They will tell me that they had two or three induced abortions," she says. "But they will never name the person because they don't want to cause trouble for the midwife."

The average patient at the Planned Parenthood clinics is 26 years old, has five living children, a third-grade education, and an income of about $35 a week.

Since the neighborhood centers opened, they have served 187 new patients. Two hundred twenty-eight other patients from the poverty areas have gone to the central clinic, where the main drawing card seems to be a "Pap" smear for cancer detection.

Federal funds cannot be used to give birth-control advice to unwed mothers.

"Unfortunately," says Father Parkins, "the unwed mother can't be helped except at the main clinic. The problem of the mother who has too many children isn't nearly as bad as that of the unmarried woman."

Although Corpus Christi has a large Catholic population, the Roman Catholic Church has offered no public opposition to the program. A family planning grant in Milwaukee has been held up because of Catholic opposition.

## "REALITY AND VISION IN THE MIDDLE EAST"; AN ENLIGHTENED VIEW

Mr. GRUENING. Mr. President, a highly informative article by Abba Eban, now Deputy Prime Minister of Israel and from 1950–59 Israel's Ambassador to the United States, appears in the July issue of Foreign Affairs.

Since the situation in the Middle East continues to be tense and is continually a potential danger spot in maintaining peace in that important area, the views contained in this Israeli's statements are worthy of attention.

I ask unanimous consent that the article entitled "Reality and Vision in the Middle East—an Israeli's View," be printed in the RECORD.

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

REALITY AND VISION IN THE MIDDLE EAST: AN ISRAELI VIEW

(By Abba Eban)

Since early March the Arab world has been shaken by an angry clash of views about its relations with Israel. Arab thinking on this subject had long been governed by what Whitehead once called inert ideas—that is to say, ideas that are merely received into the mind without being utilized or tested or thrown into fresh combinations. This inertia was suddenly broken by two closely related events. The Federal Republic of Germany sought the establishment of diplomatic relations with Israel, in conscious rejection of Arab pressure. And the President of Tunisia challenged the official Arab dogma about Israel's place in the Middle East. In statements which had a broad international resonance, Mr. Bourguiba indicated that Israel was a solid and entrenched reality with which the Arab nations would have to come to terms. To dream of sweeping Israel away in a torrent of violence was, in his view, sheer delusion.

The German initiative and the Tunisian pronouncements are, of course, important events. But they do not in themselves explain the volcanic emotion which spread from Cairo across the Arab world. Germany, after all, is not the 1st but the 95th governmen to establish diplomatic ties with Israel. In none of the 94 previous occasions did Arab governments go beyond a routine expression of grievance. And President Bourguiba's calm but reluctant vision of Israel as a "reality" is less heretical than Cairo spokesmen would have us believe. Indeed, President Nasser himself often gives eminent visitors the impression that his belief in Israel's disappearance is far from immaculate. The leading Egyptian publicist, Hassanein Heikal, recently told his readers that the modern world was no longer congenial to decisive local wars. An Arab-Israel conflict would, in his judgment, be followed by international intervention; and the forces opposed to Israel's liquidation were not confined to Israel

alone. These sober words were written more than a year ago. Why, then, do President Nasser and Mr. Heikal now react to cautious statements about Israel's permanence like medieval theologians confronted for the first time by the suggestion that the earth may, however regrettably, turn out to be round?

If world opinion finds it hard to probe such anomalies it is because the official Arab attitude toward Israel has no point of reference in other international conflicts. In all other political tensions today the adversaries face each other from a basis of mutual recognition. Each may seek to impose its views or interests on the other. But none seeks victory in terms of the other's disappearance. The Indonesian claim to eliminate Malaysia may be an exception to this rule. But it is instructive that Indonesia finds it impossible to advocate the disappearance of a sovereign state while herself remaining within the political and conceptual framework of the United Nations system. The Arab governments which advocate Israel's disappearance find no such difficulty.

It is customary to describe the idea of Israel's liquidation as a whim of Arab emotion. Nobody, least of all in Israel, should ignore the intense rancor with which the Arab mind has been trained to react to Israel's very existence. But it is not a matter of emotion alone. The dream of Israel's submergence is nourished by a certain rationality capable of being exposed to the analysis of reason. To do this is no mere academic exercise. It is a deep therapeutic necessity. If we can explain why Arabs have believed that Israel would disappear, and why for 17 years this has not even begun to happen, we may open the way to a new Arab understanding of the present and future power balance in the Middle East.

II

The Arab refusal to acknowledge Israel's permanence is nourished by a constant appeal to the Middle Eastern map. Here the power relationship between the two parties seems to be marked by a vast disparity. Arab independence stretches through 13 sovereign States across 4 million square miles with a total population of 100 million. Israel is a single sovereignty established in a small area of 8,000 square miles with a population of only 2½ million. The Arab preponderance is thus reflected in territory, population, mineral wealth, strategic importance and a formidable capacity for diplomatic maneuver, especially in international organizations where numbers count. From this multiple advantage many Arab leaders draw the simple logic that Israel's survival depends on Arab consent, while the Arab nation stands in no corresponding need of peace with Israel. The appeal to geography is sometimes reinformed by a reference to the laws of history. Writing in these pages 13 years ago, Dr. Charles Malik affirmed that "history has not known an instance of a nation at permanent enmity with its immediate world. * * * I do not know of a single other instance in the world where there is such radical existential discontinuity across national frontiers." More recently Arab radicalism has taken heart from its successes in other fields. "Only yesterday," writes Muhammad Jamil Baihum, "we thought it difficult * * * to expel France by force from Morocco, Tunisia, and Algeria * * * or to expel Great Britain from Egypt. * * * But what was difficult became easy when the will was there and the circumstances were propitious."

This theme recurs constantly both in the propaganda and in the self-persuasion of Arab nationalism. A wave of history is destined to sweep all non-Arab elements out of the Middle East, restoring the region to its existential continuity.

To those who see the scales of geography and history in these terms, the experience of the past 17 years can yield nothing but astonishment and frustration. The plain truth is that Arab nationalism emerges from nearly two decades of uncompromising anti-Israel struggle in total strategic defeat. The map, with its self-evident picture of Israeli impotence, has somehow failed to assert itself. Arab policy, directed from Cairo, has pursued a series of clearly defined objectives: to prevent Israel's physical existence; to reduce her territory; to flood her with a wave of hostile refugees; to uproot Jerusalem from her midst; to thwart the development of her diplomatic relations; to bar her from international organizations; to prevent her growth as a trading unit with access to world markets; to frustrate her irrigation projects; to discredit her in world opinion; and, above all, to banish her from affirmative contact with the new world of liberated Africa and Asia.

Not one of these aims has been attained. None of them is even remotely in sight. Israel exists in growing strength and numbers. Her territory as defined in the 1949 Arab-Israel agreement is intact. She has not been swamped by Arab refugees. Jerusalem is an integral part of her national structure. She has a broader network of diplomatic relations than is usual for so small a state. Her flag flies in all the institutions which express the growth of world community. The Arab boycott has won some tactical successes, but has not prevented Israel from establishing commercial links with a hundred states or from expanding her exports by more than 1,000 percent in 17 years. The Huleh marshes have been drained and the waters of Lake Kinneret are irrigating southern fields. World opinion overwhelmingly supports Israel's rights to her independence and integrity which are, indeed, sanctioned by the law of nations and by specific commitments of friendly powers. And the majority of the emerging states maintain strong and intimate ties with her. These links go beyond diplomatic courtesies. They touch the central interests of the awakening countries in their quest for accelerated development.

Something appears to have gone wrong with the superficial testimony of the map. Nobody in Israel should assume that past success is a guarantee of future victory. But nor will Arab leaders approach self-understanding until they come face to face with the lesson of these years. There are manifestly forces at work in the history of our times and in the life of our region which balance, and even outweigh, the factors on which Arab nationalism has relied in its dream of Israel's eclipse. If the forces which have determined Israel's consolidation for the past 17 years can be presumed to endure for the next 17 years—and beyond—then Arab leaders can hardly evade the sort of intellectual adjustment which one of them, at least, has begun to undergo. T. S. Eliot once wrote that "Human kind cannot bear very much reality." But surely there is also a limit to the allegiance which men will give to unreal assumptions which fail, year after year, to vindicate themselves in any perceptible degree.

I now come to define the factors which refute the myth of inevitable Arab victory. The first of these is Israel's capacity to deter and contain the regional hostility by maintaining a balance of military strength. The commitment of 2 million Israelis to their own defense is more absolute and far more passionate than is the commitment of 100 million Arabs to Israel's destruction. For Israel, survival is a necessity. For the Arab nation, with its own survival assured on an almost imperial scale, Israel's submergence is, at best, optional. To this crucial issue of morale we must add the reinforcement of technology. In modern strategy the value of numbers tends to decline in comparison with the value of technical and scientific skills. As military technology develops, the quantitative element loses its decisive importance. The possibility of a small community holding its own against heavy demographic odds becomes increasingly tangible. This is not to say that it is preferable to be small. But it is at least a tolerable destiny. In Israel's national memory David's victory over Goliath was a result not of his smallness but of his compensating agility and talent for improvisation. Whatever has enabled Israel to succeed in deterrence and containment during the past decade seems certain to be operative for the next decade and beyond.

Moreover, the maintenance of a local equilibrium of security in the Middle East responds to broad international interests. The crises of our times usually have their origin in small nations which lack either internal stability or a local equilibrium of strength. Vietnam, the Congo, Cyprus, Yemen, and the Dominican Republic illustrate this truth. In each case a vacuum or imbalance of security in a small country draws the world community into perilous involvement. A local tension becomes an international peril. This experience helps to explain why there is more overt and effective support today than formerly for the maintenance of a prudent security equilibrium in the Arab-Israel area.

The Arab summit conferences, it is true, have shown a certain military inventiveness on the tactical level. They have produced the Joint Arab Command and the Palestine Liberation Organization. These, together with the threat to violate Israel's water rights as defined in the compromise unified plan of 1955, represent a tangible increase of tension and peril. But they do not testify to any serious thought about the strategic utility of the war which is evidently being planned. Would such a war really change the map? Nobody can doubt the fearful havoc and bereavement which it would inflict. But when it ended—probably in a short time—the loss, the ravage, and the eruption of armies beyond the present frontiers would not have been on one side alone. It is not absurd to imagine Arab leaders ardently urging "a return to the frontier of 1966 or 1967," just as they now urge a return to the frontier of 1947 which they once set aside by force. Wars have always been inhuman. They are now, in addition, highly ineffective. The idea that any conceivable war in the Middle East would substantially change the political or territorial structure deserves a more critical scrutiny by Arab minds.

The political factor in Israel's stability is no less cogent than the military prospect. The international scene is today commanded by respect for the existing territorial structure. The United Nations Charter is based on the political independence and territorial integrity of member states. The great powers have reached a doctrine of territorial conservatism out of their experience with the nuclear weapon. Even territorial arrangements originally regarded as temporary improvisations now seem preferable to any attempt to change them without consent. The exchange of notes between Moscow and Washington early in 1964 established a broad consensus in favor of maintaining existing frontiers. And the small nations which form the bulk of the international community have a manifest interest in the principle of sovereignty and the integrity of existing territorial agreements. With 98 percent of the human race now living under sovereign flags the doctrines of territorial irredentism have lost their appeal.

Beyond local military deterrence and international respect for the existing territorial structure, there is a theme of world opinion which makes the cry for Israel's liquidation discordant. This is not an age of crusades. Together with the multiplication of nations there goes a new ecumenical spirit nourished by revulsion from war. Most people and governments find the present "existential discontinuity" in the Middle East preferable to

its correction by war. Arab opinion would also do well to give heavier weight to the special associations which Israel evokes in the world consciences as a result of the Nazi holocaust. History is not a web woven by innocent hands. It would be rash to predict an end to organized inhumanity. But when a world which has seen 6 million Jews thrown into the furnace is now invited to see the central bulwark of Jewish survival "thrown into the sea," a shudder runs through whatever exists or remains of historic decency. The point is that the more bellicose Arab slogans about Israel affront the conscience as well as the higher interests of contemporary mankind.

Even less likely than Israel's liquidation by war is her elimination by the weight of regional solitude. The effects of Israel's isolation from the Arab environment are regrettable and serious. But they touch the atmosphere of her life rather than her prospect of survival. In the new age of swift communications, nations are less dependent on their regional context than in former times. Israel's markets, friendships, scientific contacts, intellectual links, and international vocation can, if necessary, be found in Europe, the Atlantic community, and amongst the developing states beyond the Arab fence. The modern world is assuming the character of a close-knit urban society whose several parts are mutually accessible. Affinity is now more important than vicinity as the driving force of international relationships. Moreover, Israel since the dawn of history has received and exercised her major influences across the Mediterranean world, in which she is far from isolated.

We may now summarize the elements on the credit side of Israel's stability which counteract the physical evidence of the regional map: a proven capacity for deterrence and containment; technical and moral factors which offset numerical inferiority; the dominant international respect for the established territorial structure of states; specific commitments by friendly powers to Israel's independence and integrity; opposition of world opinion to warlike solutions; a special revulsion of world conscience against further outrage to Jewish survival; the unfeasibility of a prolonged and one-sided Arab assault capable of altering the political map; Israel's special place in the trust and confidence of the developing world; and her proved capacity to transcend her regional isolation by self-reliance and by a worldwide economic and diplomatic initiative.

Not all these factors can be graphically portrayed on a map. But in the example and performance of 17 years they have shown their weight. It is not likely that they will soon lose their force.

III

The question is whether and how a defensive stalemate can be transformed into a more affirmative relationship. The answer lies in the capacity of Arab minds to grasp the existential truth about the Near East as a region which can never be comprehended in Arab terms alone. The destination of this region lies not in an exclusive Arab unity, but in a creative diversity and pluralism. Three central issues must be resolved in Arab and Israeli thought before a new era can dawn: first, the image which the Arab world and Israel reflect each to the other; second, the tension between the idea of Arab unity and the more creative idea of Mediterranean cooperation; third, the idea of peace as a mutual necessity for both nations, and not as a gift of grace to be accorded by the Arabs to Israel.

The Arab obsession with an Israeli threat runs against all rational evidence. If the Arab nation were responsive to the truth of its recent history it would now be going forward in a thrust of hopeful energy. It has won its independence in 4,463,000 square miles. It is farfetched to believe that it cannot flourish without 8,000 more. Arab freedom in a subcontinent has been qualified, in a small area, by the liberation of another people which had centuries of Middle Eastern history behind it before the Arabic language or the Moslem faith saw the light of day. It has never been possible to convince world opinion that it is right for the Arab world to possess an empire—and wrong for Israel to exercise the peaceful possession of its tiny but cherished home.

There is no greater fallacy than to regard Israel as a "colonial" phenomenon. No state in the world expresses the concept of nationhood more intensely than Israel. It is the only state which bears the same name, speaks the same tongue, upholds the same faith, inhabits the same land as it did 3,000 years ago. Recently a group of young Israelis near the Dead Sea came across some parchment scrolls written 1,900 years ago. They are entirely intelligible to a young citizen of Israel today. Israel is not alien to the Middle East, but an organic part of its texture and memory. The long separation has had less effect on the region's history than the original birth and the modern renewal. Take Israel and all that has emanated from Israel out of Middle Eastern history—and you evacuate that history of its central experiences. Arab political and intellectual leaders have never made a serious effort to understand, even in reluctant mood, the tenacity, depth, and authenticity of Israel as a national reality with deep roots in the Middle East. They would do well to ponder Ernest Renan's definition of nationhood: "A nation is a soul, a spiritual principle. To share a common glory in the past, a common will in the present: to have done great things together; to wish to do them again—these are the essential conditions of being a nation."

There are so many common features in Arab and Israel nationalism, both caught up in the tension between past memory and future hope, that their reciprocal alienation today has the mark of authentic tragedy. It is not enough for Arab leaders to recognize Israel as an unpleasant "fact." They cannot long avoid asking themselves why Israel's restoration is, in the eyes of most of mankind, an event which, despite all imperfections, has an inner splendor and nobility. At any rate, the Arab portrayal of Israel as a dark conspiracy or as a rapacious colonial adventure is regarded by the opinion of mankind as an unacceptable caricature. A decisive phase will have been reached when Arab intellectuals begin to study Israeli nationalism in anything like a clinical, objective spirit.

I am aware that the Arab-Israel dialog is not distorted on one side alone. Hostility usually evokes an attitude in its own image. The Israeli vision of Arab life and culture has been eroded by years of separation. Israel must try, above the conflict, to see her neighbor as she has been in her greater moments—the heir and author of a rich culture, the bearer of a tongue whose echoes will always fill our region and without which a man is cut off from an inner comprehension of the Middle East.

Whether the Arab nations and Israel can reach an understanding of each other depends on how they conceive the nature and destination of the Middle East. For President Nasser and the main body of Arab nationalism, the dominant theme of the region's destiny is Arab unity. Much of Arab history is concerned with the tension between unity and regionalism. Union has been the exception, not the rule. There is, of course, a unifying energy in the Arab world which draws all men of Arab tongue together in a common identity. But there is also a strong tendency of Arab States to maintain their separate sovereignties against a claim to centralize hegemony from Cairo. Baghdad, Beirut, Damascus, and the North African States have never voluntarily acknowledged the political ukase of the Nile Valley.

For 12 years the efforts of Nasserism to impose a uniform control on the restless, varied stream of Arab life has led to uninterrupted crisis. Nothing has divided the Arab world more than the effort to unit it. Syria, Lebanon, Iraq, Jordan, Sudan, Saudi Arabia, Tunisia, and now Yemen have been successive arenas in which Nasserism has come to grips with the desire of Arab States to be independent—not only of foreign control but of each other. Today diversity, pluralism, and polycentrism are everywhere undermining the pretensions of monolithic blocs—from the Atlantic world to the Communist system, as well as across Africa and Latin America. It is doubtful if the Arab world with its deep-rooted diversities will tolerate a centralized control.

A Middle East in which separate Arab States could pursue their separate destiny, in a mood of tolerant variety, could more easily accommodate an Arab-Israel understanding than a homogenized Middle East convulsed by an Egyptian bid for centralized control. The Middle East is not an exclusive Arab domain. Its destiny lies in a pluralistic interaction of Asia, Europe and Africa. There are nearly as many non-Arabs as Arabs in the Middle East (the combined population of Israel, Iran, Ethiopia, Somalia, Turkey and Cyprus is 80 million; and the dream of a united Arab domain from the Atlantic to the Persian Gulf offends the region's essential diversity.

There is a lesson to be learned from experiments in regional cooperation in other continents. In Western Europe the unity movement began from common interests, proceeding from coal and steel toward broader economic integration and free communications. Existing sovereignties are respected and the sensitive issue of political coordination is left until economic mutuality has been longer at work.

In the American republics the continental organization avoids racial or linguistic exclusiveness. It comprises every sovereignty within the defined region. Similarly, the new Organization of African Unity avoids centralization and hegemony. Neither in Europe, Latin America, nor Africa has the federal principle yet won any notable victory. The formula is one of growing integration and harmony in relations between separate sovereign states.

The Arab union movement directed from Cairo seems to involve every difficulty which other union movements avoid. It emphasizes political structures, such as federations and leagues, before the basis of economic interest is secured. It is ethnically and linguistically exclusive, inspired more by reaction to foes than by a positive impulse of self-realization. And it is frankly disruptive of existing sovereignties and anchored in a concept of centralized hegemony.

The world has generously come to terms with Arab nationalism. The question is whether Arab nationalism can now come to terms with regional and international concepts broader than itself.

The most fruitful and natural regional concept is that of Mediterranean cooperation. Mediterranean spirit, with the currents of thought and action which it has generated or evoked, lies at the origin of the technical and cultural transformation which has largely determined the cultural history of mankind. Egypt, Israel, Lebanon, Syria, Libya, Tunisia, Algeria, and Morocco are Mediterranean nations, while Jordan is oriented by trade and history toward the Mediterranean world. The Hellenic and Latin worlds, Turkey and the island republics of Cyprus and Malta are washed by the same waters. Every point in this littoral is swiftly accessible to every other. Three

continents, Europe, Africa, and Asia, look out upon it will all their diversity of fate and outlook. Five great civilizations were born here—Judaism, Christianity, Hellenism, Rome, and Islam. It is a central compact world, congenial to the free interaction of commerce and ideas and alien to exclusiveness. In no other part of the globe does a similar variety of conditions exist in such close proximity or in such intensity of mutual influence. It is here that man first considered himself in the light of eternity. It is here that science broke loose from empiricism in search of broad unifying explanations of the natural order. And it is here, amidst all the conditions for a new emergence of human vitality, that we find statesmanship held down in implacable conflict.

The issue is whether the Arab and Jewish nations, which have been primary agents in the Mediterranean adventure, can transcend their conflict in dedication to a new Mediterranean future, in concert with a renascent Europe and an emerging Africa. A new impulse of thought, similar to that which inaugurated the European Community 15 years ago, could open this prospect to early view.

IV

Israeli leaders are often asked what Israel could contribute to a Middle Eastern settlement in return for what she would gain from the lifting of the siege. Although peace is not a condition of Israel's existence it clearly represents her highest interest. She is desperately hard pressed for territory. She is under no juridical obligation to reduce her area below the meager 8,000 square miles which she commands under the 1949 agreements; these were concluded under United Nations auspices and cannot be modified without the consent of the signatory governments. For the first time since the dawn of history, large Jewish communities no longer exist in the Nile and Euphrates Valleys, in the Arabian Peninsula, and parts of North Africa. These half-million refugees have been absorbed in Israel and not thrown onto the charity of the world community as have the Palestinian Arabs who underwent a shorter and less drastic migration, for the most part from one part of Palestine to the other—from what is now Israel to the Palestine territory embodied in the Arab states of Jordan and Egypt. It is the regional interest that Arab and Jewish populations should be integrated in environments akin to them in language, ethnic affinity, and national sentiment. All refugee problems since the Second World War, in Asia and Europe, have been solved by this principle.

In the Israeli conception the guiding motive of a peace settlement is not to change the character or structure of existing states, but to institute a dramatic and revolutionary change in the relations between them. The revolution of which I speak can best be expressed in terms of an open region. Israel's land is small but wonderfully central. It is a nodal point of communication. In peaceful conditions we could imagine railway and road communications running from Haifa to Beirut, Damascus, and Istanbul in the north; to Amman and beyond in the east; and to Cairo in the south. The opening of these blocked arteries would stimulate the life, thought, and commerce of the region beyond any level otherwise conceivable. Across the southern Negev communication between the Nile Valley and the fertile crescent could be resumed without any change of political jurisdiction. What is now often described as a wedge between Arab lands would become a bridge. The Kingdom of Jordan, now cut off from its natural maritime outlet, could freely import and export its goods on the Israeli coast. On the Red Sea, cooperative action could expedite the port developments at Elath and Aqaba which give Israel and Jordan their contact with a reviving east Africa and a developing Asia.

The Middle East, lying athwart three continents, could become a busy center of air communications, which are now impeded by boycotts and the necessity to take circuitous routes. Radio, telephone, and postal communications which now end abruptly in midair would unite a divided region. The Middle East with its historic monuments and scenic beauty could attract a vast movement of tourists and pilgrims if existing impediments were removed. Resources which lie across national frontiers—the minerals of the Dead Sea and the phosphates of the Negev and the Araba—could be developed in mutual interchange of technical knowledge.

Economic cooperation in agricultural and industrial development could lead to supranational arrangements like those which mark the European Community. The United Nations could establish an Economic Commission for the Middle East, similar to the Commissions now at work in Europe, Latin America and the Far East. The specialized agencies could intensify their support of health and educational development with greater efficiency if a regional harmony were attained. The development of arid zones, the desalination of water and the conquest of tropical disease are common interests of the entire region, congenial to a sharing of knowledge and experience.

The programs of technical cooperation maintained by Israel in 50 countries in America, Africa, and Asia, and the flow to Israel of over 1,500 young trainees from the developing countries every year, are an augury of what could be achieved by technical interchange between the Arab States and Israel. Israel could contribute to a solution of refugee problems by accepting the burden of international loans to finance her compensation undertaking. The payment of compensation would advance the resettlement of the refugees in areas of the Arab world. Regional water development would become a focus of cooperation, instead of a source of conflict. A detailed review of the position on the frontiers with a view to minor and mutual adjustment could remove anomalies and ambiguities which provoke tension.

In the institutions of scientific research and higher education on both sides of the frontier, young Israelis and Arabs could join in a mutual discourse of learning. The old prejudices could be replaced by a new comprehension and respect, born of a reciprocal dialog in the intellectual domain. In such a Middle East, military budgets would spontaneously find a less exacting point of equilibrium. Excessive sums devoted to security could be partly diverted to development projects.

Thus, in full respect of existing sovereignties and of the region's creative diversity, an entirely new story, never known or told before, would unfold across the eastern Mediterranean. For the first time in history no Mediterranean nation is in subjection. All are endowed with sovereign freedom. The problem is how to translate freedom into creative growth.

It may seem utopian to project such a vision in the summer of 1965, when the urgent concern is to reinforce the deterrents against armed conflict and to avoid a mischievous violation of water rights. But there is such a thing in physics as fusion at high temperatures. In political experience, too, the consciousness of peril often brings about a thaw in frozen situations. In the long run, nations can survive only by recognizing what their common interest demands. "Great ideas," wrote Albert Camus, "come into the world as gently as doves. Perhaps then, if we listen closely, we shall hear amid the roar of empires and nations, a faint flutter of wings, the gentle stirring of life and hope."

## A DESERVED COMPETITIVE POSITION FOR SMALL BUSINESS

Mr. PROUTY. Mr. President, on the 4th of February I cosponsored with the Senator from Alabama [Mr. SPARKMAN] and others, S. 995, which seeks to amend the Clayton Act with certain provisions of the Robinson-Patman Act. As a member of the Senate Small Business Committee, I am familiar with the practices which seem to make this legislation desirable to assure to small business a deserved competitive position in the American economy.

On June 30 of this year an important friend of small business, Mr. George J. Burger, of the National Federation of Independent Business, presented a statement to the Antitrust and Monopoly Subcommittee on this legislation. Because this statement is important to the small business community and, indeed to the membership of the Senate, I ask unanimous consent that Mr. Burger's statement be printed in the RECORD.

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

STATEMENT OF GEORGE J. BURGER, VICE PRESIDENT, NATIONAL FEDERATION OF INDEPENDENT BUSINESS, BEFORE THE ANTITRUST AND MONOPOLY SUBCOMMITTEE, SENATE JUDICIARY COMMITTEE JUNE 30, 1965, SUBJECT: S. 995

I am George J. Burger, vice president, legislative activities, National Federation of Independent Business. We are a national organization composed solely of smaller, independent business and independent professional people. Our home office is San Mateo, Calif. I am in charge of the Washington, D.C., office.

Presently we have 199,645 individual, directly supporting and participating members throughout all 50 States. This number is increasing every week. From the standpoint of number of directly supporting and participating members, we are the largest business-professional organization in the country.

Our main function is one of encouraging these independent enterprisers—who are the admitted backbone of our free enterprise system, and who are one of the strong pillars supporting our very liberties—to take a continuing, active, informed interest in Government affairs—State and National—and of providing them with programs to do so in an intelligent, effective manner.

I will not describe our method of operation. Most, if not all the members of this committee have become familiar with the federation over the 20 years of our Washington activities. I will say only that in the federation, members speak directly for themselves—in their statements, officers voice only the opinion of the membership. Through our the Mandate polls (regular reports on which have been furnished to you) we determine the majority position of the membership. This sets the federation's course. Through our special fact-finding surveys "How's Business With You?"—1962; "Let's Take Care of Our Business—Government"—1963; "Jobs"—1964," and our current survey "Small Business—Nation's Largest Employer," we make it possible for members to tell us, and through us all in Government the factual basis behind the many problems which are attacked by bills presented for vote in various issues of the Mandate.

As it relates to the 1962 survey, "How's Business With You?" of our entire membership, signed reports were received from 56,486 federation members in the 50 States, and to

give you a breakdown of the overall competition facing independent retailers 23,720 cited discount house competition, with 18,128 advising discount house competition handled same goods below their cost; 17,512 reported competition with cooperatives with 8,411 advising cooperatives handled same goods below their cost; 21,286 reported unfair pricing by suppliers with 7,404 of this group advising of factory store competition, 10,181 reporting competitor price favoritism and 6,914 reporting unfair promotional allowance competition; 10,444 federation members reported Government competition with 3,751 advising military PX's ships stores were responsible for this competition—9,130 federation members reported import competition, with 5,586 advising they were primarily affected by price, and 713 reporting they were affected by style.

Now in 1963 a similar survey, "Let's Take Care of Our Business—Government" was made of our entire membership, with reports coming from 68,167 in all the 50 States, with federation members advising of the action needed to curb unfair price competition. Thirty-six thousand, seven hundred and twenty-six reported need for stronger use of present antitrust laws; 22,202 felt unfair price competition could be curbed by firm retail price proposal, while 21,459 believed unfair price competition could be curbed through firm manufacturer price proposal, and 38,435 believed that unfair price competition could be curbed through proposal to curb loss leaders.

At the time of the adoption of the Robinson-Patman Act efficient independent business both at the production and distribution levels were of the opinion that their Magna Carta had arrived, and it is self-apparent that the views held by independent business at that time were confirmed by major actions of large producers in their cancellation of contracts with mass distributors, and it is to be noted when these cancellations took place they were well noted by the Nation's press because of the importance of the published statements coming from the heads of these large suppliers who stated they "couldn't justify the price under the Robinson-Patman Act."

The Federal Trade Commission in 1939, where they found a violation of the Robinson-Patman Act involving a giant corporation and its customers, issued a cease-and-desist order, and it has been highly questionable when that order was ever vigorously enforced by the Federal Trade Commission. This was disclosed at the time the late Hon. Estes Kefauver was chairman of a Subcommittee of the House Small Business Committee, in a staff report to the chairman, "United States versus Economic Concentration and Monopoly."

It would appear that from that moment on, due to happenings within our economy, that something must be done to strengthen that law, such as previously proposed in S. 1815, S. 1935.

In 1963, through Mandate No. 288, the entire federation membership was polled on S. 1815, and particularly note the arguments presented "for" the proposition, and the arguments "against," with instructions to the members: "Before voting issues read these explanations":

"3. S. 1815. Make it possible for businessmen to go into court to protect themselves against competitors and suppliers who promote monopoly through sales at unreasonably low (loss leader) prices (Senator HUMPHREY, of Minnesota). Under present U.S. Supreme Court decisions, businessmen cannot sue privately under this section of the antitrust laws. Only Government is permitted to enter such suits. ( ) for, ( ) against.

"3. Argument for S. 1815: Unless businessmen have the right to take cases into court, on their own, under this section of the antitrust laws, monopoly will continue to increase. The fact is that Congress just will not, perhaps cannot, appropriate enough money for the Federal antitrust agencies to do the job that must be done. Sales at unreasonably low prices (loss-leader selling) are destructive of local competitors and therefore of the competitive system. Passage of this bill will be a slowdown signal for would-be monopolists.

"3. Argument against S. 1815: This bill could do nothing more than cause trouble in our courts, without particularly helping parties injured by cut prices. In the first place, the law in question is of doubtful constitutionality. The cost of fighting a case on this basis would be prohibitive. Secondly, there is always the problem of proving when a price is, or isn't, unreasonably low. The result: more time and more money involved, again with no reasonable assurance of results. Better nothing, than something that muddies the water."

The result of the poll of our nationwide membership was disclosed in Mandate No. 289:

"Here's the national summary of votes on issues in Mandate 288. This has been sent to all Congressmen and Senators, all congressional committees, and all agencies and individuals in the executive branch of our Government, for their information. It also has been sent to all State senators and Governors.

"[In percent]

| | For | Against | No vote |
|---|---|---|---|
| 1. S. 1226, H.R. 264. Curb labor union joint activities | 94 | 5 | 1 |
| 2. H. Res. 104. Provide for investigation of U.S. State Department | 78 | 17 | 5 |
| 3. S. 1815. Permit private suits for "loss leader" competitive damage | 69 | 25 | 6 |
| 4. H.R. 918. Tax incentives for hiring of those over 45 | 64 | 30 | 6 |
| 5. Congress set time limit on foreign aid program | 88 | 9 | 3" |

In Mandate 301, this year, we polled our membership on S. 995, presently before your committee for consideration:

"4. S.995. Make it possible for businessmen to go into court and sue competitors and suppliers who violate the Robinson-Patman Act through sales at unreasonable low (loss leader) prices. (Senator SPARKMAN, of Alabama.) Under present U.S. Supreme Court decisions, businessmen cannot sue privately under this section of the antitrust laws. Only Government is permitted to enter such suits. ( ) for, ( ) against.

"4. Argument for S. 995: Businessmen must have the right to take these cases into court. Otherwise monopoly practices will increase. The Federal antitrust agencies are overloaded now, and individual, specific cases necessarily do not receive the attention they need. This measure would be most useful to the Nation's 2 million small retailers who are victims of loss leaders. Small manufacturers and wholesalers would also be able to take private action against cutthroat and predatory pricing tactics. This bill would provide a check to these unfair practices.

"4. Argument against S. 995: This bill would cause more long and drawn out trouble in our courts, without particularly providing immediate relief to the parties injured by the cut prices. The question of law is of doubtful constitutionality and fighting a court case would cost a lot of time and money. Also, it's very hard to prove when a price is, or isn't, unreasonably low. There's also a question that current antitrust legislation may be sufficient, if vigorously enforced to obtain results. Additional regulations and legal haggling may only serve to cloud the issue."

The result of the poll of our nationwide membership was disclosed in Mandate No. 302:

"Here's the national summary of votes on issues in Mandate 301. This has been sent to all Congressmen and Senators, all congressional committees, and all agencies and individuals in the executive branch of our Government, for their information. It also has been sent to all State senators and Governors.

"[In percent]

| | For | Against | No vote |
|---|---|---|---|
| 1. H.R. 533. Increase personal tax exemption from $600 to $1,000 | 83 | 16 | 1 |
| 2. H.R. 467. Mark imported goods to show they are foreign made | 88 | 9 | 3 |
| 3. H.R. 2953. Permit "plowback" into business 20 percent of all earnings, tax deductible | 82 | 15 | 3 |
| 4. S. 995. Allow businessmen to go to court to protest against "loss leader" sales | 63 | 29 | 8 |
| 5. H.R. 3428. Eliminate earnings ceiling on social security recipients | 65 | 32 | 3" |

Finally, I want to remind you that the President has said that production of new job openings for our growing population is one of our prime national goals. I would remind you also that there is a concensus in Government that the Nation must depend in greatest measure on small business, particularly in the service and retail trades—to provide new and additional job openings.

In this connection, as part of our current factfinding survey ("Small Business—The Nation's Largest Employer") we point out that small business currently provides 30 million or more jobs for our people. We are finding strong indication that during the past year as many as 1,500,000 of our country's smaller firms expanded or modernized opening up in the process as many as 3 million or more new jobs.

The fact is that our country must look to small business expansion or modernization for the new and additional jobs it needs.

Our survey shows, however, that small business' rate of expansion, while desirable and welcome in any category—was lowest where the job-producing need is greatest—the rate being 47.7 percent of all respondents in the manufacturer category (for an average 4.4 new jobs per expansion or modernization) against 30.1 percent rate among retailers (average new jobs: 1 per expansion or modernization) and a 33 percent rate among wholesalers (average new jobs 1.9 per expansion or modernization).

You know as well as do we—and small business responses to all our surveys emphasize this fact—that the whiplash of monopoly malpractice is most keenly felt in these very retail and service trades—be it in the area of unjustified price or other preferentials, in the area of dual distribution, or whatever.

If our Nation is to achieve its goal in production of new and additional jobs, this monopoly malpractice must be curbed. S. 995 will help do this job. Again we urge its adoption.

Mr. Chairman, such constructive legislation must be adopted so that small business can take cases into court on their own under this section of the antitrust laws. Otherwise monopoly will continue to increase.

## TRIBUTE TO ADLAI STEVENSON

Mr. GRUENING. Mr. President, many eloquent, as well as highly deserved tributes, have been and are being paid to Adlai Stevenson. I knew him well; he was my friend. He visited me in Alaska.

We served as Governors during some of the same years and it was always a privilege and a pleasure to meet him at the Governor's conferences. He enlightened them with his wisdom and wit.

Though his eloquent voice is stilled, his moving utterances will become a part of the great American tradition and an imperishable legacy for future generations.

An excellent appraisal of Adlai Stevenson appears in the current issue of Newsweek. I ask unanimous consent that this article, entitled "Adlai Stevenson of Illinois, 1900–65," be printed at this point in my remarks. Likewise I ask unanimous consent that an editorial from the Anchorage Times entitled "Stevenson's Spirit Belongs to the Future" and an editorial from the Anchorage News entitled "Adlai Stevenson and the World of the 60's" be printed at the conclusion of my remarks.

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

[From Newsweek magazine, July 26, 1965]

ADLAI STEVENSON OF ILLINOIS, 1900–65

Suddenly he was there, alone and blinking self-consciously in the convention spotlights, staring unbelievingly over the prancing delegates and up at the roaring galleries. Never had a man so unconventionally unambitious reached such a pinnacle. Never had a major-party candidate for President looked somehow so un-Presidential.

And then, miraculously, the transformation: freshness came over the lined, lived-in face; under the freckled bald dome, the dumpy figure grew almost jaunty; and the sad blue eyes glinted with relish at the incongruity of himself and this 1952 Chicago convention and these Democratic throngs in search of a leader.

Finally the words came, and then he was truly formidable. Rich and rousing they were, sword strokes to the mind, outwardly unexceptionable yet deeply communicative, especially to those for whom politics had never before contained immediacy. He swept up millions of thoughtful members of the postwar generation, this intellectual with warmth; simply by his act of participation he seemed to help many bridge the cool distance they had kept from their own government.

Even when he lost, his admirers were not desolate; they only marveled that he—and they—had achieved so much and still survived. But 4 years later, when he lost a second time and became abruptly a political relic, most of the more prominent moved to other candidates, other causes, and ultimately to victories he was never permitted fully to share. Yet he was the teacher; he was the catalyst. And last week, while his old followers still used but no longer followed him, he lay dying of a massive heart attack on a London sidewalk, only a minute's walk from the U.S. Embassy.

SUMMER EVENING

Adlai Ewing Stevenson loved the political turmoil, but also loved the pause. In such a pause, in the soft early evening after a sunny day in London, he invited his old friend and fellow U.N. representative Marietta Tree, for a stroll along Upper Grosvenor Street. Quite suddenly he dropped to the pavement. Mrs. Tree, sensing what had happened, quickly gave him mouth-to-mouth resuscitation; a nearby doorman rushed for a doctor, and later put his rolled-up uniform jacket under his head. Ambulance attendants applied oxygen on the way to the hospital, but Adlai Stevenson never recovered consciousness, and 25 minutes after his collapse he was pronounced dead.

He had been in England on a private visit, a respite with old friends, between U.N. business in Geneva the previous week and a return to the daily grind of his duties as Ambassador to the United Nations in New York. The job had become a drudgery by now; increasingly of late he had felt neglected, even humiliated, when his superiors in Washington failed to consult or even inform him on policy decisions. Yet this man who had suffered two heavy defeats from a soldier was, in his own way, a soldier himself. His last interview, taped on the very morning of his death, was a vigorous defense of his President's foreign policy.

That President responded, "The flame which illuminated the dreams and expectations of an entire world is now extinguished," he declared, and dispatched HUBERT HUMPHREY at the head of a delegation to bring the body back to Washington.

DEEP REGRET

Tributes came from former Presidents Truman and Eisenhower, from all over the world, and from some surprising sources as well. Even the old reliable U.S. baiter V. Krishna Menon of India volunteered his regrets. In Paris Soviet Ambassador Valerian Zorin, whom Stevenson had so forcefully rebutted during the Cuban missile crisis, spontaneously phoned U.S. Ambassador to France Charles Bohlen to express his deep personal regret.

For the family, Stevenson's third son, 29-year-old John Fell said: "I think you all know my father's public record. All I can add is that he was a very good father."

In London, the Humphrey delegation, which now contained Stevenson's sons, two daughters-in-law, and a sister, Mrs. Ernest Ives, paid their respects to the Governor's body—he always preferred to be called Governor—where it lay on a crimson-covered catafalque in the front hall of the U.S. Embassy. Thousands of Englishmen—he was always Britain's favorite American statesman—watched outside. Four hours later, the coffin was airborne.

FOUR RUFFLES

Early Thursday evening Adlai Stevenson returned for the last time to Washington. President Johnson was there to meet him, so were Cabinet and diplomatic delegations. An honor guard marched forward. Band members played four ruffles and flourishes as the flag-draped pine coffin was carried off the plane.

The body was taken to the National Cathedral where it lay in repose all the night and next morning. Thousands lined up and silently moved by the honor guard and past the closed coffin. At 11 o'clock the funeral began, at the very altar where, only last January, Stevenson himself had stood to eulogize Sir Winston Churchill. In the afternoon the body was flown to Springfield, Ill., and for 24 hours lay in state on the plain oak table which had borne Abraham Lincoln's body a hundred years ago.

On Sunday, Adlai Stevenson made his final journey home to Bloomington, and on Monday, in a private ceremony, he was buried in the family plot.

From the beginning, he was a man of paradox. His aura was that of the aristocratic East, yet his roots went into Middle Western history of the 1830's. His maternal great-grandfather, Jesse Fell, was the first man to propose Abraham Lincoln for the Presidency. His grandfather, the first Adlai Stevenson, was the Middle Western, ticket-balancing Vice President in New Yorker Grover Cleveland's second administration. Though Stevenson was born in Los Angeles—where his father was managing some of the Hearst mining and newspaper interests—the family returned to Bloomington when he was 6, and there he grew up.

REPORT CARD

Paradoxically, this most cultured of political candidates was such a mediocre student at the local high school that he had to be sent to the Choate School in Connecticut before he could be admitted to Princeton. His college record was undistinguished, so were his 2 years at Harvard Law School; he finally took his law degree at Northwestern in 1926. In the next 2 years he practiced law in Chicago, married Ellen Borden, a Chicago heiress of literary inclinations. They had three sons, Adlai III, Borden, and John Fell. (They were divorced for "incompatibility" in 1949; neither remarried.)

For the next two decades Stevenson lived the sort of life associated with the better sort of English aristocrat. With the advantage of a private income, he was able to leave his law practice for long periods of time. During the early New Deal, he was one of Franklin D. Roosevelt's bright young lawyers. When the United States went to war, Stevenson went to Washington. Later, for F.D.R. he led a mission to Italy to plan occupation policies; next he served as one of the advisers to the original United Nations Conference, in San Francisco.

All this was technician's work, anonymous as far as the public was concerned. In 1947, when Stevenson, at the age of 47, returned again to Illinois, there was nothing in his record to forecast that in 5 years he would become one of the most beloved men in U.S. politics. But gnarled old Jake Arvey was about to enter his life. Progressive as only a pragmatic boss politician can be, Arvey wanted a pair of "class" candidates to turn out the dismal Republican wheelhorses then in the Senate and the Governor's office. For Governor he chose Stevenson—after a recommendation from Secretary of State James Byrnes; for Senator, Prof. PAUL DOUGLAS, of the University of Illinois. Stevenson would have preferred the senatorial nomination, but Arvey preferred to match Marine hero DOUGLAS against the Marine hero-incumbent, and noncombatant Stevenson against Gov. Dwight Green, whose war record was almost equally modest. Arvey knew what he was doing. In the election of 1948, Stevenson led the ticket with a majority that exceeded half a million; DOUGLAS was not far behind, and together the two amateurs pulled old pro Harry Truman to a 35,000-vote State majority.

NO MISTAKES

His margin of victory was Stevenson's only sensational accomplishment over the next 3½ years. But he was a successful Governor, efficient, hard working, mildly liberal, and he made no mistakes. He doubled State aid to schools, made corruption in government more difficult—though not by any means impossible—and built new highways. He advocated, but could not enact an FEPC code.

Thus Adlai Stevenson at 52, in the prime of political life—unexceptionable as a glass of decent Beaujolais. He was mature, and ar ambitious as he would ever be; he wanted only a second term as Governor. His intelligence and executive capacity were clearly on record. Only one other trait—if it actually was a trait, not merely an accusation—was yet to come into focus: indecisiveness.

Harry Truman wanted him to be President. Stevenson did not want to be President. It was as simple as that. From Mr. Truman's point of view, Stevenson was very nearly irresistible—a middle westerner who had led his ticket in a swing State, who had both statehouse and foreign policy experience and whom nobody was angry at.

Stevenson's thinking was considerably more complicated: he did not consider himself mentally, temperamentally, or physically fitted for the office; he wasn't even sure that any Democrat should win the Presidency at that time. Twenty years out of power had bred irresponsibility into the Republican

Party, he thought. Perhaps they needed a term in office to get back to reality.

"LET THIS CUP PASS"

To Harry Truman, to Jake Arvey, to dozens of other influential democratic pros, such reasoning was not only illogical, it was immoral. They refused to listen, increased their pressure, organized their support, and in the end Stevenson came as near to being drafted as any candidate in history. And the tone of his acceptance speech was equally unprecedented. "I have asked the merciful Father, the Father of us all, to let this cup pass from me," he said. "* * * That I have not sought this nomination * * * that I would not seek it in honest self-appraisal is not to say that I value it the less. Rather it is that I revere the office of the Presidency of the United States."

This admission of his own tortured conscience, along with his vaunted erudition and wit, delighted huge numbers of voters through sheer force of novelty. Equally huge numbers were put off, and in later years antagonized. They wanted their leaders solid, stolid, larger perhaps, but not notably different, from themselves. Dwight Eisenhower, though a glamorous figure, was basically one of their own. But Adlai Stevenson, no matter how many holes his shoe soles bore, no matter how steeped he was in the lore of Lincoln, couldn't fool them. He wasn't folks.

EGGHEADS, UNITE

In particular, the self-deprecation in his humor made people uneasy. Lines like "Eggheads of the world, unite. You have nothing to lose but your yolks" had no appeal for noneggheads. And while Adlaiphiles were deeply touched by his 1952 concession message ("[I'm] too old to cry, but it hurts too much to laugh"), many others squirmed in embarrassment.

No Democrat could have beaten Dwight Eisenhower in the 1952 and 1956 campaigns. The most popular American war hero of the century rode into office on waves of his own popularity and disenchantment with Democrats; he stayed there because he satisfied the bulk of the electorate. Certainly Stevenson ran two hard campaigns, and two different ones. The second time around, he unblushingly campaigned for the nomination. When Senator Estes Kefauver took a lead in the early primaries, Stevenson stepped up his pace, erased the lead, and then, showing a pro's adaptability, accepted the Senator as his running mate. (By expressing no preference between Kefauver and Senator John F. Kennedy, he again opened himself to charges of indecisiveness.)

In the day-to-day campaigning he developed into a good journeyman handshaker and even stopped feeling that it was somehow unethical not to write all his own speeches. He also conquered his embarrassment at repeating the same speech and the same phrases over and over. (Last week in England he was still repeating his post-1952 quip, "A funny thing happened to me on the way to the White House.")

Earlier, he had already showed he could hit back with his counterattacks on McCarthyism—"this hysterical form of putrid slander." In 1956, he castigated not only Ike's policies but what he called the "part-time President" himself. In all, he ran a livelier, more classic campaign, though less pleasing esthetically to some of his admirers. Domestically, he still remained somewhat to the left of Eisenhower, especially in his approach to civil-rights legislation. But his main contributions were in foreign policy. He suggested avoiding a commitment to protect Quemoy and Matsu. He proposed a trial nuclear test ban. (To this Ike replied: "There is no political campaign that justifies the declaration of a moratorium on commonsense." But 2 years later Eisenhower made a similar proposal to the Russians.)

FLAWS

But Stevenson's main contribution was in tone, not topic. Indeed, it is doubtful that John Kennedy would have staged the sort of campaign he did, had not Stevenson directed the prolog. (Certainly JFK learned from his predecessor's "flaws"; his wit never came fully to light until he was safely in the White House.)

After 1956 came the long downhill run. Stevenson practiced law, made speeches to wipe out the party debt, and dutifully rebuffed the depleted ranks of his followers when they sought his permission to work for a third nomination. But at the 1960 convention, he stood hopefully through a last-minute demonstration, some dubious gallery-packing, and an impassioned nomination speech by Senator EUGENE MCCARTHY ("Do not reject this man"). In its futility, it was a heartbreaking moment—to everybody but Republicans and Kennedys. Indeed, this performance may have led to the last and bitterest frustration of his career. For Stevenson desperately wanted to be Secretary of State, but John F. Kennedy relegated him to the subordinate office of Ambassador to the U.N. For Adlai Stevenson the clock moved back 20 years, and he was a technician working for the State Department again, a glorified mouthpiece who was rarely consulted, barely needed and often wasn't even advised. His prestige among foreign delegates, which was enormous when he entered the U.N., tumbled sharply during the Bay of Pigs. Then the Kennedy administration instructed him to deny American participation in the invasion—only later to admit that U.S. personnel had indeed been deeply involved.

On the surface the amenities were never violated. Both the Presidents he served so diligently were unfailingly courteous in their personal relations with him; but both seemed to forget him when policy decisions were taken. He was both unconsulted and unhappy about some aspects of the Dominican intervention. The most recent blow to his pride came at last month's 20th anniversary meeting of the U.N., in San Francisco. L.B.J. astonished Stevenson by making charges against Communist China that Stevenson had advised him to use on a less festive occasion. Deeply affronted, Stevenson complained to intimates, but never in public.

Such incidents alienated him, not only from the administration, but from his job. His unhappiness showed in his personal life. He became a restless partygoer, and allowed himself to be taken up by cafe society. And, as always in his periods of despondence, he ate more than was good for him, then tried to compensate by playing tennis, a rough sport for a man of 65. He grew heavier, gloomier. At one U.N. delegation party, Stevenson—the official host—was discovered sitting alone on the back steps, munching a sandwich and staring tiredly at his scuffed shoes.

Why then did Stevenson not quit? As far back as the summer of 1963, he asked President Kennedy to relieve him, and he had certainly made his feelings equally clear to President Johnson. But though neither President particularly sought his advice, both needed his prestige and debating skill; they kept him on. Recently, however, he had decided to prepare for his resignation with a series of public statements, clearly affirming his support of administration foreign policy.

FRIENDS

He arranged things this way first to discourage the efforts of some of his old friends, including a number of eminent academicians, who seemed to think he should resign in a protest against U.S. policies in Vietnam and the Dominican Republic. Some even wanted him to head an ad hoc group to oppose U.S. policies publicly. These suggestions appalled Stevenson, who was personally in full agreement with U.S. strategic policy in Vietnam, and had only minor tactical dissents on the Dominican Republic. He was galled and deeply depressed that those whom he had respected were so bitter in their opposition—and possessed of so little understanding of the facts.

Thus he knew that any sudden resignation, no matter how clearly explained, would be taken as his rejection of U.S. foreign policy, so he lingered on. And in London, in his last week, he told his friend Eric Sevareid of the only life he now longed for. "I would just like to sit in the shade with a glass of wine in my hands and watch people dance."

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[From the Anchorage (Alaska) Daily Times, July 14, 1965]

STEVENSON'S SPIRIT BELONGS TO THE FUTURE

Adlai E. Stevenson once described the United Nations in a sentence which combined Illinois wit with a clear picture of the international battleground on which he served his country with honor. "It is a sanctuary * * * the roughest sanctuary I have ever been in." As U.S. ambassador to the sanctuary of the world on the shores of the East River in New York, Stevenson proved an able representative of his government and all the people of his country.

Twice he campaigned to represent the country in the White House. Twice his bid for the presidency was rejected as the Nation turned instead to Dwight D. Eisenhower. He stood on the threshold of the Democratic nomination again in 1960, had something gone astray in the organized drive mounted for John F. Kennedy. When Kennedy eventually won his narrow victory over Vice President Richard Nixon, Stevenson recalled his own stunning defeats and said the Democratic triumph was "very sweet to me."

It was Kennedy who selected Stevenson as ambassador to the United Nations, overruling admirers of the former Illinois Governor who sought for him the more high honor of Secretary of State. As history shows, the U.N. role fitted like a tailored robe on the shoulders of this man. In the international arena of world politics, Stevenson's saber-edged speeches pricked the conscience of the globe in a way infinitely more telling than his campaign speeches pierced the voters of this country.

Stevenson's campaign efforts, which won the hearts of the intellectuals but dismayed some of his own political followers in the gut-politics level of the big city wards, were by no means amateurish—despite the size of the Eisenhower landslides. His wit won the hearts of many—including those who were stirred by his remarks, but still voted for Ike.

Alaska got a firsthand look at Stevenson and his impressive oratory in 1954, when he addressed a crowd of 5,000 at Mulcahy Park, highlighting a visit which took him to the Matanuska Valley and included a 4-day fishing excursion. He proved an ardent supporter of statehood, and his insight on Alaska's future was keen.

"If the people of Alaska in the present state of development want statehood, they should have it," Stevenson said. He punctured the argument that Alaska could not meet the costs of self-government and development. "I seem to recall that most of the 35 States taken into the Union were pronounced insolvent or worse before their admission. And look at them now."

"Statehood can provide a framework within which to build a stable, integrated economy, based not on a colonial policy of exploitation but on a democratic policy of joint endeavor and self-improvement," the future ambassador said.

On a far larger scale in the last 5 years of his life, colonial problems the world over concerned Stevenson, who moved in the

center of storms of Communist oppression, border wars, crises without end. In his role as spokesman for the United States before the United Nations, Stevenson carried—in the words of President Johnson—America's most eloquent spirit, its finest voice.

Communism, in the view of this spokesman for the West, was nothing more than organized terror. "It is without spiritual content or comfort. It provides no basic security." His articulate voice was stilled today on a London street, his life ended in a London hospital. His spirit belongs to America's future.

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ADLAI STEVENSON AND THE WORLD OF THE SIXTIES

In attempting to eulogize Adlai Stevenson one encounters an obstacle created by Stevenson himself. He was the most compelling American orator of the generation, perhaps the century. Any words said for him seem insufficient.

To some, the brilliant use of language will remain his only achievement. This would be enough. Language is but a vehicle by which we convey thought. If his speech was brilliant and compelling, so was his mind. He held an audience with the substance of his message, not his showmanship.

But Stevenson, by fate more than design, did more to shape the 1960's than any other living American.

For nearly a decade he served as the leader of the liberal political movement in this Nation. It was a movement that sought to attack what seemed unassailable—the slums of the city, white-and-blacks-onlys of the South, the humiliation of the hospital charity ward. It attacked a rich nation for perpetuating poverty and individual inequity.

He led a movement that recognized the revolt of oppressed peoples all over the globe. A movement that believed that assistance to a new black African nation or an old Asian colony was both a gesture of human charity and an investment in the security of the United States.

In other words, for nearly a decade, Adlai Stevenson was the leader, the chief spokesman, the prime innovator and idol for a political movement that came to power with the election of 1960. A political movement that now commands both the Presidency and both Houses of Congress.

John F. Kennedy did not create this movement. He captured it. He both rode and led it to power. It drew its force, its basic motivating ideas, it sense of purpose from Adlai Stevenson.

He was the pivotal wellspring around which proposals and personalities surfaced.

Perhaps his work in the United Nations and achievements as Governor of Illinois will be remembered.

But if any one American molded the America of the 60's it was Adlai Stevenson. This is his achievement. It is even more impressive when one considers that he held no elective office during the period.

The Nation did not elect him as its leader. But it is following his lead—J.R.

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## THE BASIS FOR PEACE IN VIETNAM

Mr. RIBICOFF. Mr. President, on June 26, 1965, the Washington Evening Star published an excellent article by Max Freedman entitled "Four Principles for Peace in Vietnam."

I believe this article is an excellent background for understanding why we are there and what we are faced with in Vietnam today. I ask unanimous consent that this article be printed in the RECORD.

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

FOUR PRINCIPLES FOR PEACE IN VIETNAM

(By Max Freedman)

In the report on Vietnam that Secretary of State Dean Rusk presented to the American Foreign Service Association there is a clear statement of the terms on which the war can be ended. These principles are laid down by the Government of South Vietnam and are endorsed by Rusk on behalf of the Johnson administration. They do not seek to impose a settlement on the Communists. They are not alibis for more bombing. They are a clear and constructive statement of the principles which can lead to an honorable settlement. Within these principles the actual process of diplomatic bargaining can proceed so that a settlement can be reached on a basis of agreed and mutual concessions.

On June 22 the Foreign Minister of South Vietnam set forth the fundamental principles for a "just and enduring peace." They are:

1. An end to aggression and subversion.

2. Freedom for South Vietnam to choose and shape for itself its own destiny "in conformity with democratic principles and without any foreign interference from whatever sources."

3. As soon as aggression has ceased, the ending of the military measures now necessary by the Government of South Vietnam and the nations that have come to its aid to defend South Vietnam, and the removal of foreign military forces from South Vietnam.

4. Effective guarantees for the independence and freedom for the people of South Vietnam.

After quoting these declarations of policy, Rusk went on to say:

"These are fundamental steps. When they are carried out, we can look forward, as we have stated previously, to the day when relations between North Vietnam and South Vietnam can be worked out by peaceable means. And this would include the question of a free decision by the peoples of North and South Vietnam on the question of reunification. This forthright and simple program meets the hopes of all and attacks the interests of none. It would replace the threat of conquest by the hope of free and peaceful choice."

Unfortunately, there is no reason to believe that North Vietnam will accept these terms even as a basis for discussion. North Vietnam already has rejected the overtures of peace proposed by Secretary General U Thant for the United Nations; by the 17 nonalined nations; by Prime Minister Shastri of India; by Britain on numerous occasions and by Canada without publicity. Now it is extremely suspicious of the British Commonwealth's mission for peace.

This bleak record does not include the contemptuous rejection by North Vietnam of all offers by the United States to explore the prospects for a peaceful settlement. The evidence is overwhelming that North Vietnam is counting on a victory for aggression and has therefore widened and intensified the war. But it is essential to the American position that the whole world should know that the United States, and even as it resists aggression, is working for peace and wants North as well as South Korea to share in the development program for southeast Asia proposed in April by President Johnson in his Baltimore speech.

Rusk explained that the suspension of bombing attacks in May was made known to the Communists in advance through diplomatic channels to see if there would be a response in kind. Hanoi denounced this effort for peace as a "wornout trick" and Peiping called it a "swindle."

Now it is being said that the pause was too short since it lasted for only a few days. To these critics Rusk replied that "the harsh reactions of the other side were fully known before the attacks were resumed. And I would also recall that we held our hand for more than 4 years while tens of thousands or armed men invaded the south and every attempt at peaceful settlement failed."

It is worth some emphasis, too, that Rusk defended the air raids as having achieved no more and no less than had been intended when the attacks began. No one in a position of power in the Johnson administration ever thought that the bombing attacks by themselves would bring North Vietnam to the conference table. But they have imposed heavy strains on North Vietnam; interrupted its lines of supply; raised the contingent threat of wider bombings; and placed both North Vietnam and Communist China under urgent notice that no sanctuary on the model of the Korean war would be tolerated. All this had been done on the direct instructions of Johnson in ways that have kept the loss of life to the absolute minimum possible in the cruel necessities of war.

In defiance of logic and its self-interest, North Vietnam is intensifying its aggressions while China is becoming steadily more threatening. But Rusk surely spoke for the Nation when he said, "The American people want neither rashness nor surrender. They want firmness and restraint. They expect courage and care. They threaten no one. And they are not moved by threats of others."

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## SUMMARY OF MAJOR DECISIONS OF CONFERENCE COMMITTEE OF THE HOUSE AND SENATE ON H.R. 6675, THE SOCIAL SECURITY AMENDMENTS OF 1965

Mr. LONG of Louisiana. Mr. President, as chairman of the Senate conferees of the House-Senate committee on H.R. 6675, I am happy to announce the decisions of the conference committee on H.R. 6675, the Social Security Amendments of 1965, a summary of which I set forth herewith. It is expected that the conference report will be filed by midnight of Monday, July 26, and will be available in printed form on Tuesday, July 27.

A summary of the major decisions of the conference committee follows:

BASIC HOSPITAL INSURANCE PLAN

Benefit duration: House provided 60 days of hospital care after a deductible of $40 currently. Senate provided unlimited duration but with a $10 coinsurance for each day in excess of 60. Conference provided 60 days with House bill deductible—$40 currently—and with an additional 30 days with the Senate's $10 coinsurance feature.

Posthospital extended care—skilled nursing home: House provided 20 days of such care with 2 additional days for each unused hospital day but a maximum of 100 days. Senate provided 100 days but imposed a $5 a day coinsurance for each day in excess of 20. Conference adopted Senate version.

Posthospital home-health visits: House authorized 100 visits after hospitalization. Senate increased the number of visits to 175 and deleted requirements of hospitalization. Conference adopted House version.

Outpatient diagnostic services: House imposed a $20 deductible with this amount creditable against an inpatient

hospital deductible which was imposed at the same hospital within 20 days. Senate imposed a 20-percent coinsurance on such services, removed the credit against the inpatient hospital deductible but allowed a credit for the deductible as an incurred expense under the voluntary supplementary program—for deductible and reimbursement purposes. Conference adopted Senate version.

Psychiatric facilities: House provided for 60 days of psychiatric hospital care with a 180-day lifetime limit in the voluntary supplementary program. Senate moved these services over into basic hospital insurance program and increased the lifetime limit to 210 days. Conference accepted the Senate version but reduced the lifetime limit to 190 days.

House excluded any extended care facility primary for the care and treatment of mental diseases or tuberculosis. Senate included such facilities but made both psychiatric extended care days and psychiatric hospital days subject to the lifetime limitation of days of care. Conference continued the House exclusion.

Christian Science services: House covered Christian Science sanatoria under hospital services—60 days with $40 deductible. Senate added coverage for extended care and visiting nurse services. Under the conference agreement, Christian Science services will be covered as follows: Christian Science sanatoria services, 60 days with $40 deductible plus 30 additional days at $10 coinsurance per day, as hospital service; plus an additional 30 days in a Christian Science sanatorium as extended care facility services with a $5 per day coinsurance feature.

Scope of services, specialists: House excluded M.D. services in the field of pathology, radiology, physiatry, or anesthesiology from basic hospital insurance benefit—but provided for their payment under supplementary medical insurance program. Senate included these services if billed through a hospital. Conference accepted House version.

Emergency services for areas immediately bordering the United States: Senate provided hospital services in border areas immediately outside the United States where comparable services are not as accessible in the United States for a beneficiary who becomes ill in this country. Conference adopted Senate amendment.

Interns: House included, under inpatient hospital services, the services of medical interns and residents under approved training programs. Senate extended this provision to dental interns and residents in hospitals under approved training programs. Conference accepted Senate addition.

Drugs: House limited drugs to certain standard drug formularies and to those approved by hospital pharmacy and drug therapeutics committees. Senate added the Homeopathic Pharmacopoeia to the list of formularies and added a provision to include combination drugs if their principal ingredient is listed in one of the formularies. Conference accepted the Homeopathic Pharmacopoeia provision but did not accept the Senate's combination drug provision.

Eligibility of aliens under transitional provision for the uninsured: House specified that such aliens must have 10 years of residence prior to filing of application. Senate added a requirement of permanent residence but reduced residence requirement to 6 months before application. Conference increased the residence requirement to 5 years and retained requirement of permanent residence.

Federal employees, under transitional provision for the uninsured: House excluded all persons who had been eligible under the Federal Employee's Health Benefits Act of 1959—FEHBA—if they, or some other individual, had had the opportunity to enroll under that program. Senate excluded only those who are actually covered under FEHBA. Conference limited the scope of the Senate provision so that individuals who retired before February 16, 1965, and were not covered then under FEHBA will be eligible.

Railroad retirement employees: House bill taxed railroad workers and their employers directly under the Federal Insurance Contributions Act with major administrative duties to be handled by the Department of Health, Education, and Welfare. Senate put financing feature under the Railroad Retirement Tax Act and Railroad Retirement account, and with primary responsibility for administration under the Railroad Retirement Board. Conference agreement provided that taxes would be collected under the railroad system but paid into the hospital insurance trust fund. Railroad Retirement Board would determine eligibility but the Department of Health, Education, and Welfare would reimburse providers—except Canadian hospitals. Like the Senate amendment the conference approach would be effective only if the railroad retirement taxable wage base is equivalent to the Federal hospital insurance tax earnings base—but, unlike the Senate amendment, such equivalence would be a continuing requirement which, if not met, would mean the system would revert to the approach provided in the House bill.

Appeals: House limited appeal to a hearing examiner and judicial review to claims of $1,000 or more. Senate reduced this amount to $100. Conference provided that for claims from $100 to $1,000 there would be hearing examiner review but no judicial review. For claims above $1,000 there would be both.

State standard for institutions: Conference accepted (with technical amendment) Senate amendment relating to higher State standards than those necessary for hospital accreditation.

Conference rejected following amendments added by the Senate:

Providing for a comprehensive study and report, with recommendations, on extended care facilities and nursing home care.

Making certain requirements for use of State agencies in certification of facilities.

Relating to transfer agreement between facilities in different States.

Requiring personal notice to health care beneficiaries of benefit rights.

SUPPLEMENTARY MEDICAL INSURANCE

Effective date: House effective date July 1, 1966. Senate effective date January 1, 1967. Conference accepted House version.

Medical services: House bill limited to physicians. Senate bill extended program to dentists performing certain dental surgeon functions and to chiropractors and podiatrists. Conference adopted dental surgeon's services but rejected those of podiatrists and chiropractors.

Eligibility of aliens: House made aliens ineligible unless admitted for permanent residence. Senate added a requirement of 10 years of residence. Conference reduced requirement to 5 years of residence and made any individual eligible if he was eligible for social security.

Drug study: Senate authorized a study of the feasibility of extending the program to prescribed drugs. Conference rejected this provision.

MEDICAL ASSISTANCE—NEW TITLE XIX

Administering agency: House required that the single State agency administering the medical assistance program must be the agency administering title I or XVI—the welfare agency. Senate provided that any single State agency may be chosen by the State to administer the program providing the agency administering title I or XVI be used to determine eligibility. Conference adopted Senate version.

Future termination of existing medical vendor programs: House required that all existing medical programs in the five titles of the Social Security Act would be terminated on June 30, 1967. Senate gave States the option of continuing under existing law or under new program. Conference would terminate existing programs on December 31, 1969.

Kerr-Mills for children: House provided that dependent children and specified relatives caring for them under the age of 21 could be included even though they did not meet requirements for need and age under the State plans for aid to families with dependent children, but were otherwise qualified. Senate included all individuals under 21 and adults caring for them. Conference adopted Senate provision as to the coverage of children under 21 but accepted House provision as to coverage of the adult caretakers.

Dental services for children: House made dental services for children under 21 optional. Senate made them mandatory. Conference accepted House version.

State participation in non-Federal share: House provided that there must be only State participation in non-Federal share of matching by July 1, 1970. Senate provided an alternative under which local funds could be used after that date with certain safeguards. Conference adopted the Senate version.

Rejected Senate amendments: First, imposing Federal standards as to fire and safety on participating institutions; second, requiring that an individual will

be entitled to medical assistance from the provider of his choice.

OTHER AMENDMENTS RELATING TO HEALTH CARE AND WELFARE

Services for emotionally disturbed children: Senate authorized special project grants for emotionally disturbed children; and authorized a study on prevention, diagnosis, and treatment of emotionally disturbed children. Conference removed the added authorization for project grants, but approved the study.

Child welfare services: Senate removed earmarking provision of existing law for day care services and increased child welfare authorizations to levels provided in the bill for maternal and child health and crippled children's programs. Conference approved Senate addition and established January 1, 1966, as the effective date.

SOCIAL SECURITY SYSTEM

Retirement test—earnings limitation: House provided for expansion of the $1 deduction for each $2 of earnings band—above the fully exempt $1,200 in existing law—from $1,700 to $2,400. Senate version increased the fully exempt amount from $1,200 to $1,800 and extended the $2 for $1 band to cover earnings between $1,800 and $3,000. Conference increased the fully exempt amount to $1,500 and applied the $2 for $1 band on earnings between $1,500 and $2,700.

Provisions relating to the disability insurance program:

First. Definition: House provided that an individual would be disabled if his disability had lasted 6 months. It also reduced the waiting period by 1 month. Senate provided that the disability have lasted, or can be expected to last, 12 months for eligibility. It retained waiting period in existing law. Conference adopted Senate version.

Second. Blindness: Senate added an alternative for insured status for disability benefits of six quarters of coverage, acquired at any time, for individuals who meet liberalized definition of blindness. For insured status under existing law, an individual—first, must have at least 20 quarters of coverage in the 40 quarters ending with the quarter in which the disability begins, and, second, must be fully insured. Under the Senate definition for both the freeze and benefit purposes the following degree of blindness was deemed disabling: Central visual acuity of 20/200 or less in the better eye with the use of correcting lenses, or visual acuity greater than 20/200 if accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20°.

Under existing law, for benefit purposes, an individual must be precluded from engaging in any substantial gainful activity by reason of a physical or mental impairment. The following definition of blindness is deemed disabling for disability "freeze" purposes: Central visual acuity of 5/200 or less in the better eye with use of correcting lens. An eye in which the visual field is reduced to 5 degrees or less concentric contraction shall be considered as having a visual acuity of 5/200 or less.

Conference substituted the following two provisions for the Senate amendment:

First. Young workers who are blind and disabled: Establishes alternative insured status requirement for workers disabled before age 31 of one-half of the quarters elapsing after age 21 up to the point of disability with a minimum of 6 quarters. To qualify for this alternative the worker would have to meet the statutory definition of blindness for the disability "freeze" noted above. Worker will, however, have to meet the other regular requirements for entitlement to disability benefits, including inability to engage in any substantial gainful activity.

Second. Older workers who are blind and disabled: Provides that those individuals aged 55 or over who meet the statutory definition of blindness in the disability "freeze" could qualify for cash benefits on the basis of their inability to engage in their past occupation or occupations. Their benefits would not be paid, however, if they were actually engaging in any substantial gainful activity.

Third. Vocational rehabilitation for disability beneficiaries: Conference adopted Senate provision that State vocational rehabilitation agencies will be reimbursed from the social security trust funds for the cost of rehabilitation services furnished to individuals who are entitled to disability insurance benefits or to a disabled child's benefits, except that the total sums available for this purpose could not, in any year, exceed 1 percent of the disability benefits paid in the previous year.

Fourth. Offset for workmen's compensation: Senate provided that the social security disability benefit for any month for which a worker is receiving a workmen's compensation benefit will be reduced to the extent that the total benefits payable to him and his dependents under both programs exceed 80 percent of his average monthly earnings prior to the onset of disability, but with the reduction periodically adjusted to take account of changes in national average earnings levels. The offset provision will be applicable with respect to benefits payable for months after December 1965 on the basis of application, filed after December 31, 1965; Conference adopted Senate version except disability would have to commence after June 1, 1965.

Coverage provisions:

First. Cash tips: House provided for the coverage of tips reported by the employee to the employer—with the employer to report such income and withhold for income tax purposes. No liability would be imposed on the employer for tips that are not reported nor in cases where he does not have or is not given funds to cover the employee's share of the tax. Senate provided that cash tips received would be considered as self-employment income. Conference generally follows House provision for social security and income tax purposes with the major exception that no social security tax liability would be imposed on the employer.

Second. Coverage of doctors of medicine: House covered doctors of medicine effective for taxable years ending after December 31, 1965. Senate moved up the effective date to taxable years ending on or after December 31, 1965. Conference adopted Senate version.

Third. Ministers: Senate reopened to April 15, 1966, the period—which expired on April 15, 1965—during which ministers who have been in the ministry for at least 2 years may file waiver certificates electing social security coverage. Conference accepted.

Fourth. Coverage of employees of State and local governments:

First. House added "Kentucky" and "Alaska" as States which could provide coverage for State and local employees under the split-system provision. Senate and conference deleted "Kentucky."

Second. Senate reopened until July 1, 1970, a provision of law permitting the State of Maine to treat teaching and nonteaching employees actually in the same retirement system as though they were in separate retirement systems for social security coverage purposes. Conference accepted but limited option to July 1, 1967.

Third. Senate authorized the State of Iowa and the State of North Dakota to modify their coverage agreements to exclude from social security coverage certain service performed in any calendar quarter in the employ of a school, college, or university by a student if the remuneration for such service is less than $50. Conference accepted.

Fourth. Conference accepted Senate validation of past coverage of employees in certain school districts in Alaska.

The conference also adopted the following Senate amendments on social security:

First. Remarried widows: Benefits would be payable to widows aged 60 or over and to widowers aged 62 or over who remarry—the amount of the benefit to be equal to 50 percent of the primary benefit of the deceased spouse if that amount is higher than the wife's, or widower's, benefit as a result of the remarriage.

Second. Children's benefits:

(a) Included in definition of child is a child who cannot inherit his father's intestate personal property if the father had acknowledged him in writing, had been ordered by a court to contribute to his support, had been judicially decreed to be his father or had been shown by other satisfactory evidence to be his father and was living with or contributing to his support.

(b) An exception is provided so that child's benefits would not terminate if child is adopted by his brother or sister after death of worker. Under present law benefits terminate unless he is adopted by his stepparent, grandparent, uncle, or aunt after death of worker on whose earnings record he is getting benefits.

Third. Social security records. The Social Security Administration is required to furnish information to help locate deserting parent or husband to any welfare agency or court. Conference accepted amendment with modification that information must be transmitted through a welfare agency—if to a court—that an actual public assistance case

must be involved, and that all nondisclosure provisions be complied with.

Fourth. Court fees. A court that renders a judgment favorable to a claimant in an action arising under the social security program is permitted to set a reasonable fee—not in excess of 25 percent of past due benefits which become payable by reason of the judgment—for an attorney who successfully represented the claimant. The Secretary would be permitted to certify payment of the fee to the attorney out of such past due benefits.

Conference rejected the following social security amendments added by the Senate:

Provision that the Secretary, rather than State agency, can make determinations of disability or cessation of disability where medical and other information or evidence indicates, on its face, that the individual is under a disability or that the disability has ceased.

Reducing from 62 to 60 the age at which an eligible worker could elect to start getting an actuarially reduced benefit.

Providing that the amount of the 1965 social security benefit increase would not be counted toward the Veterans' Administration income limitation.

Provision relating to reduction of total employer tax as to a worker employed consecutively by two affiliated corporations.

Expansion of disabled child's benefit to children disabled at age 18–21—now prior to age 18.

FINANCING OF SOCIAL SECURITY AND HOSPITAL INSURANCE PROGRAMS

Earnings base: The House bill established an earnings base of $5,600 a year in 1966 and $6,600 in 1971 and thereafter. The Senate provided an earnings base of $6,600 in 1966. The Conference accepted the Senate figure of $6,600 in 1966.

The following are the tax rates for the House, Senate, and conference for both systems:

*OASDI tax rates*

[In percent]

| Years | Employer-employee rate | | | Self-employed rate, conference |
|---|---|---|---|---|
| | House | Senate | Conference | |
| 1966 | 8.0 | 7.7 | 7.7 | 5.8 |
| 1967–68 | 8.0 | 7.7 | 7.8 | 5.9 |
| 1969–72 | 8.8 | 9.0 | 8.8 | 6.6 |
| 1973 and after | 9.6 | 9.9 | 9.7 | 7.0 |

*Hospital insurance tax rates*

[In percent]

| Years | Employer-employee rate | | | Self-employed rate, conference |
|---|---|---|---|---|
| | House | Senate | Conference | |
| 1966 | 0.7 | 0.65 | 0.7 | 0.35 |
| 1967–70 | 1.0 | 1.0 | 1.0 | .5 |
| 1971–72 | 1.0 | 1.1 | 1.0 | .5 |
| 1973–75 | 1.1 | 1.3 | 1.1 | .55 |
| 1976–79 | 1.2 | 1.4 | 1.2 | .6 |
| 1980–86 | 1.4 | 1.6 | 1.4 | .7 |
| 1987 and after | 1.6 | 1.7 | 1.6 | .8 |

The conference established the allocation to the disability insurance trust fund at 0.70 percent of taxable wages and 0.525 of self-employment income. The figures under existing law are 0.50 and 0.375 percent, respectively.

INCOME TAX PROVISIONS

The Senate had deleted the House provision which would have limited the deduction for medical care expense of taxpayers—or dependent parents—aged 65 or over to the amount in excess of 3 percent of adjusted gross income and which would have limited the amount of medicine and drug costs included in medical care expenses to the amounts in excess of 1 percent of adjusted gross income. The conference restored the House provision.

The Senate had also deleted the House provision which would have allowed all taxpayers to deduct one-half of the cost of medical-care insurance—up to $250 a year—outside the regular medical expense category. Conference restored House provision but reduced maximum deduction to $150 a year.

The conference accepted Senate amendment which eliminates all maximum limitations on the medical expense deduction for all taxpayers.

PUBLIC ASSISTANCE

Effective date: House put effective date of increased Federal matching through formula change for all five public assistance programs at January 1, 1966. Senate advanced date to June 30, 1965. Conference adopted House version.

Income exemptions:

First. Aid to families with dependent children: Senate added an amendment which allows the State, at its option, to disregard up to $50 per month of earned income of any three dependent children under the age of 18 in the same home. Conference modified Senate amendment so as to put a family maximum of $150 in earnings per month not limited to three children but no child could have earnings of more than $50 exempted.

Second. Aid to the permanently and totally disabled and combined program (title XVI): Senate added an exemption of earnings, at the option of the State, for recipients of aid to the permanently and totally disabled. As is the case of the aged, the first $20 per month of earnings and one-half of the next $60 could be exempted. In addition, any additional income and resources could be exempted as part of an approved plan to achieve self-support during the time the recipient was undergoing vocational rehabilitation—essentially under existing law in the aid to the blind program. Conference accepted Senate provision.

Third. Income exemption for all public assistance programs: Senate allowed States, at their option, to disregard not more than $7 per month of any income in all five public assistance programs. Conference adopted Senate amendment but reduced figure to $5 per month.

Protective payments: House included a provision for protective payments to third persons on behalf of old-age assistance recipients (and recipients of combined adult program, title XVI) unable to manage their money because of physical or mental incapacity. Senate extended the same provision for protective payments to the programs of aid to the blind and aid to the permanently and totally disabled. Conference accepted Senate provision.

Children in school: Senate added an amendment broadening the definition of "school" in existing law (high school) to include any school or college at the State's option, with respect to continuing payments under Aid to Families with Dependent Children from 18 up to age 21 if they are attending such schools. Conference adopted Senate amendment.

Uniform matching: Conference accepted Senate amendment which would permit a State that has a medical assistance program under title XIX to claim Federal sharing in total expenditures for money payments under other titles, under the same formula used for determining the Federal share for medical assistance under title XIX.

MISCELLANEOUS

Conference rejected additional language added by Senate relating to optometrists' services under all titles of the Social Security Act. (House language on optometrists' services retained.)

Mr. President, I ask unanimous consent to have printed in the RECORD at this point actuarial data for Social Security Amendments of 1965, H.R. 6675, furnished by Mr. Robert J. Myers, Chief Actuary of the Social Security Administration.

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

TABLE 1.—*Summary of 1st-year costs under H.R. 6675*

[In millions of dollars]

| | Trust funds | | | General Treasury | | |
|---|---|---|---|---|---|---|
| | House | Senate | Conference | House | Senate | Conference |
| Health care programs: | | | | | | |
| Basic hospital insurance | 2,190 | 2,403 | 2,210 | 275 | 295 | 290 |
| Voluntary supplementary medical | [1] 600 | [1] 600 | 600 | 600 | 600 | 600 |
| MAA liberalization | | | | 200 | 200 | 200 |
| Total | 2,790 | 3,003 | 2,810 | 1,075 | 1,095 | 1,090 |
| OASDI: | | | | | | |
| 7-percent benefit increase | 1,430 | 1,470 | 1,470 | | | |
| Child school benefit | 195 | 195 | 195 | | | |
| Broader definition of "child" | | 10 | 10 | | | |
| Child disabled at 18 to 21 | | 10 | | | | |
| Blind disability | | 120 | 5 | | | |
| Reduced benefits at 60 | 165 | 590 | 165 | | | |
| Transitional benefits at 72 | 140 | 140 | 140 | | | |
| Disability definition | 105 | 40 | 40 | | | |
| Retirement test | 65 | 590 | 295 | | | |
| Total | 2,100 | 3,165 | 2,320 | | | |

See footnote at end of table.

TABLE 1.—*Summary of 1st-year costs under H.R. 6675*—Continued

[In millions of dollars]

| | Trust funds | | | General Treasury | | |
|---|---|---|---|---|---|---|
| | House | Senate | Conference | House | Senate | Conference |
| Public assistance and child health: | | | | | | |
| Increase in formula | | | | 150 | 150 | 150 |
| TB and mental exclusion | | | | 75 | 75 | 75 |
| Coverage of MA | | | | | 50 | 40 |
| Maternal and child health | | | | 60 | 61 | 61 |
| Miscellaneous | | | | 6 | 13 | 13 |
| Total | | | | 291 | 349 | 339 |
| Income tax changes | | | | −82 | | −97 |
| Total, all programs | 4,890 | 6,168 | 5,130 | 1,284 | 1,444 | 1,332 |
| Grand total, House | | | 6,174 | | | |
| Grand total, Senate | | | 7,612 | | | |
| Grand total, conference | | | 6,462 | | | |

[1] Contributions of participants.

TABLE 2

OASDI TAX RATES

[In percent]

| Years | Employer-employee rate | | | Self-employed rate, conference |
|---|---|---|---|---|
| | House | Senate | Conference | |
| 1966 | 8.0 | 7.7 | 7.7 | 5.8 |
| 1967–68 | 8.0 | 7.7 | 7.8 | 5.9 |
| 1969–72 | 8.8 | 9.0 | 8.8 | 6.6 |
| 1973 and after | 9.6 | 9.9 | 9.7 | 7.0 |

HOSPITAL INSURANCE TAX RATES

| | | | | |
|---|---|---|---|---|
| 1966 | 0.7 | 0.65 | 0.7 | 0.35 |
| 1967–70 | 1.0 | 1.0 | 1.0 | .50 |
| 1971–72 | 1.0 | 1.1 | 1.0 | .50 |
| 1973–75 | 1.1 | 1.3 | 1.1 | .55 |
| 1976–79 | 1.2 | 1.4 | 1.2 | .60 |
| 1980–86 | 1.4 | 1.6 | 1.4 | .70 |
| 1987 and after | 1.6 | 1.7 | 1.6 | .80 |

COMBINED OASDI AND HOSPITAL INSURANCE TAX RATES AND TAXES UNDER CONFERENCE AGREEMENT

| | *Percent* | | *Percent* | |
|---|---|---|---|---|
| 1966 | 8.4 | $554.40 | 6.15 | $405.90 |
| 1967–68 | 8.8 | 580.80 | 6.40 | 422.40 |
| 1969–72 | 9.8 | 646.80 | 7.10 | 468.60 |
| 1973–75 | 10.8 | 712.80 | 7.55 | 498.30 |
| 1976–79 | 10.9 | 719.40 | 7.60 | 501.60 |
| 1980–86 | 11.1 | 732.60 | 7.70 | 508.20 |
| 1987 and after | 11.3 | 745.80 | 7.80 | 514.80 |

TABLE 3.—*Change in actuarial balance of OASDI system, expressed in terms of estimated level-cost as percentage of taxable payroll*

[In percent]

| Item | OASI | DI | Total |
|---|---|---|---|
| Actuarial balance of previous system | +0.14 | −0.13 | +0.01 |
| Earnings base increase to $6,600 | +.51 | +.04 | +.55 |
| Revised contribution schedule | +.09 | +.20 | +.29 |
| Extensions of coverage | +.01 | | +.01 |
| 7-percent benefit increase | −.59 | −.05 | −.64 |
| Earning tests liberalization | −.14 | | −.14 |
| Child's benefits to age 22 if in school | −.10 | −.02 | −.12 |
| Reduced widow's benefits at age 60 | | | |
| Disability definition revision | | −.01 | −.01 |
| Transitional insured status at age 72 | −.01 | | −.01 |
| Broader definition of child | −.01 | | −.01 |
| Total effect of changes | −.24 | +.16 | −.08 |
| Actuarial balance of bill | −.10 | +.03 | −.07 |

TABLE 4.—*Actuarial balance of hospital insurance system expressed in terms of estimated level-cost as percentage of taxable payroll*

| Item: | *Level-cost percent* |
|---|---|
| Hospital and extended care facility benefits | 1.19 |
| Outpatient diagnostic benefits | .01 |
| Home health service benefits | .03 |
| Total benefits | 1.23 |
| Contributions | 1.23 |
| Actuarial balance | .00 |

## CAPTIVE NATIONS WEEK

Mr. DOMINICK. Mr. President, today is the midpoint of the 1965 commemoration of Captive Nations Week and if there has been one outstanding characteristic of this year's national observance it has been the lack of enthusiasm on the part of this administration. There has been almost no publicity on the event and it is highly likely that the week will slip quietly by and most Americans will be completely unaware of its significance. This lack of enthusiasm has manifested itself in both the present administration and the Democratic administration which immediately preceded it. It is almost as if the administration wished the formal resolution of Congress declaring the third week in July to be Captive Nations Week had never been signed into law by President Eisenhower.

There are those who still do not want to say anything that might aggravate the Communists in spite of the fact that we are spending billions of dollars and losing hundreds of lives each year for no other reason than that the Communists present a constant and aggressive threat to the free world. The Captive Nations Week proclamation issued quietly on July 3 in Austin, Tex., by the President does not even mention the Communists. It seems to me remarkable that we can dedicate ourselves to the just aspirations of enslaved people to be free in the captive nations throughout the world and never once mention the cause of their misery. This is a far cry from the initial intent of Congress and a far cry from the resolute proclamation first issued by President Eisenhower in 1959.

In 1959, President Eisenhower said:

Many nations throughout the world have been made captive by imperialistic and aggressive policies of Soviet communism.

There was no room for doubt about the meaning of his proclamation and in fact it was this candid and courageous statement on behalf of captive peoples everywhere that was directly responsible for the now famous kitchen debate between former Vice President Richard Nixon and then Soviet Premier Khrushchev. Since that time, succeeding administrations have shown increasing reluctance to show similar candor in their proclamations.

Consequently, we note that President Kennedy in 1961 merely said:

It is in keeping with our national tradition that the American people manifest its interest in the freedom of other nations.

And in 1962 that—

The principles of self-government and human freedom are universal ideals and the common heritage of mankind.

Not once in the five proclamations issued by Presidents Kennedy and Johnson has Soviet or Chinese Communist imperialism been mentioned by name. In view of this watering down and soft-pedaling of the captive nations issue generally, and the Captive Nations Week proclamation in particular, I think it appropriate at this time to give a little background on the reason for celebrating Captive Nations Week.

The initial resolution passed by Congress proclaimed that some 20-odd nations had been robbed of their freedom and national independence by Russian communism. It recognized that these people continue to aspire to freedom and national independence and that these goals are precluded only because of the force of Russian arms and occupation. The resolution authorized an annual Presidential proclamation until all captive nations were free and independent and called for the support of our Government in the efforts of these people to achieve self-determination.

The initial resolution included those nations made captive at the close of World War II. These nations are Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, China, and East Germany. It also included those made captive by the Nazi-Communist Pact of 1939: Estonia, Latvia, and Lithuania. Those made captive by Russian communism between World War I and World War II were also incorporated into the resolution: Byelorussia, Georgia, Azerbaidjan, North Caucusus, Idel-Ural, Cossackia, Ukraine, Armenia, and Turkestan. Those nations held captive by the Russians but not mentioned in the resolution are Cuba and Yugoslavia.

In addition to the Russian Communists, there are also those nations which have fallen under the hand of the Chinese Communists. These include North Korea, Tibet, North Vietnam, and, of course, the 700 million people of mainland China itself.

Mr. President, this matter has long been of serious concern to me as well as

to millions of Americans. While serving in the other body of this Congress, I joined with a number of my colleagues in commemorating Captive Nations Week and made a statement which I believe to be still pertinent today. I therefore request unanimous consent that appropriate portions of my remarks of July 9, 1962, made from the well of the House of Representatives, be included in the RECORD at this point in my remarks.

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

CAPTIVE NATIONS WEEK

(Excerpts from statement by Senator PETER H. DOMINICK, in the U.S. House of Representatives, July 9, 1962)

The vast majority of Americans retain deep in their souls the fundamentals of human rights set forth in the Declaration of Independence and fortified in the Bill of Rights:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

Millions of people from all over the globe have rushed to these shores in answer to this clarion call and have served with distinction in our Armed Forces in battles against tyranny over the world—battles which history has shown were necessary to preserve the right to liberty so deeply proclaimed by our heritage.

Yet today there are millions of people throughout the world held in bondage by the greatest conspiracy against freedom in the history of the world and we are doing relatively nothing. In Eastern Europe alone there are 22 countries with millions of inhabitants held in physical and spiritual slavery by a few hundred thousand Communist stooges backed up by the armed forces of the Soviet Union.

Lest we forget the inhuman nature of this slavery, it is worthwhile repeating some few facts which might otherwise be shrouded in the mists of time. Over 290,000 Latvian citizens were deported, murdered, or sent to slave labor camps by the Soviet Communists in the period from 1944 to 1950.

During the collectivization drive in 1948 and 1949, more than 287,000 Lithuanians were deported to Siberia. In a 3-day period in 1949 alone, over 30,000 people were deported from Estonia to Soviet slave labor camps with constant additional purges occurring in 1950 and 1951.

Witnesses have testified before our own House Select Committee on Communist Aggression that 1,692,000 persons were deported by the Soviet Communists from Poland during 1939–41 alone. Fifteen thousand prisoners of war, mostly Polish officers, were murdered in cold blood by the Soviets in the spring of 1940 at Katyn Forest. Millions of people in Hungary are prevented forcibly from the exercise of any fundamental human right by approximately 150,000 members of the Communist Party ruling by the force of guns, torture, slave labor, and the discipline of fear and hopelessness.

The ruthless display of power by the Soviets in subduing the Hungarian revolution and the East German youth revolt are still clear horrors in the minds of all of us. Rumanians, Bulgarians, Yugoslavs, and Germans are held in forcible subjection by a few thousand Communist thugs using machineguns, torture chambers, slave labor camps, and constant repetition of outright lies designed to brainwash the young, the gullible, and the unknowledgeable.

The minds, hearts, cultures, and beliefs of the people in the captive nations are still dreaming of their human right to freedom—of life, liberty, and the pursuit of happiness. Many are still risking their very lives to escape from the horror chambers imposed upon their minds and spirits. We should stimulate their feeling of independence—their drive for restoration of government based on self-determination. We should reiterate to the world our belief that the very spiritual forces which are largely responsible for this great country of ours will someday be available to the captive nations. We should cut off all aid to Communist governments and offer aid under our supervision to the people within the captive nations. We should establish the proposed freedom academy.

We should try to force through the General Assembly of the United Nations a thorough investigation of the methods used by the Communists to capture these countries, the methods used to keep the people in subjugation, the horrors perpetrated by the Communists on the millions from the captive nations who have been ruthlessly deported, placed in labor camps, liquidated, or tortured. We should give aid and assistance to refugee groups to maintain communications with the people within these countries. We should support all missionary groups trying to prevent the ruthless atheism of communism from taking over the souls of those within these areas.

We have in the people of the captive nations one of the greatest assets in our struggle for freedom—an asset which could literally start the downfall of the Communist empire if properly used.

We must not only reaffirm the basic human rights of these captive nation people by words, but we must make use of all available methods to act on these premises if we are to make progress in winning the cold war. We must move forward within our own basic tenets to give the opportunity to the people of this world to live with dignity and justice.

Mr. DOMINICK. Mr. President, one of the most knowledgeable and courageous exiles from communism we have in this country is the present Secretary General of the Assembly of Captive European Nations, Mr. Brutus Coste. While Mr. Coste's organization has a particular interest in the Captive European Nations, their sympathies, encouragement, and assistance have gone out to those citizens of captive nations in other parts of the world. Recently, Mr. Coste wrote an outstanding memorandum entitled, "The Road to Freedom in East-Central Europe," which I believe should receive the serious consideration of all Members of this body. While this rational and incisive analysis deals specificially with east-central Europe, its arguments are quite applicable to other Communist-dominated states. Because of its relevance to the philosophy behind the initial captive nations resolution, I request unanimous consent that the referenced memorandum dated March 24, 1965, be included in the RECORD at this point in my remarks.

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

THE ROAD TO FREEDOM IN EAST-CENTRAL EUROPE

I

The prevalent view in the West is that the situation in Europe has undergone a significant change for the better during the last 2 years. Fully absorbed by the rift with Red China, by difficulties with its Eastern European satellites and by domestic problems, the Soviet Union is supposed to have dropped any expansionist aim in Europe. Preoccupation with the war in Vietnam and economic prosperity, as well as an over-optimistic assessment of developments in east-central Europe, further feed the impression that Western Europe is not only secure but can look forward patiently to the gradual recession of Soviet influence.

The Assembly of Captive European Nations cannot share this optimistic evaluation of recent events in Europe. In the view of the assembly, one can at best speak of a change of Soviet tactics in Europe. The policy of intimidation, as symbolized by the Berlin ultimatum (1958–62), foundered on the shores of Cuba. The emphasis is now on political penetration through the old device of popular fronts. The new, nationalist and moderate, image some of the Western European Communist Parties are striving to project is likely to serve this purpose regardless whether or not it was a genuine emancipation from a rigid, Moscow-set course of policy. But this new emphasis on political penetration in no way excludes the danger of a return to the policy of intimidation. The possibility, indeed, that Moscow may revert sooner or later to the attempt of gaining ground by pressures, backed up by conventional military power, cannot be discarded. In this context, the practical deterrent influence the nations of Eastern Europe represent, to the extent they endanger Soviet lines of communication, constitutes a factor of Western European security which cannot and should not be neglected.

There can be no doubt that the Communist world is beset with troubles. The deepening Moscow-Peiping rift, the instability inherent in the collective-type of leadership the Soviet Union has had since the ouster of Khrushchev, the structural crisis of Communist agriculture, the more and more obvious inadequacy of rigid economic planning—are undeniably hampering Soviet expansionism.

But these developments should not obscure the fact that Communist aims have not changed; that Soviet military power remains deployed in East Germany, Poland, Hungary, and the Baltic States, that is, in the heart of Europe; that the apparently increased autonomy of the Communist Parties in Western Europe enhances their effectiveness; that the new projection of the satellites as genuinely independent removes an important obstacle to Communist advances through political penetration and internal subversion; that the widely heralded changes in Eastern Europe have not altered the nature of the Communist regimes of their basic, if less evident, dependence on Moscow; that these changes are designed to make the Communist system work and thus render it domestically more acceptable and internationally more respectable.

If one is mindful of the divergencies which have developed recently within the Western Alliance and of the slackening of the sense of danger in Europe under the impact of a rather optimistic view of the crisis the Communist world is undergoing, one can only conclude that difficulties are present on both sides of the Iron Curtain. Opportunities to gain ground, therefore, appear to be open to both the free and the Communist side.

It is the considered view of ACEN that if the free nations hold their ground in the next few years and continue to demonstrate their determination to help the people in East-Central Europe to recover full freedom and independence, while refraining from actions apt to lend prestige or to help the Communist regimes to solve their serious economic problems, necessity will compel these

regimes to adopt more rational ways involving greater freedom of action for economically essential segments of the population, such as the technological and managerial elite and the peasants. Concessions induced by pressure and necessity might unleash an irreversible process of disintegration of the totalitarian pattern. The very nature of the Soviet regime, with its built-in crises of succession and civil war potential, might provide the opportunity for such a process culminating in acts of self-deliverance.

II

To further the process of national and human emancipation in Eastern Europe, it is essential to distinguish carefully between the peoples of east-central Europe, the potential allies of the West, and the Communist rulers who keep them in bondage.

It is imperative to avert any kind of actions apt to be construed as acceptance of the finality of the political status quo in Eastern Europe.

It is most useful to indicate by appropriate diplomatic actions awareness that uniting Europe in its natural borders and making politically, militarily, and economically self-reliant is, in the long run, the only sound and dependable foundation for peace and security in the key area of Europe.

It is necessary to show awareness of the fact that in spite of the differences from one eastern European country to another, their situation is fundamentally the same. Their relationship to the Soviet Union cannot be defined in terms of an alliance or a mutual security arrangement. The Soviet Government guarantees, indeed, the Communist regimes against their internal enemies rather than national territory against external aggression. The certainty of Soviet intervention acts as a deterrent upon the ruled and an assurance to the rulers. In such conditions the attitude of the majority toward the regimes remains one of mute hostility. This hostility and the pressures it causes, chiefly in the form of noncooperation and other types of passive resistance, is a proven source of positive changes, particularly when it goes hand in hand with steady pressures from without. It creates, moreover, for the Soviet Union a risk factor, which has played in the past and, given the growing nuclear stalemate, may again play in the future an important deterrent role to Soviet aggressiveness.

One can hardly stress enough that the diminution of unnecessary terror in east-central Europe, on the pattern adopted in the Soviet Union, does not mean a basic change in the Communist system. The dictatorial rule by a single party, a minority group, supported by police and military forces, remains the essential feature of the Communist regimes. The freedoms of speech, press, assembly, and association are still denied in East-Central Europe. There is no multiparty system, in spite of the nominal existence, in some countries, of sham peasant or democratic parties which have adopted the platform of the Communist Party and have acknowledged its leading role. The elections are still held with single governmental lists. There are no opposition candidates. This one-party system is basically the same in the nine captive countries, in spite of some differences in the degree of police control and of the operation of the economic system. Guarantees against arbitrary arrest and detention and the rule of law are still conspicuous by their absence. Religion and churches continue to be persecuted.

In all the East European countries the peasants constitute the majority of the population. But, with the single exception of Poland, they have been deprived of their freedom and their land by collectivization, which was enforced in most of the area during the last decade, after the death of Stalin. Consequently, the peasants are deeply hostile to the dictatorship of the Communist minority.

III

For all these reasons it is incumbent upon the Assembly of Captive European Nations to stress that, both in the short- and long-term perspective, the Western Powers have a vital stake in the friendship of the peoples of Eastern Europe and a clear interest in fostering among them the belief that there is for them reasonable hope of deliverance.

In this conviction, the assembly appeals to the governments and peoples of the free world, and particularly to the U.S. Government:

1. To reaffirm at every appropriate occasion the validity of the war time and postwar legal commitments and pledges with respect to Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Romania and to ask compliance therewith.

2. To call before the United Nations and in negotiation with the Soviet Union for an all-European settlement based on the right of self-determination and to seek the withdrawal of Soviet troops from east-central Europe, the restoration of political and human rights and free elections under international supervision.

3. To demand a United Nations inquiry of the state of human rights and fundamental freedoms in east-central Europe, including an investigation of conditions in prisons and forced labor camps.

4. To exact—as proposed by the executive council of the AFL–CIO in its statement of March 1, 1965—in return for whatever credits or other economic advantages the free nations may deem expedient to grant, commensurate concessions in the form of: (a) effective and self-enforcing measures to assure the exercise of human rights and fundamental freedoms to the peoples of east-central Europe; (b) changes in the economic policies of the Communist regimes designed to foster social welfare and do away with the present, politically motivated but economically deficient course of policy, both in agriculture and industry; and (c) hard and fast commitments to put an end to Soviet economic exploitation by means of discriminatory prices in the foreign trade between the Soviet Union and the individual east-central European countries and thus make certain that Western credits will not indirectly subsidize the economy of the Soviet Union.

Mr. DOMINICK. Mr. President, I hope that all of our citizens will be made aware of the significance of this Captive Nations Week. Each of us in Congress has the responsibility to bring this about and I am delighted to join with so many of my colleagues in this endeavor.

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## DISTRICT OF COLUMBIA CHARTER ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

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

The LEGISLATIVE CLERK. A bill (S. 1118) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

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

There being no objection, the Senate resumed the consideration of the bill, which had been reported with an amendment, from the Committee on the District of Columbia, to strike out all after the enacting clause and insert:

That, subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital which is granted by the Constitution, it is the intent of Congress to restore to the inhabitants of the District of Columbia the powers of local self-government which are a basic privilege of all American citizens; to reaffirm through such action the confidence of the American people in the strengthened validity of principles of local self-government by the elective process; to promote among the inhabitants of the District the sense of responsibility for the development and well-being of their community which will result from the enjoyment of such powers of self-government; to provide for the more effective participation in the development of the District and in the solution of its local problems by those persons who are most closely concerned; and to relieve the National Legislature of the burden of legislating upon purely local District matters. It is the further intention of Congress to exercise its retained ultimate legislative authority over the District only insofar as such action shall be necessary or desirable in the interest of the Nation.

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TITLE I—DEFINITIONS

*Definitions*

Sec. 101. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The terms "District Council" and "Council" mean the Council of the District of Columbia provided for by title III.

(3) The term "Chairman" means the Chairman of the District Council provided for by title III.

(4) The term "Mayor" means the Mayor provided for by title IV.

(5) The term "qualified voter" means a qualified voter of the District as specified in section 807, except as otherwise specifically provided.

(6) The term "act" includes any legislation adopted by the District Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(7) The term "District Election Act of 1955" means the Act of August 12, 1955 (69 Stat. 699), as amended.

(8) The term "primary election" means an election held to nominate candidates of a political party for inclusion on the ballot in a general election.

(9) The term "political party" means an organization which qualifies as such under any provision of the District Election Act of 1955.

(10) The term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(11) The term "capital project", or "project", means (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; or (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(12) The term "pending", when applied to any capital project, means authorized but not yet completed.

(13) The term "Board of Elections" means the Board of Elections created by section 3 of the District Election Act of 1955.

(14) The term "election", unless the context otherwise indicates, means an election held pursuant to the provisions of this Act.

(15) The term "domicile" means that place where a person has his true, fixed, and permanent home and to which, when he is absent, he has the intention of returning.

(16) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(17) The term "municipal courts of the District of Columbia" means the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, the District of Columbia Tax Court, the juvenile court of the District of Columbia, and such other municipal courts as the District Council may hereafter establish by act.

(18) The terms "Delegate" and "District Delegate" mean the Delegate from the District of Columbia provided for by title XV.

TITLE II—STATUS OF THE DISTRICT

*Status of the District*

SEC. 201. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to said District. Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation, the Board of Commissioners of the District of Columbia, any person appointed from civil life as a member of the Board of Commissioners of the District or the Engineer Commissioner of the District of Columbia.

(b) No law or regulation which is in force on the effective date of part 2, title III, of this Act shall be deemed amended or repealed by this Act except to the extent that such law or regulation is inconsistent with this Act: *Provided*, That any such law or regulation may be amended or repealed by legislation or regulation as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

TITLE III—THE DISTRICT COUNCIL

*Part 1—Creation of the District Council*

Creation and Membership

SEC. 301. There is hereby created a Council of the District of Columbia consisting of nineteen members, one elected from each of fourteen wards and five elected at-large, all as provided in title VIII.

Qualifications for Holding Office

SEC. 302. No person shall hold the office of member of the District Council unless he (1) is a qualified voter, (2) is domiciled in the District and, if he is nominated from a particular ward, resides in the ward from which he is nominated, (3) has, during the three years next preceding his nomination, resided and been domiciled in the District, (4) if he is nominated from a particular ward, has, for one year preceding his nomination, resided and been domiciled in the ward from which he is nominated, (5) holds no other elective public office, (6) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (7) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

Compensation

SEC. 303. Each member of the District Council, except the Chairman, shall receive compensation at a rate of $9,000 per annum, payable in periodic installments. The Chairman shall receive compensation at a rate

of $10,000 per annum, payable in periodic installments. All members shall receive such additional allowances for expenses as may be approved by the Council to be paid out of funds duly appropriated therefor.

Changes in Membership and Compensation of District Council Members

SEC. 304. The number of members constituting the District Council, the qualifications for holding office, and the compensation of such members may be changed by Act passed by the Council: *Provided*, That no such Act shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such Act.

*Part 2—Principal functions of the District Council*

Board of Commissioners Abolished and Functions Transferred to District Council

SEC. 321. (a) The Board of Commissioners of the District, the offices of Commissioner, Engineer Commissioner, and Assistants to the Engineer Commissioner of the District, are hereby abolished.

(b) Except as otherwise provided in this Act, all functions granted to or imposed upon the Board of Commissioners of the District are hereby transferred to the District Council except those powers hereinafter specifically conferred on the Mayor.

Functions Relating to Certain Agencies

SEC. 322. (a) Subject to the provisions of subsection (b) of this section—

(1) The Board of Education provided for in section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (34 Stat. 316), together with all teachers, officers, and other employees thereof, are hereby continued in the municipal government of the District of Columbia. To the extent that the Act of June 20, 1906, or any other act relating to the public schools of the District of Columbia refers to a Commissioner or Commissioners of the District of Columbia, the terms shall mean, after the effective date of this section, the Mayor or such other District officer or officers as he may designate.

(2) The Zoning Commission created by the first section of the Act of March 1, 1920, creating a Zoning Commission for the District of Columbia, as amended (D.C. Code 1951 ed., sec. 5–12), is hereby abolished, and its functions are transferred to the District Council.

(3) The first sentence of section 2 of the Act of June 4, 1948 (62 Stat. 339), is hereby amended to read as follows: "There is hereby established an Armory Board, to be composed of three members who shall be appointed by the Mayor by and with the advice and consent of the Council and who shall serve at the pleasure of the Mayor."

(4) All functions and authority vested in the President by the Act of June 12, 1934 (48 Stat. 930), as amended, are hereby transferred to and vested in the Mayor.

(5) The District of Columbia Redevelopment Land Agency, a body corporate of perpetual duration, established by the District of Columbia Redevelopment Act of 1945 (60 Stat. 790), as amended, is hereby transferred to and continued in, the municipal government of the District of Columbia. Section 4(a) of said Act is hereby amended to read as follows: "The District of Columbia Redevelopment Land Agency is hereby established and shall be composed of five members who shall be residents of the District of Columbia and who shall be appointed by the Mayor by and with the advice and consent of the Council. Each appointee shall be a resident of the District of Columbia and at least three members shall be engaged or employed during tenure of office in private business or industry or the private practice of a profession therein. Appointees shall serve at the pleasure of the Mayor. The members shall receive no salary as such, but those members who hold no other salaried public position shall be paid a per diem of $20 for each day of service at meetings or on the work of the Agency and may be reimbursed for any expenses legitimately incurred in the performance of such service or work; except that the amount authorized as per diem may be changed by Act passed by the Council."

(6) The Public Service Commission of the District of Columbia; the Recreation Board; the Board of Zoning Adjustment; and the Zoning Advisory Council are hereby abolished and their functions transferred to the District Council for exercise in such manner and by such person or persons as the Council may direct.

(b) Notwithstanding the provisions of subsection (a) of this section, the agencies referred to therein, other than the Board of Education, shall, for a period of one hundred and eighty days from the effective date of this section, unless within such period the District Council shall otherwise direct, continue to exercise the functions imposed on them by the laws in effect on the effective date of this section, except that insofar as such laws refer to a Commissioner or Commissioners of the District of Columbia the terms shall mean, after the effective date of this section, the Mayor or such other District officer or officers as he may designate.

(c) In the case of the Board of Education continued under paragraph (1) of subsection (a) of this section, the members of the Board serving as such on the date immediately prior to the effective date of this section shall continue to serve, and vacancies on such Board shall continue to be filled, in accordance with the provisions of section 2 of the Act of June 20, 1906, as it existed immediately prior to its amendment by this Act, until such time as the persons first elected to the Board of Education following such effective date have qualified to take office.

Certain Delegated Functions

SEC. 323. No function of the Board of Commissioners of the District which such Board has delegated to an officer or agency of the District shall be considered as a function transferred to the Council by section 321. Each such function is hereby transferred to the officer or agency to whom or to which it was delegated, until the Mayor or Council, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation.

Powers of and Limitations Upon District Council and the Qualified Voters of the District of Columbia

SEC. 324. (a)(1) The legislative power granted to the District by this Act shall be vested in the Council, and in the qualified voters of the District of Columbia (as provided in section 1701 of title XVII of this Act).

(2) Except as provided in subsection (b) of this section, the legislative power of the District shall extend to all rightful subjects of legislation within the District, consistent with the Constitution of the United States and the provisions of this Act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States; but all acts of the Council and the qualified voters of the District of Columbia shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this Act had not been enacted: *Provided*, That nothing in this section shall be construed as vesting in the District government any greater authority over the Washington Aqueduct, the Commission on Mental Health, the National Zoological Park, the National Guard of the District of Columbia, or, except as otherwise specifically provided in this Act, over any Federal Agency than was vested in the Board of Commissioners of the District prior to the effective date of part 2, title III, of this Act.

(b) Neither the Council nor the qualified voters of the District of Columbia may pass any act contrary to the provisions of this Act, or—

(1) impose any tax on property of the United States;

(2) lend the public credit for support of any private undertaking;

(3) authorize the issuance of bonds except in compliance with the provisions of title VI;

(4) authorize the use of public money in support of any sectarian, denominational, or private school except as now or hereafter authorized by Congress;

(5) enact any act to amend or repeal any Act of Congress which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(6) pass any act inconsistent with or contrary to the Act of June 6, 1924 (43 Stat. 463), as amended by the Act of April 30, 1926 (44 Stat. 374), by the Act of July 19, 1952 (66 Stat. 781), and the Act of May 29, 1930 (46 Stat. 482), as amended, and the Council shall not pass any act inconsistent with or contrary to any provision of any Act of Congress as it specifically pertains to any duty, authority, and responsibility of the National Capital Planning Commission; except insofar as the above-cited or other referred to Acts refer to the Engineer Commissioner of the District of Columbia or the Board of Commissioners of the District, the former of which terms, after the effective date of this part, shall mean the Mayor or some District government official deemed by the Mayor to be best qualified, and designated by him to sit in lieu of the Mayor as a member of the National Capital Planning Commission and the National Capital Regional Planning Council, and the latter term shall mean the Council.

(c) Every act shall include a preamble, or be accompanied by a report, setting forth concisely the purposes of its adoption. Every act shall be published within seven days after its passage, as the Council may direct.

(d) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor who shall, within ten calendar days after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act (which he shall do by affixing his signature thereto), he shall present the act to the President. If the Mayor shall disapprove such act, he shall, within ten calendar days after it is presented to him, return such act to the Council setting forth his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved such act and he shall present the same to the President. If, within thirty calendar days after an act has been returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council vote to pass such act, the Chairman of the Council shall again present the act to the Mayor who shall, within five calendar days, present the same to the President.

(e) Any act which has been passed by the Council and which, in accordance with subsection (d) has been presented to the President, shall become law unless, within ten calendar days after it is so presented to the President, he shall, in accordance with this subsection, disapprove the same. The President may, if he is satisfied that any such act

adversely affects a Federal interest, disapprove such act, in which event he shall return the act to the Mayor with his objections and, notwithstanding any other provision of this Act, such act shall not become law. The Mayor shall inform the Council of any such disapproval.

(f) The Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District of Columbia, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the District Council and the qualified voters of the District of Columbia by this Act, including without limitation, legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council or by the qualified voters of the District of Columbia.

(g) Upon the effective date of this title, jurisdiction over the municipal courts of the District of Columbia shall vest with the District Council in all matters pertaining to the organization and composition of such courts, and to the appointment or selection, qualification, tenure, and compensation of the judges thereof: *Provided,* That the Council shall not transfer or modify any function performed by the United States marshal or the United States attorney for the District on the effective date of this section. Nothing in this Act shall be construed to change the tenure of any persons occupying positions as judges of the municipal courts of the District of Columbia on the effective date of this part, except that their compensation may be increased.

(h) On or after the effective date of this part, any person appointed or elected to serve as judge of one of the municipal courts of the District of Columbia shall not (1) be appointed or elected to serve for a term of less than 10 years, or (2) receive as compensation for such service an amount less than the amount payable to an associate judge of the District of Columbia court of general sessions on the effective date of this part.

(i) Nothing in this section shall be construed to curtail the jurisdiction of the United States District Court for the District of Columbia or any other United States court other than the municipal courts of the District of Columbia.

(j) Nothing in this section shall be construed as prohibiting the Council from enacting legislation conferring upon the District of Columbia Court of Appeals exclusive jurisdiction to review orders and decisions of administrative agencies of the District denying, revoking, suspending, or refusing to renew or restore any license or registration to engage in any profession, vocation, trade, calling, or business, which under law is now or hereafter required to be licensed or registered.

*Part 3—Organization and procedure of the District Council*

The Chairman

SEC. 331. The District Council shall elect from among its members a Chairman who shall be the presiding officer of the Council and a Vice Chairman, who shall preside in the absence of the Chairman. When the Mayor is absent or unable to act, or when the office is vacant, the Chairman shall act in his stead. The term of the Chairman shall be for the remainder of his term as a member of the Council.

Secretary of the District Council; Record and Documents

SEC. 332. (a) The Council shall appoint a secretary as its chief administrative officer and such assistants and clerical personnel as may be necessary. Notwithstanding any other provision of this Act, the compensation and other terms of employment of such secretary, assistants, and clerical personnel shall be prescribed by the Council.

(b) The Secretary shall (1) keep a record of the proceedings of the Council, (2) keep a record showing the text of all acts introduced and the ayes and noes of each vote, (3) authenticate by his signature and record in full in a continuing record kept for that purpose all acts passed by the Council and by the qualified voters of the District of Columbia, and (4) perform such other duties as the Council may from time to time prescribe.

Meetings

SEC. 333. (a) The first meeting of the Council after this part takes effect shall be called by the member who receives the highest vote in the election provided in title VIII. He shall preside until a Chairman is elected. Following each such election, but not later than December 15 of the year of the election, the secretary of the Council shall call the first meeting of the Council elected in such election for a date not later than January 7 of the next year.

(b) The Council shall provide for the time and place of its regular meetings. The Council shall hold at least one regular meeting in each calendar week except that during July and August it shall hold at least two regular meetings in each month. Special meetings may be called, upon the giving of adequate notice, by the Mayor, the Chairman, or any three members of the Council.

(c) Meetings of the Council shall be open to the public and shall be held at reasonable hours and at such places as to accommodate a reasonable number of spectators. The records of the Council provided for in section 332(b) shall be open to public inspection and available for copying during all regular office hours of the Council Secretary. Any citizen shall have the right to petition and be heard by the Council at any of its meetings, within reasonable limits as set by the Council Chairman, the Council concurring.

Committees

SEC. 334. The Council Chairman, with the advice and consent of the Council, shall determine the standing and special committees which may be expedient for the conduct of the Council's business. The Chairman shall appoint members to such committees. All committee meetings shall be open to the public except when ordered closed by the committee chairman, with the approval of a majority of the members of the committee.

Acts and Resolutions

SEC. 335. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council, unless otherwise provided herein. Acts shall be used for all legislative purposes. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b)(1) The enacting clause of all acts passed by the Council shall be, "Be it enacted by the Council of the District of Columbia:".

(2) The resolving clause of all resolutions passed by the Council shall be, "The Council of the District of Columbia hereby resolves,".

(c) A special election may be called by resolution of the Council to present for referendum vote of the people any proposition upon which the Council desires to take such action.

Passage of Acts

SEC. 336. The Council shall not pass any act before the thirteenth day following the day on which it is introduced. Subject to the other limitations of this Act, this requirement may be waived by the unanimous vote of the members present: *Provided,* That the members present constitute a majority of the Council.

Procedure for Zoning Acts

SEC. 337. (a) Before any zoning act for the District is passed by the Council—

(1) the Council shall deposit the act in its introduced form, with the National Capital Planning Commission. Such Commission shall, within thirty days after the day of such deposit, submit its comments to the Council, including advice as to whether the proposed act is in conformity with the comprehensive plan for the District of Columbia. The Council may not pass the act unless it has received such comments or the Commission has failed to comment within the thirty-day period above specified; and

(2) the Council (or an appropriate committee thereof) shall hold a public hearing on the act. At least thirty days' notice of the hearing shall be published as the Council may direct. Such notice shall include the time and place of the hearing and a summary of all changes in existing law which would be made by adoption of the act. The Council (or committee thereof holding a hearing) shall give such additional notice as it finds expedient and practicable. At the hearing, interested persons shall be given reasonable opportunity to be heard. The hearing may be adjourned from time to time. The time and place of the adjourned meeting shall be publicly announced before adjournment is had.

(b) The Council shall deposit with the National Capital Planning Commission each zoning act passed by it.

Investigations by District Council

SEC. 338. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District; and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee, or the person conducting the inquiry, may issue subpenas and may administer oaths.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council, committee, or person conducting the investigation shall have power to refer the matter to any judge of the United States District Court for the District of Columbia, who may by order require such person to appear and to give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation; and any failure to obey such order may be punished by such court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such court.

TITLE IV—MAYOR

*Election, qualifications, and salary*

SEC. 401. (a) There is hereby created the office of Mayor of the District of Columbia. The Mayor shall be elected as provided in title VIII.

(b) No person shall hold the office of Mayor unless he (1) is a qualified voter, (2) is domiciled and resides in the District, (3) has, during the three years next preceding his nomination, been resident in and domiciled in the District, (4) holds no other elective public office, (5) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (6) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this section.

(c) The Mayor shall receive an annual salary of $27,500, and an allowance for official reception and representation expenses,

which he shall certify in reasonable detail to the District Council, of not more than $2,500 annually. Such salary shall be payable in periodic installments.

(d) Notwithstanding any other provision of this Act, the method of election, the qualifications for office, the compensation and the allowance for official expenses pertaining to the office of Mayor may be changed by acts passed by the Council: *Provided,* That no such act shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such act.

*Powers and duties*

SEC. 402. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. He shall be responsible for the proper administration of the affairs of the District coming under his jurisdiction or control, and to that end shall have the following powers and functions:

(1) He shall designate the officer or officers of the executive department of the District who shall, during periods of disability or absence from the District of the Mayor, the Chairman, and the Vice Chairman of the Council, execute and perform all the powers and duties of the Mayor.

(2) He shall act as the official spokesman for the District and as the head of the District for ceremonial purposes.

(3) He shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the effective date of this section, are subject to appointment and removal by the Commissioners. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to section 402(4), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 1001(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex officio, by one or more members of the Board of Commissioners of the District and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which, immediately prior to the effective date of this section, was not subject to the administrative control of the Board of Commissioners of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system or systems pursuant to section 402(4).

(4) He shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference, applicable to employees of the District government, as set forth in section 1002(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide equal or equivalent coverage under a District government merit system or systems. The District government merit system or systems shall be established by legislation of the Council. The system or systems may provide for continued participation in all or part of the Federal Civil Service system and shall provide for persons employed by the District government immediately preceding the effective date of such system or systems personnel benefits, including but not limited to, pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system or systems established pursuant to this Act. The District government merit system or systems shall take effect not earlier than one year nor later than five years after the effective date of this section.

(5) He shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(6) He shall, at the end of each fiscal year, prepare reports for such year of (a) the finances of the District, and (b) the administrative activities of the executive office of the Mayor and the executive departments of the District. He shall submit such reports to the Council within ninety days after the close of the fiscal year.

(7) He shall keep the Council advised of the financial condition and future needs of the District and make such recommendations to the Council as may seem to him desirable.

(8) He may submit drafts of acts to the Council.

(9) He shall perform such other duties as the Council, consistent with the provisions of this Act, may direct.

(10) He may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 901) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(11) There shall be a City Administrator, who shall be appointed by the Mayor and who may be removed by the Mayor. The City Administrator shall be the principal managerial aide to the Mayor, and he shall perform such duties as may be assigned to him by the Mayor.

(12) The Mayor or the Council may propose to the executive or legislative branches of the United States Government legislation or other action dealing with any subject not falling within the authority of the District government, as defined in this Act.

(13) As custodian he shall use and authenticate the corporate seal of the District in accordance with law.

(14) He shall have the right, under the rules to be adopted by the Council, to be heard by the Council or any of its committees.

(15) He is authorized to issue and enforce such administrative orders, not inconsistent with any Act of the Congress or any Act of the Council or of the qualified voters of the District of Columbia, as are necessary to carry out his functions and duties.

TITLE V—THE DISTRICT BUDGET

*Fiscal year*

SEC. 501. The fiscal year of the District of Columbia shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

*Budgetary details fixed by District Council*

SEC. 502. (a) The Mayor shall prepare and submit, not later than April 1, to the District Council, in such form as the Council shall approve, the annual budget estimates of the District and the budget message.

(b) The Mayor shall, in consultation with the Council, take whatever action may be necessary to achieve, insofar as is possible, (1) consistency in accounting and budget classifications, (2) synchronization between accounting and budget classifications and organizational structure, and (3) support of the budget justifications by information on performance and program costs as shown by the accounts.

*Adoption of budget*

SEC. 503. The Council shall by act adopt a budget for each fiscal year not later than May 15, except that the Council may, by resolution, extend the period for its adoption. The effective date of the budget shall be July 1 of the same calendar year.

*Five year capital program*

SEC. 504. (a) Prior to the adoption of the annual budget, the Council shall adopt a five-year capital program and a capital budget.

(b) The Mayor shall prepare the five year capital program and shall submit said program and the capital budget message to the Council, not later than February 1.

(c) The capital program shall include:

(1) a clear general summary of its contents;

(2) a list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) cost estimates, methods of financing and recommended time schedules for each such improvement; and

(4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(d) The capital program shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

(e) Actual capital expenditures shall be carried each year as the capital outlay section of the current budget. These expenditures shall be in the form or direct capital outlays from current revenues or debt service payments.

*Budget establishes appropriations*

SEC. 505. The adoption of the budget by the Council shall operate to appropriate and to make available for expenditure, for the purposes therein named, the several amounts stated therein as proposed expenditures, subject to the provisions of section 702.

*Supplemental appropriations*

SEC. 506. The Council may at any time adopt an act by vote of a majority of its members rescinding previously appropriated funds which are then available for expenditure, or appropriating funds in addition to those theretofore appropriated to the extent unappropriated funds are available; and for such purpose unappropriated funds may include those borrowed in accordance with the provisions of section 621.

TITLE VI—BORROWING

*Part 1—Borrowing for capital improvements*

Borrowing Power; Debt Limitations

SEC. 601. The District may incur indebtedness by issuing its bonds in either coupon or registered form to fund or refund indebtedness of the District at any time outstanding and to pay the cost of constructing or acquiring any capital projects requiring an expenditure greater than the amount of taxes

or other revenues allowed for such capital projects by the annual budget: *Provided,* That no bonds or other evidences of indebtedness, other than bonds to fund or refund outstanding indebtedness shall be issued in an amount which, together with indebtedness of the District to the Treasury of the United States pursuant to existing law, shall cause the aggregate of indebtedness of the District to exceed 12 per centum of the average of the aggregate of the assessed values (as of the first day of July of the ten most recent fiscal years for which such assessed values are available) of (1) the taxable real and tangible personal property located in the District and (2) the real and tangible personal property referred to in paragraphs (A) and (B) of section 741(a) of this Act, the values of which shall be computed in accordance with the applicable provisions of section 741 of this Act, nor shall such bonds or other evidences of indebtedness issued for purposes other than the construction or acquisition of capital projects connected with mass transit, highway, water and sanitary sewage works purposes, or any revenue-producing capital projects which are determined by the Council to be self-liquidating exceed 6 per centum of such average assessed value. Bonds or other evidences of indebtedness may be issued by the District pursuant to an act of the Council from time to time in amounts in the aggregate at any time outstanding not exceeding 2 per centum of said assessed value, exclusive of indebtedness owing to the United States on the effective date of this title. All other bonds or evidence of indebtedness, other than bonds to fund or refund outstanding indebtedness, shall be issued only with the assent of a majority of the qualified voters of said District voting at an election on the proposition of issuing such bonds. In determining the amount of indebtedness within all of the aforesaid limitation at any time outstanding there shall be deducted from the aggregate of such indebtedness the amount of the then current tax levy for the payment of the principal of the outstanding bonded indebtedness of the District and any other moneys set aside into any sinking fund and irrevocably dedicated to the payment of such bonded indebtedness. The Council shall make provision for the payment of any bonds issued pursuant to this title, in the manner provided in section 631 hereof.

Contents of Borrowing Legislation; Referendum on Bond Issue

SEC. 602. (a) An act authorizing the issuance of bonds may be enacted by a majority of the Council members at any meeting of the Council subsequent to the meeting at which such act was introduced, and shall contain at least the following provisions:

(1) A brief description of each purpose for which indebtedness is proposed to be incurred;

(2) The maximum amount of the principal of the indebtedness which may be incurred for each such purpose;

(3) The maximum rate of interest to be paid on such indebtedness; and

(4) In the event the Council is required by this part, or it is determined by the Council in its discretion, to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election. The ballot shall be in such form as to permit the voters to vote separately for or against the incurring of indebtedness for each of the purposes for which indebtedness is proposed to be incurred.

(b) The Council shall cause the proposition of issuing such bonds to be submitted by the Board of Elections to the qualified voters at the first general election to be held in the District not less than forty days after the date of enactment of the act authorizing such bonds, or upon a vote of at least two-thirds of the members of the Council, the Council may call a special election for the purpose of voting upon the issuance of said bonds, such election to be held by the Board of Elections at any date set by the Council not less than forty days after the enactment of such act.

(c) The Board of Elections is authorized and directed to prescribe the manner of registration and the polling places and to name the judges and clerks of election and to make such other rules and regulations for the conduct of such elections as are not specifically provided by the Council as may be necessary or appropriate to carry out the provisions of this section, including provisions for the publication of a notice of such election stating briefly the proposition or propositions to be voted on and the designated polling places in the various precincts and wards in the District. The said notice shall be published at least once a week for four consecutive calendar weeks on any day of the week, the first publication thereof to be not less than thirty nor more than forty days prior to the date fixed by the Council for the election. The Board of Elections shall canvass the votes cast at such election and certify the results thereof to the Council in the manner prescribed for the canvass and certification of the results of general elections. The certification of the result of the election shall be published once by the Board of Elections within three days following the date of the election.

Publication of borrowing legislation

SEC. 603. The Mayor shall publish any Act authorizing the issuance of bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following Act authorizing the issuance of bonds published herewith has become effective, and the time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced as provided in the District of Columbia Charter Act will expire twenty days from the date of the first publication of this notice (or in the event the proposition of issuing the proposed bonds is to be submitted to the qualified voters, twenty days after the date of publication of the promulgation of the results of the election ordered by said Act to be held).

"———— ————,
*"Mayor."*

Short period of limitation

SEC. 604. Upon the expiration of twenty days from and after the date of publication of the notice of the enactment of an Act authorizing the issuance of bonds without the submission of the proposition for the issuance thereof to the qualified voters, or upon the expiration of twenty days from the date of publication of the promulgation of the results of an election upon the proposition of issuing bonds, as the case may be, all as provided in section 603—

(1) any recitals or statements of fact contained in such Act or in the preambles or the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such Act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto;

(3) the validity of such Act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty days.

Acts for Issuance of Bonds

SEC. 605. After the expiration of the twenty-day limitation period provided for in section 604 of this part, the Council may by act establish an issue of bonds as authorized pursuant to the provisions of sections 601 to 604, inclusive, hereof. An issue of bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to said sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until the bonds shall have been sold, delivered, and paid for, and then only to the extent of the principal amount of bonds so sold and delivered. The bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of the bonds and ending not more than thirty years from such date. The amount of said series to be payable in each year shall be so fixed that when the annual interest is added to the principal amount payable in each year the total amount payable in each year in which part of the principal is payable shall be substantially equal. It shall be an immaterial variance if the difference between the largest and the smallest amounts of principal and interest payable annually during the term of the bonds does not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which said bonds and coupons shall be executed. The bonds and coupons may be executed by the facsimile signatures of the officer or officers designated by the act authorizing the bonds, to sign the bonds, with the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

Public sale

SEC. 606. All bonds issued under this part shall be sold at public sale upon sealed proposals at such price or prices as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in a newspaper of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of bonds bid for, and the Council shall reserve the right to reject any and all bids.

*Part 2—Short-term borrowing*

Borrowing to meet supplemental appropriations

SEC. 621. In the absence of unappropriated available revenues to meet supplemental appropriations made pursuant to section 505, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 5 per centum of the total appropriations for the current fiscal year, each of which shall be designated "supplemental" and may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such Act becomes effective.

Borrowing in anticipation of revenues

SEC. 622. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

Notes redeemable prior to maturity

SEC. 623. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

Sale of notes

SEC. 624. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

*Part 3—Payment of bonds and notes*

SEC. 631. (a) The act of the Council authorizing the issuance of bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax without limitation as to rate or amount upon all the taxable real and personal tangible property within the District in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on said bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside for the purpose of paying such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the District hereafter issued pursuant to this title whether or not such pledge be stated in the bonds or notes or in the Act authorizing the issuance thereof.

*Part 4—Tax exemption—legal investment*

Tax Exemption

SEC. 641. Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

Legal Investment

SEC. 642. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District of Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the District Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (title 12, U.S.C., sec. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District of Columbia, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title: *Provided*, That nothing contained in this section shall be construed as relieving any person, firm, association or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

TITLE VII—FINANCIAL AFFAIRS OF THE DISTRICT

*Part 1—Financial administration*

Surety Bonds

SEC. 701. Each officer and employee of the District required to do so by the District Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

Financial Duties of the Mayor

SEC. 702. The Mayor, through his duly designated subordinates, shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) prepare and submit in the form and manner prescribed by the Council under section 502 the annual budget estimates and a budget message;

(2) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(3) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets;

(4) submit to the Council a monthly financial statement, by appropriation and department, and in any further detail the Council may specify;

(5) prepare, as of the end of each fiscal year, a complete financial statement and report;

(6) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, make all special assessments for the District government, prepare tax maps, and give such notice of taxes and special assessments as may be required by law;

(7) supervise and be responsible for the assessment and collection of all taxes, special assessments, license fees, and other revenues of the District for the collection of which the District is responsible and receive all money receivable by the District from the Federal Government, or from any court, or from any agency of the District;

(8) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(9) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange.

Control of appropriations

SEC. 703. The Council may provide for (1) the transfer during the budget year of any appropriation balance then available for one item of appropriation to another item of appropriation, and (2) the allocation to new items of funds appropriated for contingent expenditure.

Accounting supervision and control

SEC. 704. The Mayor, through his duly authorized subordinates, shall—

(1) prescribe the forms of receipts, vouchers, bills, and claims to be used by all the agencies of the District government;

(2) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(3) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(4) perform internal audits of central accounting and department and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

General fund

SEC. 705. The general fund of the District shall be composed of the revenues of the District other than the revenues applied by law to special funds. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor, or his duly authorized subordinate, for deposit in the appropriate funds.

Contracts Extending Beyond One Year

SEC. 706. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years; nor shall any such contract be valid unless made pursuant to criteria established by act of the Council.

*Part 2—Audit by General Accounting Office*

Independent Audit

SEC. 721. (a) The financial transactions shall be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The audit shall be conducted at the place or places where the accounts are normally kept. The represent-

atives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The District of Columbia shall reimburse the General Accounting Office for expenses of such audit in such amounts as may be agreed upon by the Mayor and the Comptroller General, and the amounts so reimbursed shall be deposited into the Treasury of the United States as miscellaneous receipts.

(b)(1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as may be deemed necessary to keep the Mayor and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The reports shall show specifically every program, expenditure, and other financial transaction or undertaking which, in the opinion of the Comptroller General, has been carried on or made without authority of law.

(2) After the Mayor and his duly authorized subordinates have had an opportunity to be heard, the Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection and shall transmit copies thereof to the Congress.

(3) The Mayor, within ninety days after the report has been made to him and the Council, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

Amendment of Budget and Accounting Act

SEC. 722. Section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2), is hereby amended by striking out "and the municipal government of the District of Columbia".

*Part 3—Adjustment of Federal and District expenses*

Adjustment of Federal and District Expenses

SEC. 731. Subject to section 901 and other provisions of law, the Mayor, with the approval of the Council, and the Director of the Bureau of the Budget, are authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

*Part 4—Annual Federal payment to District*

Annual Federal Payment to District

SEC. 741. (a) In recognition of the unique character of the District of Columbia as the Nation's Capital City, regular annual payments by the Federal Government are hereby authorized to cover the proper share of the expenses of the District government. On or before January 10 of each year, the Mayor shall, with the approval of the Council, submit to the Secretary of the Treasury through the Administrator of General Services a request for a Federal payment to be made during the following fiscal year, and the amount of such payment shall be computed as follows:

(1) An amount (to be paid to the general fund) computed as of January 1 of the fiscal year preceding the fiscal year for which payment is requested based upon the following factors:

(A) The amount of real property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a result of the exemption from real property taxation of the following properties:

(i) Real property in the District owned and used by the United States for the purpose of providing Federal governmental services or performing Federal governmental functions, but excluding parklands, museums, art galleries, memorials, statuary, and shrines, and also excluding to the extent to which it may be so used, property owned by the United States and used to provide a service or perform a function which would otherwise be provided or performed by the District, such as, by way of example and without limitation, public streets and alleys and public water supply facilities.

(ii) Real property in the District exempt from taxation by special Act of Congress or exempt from taxation pursuant to subsection (k) of section 1 of the Act approved December 24, 1942 (56 Stat. 1809), as amended (sec. 47–801a(k), 1961 ed.), and not eligible for exemption from taxation under any other subsection of said section 1 of the Act approved December 24, 1942.

(B) The amount of personal property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a consequence of the exemption from personal property taxation of tangible personal property located in the District and which is owned by the United States, exclusive of objects of art, museum pieces, statuary, and libraries. Tangible personal property located in the District owned by the United States may be estimated by one or more methods developed by the Mayor and approved by the Administrator of General Services.

(C) The amount obtained by multiplying by a fraction the actual collections, during the second fiscal year preceding the fiscal year for which the annual Federal payment is being requested, of corporation and unincorporated business franchise taxes, and taxes on insurance premiums and on gross earnings of financial institutions and guaranty companies. The numerator of such fraction shall be the total number of Federal Government employees whose places of employment are in the District, as estimated by the United States Civil Service Commission, and the denominator of which shall be the total number of other employees whose places of employment are in the District, as estimated by the United States Employment Service for the District, but excluding employees of the government of the District, employees in nonprofit activities, and domestics in private households, also as estimated by such Service.

(2) The amount of the charges for water services furnished to the Federal Government by the District during the second fiscal year preceding the year for which the annual Federal payment is being requested (to be paid to the water fund).

(3) The charges for sanitary sewer services furnished to the Federal Government by the District during the second fiscal year preceding the year for which the annual Federal payment is being requested (to be paid to the sanitary sewage works fund).

(b) After review by the Administrator of General Services of the request for Federal payment and certification by him on or before April 10 of the fiscal year preceding the fiscal year for which the annual Federal payment is being requested that such request is based upon a reasonable and fair assessment of real and personal property of the United States and a proper and accurate computation of the factors referred to in section 741(a)(1) and is in conformity with the provisions of this section, the Secretary of the Treasury shall, not later than September 1 of each fiscal year, cause such payment to be made to the District out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is authorized to advance on or after July 1, out of any money in the Treasury not otherwise appropriated, without interest, such amounts (not to exceed in the aggregate the total payment in the previous fiscal year) as may be required by the District pending the payment of the amount authorized by this section.

(c) The Administrator of General Services shall enter into cooperative arrangements with the Mayor whereby disputes, differences, or disagreements involving the Federal payment may be resolved.

(d) For the first fiscal year in which this part is effective, the amount of the annual Federal payment may be computed on the basis of preliminary estimates: *Provided*, That such amount shall be subject to later adjustment in accordance with the provisions of this part.

TITLE VIII—ELECTIONS IN THE DISTRICT

*Board of Elections*

SEC. 801. (a) The members of the Board of Elections in office on the date when the Mayor first elected takes office shall continue in office for the remainder of the terms for which they were appointed. Their successors shall be appointed by the Mayor by and with the advice and consent of the Council. The term by each such successor (except in the case of an appointment to fill an unexpired term) shall be three years from the expiration of the term of his precedecessor. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor. When a member's term of office expires, he may continue to serve until his successor is appointed and has qualified. Section 3 of the District Election Act of 1955 is hereby modified to the extent that it is inconsistent herewith.

(b) In addition to its other duties, the Board of Elections shall also, for the purposes of this Act—

(1) maintain a permanent registry;

(2) conduct registrations and elections;

(3) in addition to determining appeals with respect to matters referred to in sections 808 and 811, determine appeals with respect to any other matters which (under regulations prescribed by it under the subsection (c)) may be appealed to it;

(4) provide for recording and counting votes by means of ballots or machines or both and, not less than five days before each election held pursuant to this Act, publish a copy of the official ballot to be used in any such election;

(5) divide the District into fourteen wards as nearly equal as possible in population and of geographic proportions as nearly regular, contiguous, and compact as possible, and establish voting precincts therein, each such voting precinct to contain at least three hundred and fifty registered voters, and thereafter, within six months after the publication by the United States Census Bureau of the population of the District at each decennial census or any more recent official census of the population of the District, redivide the District into fourteen wards, in accordance with the criteria in this paragraph;

(6) operate polling places;

(7) certify nominees and the results of elections; and

(8) perform such other functions as are imposed upon it by this Act.

(c) The Board of Elections may prescribe such regulations not inconsistent with the provisions of this Act, as may be necessary or appropriate for the purposes of this title, of title XIV and of section 602, including, without limitation, regulations providing for appeals to it on questions arising in connection with nominations, registrations, and elections (in addition to matters referred to it in

sections 808 and 811) and for determination by it of appeals, and regulations permitting qualified voters for the purpose of voting in any election held pursuant to this Act, to register at times when such persons are temporarily absent from the District or in the case of persons not absent from the District but who are physically unable to appear personally at an official registration place, to register in the manner prescribed in such regulations: *Provided,* That the Board of Elections shall accept as evidence of registration any Federal post card application for an absentee ballot prescribed in section 204 of the Federal Voting Assistance Act of 1955 (69 Stat. 584) when such application is duly executed and filed with the Board by any person included within one of the categories referred to in clauses (1), (2), (3), or (4) of section 101 of such Act.

(d) The officers and agencies of the District government shall furnish to the Board of Elections, upon request of such Board, such space and facilities in public buildings in the District to be used as registration or polling places, and such records, information, services, personnel, offices, and equipment, and such other assistance and facilities, as may be necessary to enable such Board properly to perform its functions. Subject to the approval of the Council, privately owned space, facilities, and equipment may be rented, or donations of such space, facilities, and equipment may be accepted for registration, polling, and other functions of the Board.

(e) In the performance of its duties, the Board of Elections shall not be subject to the authority of any nonjudicial officer of the District.

(f) The Board of Elections, each member of such Board, and persons authorized by it, may administer oaths to persons executing affidavits pursuant to sections 801 and 808. It may provide for the administering of such other oaths as it considers appropriate to require in the performance of its functions.

(g) The Board of Elections is authorized to employ such permanent and temporary personnel as may be necessary within the limit of funds therefor. The appointment, compensation, and other terms of employment may be set by the Board of Elections without regard to the provisions of section 402 of this Act: *Provided,* That the Council may set maximum rates of compensation for various classes of employees of the Board of Elections.

(h) In lieu of the compensation provided by section 4(b) of the District Election Act of 1955, each member of the Board of Elections shall be paid at the rate of $1,500 per annum in periodic installments, provided that the rate of compensation may be changed by act passed by the Council.

(i) Notwithstanding the provisions of the District Election Act of 1955 providing (1) that qualified voters shall register during the calendar year in which a Presidential election is held, (2) that the Board of Elections shall keep the registry open only during such calendar year, and (3) that the Board of Elections shall keep the registry closed during certain periods immediately preceding elections held under the District Election Act of 1955, the Board of Elections is authorized and directed, for the purposes of this Act, and of the District Election Act of 1955, to provide for permanent registration of voters, to keep the registry open as provided in this Act, and to permit qualified voters to register in accordance with applicable laws and regulations, at any time when the registry is open.

(j) No member of the Board of Elections may be a candidate at an election held under this Act.

*Elections to be held*

SEC. 802. (a) The Board of Elections, in addition to elections conducted by it pursuant to the District Election Act of 1955, shall conduct the following elections:

(1) A primary election to be held on the first Tuesday in May of each even-numbered calendar year commencing after this title takes effect.

(2) A general election, to be held on the first Tuesday following the first Monday in November in each even-numbered calendar year commencing after this title takes effect.

(3) Special elections and referendum elections held pursuant to sections 335(c), 602, 806, 812(b), 812(c), or 1701(b).

*Elective offices; terms of office*

SEC. 803. (a) The offices of the District to be filled by election under this Act shall be the members of the Council, the Mayor, the Board of Education, and the District Delegate.

(b) The term of an elective office on the District Council shall be four years beginning on January 2 of the odd-numbered calendar year following such election; except that of the members first elected following the effective date of this title, other than in the case of members elected at large, seven shall serve for terms of two years and seven for terms of four years. The members who shall serve for terms of four years shall be determined by lot.

(c) The term of office of the Mayor shall be four years, beginning on January 2 of the odd-numbered calendar year next following his election.

(d) The term of office of the District Delegate shall be two years beginning at noon on January 3 of the odd-numbered calendar year following such election.

(e) The term of an elective office on the Board of Education shall be four years beginning on January 2 of the odd-numbered calendar year following such election; except that of the members first elected following the effective date of this title, seven shall serve for terms of two years and seven for terms of four years. The members who shall serve for terms of four years shall be determined by lot.

*Vacancies*

SEC. 804. (a) If the office of Delegate becomes vacant, the Mayor, by and with the advice and consent of the Council, shall appoint a Delegate to fill the unexpired term.

(b) A vacancy in the office of Mayor shall be filled at the next general election held pursuant to this title for which it is possible for candidates to be nominated, under any procedure provided for in section 809 following the occurrence of such vacancy. A person elected to fill any such vacancy shall take office as soon as practicable following the certification of his election by the Board of Elections and shall hold office for the duration of the unexpired term to which he was elected but not beyond the end of such a term. Until a vacancy in the office of Mayor can be filled at a general election, as prescribed in this subsection, such vacancy shal be filled by appointment by the District Council.

(c)(1) A vacancy in the District Council shall be filled by appointment by the Mayor, by and with the advice and consent of the Council; except that in filling any vacancy in any of the at-large seats, the Mayor shall not appoint any person who is not a member of the same political party as that of the person who vacated the office to be filled by such appointment.

(2) A vacancy in the Board of Education shall be filled, without regard to political affiliation, by the Mayor, by and with the advice and consent of the Council.

(d) No person shall be appointed to any office under this section unless he is a registered voter and meets the residence and other qualifications required on the date of his appointment of a person filling such office. A person appointed to fill a vacancy under this section shall hold office until the time provided for an elected successor to take office, but not beyond the end of the term during which the vacancy occurred.

*Election of candidates*

SEC. 805. (a)(1) The candidates of each party receiving the highest number of votes validly cast for each office in each of the several primary elections shall be declared the winner, and his name shall be placed on the ballot in the next general election as the candidate of his party.

(2) The three candidates of each party receiving the highest number of votes validly cast for the offices of councilmen-at-large in each of the several primary elections shall be declared the winners, and their names shall be placed on the ballot in the next general election as the candidates of their party. In no case shall any one political party be permitted to have the names of more than three persons as candidates of that party for election to the offices of councilmen-at-large placed on such ballot.

(b) In the general election, the candidate receiving the highest number of votes validly cast for each office shall be declared elected.

(c) In the event two or more candidates receive the same number of votes validly cast for the same office, the winner shall be determined by lot.

(d) Subject to the provisions of section 812, the Board of Elections shall promptly announce to the public the results of every election and shall certify all such results to the Mayor and the Secretary of the Council. It shall also certify the results of all elections for the office of the District Delegate to the secretary of the House of Representatives of the United States.

*Recall*

SEC. 806. (a) Any elective officer of the District of Columbia shall be subject to recall by the qualified voters of the District. Any petition filed demanding the recall by the qualified voters of the District of any such elective officer shall be signed by not less than 25 per centum of the number of qualified voters of the District voting at the last preceding general election. Such petition shall set forth the reasons for the demand and shall be filed with the Secretary of the District Council. If any such officer with respect to whom such a petition is filed shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as provided by law for filling a vacancy in that office arising from any other cause. If he shall not resign within five days after the petition is filed, a special election shall be called by the Council to be held within twenty days thereafter to determine whether the qualified voters of the District will recall such officer.

(b) There shall be printed on the ballot at such election, in not more than two hundred words, the reason or reasons for demanding the recall of any such officer, and in not more than two hundred words, the officer's justification or answer to such demands. Any officer with respect to whom a petition demand his recall has been filed shall continue to perform the duties of his office until the result of such special election is officially declared by the Board of Elections. No petition demanding the recall of any officer filed pursuant to this section shall be circulated against any officer of the District until he has held his office six months.

(c) If a majority of the qualified voters voting on any petition filed pursuant to this section vote to recall any officer, his recall shall be effective on the day on which the Board of Elections certifies the results of the special election, and the vacancy created thereby shall be filled immediately in a manner provided by law for filling a vacancy in that office arising from any other cause.

(d) The Board of Elections shall prescribe such regulations as may be necessary or appropriate (1) with reespect to the form, filing, examination, amendment, and certification of a petition for recall filed pursuant to this section, and (2) with respect to the conduct of any special election held pursuant to this section.

*Qualifications of voters*

SEC. 807. No person shall vote in an election held under this Act unless he meets the qualifications of a voter specified in this section and has registered pursuant to section 808 of this Act or section 7 of the District Election Act of 1955. A qualified voter of the District and a qualified elector of the District for the purposes of the District Election Act of 1955 shall be any person (1) who has resided in the District continuously during the six-month period ending on the day of the election, (2) who is a citizen of the United States, (3) who is on the day of the election at least eighteen years old, (4) who has never been convicted of a felony in the United States, or, if he has been so convicted, has been pardoned, (5) who is not mentally incompetent, as adjudged by a court of competent jurisdiction, and (6) who certifies that he has not, within six months immediately preceding the election, claimed the right to vote or voted in any election in any State or territory of the United States (other than in the District).

*Registration*

SEC. 808. (a) No person shall be registered under this Act unless—

(1) he shall be able to qualify otherwise as a voter on the day of the next election; and

(2) he executes a registration affidavit by signature or mark (unless prevented by physical disability) on a form provided by the Board of Elections showing that he meets each of the requirements of section 807 of this Act for a qualified voter and if he desires to vote in a primary election, such form shall show his political party affiliation: *Provided*, That the Board shall accept as evidence of registration any Federal post card application for an absentee ballot prescribed in section 204 of the Federal Voting Assistance Act of 1955 (69 Stat. 584) when such application is duly executed and filed with the Board by any person included within one of the categories referred to in clause (1), (2), (3), or (4) of section 101 of such Act.

(b) If a person is not permitted to register, such person or any qualified candidate, may appeal to the Board of Elections, but not later than three days after the registry is closed for the next election. The Board shall decide within seven days after the appeal is perfected whether the challenged voter is entitled to register. If the appeal is denied the appellant may, within three days after such denial, appeal to the District of Columbia Court of General Sessions. The court shall decide the issue not later than eighteen days before the day of the election. The decision of such court shall be final and not appealable. If the appeal is upheld by either the Board or the court, the challenged elector shall be allowed to register immediately. If the appeal is pending on election day, the challenged voter may cast a ballot marked "Challenged", as provided in section 811.

(c) For the purposes of this Act and of the District Election Act of 1955, the Board of Elections shall keep open, during normal hours of business, as determined by the Council, a central registry office and shall conduct registration at such other times and places as the Board of Elections shall deem appropriate. The Board of Elections may suspend the registration of voters, or the acceptance of changes in registrations for such period not exceeding thirty days next preceding any elections under this Act or under the District Election Act of 1955.

*Nominations*

SEC. 809. (a) Nomination of a candidate to be included on the ballot for a primary election shall take place when the Board of Elections receives a declaration of candidacy, accompanied by the filing fee in the amount required in subsection (f): *Provided*, That such candidate is duly registered as affiliated with the political party for which the nomination is sought and otherwise meets the qualifications for holding the office for which he seeks nomination.

(b) Nomination of an independent candidate who desires to have his name on the ballot in the general election shall take place when the Board of Elections receives a petition signed by the number of registered voters specified in this subsection and accompanied by a filing fee in the amount required by subsection (f). Petitions nominating an independent candidate for District Delegate or Mayor shall be signed by not less than five hundred qualified voters registered in the District. Petitions nominating a candidate for the District Council, other than a candidate for Councilman at large, shall be signed by not less than one hundred qualified voters registered in the ward from which nomination is sought. Petitions nominating an independent candidate for the District Council as a Councilman at large shall be signed by not less than five hundred qualified voters registered in the District. No person shall be barred from nomination as an independent candidate in the general election because he was a candidate for nomination in a primary election: *Provided*, That he complies with the requirements of this subsection.

(c) Nomination of a candidate for the Board of Education who desires to have his name on the ballot in the general election shall take place when the Board of Elections receives a petition signed by not less than one hundred qualified voters registered in the ward from which nomination is sought, and accompanied by a filing fee in the amount required by subsection (f).

(d) No person shall be a candidate for more than one office in any election. If a person is nominated for more than one office, he shall within three days after the last day on which nominations may be made notify the Board of Elections in writing, for which office he elects to run.

(e) A candidate may withdraw his candidacy in writing if his withdrawal is received by the Board not more than three days after the last day on which nominations may be made.

(f) Filing fees to accompany a declaration of candidacy in the primary election or a petition nominating an independent candidate for the Board of Education for inclusion on the ballot in the general election shall be $200 for a candidate for District Delegate or Mayor and $50 for a member of the District Council or a member of the Board of Education. No fee shall be refunded unless a candidacy is withdrawn as provided in subsection (d) or (e).

(g) The Board of Elections is authorized to accept any nominating petition as bona fide with respect to the qualifications of the signatories thereto: *Provided*, That the originals or facsimilies thereof have been posted in a suitable public place for at least ten days: *Provided further*, That no challenge as to the qualifications of the signatories shall have been received in writing by the Board of Elections within ten days of the first posting of such petition.

*Partisan elections*

SEC. 810. (a) Except in the case of candidates for election to the Board of Education, ballots and voting machines may show party affiliations, emblems, or slogans.

(b) The form of ballot to be used in any election under this Act shall be determined by the Board of Elections: *Provided*, That in any such election, the position on the ballot of the candidates for each office shall be determined by lot: *Provided further*, That the Board of Elections shall make provision on the ballot for voters, in their discretion, to vote for groups of candidates by a single mark or to vote separately for individual candidates, regardless of their group affiliations: *Provided further*, That a candidate's name shall not be included in any such group without his written consent filed with the Board of Elections.

(c) The second sentence of section 9(a) of the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939 (53 Stat. 1147), as amended, shall not be applicable to elections held under this Act or to political management or political campaigns in connection therewith.

*Method of voting*

SEC. 811. (a) Voting in all elections shall be secret.

(b) Each voter shall be entitled to vote for one candidate for the Council from the ward in which the voter is a resident and for five Councilmen-at-large, for one candidate for the Board of Education from the ward in which the voter is a resident, for one candidate for Mayor and for one candidate for District Delegate. The ballot shall, where applicable, show the wards from which each candidate for office as a member of the Council or of the Board of Education has been nominated.

(c) The ballot of a person who is registered as a resident of the District shall be valid only if cast in the voting precinct where the residence shown on his registration is located.

(d) Absentee voting under this Act shall be permitted to the same extent and subject to the same rule and regulations, including penalties, as absentee voting is permitted under the District Election Act of 1955.

(e) At least ten days prior to the date of any referendum or other election, any group of citizens or individual candidates interested in the outcome of the election may petition the Board of Elections for credentials authorizing watchers at any and all polling places during the voting hours and until the count has been completed. The Board of Elections shall formulate rules and regulations, not inconsistent with provisions of this title, to prescribe the form of watchers' credentials, to govern their conduct, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed.

(f) If the official in charge of the polling place, after hearing both parties to any challenge or acting on his own with respect to a prospective voter, reasonably believes the prospective voter is not qualified to vote, he shall allow the voter to cast a paper ballot marked "challenged". Ballots so cast shall be set aside, and no such ballot shall be counted until the challenge has been removed as provided in subsection (g).

(g) If a person has been permitted to vote only by challenge ballot, such person, or any qualified candidate, may appeal to the Board of Elections within three days after election day. The Board shall decide within seven days after the appeal is perfected whether the voter was qualified to vote. If the Board decides that the voter was qualified to vote, the word "challenged" shall be stricken from the voter's ballot and the ballot shall be treated as if it had not been challenged.

(h) If a voter is physically unable to mark his ballot or to operate the voting machine, the official in charge of the voting place may enter the voting booth with him and vote as directed. Upon the request of any such voter, a second election official may

enter the voting booth to assist in the voting. The officials shall tell no one what votes were cast. The official in charge of the voting place shall make a return of all such voters, giving their names and disabilities.

(i) A voter shall vote only once with respect to each office to be filled.

(j) Copies of the regulations of the Board of Elections with respect to voting shall be made available to prospective voters at each polling place.

(k) Before being allowed to vote the voter shall sign a certificate, on a form to be prescribed by the Board of Elections, that he has duly registered under the election laws of the District and that, to his best knowledge and belief, he has not since such registration done any act which might disqualify him as a voter.

*Recounts and contests*

SEC. 812. (a) The provisions of section 11 of the District Election Act of 1955 with respect to recounts and contests shall be applicable to any election or referendum held under this Act, except that in the case of any referendum, any qualified voter who has voted in any such election may petition the Board of Elections for a recount of the votes cast in one or more precincts under the same conditions required for a candidate for office under section 11(a) of the District Election Act of 1955.

(b) If, pursuant to this section, the court voids all or part of an election, and if it determines that the number and importance of the matters involved outweigh the cost and practical disadvantages of holding another election, it may order a special election for the purpose of voting on the matters with respect to which the election was declared void.

(c) Special elections shall be conducted in a manner comparable to that prescribed for regular elections and at times and in the manner prescribed by the Board of Elections by regulation. A person elected at such an election shall take office on the day following the date on which the Board of Elections certifies the results of the election.

(d) Vacancies resulting from voiding all or part of an election shall be filled as prescribed in section 804 unless filled by a special election held pursuant to subsections (b) and (c) of this section.

*Interference with registration or voting*

SEC. 813. (a) No one shall interfere with the registration or voting of another person, except as it may be reasonably necessary in the performance of a duty imposed by law. No person performing such a duty shall interfere with the registration or voting of another person because of his race, color, sex, or religious belief, or his want of property or income.

(b) No registered voter shall be required to perform a military duty on election day which would prevent him from voting, except in time of war or public danger, or unless he is away from the District in military service. No registered voter may be arrested while voting or going to vote except for treason, a felony, or for a breach of the peace then committed.

*Voting hours*

SEC. 814. Polling places shall be open from 8 o'clock antemeridian to 8 o'clock postmeridian on each day when elections are held pursuant to this Act.

*Prohibition of the sale of alcoholic beverages on election days*

SEC. 815. The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act, as amended (sec. 25–107, D.C. Code, 1961 ed.), is amended to read as follows: "Notwithstanding any other provision of this Act, neither the District Council nor the Commissioners shall authorize the sale by any licensee, other than the holder of a retailer's license, class E, of any beverages on the day of the presidential election or of any election in the District of Columbia held under the District of Columbia Charter Act during the hours when the polls are open, and any such sales are hereby prohibited."

*Violations*

SEC. 816. Whoever willfully violates any provision of this title, or of any regulation prescribed and published by the Board of Elections under authority of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $500 or imprisoned for not more than six months, or both.

TITLE IX—MISCELLANEOUS

*Agreements with United States*

SEC. 901. (a) For the purpose of preventing duplication of effort or of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Bureau of the Budget and by the Mayor, with the approval of the District Council. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished.

*Personal interest in contracts or transactions*

SEC. 902. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

*Compensation from more than one source*

SEC. 903. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Council, or the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of the Council or such Board, if such service does not interfere with the discharge of his duties in such other office or position.

*Assistance of the United States Civil Service Commission in development of District Merit System*

SEC. 904. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 402(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 901 of this Act.

TITLE X—SUCCESSION IN GOVERNMENT

*Transfer of personnel, property, and funds*

SEC. 1001. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the members of Boards or Commissions abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such question shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Bureau of the Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer by this Act or his separation from service under this Act, be deprived of a civil service status held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

*Existing statutes, regulations, and other actions*

SEC. 1002. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided, nothing contained in this Act shall be construed as affecting the applicability to the District of Columbia government of personnel legislation relating to the District gov-

ernment until such time as the Council may otherwise elect to provide equal or equivalent coverage as provided in section 402(4).

*Pending actions and proceedings*

SEC. 1003. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessarily for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

*Vacancies resulting from abolition of Board of Commissioners*

SEC. 1004. Until the first day of July next after the first Mayor takes office under this Act, no vacancy occurring in any District agency by reason of section 321, abolishing the Board of Commissioners, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

TITLE XI—SEPARABILITY OF PROVISIONS

*Separability of provisions*

SEC. 1101. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE XII—TEMPORARY PROVISIONS

*Powers of the President during transition period*

SEC. 1201. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the District Council, by Executive order or otherwise, with respect to the administration of the functions of the District of Columbia government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

*Reimbursable appropriations for the District*

SEC. 1202. (a) The Secretary of the Treasury is authorized and directed to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title V, from the general fund of the District of Columbia.

TITLE XIII—EFFECTIVE DATES

*Effective dates*

SEC. 1301. (a) As used in this title and title XIV the term "charter" means titles I to XI, both inclusive, and titles XV, XVI, and XVII.

(b) The charter shall take effect only if accepted pursuant to title XIV. If the charter is so accepted, it shall take effect on the day following the date on which it is accepted (as determined pursuant to section 1406) except that—

(1) part 2 of title III, title V, title VII (except part 4), and title XVII shall take effect on the day upon which the Council members first elected take office;

(2) section 402 shall take effect on the day upon which the Mayor first elected takes office; and

(3) part 4 of title VII shall take effect with respect to the first fiscal year beginning next after the Mayor first elected takes office and with respect to subsequent fiscal years.

(c) Titles XII, XIII, and XIV shall take effect on the day following the date on which this Act is enacted.

TITLE XIV—SUBMISSION OF CHARTER FOR REFERENDUM

*Charter referendum*

SEC. 1401. (a) On a date to be fixed by the Board of Elections, not more than four months after the enactment of this Act, a referendum (in this title referred to as the "charter referendum") shall be conducted to determine whether the registerd qualified voters of the District of Columbia accept the charter.

(b) As used in this title, a "qualified voter" means a person who meets the requirements of section 807 on the day of the charter referendum.

*Board of Elections*

SEC. 1402. (a) In addition to its other duties, the Board of Elections established under the District Election Act of 1955 shall conduct the charter referendum and certify the results thereof as provided in this title.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of section 801 of this Act shall govern the Board of Elections in the performance of its duties.

*Registration*

SEC. 1403. (a) All registrations which were valid for the election held in the District of Columbia on November 3, 1964, shall be valid and sufficient for the charter referendum, subject to compliance by registrants with requirements prescribed by the Board of Elections sufficient to satisfy the Board that no such registrant shall, between November 3, 1964, and the date of the charter referendum, have become disqualified for registration or to vote under this Act.

(b) The Board of Elections shall conduct within the District of Columbia for a period of thirty days a further registration of the qualified voters commencing not more than sixty days after the enactment of this Act and ending not more than thirty days nor less than fifteen days prior to the date set for the charter referendum as provided in section 1401 of this title.

(c) Prior to the commencement of such further registration, the Board of Elections shall publish, in daily newspapers of general circulation published in the District of Columbia, a list of the registration places and the dates and hours of registration.

(d) The applicable provisions of section 808, notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted, shall govern the further registration of voters for this charter referendum.

*Charter referendum ballot: Notice of voting*

SEC. 1404. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Charter Act, enacted , proposes to establish a new charter for the District of Columbia, but provides that the charter shall take effect only if it is accepted by the registered qualified voters of the District in this referendum.

"By marking a cross (X) in one of the squares provided below, show whether you are for or against the charter.

☐ For the charter

☐ Against the charter".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than three days before the date of charter referendum, the Board of Elections shall mail to each person registered (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such person and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in newspapers of general circulation published in the District of Columbia, a list of the polling places and the date and hours of voting.

*Method of voting*

SEC. 1405. Notwithstanding the fact such sections do not otherwise take effect unless the charter is accepted under this title, the applicable provisions of sections 811, 812, 813, 814, 815, and 816 of this Act shall govern the method of voting, recounts and contests, interference with registration or voting, and violations connected with this charter referendum.

*Acceptance or nonacceptance of charter*

SEC. 1406. (a) If a minority of the registered qualified voters voting in the charter referendum vote for the charter the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the result of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

TITLE XV—DELEGATE

*District delegate*

SEC. 1501. (a) Until a constitutional amendment and subsequent congressional action otherwise provide, the people of the District shall be represented in the House of Representatives of the United States by a Delegate, to be known as the "Delegate from the District of Columbia", who shall be elected as provided in this Act. The Delegate shall have a seat in the House of Representatives, with the right to debate, but not of voting. The Delegate shall be a member of the House Committee on the District of Columbia and shall possess in such committee the same powers and privileges as he has in the House of Representatives, and may make any motion except to reconsider. His term of office shall be for two years.

(b) No person shall hold the office of District Delegate unless he (1) is a qualified voter, (2) is at least twenty-five years old, (3) holds no other public office, and (4) is domiciled and resides in the District and during the three years next preceding his nomination (A) has been resident in and domiciled in the District, and (B) has not voted in any election (other than in the District) for any candidate for public office. He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

(c)(1) Subsection (a) of section 601 of the Legislative Reorganization Act of 1946, as amended, is hereby amended by striking out "from the Territories".

(2) Clause (b) of section 1 of the Civil Service Retirement Act of May 29, 1930, as amended (70 Stat. 743), is hereby amended by striking out "from a Territory".

(3) The second paragraph under the heading "House of Representatives" in the Act of July 16, 1914 (2 U.S.C. 37), is hereby amended by striking out "from Territories".

(4) Paragraph (1) of section 302 of the Federal Corrupt Practices Act, 1929, as amended (2 U.S.C. 241), is hereby amended by inserting after "United States" the following: "and the District of Columbia".

(5) Section 591 of title 18, United States Code, is hereby amended by inserting "and the District of Columbia" before the period at the end thereof. Section 594 of such title is hereby amended by inserting after "Territories and Possessions" the following: "or the District of Columbia". The first paragraph of section 595 of such title is hereby amended by inserting after "from any Territory or possession" the following: "or the District of Columbia".

TITLE XVI—BOARD OF EDUCATION

*Control of public schools*

SEC. 1601. The control of the public schools of the District of Columbia is hereby vested in the Board of Education continued in the municipal government of the District of Columbia under the provisions of section 322(a)(1) of title III of this Act. Such Board shall consist of fourteen members, one elected from each ward, as provided in title VIII. Members of the Board of Education shall be elected on a nonpartisan basis.

*Qualifications*

SEC. 1602. No person shall hold the office of member of the Board of Education unless he (1) is a qualified voter, (2) is domiciled in the District and resides in the ward from which he is nominated, (3) has, during the three years next preceding his nomination resided and been domiciled in the District, (4) has, for one year preceding his nomination, resided and been domiciled in the ward from which he is nominated, (5) holds no other elective public office, (6) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (7) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. A member shall forfeit his office upon failure to maintain the qualifications required by this section.

*Per diem*

SEC. 1603. The members of the Board of Education shall receive no salary as such, but shall be paid a per diem of $20 for each day of service at meetings or while on the work of the Board and may be reimbursed for any expenses legitimately incurred in the performance of such service or work; except that the amount authorized as per diem may be changed by act passed by the Council.

*Amendments*

SEC. 1604. (a) The fourth paragraph of subsection (a) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906, is amended to read as follows:

"The Board of Education shall annually on the first day of October transmit to the Mayor of the District of Columbia an estimate in detail of the amount of money required for the public schools for the ensuing year and the Mayor shall transmit such estimate to the District Council, with such recommendations as he may deem proper."

(b) The first four sentences of subsection (a) of section 2 of such Act are hereby repealed.

(c) Subsection (b) of section 2 of such Act is hereby repealed.

TITLE XVII—INITIATIVE

*Power to propose and enact legislation*

SEC. 1701. (a) Subject to the provisions of section 324 of this Act, the qualified voters of the District shall have the power, independent of the Mayor and Council, to propose and enact legislation relating to the District with respect to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this Act.

(b) In exercising the power of initiative conferred upon the qualified voters by subsection (a) of this section, not less than 10 per centum of the number of qualified voters voting in the last preceding general election shall be required to propose any measure by an initiative petition. Every such petition shall include the full text of the measure so proposed and shall be filed with the Secretary of the District Council to be submitted to a vote of the qualified voters. Any such petition which has been filed with the Secretary, and certified by him as sufficient, shall be submitted to the qualified voters of the District at the first general election which occurs not less than thirty days nor more than one year from the date on which the Secretary files his certificate of sufficiency. The Council shall, if no general election is to be held within such period, provide for a special election for the purpose of considering the petition.

(c) Upon receiving the certification of the Board of Elections (as provided in section 805(d) of this Act) of the results of any election held with respect to any measure proposed by an initiative petition, the Secretary of the Council, if such measure was approved by a majority of the qualified voters of the District voting thereon, shall, within five calendar days thereafter, present the petition containing such measure so approved, which was filed with him pursuant to subsection (b) of this section, to the President of the United States. Such measure shall become law unless, within ten calendar days after it is so presented to the President, he shall, in accordance with this subsection, disapprove the same. The President may, if he is satisfied that such measure adversely affects a Federal interest, disapprove it, in which event he shall return it, with his objections, to the Secretary and, notwithstanding any other provision of this Act, such measure shall not become law.

(d) If conflicting measures proposed at the same election become law, the measure receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(e) If, within thirty days after the filing of a petition, the Secretary has not specified the particulars in which a petition is defective, the petition shall be deemed certified as sufficient for purposes of this section.

(f) The style of all measures proposed by initiative petition shall be as follows: "Be it enacted by the People of the District of Columbia".

(g) The Board of Elections shall prescribe such regulations as may be necessary or appropriate (1) with respect to the form, filing, examination, amendment, and certification of initiative petitions, and (2) with respect to the conduct of any election during which any such petition is considered.

(h) If any organization or group request it for the purpose of circulating descriptive matter relating to the measures proposed to be voted on, the Board of Elections shall either permit such organization or group to copy the names and addresses of the qualified electors or furnish it with a list thereof, at a charge to be determined by the Board of Elections, not exceeding the actual cost of reproducing such list.

TITLE XVIII—TITLE OF ACT

SEC. 1801. This Act, divided into titles and sections according to table of contents, and including the declaration of congressional policy which is a part of such Act, may be cited as the "District of Columbia Charter Act".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a short quorum call, without time being allocated to either side.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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## ACQUISITION OF CERTAIN LANDS WITHIN THE BOUNDARIES OF THE UINTA NATIONAL FOREST IN THE STATE OF UTAH BY THE SECRETARY OF AGRICULTURE

Mr. MANSFIELD. Mr. President, I yield myself 1 minute on the time of the Senator from Nevada [Mr. BIBLE].

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 451, Senate bill 1764.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1764) to authorize the acquisition of certain lands within the boundaries of the Uinta National Forest in the State of Utah, by the Secretary of Agriculture.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 9, after the word "acquire", to insert "at not to exceed the fair market value as determined by him"; and on page 2, line 15, after the word "exceed", to insert "$300,000"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That to promote in timely and adequate manner control of floods that may originate thereon and the reduction of soil erosion through the restoration of adequate vegetative cover and to provide for their management, protection, and public use as national forest lands under principles of multiple use and sustained yield, the Secretary of Agriculture is authorized to acquire at not to exceed the fair market value as determined by him such of the nonfederally owned land in the area described in section 2 hereof as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Uinta National Forest described as follows:

SALT LAKE MERIDIAN

Township 5 south, range 3 east, sections 25 to 27, inclusive, and sections 34 to 36, inclusive.

Township 6 south, range 3 east, sections 1, 2, 11, 12, 13, 14, and 26.

Township 5 south, range 4 east, sections 27 to 35, inclusive.

Township 6 south, range 4 east, sections 2 to 10, inclusive, and section 16.

SEC. 3. There is hereby authorized to be appropriated for purposes of this Act not to exceed $300,000, to remain available until expended.

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

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

Mr. MOSS. Mr. President, my bill (S. 1764) would authorize the Secretary of Agriculture to purchase some 10,000 acres of privately owned land which lie within the Uinta National Forest boundary in Utah, and comprise part of the watershed of the Provo River above Provo City, the third largest city in the State. The land is also part of the watershed for a number of other smaller communities along the Wasatch front in Utah County, which has a total population of well over 100,000 and is growing rapidly.

It is most important that the Federal Government purchase this land to help protect the Provo City water supply from pollution, and the city itself from floods.

The land which the Federal Government will acquire is mainly mountainside land which has lost much of its ground cover through heavy grazing, and, therefore, is a potential flood hazard for the cities which lie below in Utah's cloudburst season. The Federal acquisition will be coupled with the purchase by the city of Provo of the bottomlands in the same privately owned tract. These bottomlands are suitable for summer home development, which city officials fear would lead to the pollution of the many springs in the area which, along with Provo River, are the source of the city's water supply.

The lands which the Federal Government will purchase will cost approximately $300,000. Provo City will spend an additional $200,000—all it can afford. The private lands in question have only recently come on the market, and this is the time to act.

The Federal purchase will bring under the excellent management practices of the Forest Service critically located acres on the Provo River watershed, and will assure their proper protection and the enhancement of their recreation and wildlife values.

This bill was unanimously reported by the Senate Interior and Insular Affairs Committee. I ask that it pass.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 467), explaining the purposes of the bill.

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

REPORT NO. 467

PURPOSE

The bill concerns itself with an area of approximately 10,000 acres located in the drainage of the South Fork of the Provo River, and intermingled or surrounded by national forest, and which would be used to promote flood control and to halt soil erosion. The South Fork drainage is the main source of domestic water for the city of Provo, and the city proposes to purchase 1,000 acres of bottomland to prevent pollution and to develop park and recreation facilities.

Also provided by the bill would be management, protection, and use of the acquired lands under multiple use and sustained yield as national forest lands.

CONCLUSION

Since some of the lands to which S. 1764 would apply have recently been placed on the market by the long-time owner, the committee feels there is some urgency for their acquisition and unanimously recommends S. 1764.

## DISTRICT OF COLUMBIA CHARTER ACT

The Senate resumed the consideration of the bill (S. 1118) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum with the time not to be allocated to either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BIBLE. Mr. President, may I inquire of the Chair what the parliamentary situation is? The question pending is on agreeing to the amendments of the Senator from Colorado [Mr. DOMINICK]; is that not correct?

The PRESIDING OFFICER. The amendments of the Senator from Colorado [Mr. DOMINICK] are pending.

Mr. BIBLE. My understanding is that 1 hour has been allocated, to be equally divided, on those amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. Mr. President, on my own time, I yield 2 minutes first to the Senator from New Jersey [Mr. CASE] and then 15 minutes, on my time, to the Senator from Vermont [Mr. PROUTY].

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

## ATTACK ON AMERICAN FRIENDS SERVICE COMMITTEE

Mr. CASE. Mr. President, I thank the Senator from Nevada for yielding to me.

Mr. President, yesterday, the Senator from Pennsylvania [Mr. SCOTT] protested on the floor of the Senate in the strongest terms the comments contained in a study published by the Senate Internal Security Subcommittee entitled "Techniques of Soviet Propaganda." These statements relate to the activities of the American Friends Service Committee.

Today, the Senator from Connecticut [Mr. DODD] and the Senator from North Carolina [Mr. ERVIN] both of whom, like the Senator from Pennsylvania [Mr. SCOTT], are members of this subcommittee, also joined in the protest and indicated that they were not advised beforehand of the contents of the study and had no prior knowledge of its contents.

The Senator from North Carolina [Mr. ERVIN] stated specifically that the statement from the study was that the American Friends Service Committee "is well known as a transmission belt for the Communist apparatus."

This quotation is, as the Senator from North Carolina [Mr. ERVIN] stated, "grossly unjust."

Mr. President, I agree with the statement and with the other statements of the Senators to whom I have referred, and I join them in the protest against a great injustice to a fine American institution, and against an abuse of an instrumentality of the Senate.

I thank the Senator from Nevada for yielding to me.

## DISTRICT OF COLUMBIA CHARTER ACT

The Senate resumed the consideration of the bill (S. 1118) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

Mr. PROUTY. Mr. President, I am grateful to the Senator from Nevada for yielding to me.

Mr. President, over the past few sessions of Congress, a great deal has been said about the role Senators on this side of the aisle have played in the development of home rule legislation.

I should like to take just a few moments to assess the role the minority members of the District Committee played in shaping the bill now before the Senate. I am proud both of our efforts and our results in making this a better bill, and in the course of our deliberations, assuring a full measure of independence for the new Government while establishing some measure of protections for the Federal interest in the Nation's Capital.

At the executive session on this bill, some 20 amendments were offered by the members of the committee, half by the majority and half by the minority. Some 14 amendments were adopted. Remarkably enough, half of those adopted were offered by the minority, half by the majority.

Adopted was my amendment to bar appointed Federal officeholders from simultaneously holding the office of councilman.

Adopted was my amendment to require the Comptroller General to submit the audit of District finances he is required

to make under the bill directly to the Congress.

Adopted was my amendment to expand the category of financial institutions authorized to deal in District obligations and to require fiduciaries to exercise due care when investing in District obligations.

Adopted was my amendment to insure that no compacts existing between the District of Columbia and other jurisdictions would be impaired by the adoption of this act.

Adopted was my amendment to authorize the new District Council to confer jurisdiction upon the District of Columbia Court of Appeals to hear appeals from administrative decisions of District agencies denying, revoking, suspending, or refusing to restore or renew any license or registration to engage in any business or profession.

And, most importantly, adopted was my amendment to protect and insure the retention of the same employee benefits of District employees which they enjoyed prior to enactment. This amendment is intended to guarantee full job security and employment rights, privileges, and benefits now enjoyed by public employees and to bar the new government from enacting or adopting any personnel ordinance, act, rule, or regulation to the contrary.

Adopted also were a series of amendments offered by Senator DOMINICK to insure a more thorough Federal review and voice in the calculation and computation of the Federal payment. His amendments gave the Administrator of General Services a say in determining the method of assessment for Federal personal property and gave him the power to review the District's assessments of Federal real property to determine if such assessments were fair, reasonable, and accurate and conducted in accordance with the procedures set forth in the act. Finally, Senator DOMINICK sponsored the amendment which authorized the Administrator to enter into cooperative arrangements with the mayor of the new government to resolve any disputes or disagreements relating to the Federal payment. This amendment was adopted.

Of course, there were other amendments which we offered which were not adopted.

It is manifestly clear that we attempted to retain the broad objectives of the legislation while amplifying and making more clear the retained Federal interest in the affairs of the National Capital. Ours was a constructive role. It was the product of much research, much time and effort, many long hours in conference with legislative counsel and with our colleagues. We were dedicated to the proposition that if the committee was going to report out a home rule bill, we wanted it to be a better bill than it was when introduced.

We sought to round off some of its sharp edges and define the ill defined; we sought to delineate the "understood" from the "supposed," the "known" from the "conjectured" and the discretionary powers from the mandatory. In my judgment the end result is a bill of better draftsmanship and clarity by far than the one which came to us from downtown.

Much has been said about this bill; much has been speculated about what it can do. Little has been said of what it is not.

It is not a panacea for all the District's ills, as some have claimed. In the period of transition, the already overwhelming problems of the District could very well gain additional footholds against the efforts to resolve them. The new government could not be expected to come into office with a full complement of knowledge and experince to meet every District crisis. Undoubtedly, in the first days Congress would still have to backstop the District's major emergencies with superior Federal resources and expertise.

Enactment of this bill would not eradicate crime in the District.

Enactment of this bill would not solve all the crises in our schools.

Enactment of this bill would not make Children's Hospital solvent.

Enactment of this bill would not meet every welfare need.

Enactment of this bill would not bring rapid transit to the District.

Enactment of this bill would not sweep poverty, misery, ignorance, and immorality from our community—let no partisan so delude you.

Enactment of this bill would throw all these problems in the laps of 20 men and women who had never held previous elective office.

I voted in committee to report this bill out for action by the Senate. I anticipate its adoption by the Senate.

Let me state a caution: too many people will place too much faith and trust in the promises and projections of those who have unqualifiedly endorsed this legislation.

In it are many dangers—many disappointments—many inadequacies, and inconsistencies—many frustrations for those who have labored so long and so arduously for its enactment. In it is a continued role for the Federal Government as a father to whose breast the insoluble problems and unmet needs of the citizenry will be brought when local efforts fail. The problems are too great to be resolved by a mere change in governmental form.

My vote for the bill is premised on this reasoning:

Title 14 of the bill provides that if the bill is passed by both Houses and receives the President's signature it will go before a referendum of the eligible voters of the District of Columbia. Presumably, if they reject it the Charter Act will not be given effect. If they accept the Charter Act it will be implemented.

The choice should be left to the people. Every reasonable effort was made to amend the bill to adequately protect the Federal interest. More could be done in this field, but the bill will pass. If the Federal interests are protected, the choice should be left to the people under the referendum. As my colleagues know, I am a believer in the discreet use of the referendum as a proper exercise of those powers reserved to the people.

During the hearings and in the hearing record an effort was made to elaborate the peculiar weaknesses in this bill. Some were corrected by amendment, others were not.

Once the weaknesses are stated and the full facts and specific legislative language are before the voters of the District, I will abide by their choice. Should they either accept or reject the charter, their say should be authoritative and final. I have worked on this bill in the hope and understanding that a fully informed and enlightened electorate will cast a reasoned, intelligent vote.

I would have preferred the creation of a Joint Congressional Committee to develop a plan of self-government for the District with the submission of that plan to both Houses of Congress and then to a referendum of the people. I am a little concerned over the technique we have followed of relying on the recommendations of the executive branch on how the legislative branch should delegate its governing powers over the District.

We are now beyond that point and have a bill sponsored by the executive branch before us. Such as it is, I am willing to have it submitted to the people. But, do not read my vote as an unqualified endorsement and soul rendering confession that this bill is the salvation of the District of Columbia. If enacted into law and accepted by the referendum it will only be a first, short step toward vesting in the citizens of the District not only the rights of self-government, and the full weight of its oppressive responsibilities.

Of course, there are difficulties when the national legislative body is required to perform local legislative duties. Of course, there were delays in implementing some programs in the District as a product of each Senator's and Congressman's burden of other duties.

We are a deliberative body. Most of us have held other elective office before we came to the Congress. Many of us were local or State legislators in our younger days. You might say that we have come up through the ranks. We are familiar with the legislative process of the cities and States, and it is in all candor that I say the only first effect of the adoption of this legislation will be to focus the protests, marches, demonstrations, claims, and recriminations downtown. It will not do one whit to remove the legitimate causes of any grievance.

It is my fond hope that some of those who have made the most impassioned supplications for home rule for the District will run for local office. When this cause is won, I hope they stick around to pay the bills of their victory. I hope they will share the burdens and the sorrows of running this great Capital. Then in 1970 or 1980 we can have them back before us and read their speeches to them and ask them if there are any corrections they wish to make for the permanent RECORD.

Mr. President, it is in this context that I will vote for the bill. When I voice my "yea" it will be done with mixed emotions—pride in the job that was done to improve the bill; uneasiness that per-

haps not enough was done to make it work; and resolution that the people's will be done in their best judgment after a full exposition of all the issues.

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

The PRESIDING OFFICER. Against whose time will the quorum call be charged?

Mr. BIBLE. I should like to have it charged to the time of the Senator from Colorado [Mr. DOMINICK], because we are considering his amendments. However, I do not believe I can do that without his consent. Therefore I shall charge the time to my side. We shall make an adjustment later.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum called be rescinded.

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

Mr. DOMINICK. I yield myself such time as I may need. For the present, I yield myself 10 minutes.

The pending amendments, which I sent to the desk yesterday, are complicated amendments.

It deals with a question of how to finance the separate school board proposed to be established by the bill in order to operate the schools within the District.

Before explaining the amendment, I shall explain briefly what the Committee on the District of Columbia did with regard to the District school system.

The committee provided for an elective school board in a nonpartisan election. The committee adopted an amendment to continue the present school board until the new elective board could take over.

That action is encouraged because the bill, as originally drafted, would have abolished the present appointed school board and would have made no provision for replacement. So, until we adopted the amendment, we were in the position of saying, "You will not have any school board until the new one is elected."

This has been changed. As the Senator knows, I have worked hard on both these amendments. Months ago—on March 4, to be exact—I introduced a bill to create an elective school board for the District of Columbia.

S. 1118, as reported by the committee, deals with school problems much more effectively than the original bill sent to us by the administration.

The amendment I now offer would go far in adding effectiveness to the District of Columbia School System. I believe it is essential in order to enable the school board to solve its most perplexing problems.

Stated quite simply, the adoption of my amendment would give the new school board an independent means of financing its programs and take the issue out of the political thicket. This is the essential difference between the committee bill and my amendment.

The amendment would give the new school board the power to cause to be levied—and I emphasize that term "cause to be levied"—real property taxes, personal income taxes, and sales taxes in the District of Columbia, the proceeds of which would be earmarked for the school board for public school purposes.

I desire to make it crystal clear that the school board would not be given independent power to levy taxes. The District government would continue, as in the present case, to levy all taxes.

I should also make it clear that the amendment would not envisage or authorize any new tax to be levied in order to provide for any increase in the present tax rate.

The funding provision in the amendment would work this way: The school board would empower the District Government to levy and pay over, first, up to 14 mills on real property tax—stated differently, up to $1.40 per thousand of assessed valuation.

The presently authorized District real property tax is 25 mills; or $2.50 per $1,000 of assessed valuation.

So an earmarking of 14 mills would bring in approximately $35 million out of a total of $68.7 million. This $35 million would go to the school board.

Second, up to 50 percent of the present authorized District of Columbia sales tax would be earmarked. This would bring in approximately another $35 million out of a total $71.8 million in sales taxes.

This $35 million would once again be earmarked for the school board.

Third, up to 50 percent of the present authorized District of Columbia personal income tax would be earmarked. This would bring in approximately $17 million out of a total of $35.5 million from this source, which is now raised, and this $17 million would then be earmarked for the school board.

The figures I have referred to are based on financial and statistical reports of the District of Columbia government for 1964.

The budgeted expenses of the District of Columbia school system in this report were as follows: Operating expenses, $68.5 million; capital outlay, $14.4 million; or a total of $82 million—just under, in fact, $83 million.

Under my amendment, if it were in effect, the school board would have available for its purposes for the same period up to $87 million, or $4 million more than the projected outlay at the present time.

One of the major problems faced by the District of Columbia school board is that under the present law it is proposed that the budget must clear two hurdles. First, it must clear the District Commissioners, where it has been consistently slashed. Then it must come to Congress, where further cuts have been made.

This amendment would establish a method of financing for the school board consistent with the home rule concept.

The separation of financing has worked extremely well in my State of Colorado, particularly in the city and county of Denver, where we have an independently governed school board.

It keeps the school system close to the people in the local areas where it belongs. It also has sufficient flexibility to meet unusual needs, and is tied to the three basic forms of taxation which are known and understood in this community.

I believe adoption of this amendment would further strengthen the home rule bill and give the District of Columbia school system, the children and their parents as well, a vehicle by which they could further a viable school system.

There is one provision in my amendment which I have not mentioned. Under certain circumstances, this provision would give the school board the power to float a bond issue for certain costs. To do so, this bond issue proposal would first have to be put to a vote of the people within the District. I am sure, as in most cities in most districts, there is reluctance to impose additional obligations on the people. Nevertheless, school bond issues, on a nationwide basis have, generally speaking, been approved because they affect the welfare of the children of the people.

Consequently, in addition to the other powers I would give them, it seems to me there should be a provision—and we have incorporated into this amendment such a provision whereby on an affirmative vote by a majority of the electors in a district a school bond issue could be floated.

It strikes me that the fears expressed in the committee, and the concern I have heard from various sources about the proposal I am submitting are not at all accurate because what was going on was misunderstood.

We are not trying to impose any special taxes. Nothing new is proposed. We are merely urging an elective school board which can take a look at the needs and requirements of the school system within the District of Columbia. They can determine what that need is and budget ahead of time for a year. Then they would be empowered to send to the District of Columbia council and mayor the mill levy requirement on taxes to be levied by the District of Columbia which are needed to be used for the school system, thereby assuring the amount of money which the budget calls for.

It is difficult in any municipal body or school board to attempt to set up a budget in which the entire year's operation is projected, including books, teachers' salaries, operational costs, and all the other items that enter into building a budget. It is prepared, it is ready to go, and it is submitted. First it is slashed by the District of Columbia, then, perhaps, it is slashed in Congress.

I would say, for that reason, that it would be extremely helpful to the proper operation of any school system to give the system some flexibility in its financing.

This is what this particular amendment would do.

Mr. President, I reserve the remainder of my time.

Mr. BIBLE. Mr. President, I yield myself as much time as may be required to respond to the argument made by the Senator from Colorado on the pending amendments.

First, I commend the Senator from Colorado for the effective work he has

done in improving the bill so far as the school board is concerned. It makes the bill much better.

I wish I could agree that the amendments which he now offers are good, but I do not feel that way about it, nor did the majority of the committee.

As the Senator has explained, the amendments would vest the board with certain financial authority as well as borrowing powers. It seems to me—and I think it occurred also to the majority of the members of the committee—that that, in effect, would create another layer of local government over and above the mayor and the city council, whose duty it would be to prepare the necessary budget, to levy the taxes, and to make the necessary borrowings. I understand from the Senator from Colorado that the plan he has suggested has been used in his State with some success. I do not question that is the fact so far as Colorado is concerned. In my own State of Nevada, independent financial authority and borrowing authority are not vested in our school boards or our boards of education, but come through elected county commissioners, in the case of county school problems, and through city councils and city framework, in the case of the governing boards of the cities in my State.

It seems to me that that is the way it should be. That is the proper clearinghouse and proper central authority for determining the amount of money that should go to the schools of the District of Columbia.

I do not share the worry of the Senator from Colorado about the new government that would govern the city providing adequately for the schools. I feel convinced that it would, based on my years of public service. It seems to me that the governing bodies of cities, counties, and States are always responsive, almost with first priority, to the cause of the school systems, whether they be county school systems or city school systems or State school systems.

I do not know what the national average is, but, as I recall, between 60 and 65 percent of every State, county, and city tax dollar is devoted to school purposes; and if the justification were made, I feel certain that that amount would be allowed in the District of Columbia.

The District of Columbia would have an elected council and an elected mayor, both responsible to the electorate of the District of Columbia. I am sure that if any groups could make their needs known, they would be the school board, the parent-teachers associations, and others.

My main objection is that the amendments would superimpose a second governmental structure upon the council and the governing authority of the District of Columbia which it is hoped would be created by the enactment of the bill. Accordingly, I must take a viewpoint different from that of the Senator from Colorado. I hope the Senate will reject the amendments.

I reserve the remainder of my time.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes; then I think I shall be finished and ready to yield back the remainder of my time.

First, I wish to make crystal clear that by the creation of a separate school board in the bill, with or without my amendments, another governmental unit has already been created, and a separate one would not be created merely by my amendments. My amendments would give the separate governmental unit, the school board, control of school financing and authority to borrow. It seems to me that that is important.

I do not wish to be on record in any way, even by implication, as being critical of the proposed new District of Columbia Council, if, when, and as it is elected, prior to its creation; but, wherever possible, a school board ought to be created which is dedicated to the interests of the school system and the children of the District of Columbia, so as to provide them with the best possible education. I have grave doubts as to whether that would be done if the school system were kept in the middle of a political thicket, which it would be in by virtue of the type of operation provided by the bill.

Being realistic, I have an idea that the amendments would not be successful; but I wish to make a record on these amendments—and I believe I have done so between yesterday and today. If the home rule bill should pass and the District of Columbia Council and school board should be elected, a review should be made as soon as possible by the Senate and House Committees on the District of Columbia to determine whether additional steps should be taken to improve and strengthen the school board which would be elected under the bill. This is highly important.

Mr. BIBLE. Mr. President, I have no objection to a continuing review to see how the newly created city council would function. If it had defects and were not working correctly, Congress, under the bill, would have the right to make whatever improvements it desired. Congress would have complete authority; it would not have abrogated that authority.

Undoubtedly, as we move forward, and as I hope we shall move forward, into municipal government in the Nation's Capital, defects will appear from time to time. I do not believe the school system is an area in which problems will arise. I could be in error in the statement I make today, but it seems to me that as we start with true home rule in the Nation's Capital, we should not impose a second structure in the financial area which, in effect, would cripple the hands of the mayor and city council.

I am prepared to yield back the remainder of my time, if the Senator from Colorado is prepared to yield back the remainder of his time.

I hope the amendment will be rejected.

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

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

The PRESIDING OFFICER (Mr. MONDALE in the chair). All time has been yielded back. The question is on agreeing to the amendments of the Senator from Colorado.

The amendments were rejected.

Mr. BIBLE. I suggest the absence of a quorum. I have made a commitment to the Senator from Oregon [Mr. MORSE] that it is agreeable that at an early time this afternoon he offer his amendment which deals with the veto power of the President. I ask unanimous consent that the time for the quorum call be charged to my time; it is merely to alert the Senator from Oregon that we are prepared to move forward with his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 357

Mr. DOMINICK. Mr. President, I call up my amendment No. 357.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

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

The amendment (No. 357), ordered to be printed in the RECORD, is as follows:

On page 92, in the table of contents, strike out the following:

"Sec. 810. Partisan elections."

and insert in lieu thereof the following:

"Sec. 810. Nonpartisan elections."

On page 94, beginning with line 15, strike out all through line 20 and renumber succeeding paragraphs accordingly.

On page 151, beginning with line 17, strike out all through line 19.

On page 151, line 20, strike out "(2)" and insert "(1)".

On page 151, line 24, strike out "(3)" and insert "(2)".

On page 153, beginning with the semicolon on line 22, strike out all through "appointment" on line 2, page 154.

On page 154, line 3, beginning with the comma, strike out all through the first comma on line 4.

On page 154, beginning with line 15, strike out all through line 3 on page 155.

On page 155, line 4, strike out "(b)" and insert in lieu thereof "SEC. 805. (a)".

On page 155, line 7, strike out "(c)" and insert in lieu thereof "(b)".

On page 155, line 10, strike out "(d)" and insert in lieu thereof "(c)".

On page 158, line 12, beginning with "and", strike out all through "affiliation" on line 14.

On page 159, beginning with line 23, strike out all through line 5 on page 160.

On page 160, line 6, strike out "(b) Nomination of an independent" and insert in lieu thereof the following:

"SEC. 809. (a) Nomination of a".

On page 160, line 11, strike out "(f)" and insert "(e)".

On page 160, line 12, strike out "an independent" and insert in lieu thereof "a".

On page 160, line 18, strike out "an independent" and insert in lieu thereof "a".

On page 160, line 21, beginning with "No", strike out all through line 25.

On page 161, line 1, strike out "(c)" and insert "(b)".

On page 161, line 7, strike out "(f)" and insert "(e)".

On page 161, line 8, strike out "(d)" and insert "(c)".

On page 161, line 13, strike out "(e)" and insert "(d)".

On page 161, beginning with line 17, strike out all through line 19 and insert in lieu thereof the following:

"(e) Filing fees to accompany a petition nominating a candidate".

On page 161, line 24, strike out "(d) or (e)" and insert "(c) or (d)".

On page 162, line 9, strike out "PARTISAN" and insert in lieu thereof "NONPARTISAN".

On page 162, beginning with line 10, strike out all through line 12 and insert in lieu thereof the following:

"SEC. 810. (a) Ballots and voting machines shall show no party affiliations, emblem, or slogan".

On page 162, beginning with line 24, strike out all through line 3 on page 163.

Mr. DOMINICK. Mr. President, I shall not take too long on this amendment. However, I ask for the yeas and nays on this amendment, because it is a rather important amendment.

The yeas and nays were ordered.

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

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

Mr. DOMINICK. Mr. President, the amendment which I offer, if agreed to, would accomplish two objectives.

First, it would provide that the elections which the pending bill would place into effect would be conducted on a nonpartisan basis instead of on a partisan basis.

Second, it would require that the Hatch Act, which is in effect all over the country on election procedures, would remain in effect in this election.

Under the pending bill, the provisions of the Hatch Act would be eliminated insofar as elections in the District of Columbia are concerned. The District of Columbia would be the only area in the Nation in which those provisions would be eliminated.

In the committee we were unanimous in agreeing that the School Board elections should be nonpartisan. However, there was a closely divided opinion in the committee as to whether the elections for Mayor and members of the Council should be partisan or nonpartisan.

The most informative witness on this particular issue during the course of the committee hearing was Mr. Patrick Healy, executive director of the National League of Cities.

Although Mr. Healy was understandably reluctant to formulate a position for the league on this issue, he did point out, on page 187 of the hearings:

Detroit is nonpartisan, Los Angeles and San Francisco are nonpartisan. I think Philadelphia and New York are partisan, but I might comment here that in the opinion of a great many students of government, the local governments in California, the cities, are perhaps outstanding in the entire United States in their government, in their operation, their caliber of people that are attracted into the local government. The League of California Cities attributes this, among other things, to the fact that they have nonpartisan government out there. It is all nonpartisan, throughout the State of California, and I am going to have to say that they are outstanding as city government goes.

That is a quotation from Mr. Healy.

I also point out at this point that the proposed Model City Charter recommends not only that elections be held in odd numbered years or in the spring of even numbered years, to avoid conflict with State and national elections, but it also recommends nonpartisan municipal elections.

So to the extent that it is possible for any Senator to say, I would say that, by and large, the experts are on the side of nonpartisan elections and that I am talking on their team.

I do not understand why there is all this urge to have partisan elections. Here we have a city, the Nation's Capital, and we are trying to make it a good government so that the people of the States in all areas of the country may come to this community and be proud of the city and the way it is run.

Many of the people who will be coming here will be visitors. Some will be coming as temporary workers. They are going to be of all types of political persuasion; not only people who are members of both major political parties will be here, but some will not be affiliated with either party, and some will be affiliated with some of the smaller political parties. It seems wrong to me to tie up the government of the District of Columbia, the Nation's Capital, in a partisan political fight in the staggered systems we have taking place every 2 years in partisan political elections.

The home rule bill, S. 268, which was introduced by the Senator from Oregon [Mr. MORSE]—who, unfortunately, is not yet in the Chamber, but who is coming—also provided for nonpartisan elections for the mayor and council.

Mr. Healy, whom I previously referred to as the executive director of the National League of Cities, furnished the committee with rather complete information on the election procedures used in towns and cities throughout the Nation. For instance, table 3 on page 293 of the committee hearings indicates that of cities over 25,000 population, 414 have nonpartisan elections and 157 have partisan elections. As for the larger cities, according to the table on pages 289 and 290 of the hearings, nonpartisan elections far outweigh partisan elections. For example, 3 out of the 5 cities of over 1 million population, 9 of the 15 of 500,000 to 1 million population, 23 of the 31 of 250,000 to 500,000 population, and 12 of the 19 of 100,000 to 250,000 population have the nonpartisan form of election.

As I have said, the Model City Charter published by the National Municipal League in 1964 recommends the nonpartisan form of election.

From all of this information I believe I can truthfully say that nonpartisan elections are not only in the majority in all the cities and towns in the country at the present time, but they are the trend of the future; we are trying to produce better and better governments in our municipalities.

My amendment would also repeal section 810(c) of the bill, which grants an exemption from the Hatch Act for Federal employees in District elections. Of course, if the elections are to be nonpartisan, as provided under this amendment, I see no reason for exempting Federal employees from the Hatch Act. Even if the elections were to be partisan, I cannot see the justification nor the wisdom for such an exemption. In fact, the U.S. Civil Service Commission already has the power to grant an exemption from the Hatch Act if the proper circumstances are shown, so I see no real need for a specific exemption in the bill for that purpose.

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

Mr. DOMINICK. I yield.

Mr. LAUSCHE. Are both of these proposals embodied in the same amendment?

Mr. DOMINICK. They are.

Mr. LAUSCHE. Might it not create a difficulty with some of us who might want to vote for a system of elections that is nonpartisan but who would vote differently on the subject of the application of the Hatch Act? I would not want to remove the Hatch Act prohibition.

Mr. DOMINICK. I do not want to remove the Hatch Act prohibition. My amendment includes the Hatch Act prohibition. The bill takes it out. The bill would remove the Hatch Act prohibition. I propose to include the Hatch Act prohibition.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. Can the two issues be separated?

The PRESIDING OFFICER. Any amendment that has two parts may be divided.

Mr. DOMINICK. What I was trying to do in combining the two provisions was to have in one amendment the problems as I see them with the elective procedure under the bill which has been reported to the Senate I was trying to get rid of them both in one amendment. Hatch Act problems are just as important as are the partisan and the nonpartisan election provisions.

I say that for this reason: There is on the calendar, as I pointed out yesterday, a bill which has been reported by the Committee on Rules and Administration, introduced by the Senator from Maryland [Mr. BREWSTER], Calendar No. 401, S. 1474, a bill to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government.

I can truthfully say to the Senator from Ohio, that, so far as I can remember—and I attended most of the hearings and read the record of them—there was no hearing on the effect which the elimination of the Hatch Act would have as a precedent to eliminate operation of the Hatch Act in elections in other areas of the country.

A brief bit of information was given to us by the Commissioners, I believe, in which they stated that such a large proportion of the District of Columbia consisted of Federal employees that it would be unfair to remove them from the opportunity either to participate in the

election procedure or to campaign themselves for office. We received that statement.

Mr. LAUSCHE. The Senator understands the dilemma which I feel will confront some Senators. A Senator may not favor the proposal of the Senator from Colorado that it be nonpartisan, because he might wish a partisan election. On the other hand, I am in complete accord that the Hatch Act should apply in the District of Columbia, just as it applies in every other area of the Nation. Thus, a Senator may find himself in favor of one-half of the proposal of the Senator from Colorado and probably will be against the other half.

Mr. DOMINICK. I thank the Senator from Ohio for bringing up his position and his point. It is probably a very good one from the standpoint of a practical, political end.

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

Mr. DOMINICK. Mr. President, I yield myself 5 additional minutes.

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

Mr. LAUSCHE. Mr. President, will the Senator from Colorado yield for another question?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. If it is placed on a non-partisan basis, will there be any limitation on the number of candidates whose names may go on the ballot, let us say, for the office of mayor?

Mr. DOMINICK. What would be done in that kind of situation would be to eliminate primaries completely in a nonpartisan election. In Colorado we have a runoff. If a great number of persons are seeking the office, it can be determined by an absolute majority having been given to one candidate. That is what happens in our State. If there is an absolute majority for a candidate, he is in, regardless of how many persons may be running.

Mr. LAUSCHE. Under the amendment of the Senator from Colorado, how would a person qualify to go on the ballot? Would he do so by filing a petition?

Mr. DOMINICK. The Senator is correct.

Mr. LAUSCHE. Would there be a runoff in the end, in order to insure selection of a mayor by majority vote?

Mr. DOMINICK. I would believe that so far as the council members were concerned, and the mayor, they would have to have a majority vote of all the electors who vote in order to elect anyone. Therefore, if no one had a majority, there would have to be a runoff.

Mr. LAUSCHE. I thank the Senator from Colorado for his information.

Mr. KUCHEL. Mr. President, will the Senator from Colorado yield at that point?

Mr. DOMINICK. I am happy to yield to the Senator from California.

Mr. KUCHEL. Is it not true that if the views of the authors of the present bill should prevail, and we had, let us assume, a Republican candidate, a Democratic candidate, and a candidate of the "Progressive" Party, the same result would follow. There would have to be a runoff if a majority was not obtained in the first instance.

Mr. DOMINICK. I would not think so, in such a case. I believe that if there were a regular political party system—

Mr. KUCHEL. The plurality might—

Mr. DOMINICK. Yes, a plurality vote might possibly elect the mayor. I believe that this might create some problems for the Senator from Ohio.

Mr. KUCHEL. The Senator is absolutely correct. Let me say to my good friend the Senator from Nevada that is one more reason, in my judgment, why the amendment of the Senator from Colorado would be most helpful, because it would guarantee that the will of the majority would be carried out; whereas, to the contrary, if, under the wording of the present bill, a plurality would be sufficient to elect a mayor of this great city of Washington, then I believe we would be frustrating away part of the warp and woof of American democracy.

Mr. DOMINICK. I very much appreciate the contribution made by the Senator from California. I have said from the beginning that the pending amendment has been advanced on behalf of the Senator from California [Mr. KUCHEL] and myself, so that we are working together on it. He has had experience with this problem. California has been cited by Mr. Healy as the outstanding example of municipal government, which is all nonpartisan in California.

I can say to the Senator from Ohio and the Senator from Nevada that the State of Colorado has nonpartisan city elections, town elections, and village elections. We have not had a partisan election—we are not permitted to have one under the law. I believe that this is generally true in the State of Nevada itself.

Mr. BIBLE. It is. I stated that yesterday in our colloquy on the same subject.

Mr. DOMINICK. So far as the States west of the Mississippi are concerned, the vast majority of them operate municipally in nonpartisan elections. There are a number of States that operate in the same way in cities that lie east of the Mississippi.

I hold in my hand a chart which perhaps will be of interest to Senators; it comes from page 289–290 of the record of the hearings, indicating cities by category of population. In the column under "City Council, Type of Election and Term of Office," there are the criteria—"NP" for nonpartisan, and "P" for partisan. It shows that there are a great many cities lying east of the Mississippi River which have nonpartisan elections.

Picking out a few at random, Louisville, Ky., is one; Miami, Fla., is another—I am trying to see what the situation is in Ohio—Toledo, Ohio, appears to be a city having nonpartisan elections.

Thus, it will be seen that they are scattered all the way through—west and east combined.

If we are to get the council off to a good start—and I hope that we shall—it seems imperative to me that when we elect the candidates for the first time—

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

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

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

Mr. DOMINICK. We not do it on a partisan basis when we get into the middle of the political thicket.

Also, in discussing the Hatch Act at this time, it does not seem necessary to me, and it certainly does not seem wise, to write special exemptions into the Hatch Act for a particular area. I know that there are large cities and counties in the country where there are large concentrations of Federal employees. Almost immediately they will be coming in asking for similar type exemptions. The Senator from Maryland [Mr. TYDINGS], while we were in committee, brought up a request that in a certain area in Maryland Federal employees be taken out from under the Hatch Act prohibition. This request was rejected for the same reasons I have just been relating as to the District of Columbia, namely, that we did not wish to complicate the matter any further, and would prefer to wait until the amendment of the Senator from Maryland [Mr. BREWSTER] was discussed and hearings were held and we could obtain more information as to what should be done.

If we are to change the Hatch Act, we should bring the entire subject of political participation by Federal employees into proper focus, instead of carving out an exemption for Federal employees who work and live in the District. According to the figures supplied to us by the Bureau of the Budget, approximately 105,000 to 110,000 Federal employees live in the District, or roughly 13 percent of the total population.

I am sure there are cities and counties in Maryland and Virginia with equally large concentrations of Federal employees. I do not know that anyone has ever made a broad study of the problem. However, I can well imagine that many communities throughout the Nation are similarly affected by the Hatch Act. If we carve out an exemption here, we are bound to have the same type of request made throughout the country wherever there are large concentrations of Federal employees.

The Hatch Act was designed for a specific purpose. Until we show that that purpose is not in operation in the District of Columbia, it does not seem to me that we should carve out an exemption for the District. Perhaps we should even go the other way and lean over backward to make sure that we shall have as clean and efficient government in the District of Columbia as we can possibly have.

I reserve the remainder of my time.

Mr. BIBLE. Mr. President, I yield myself such time as I may require.

The amendment which the Senator from Colorado has offered directs itself, as he has explained, to two different phases. The first phase is the question

of partisan versus nonpartisan elections. We discussed this subject for a brief time yesterday. The committee reported provisions in favor of partisan elections, as opposed to nonpartisan elections.

There is no question that the majority of the municipal governments around the country, as shown at page 289 of the hearings, favor nonpartisan municipal elections.

However, a somewhat different situation exists in the District of Columbia, by the very nature of our Capital City. There is a combination of State, county, and municipal elections, all wrapped into one government of the District of Columbia, in the framework in which it operates. It is also interesting to note that in cities of more than 1 million population, two of the five have partisan elections. Therefore three have nonpartisan elections and two have partisan elections.

In cities with populations of one-half million to 1 million, which embrace 16 cities, as can be determined from page 289 of the hearings, 10 of those cities have nonpartisan elections, and 6 have partisan elections.

It is correct, as Mr. Healy, of the National League of Cities, stated that the great State of California is a very fine example of nonpartisan elections in its cities. It is also true that in my State of Nevada we have nonpartisan elections in city campaigns

A contrary view to that expressed by Mr. Healy was expressed by Mr. John Gunther, executive director of the U.S. Conference of Mayors. His statement is as follows—and I should like to comment on it now, because there are a number of Senators in the Chamber:

> Politics should not be taken out of government. Indeed it is a misconception of both politics and government when there is an attempt to so sterilize the local situation. As an observer of elections in large cities, it is readily apparent that the party affiliation of the individual candidates is generally known and often plays an important role. Indeed, often the candidate for mayor of a large city in a nonpartisan election has in the past held partisan office as a member of the State legislature, a county official, or a Member of Congress, so that the nonpartisan nature of the election is more a fiction than a reality.
>
> On the other hand, the pretense of nonpartisanship often weakens the city executive in relation to the political machinery of his State and the Nation. It would seem particularly appropriate that in a strong mayor-council system that partisan elections would be desirable. In such a system the mayor needs to be a political leader and particularly here in the District of Columbia in many matters the mayor would be dealing directly with State Governors and nonpartisanship is not a characteristic of Governors.

Mr. Gunther is the spokesman for the Conference of Mayors.

A further point should be made, Mr. President. Of all the places in the entire world where there seems to be the flavor of partisanship, I should think it might possibly be in the Nation's Capital, where we occasionally do hear strong partisan views expressed, be they Democratic or Republican. We are a part of the world's business. We are a part of the Nation's business. To say that there is not a strong flavor of partisanship would be incorrect.

It has been indicated that there is a very much more enthusiastic turnout of voters in municipal elections when such elections are partisan, as contrasted with nonpartisan.

I said yesterday, and I repeat today, that in my own State that is certainly true. Our cities have nonpartisan elections. The turnout in those elections is very poor, both compared with those who are registered and compared to the total electorate. It takes an unusually bitter city election to bring out a bare majority to vote for those who govern the people of our cities.

I believe that the conclusion reached by Mr. Gunther, of the Conference of Mayors, is sound.

Based on each of those reasons, I suggest that the action of the majority of the Committee on the District of Columbia is the correct judgment, and that the amendent, insofar as it deals with partisanship versus nonpartisanship of the city council and mayor, should be rejected.

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

Mr. BIBLE. I yield.

Mr. PASTORE. In support of the position taken by the distinguished Senator from Nevada, I believe it should also be pointed out that while ordinarily it does not make very much difference whether there is a nonpartisan or partisan election, because all over the country there are both kinds, the fact remains that if the citizens of the District of Columbia were not voting in national elections, there would be more reason to make the elections nonpartisan. However, inasmuch as we have now taken the position that they should be interested in national elections, and they will take part in national elections, I believe that to make the elections nonpartisan elections would be to accomplish nothing other than to create a facade, a fiction more than a reality.

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

Mr. BIBLE. I yield.

Mr. KUCHEL. Every citizen in California is qualified to vote in presidential and national elections. Every city in California has a nonpartisan government. How does the Senator equate such a situation with what he has just suggested ought to apply to the District of Columbia?

Mr. PASTORE. All I have said was that I agree that the elections can be either way. We have them both ways in Rhode Island. Fundamentally, I believe the appeal is made to partisan politics, whether on the surface it is nonpartisan or partisan. I am sure the Senator will agree with me on that as a practical matter.

All I have said was that if the citizens of the District of Columbia were not participating in national elections, there would be a better argument to make the municipal elections nonpartisan.

We have chosen to give them the power to vote. While we can do it either way, I support the committee in its recommendation that the elections be partisan elections.

Mr. KUCHEL. If I might hypothesize, it seems to me a little ludicrous.

Mr. BIBLE. I yield for hypothesizing purposes.

Mr. KUCHEL. Only?

Mr. BIBLE. Only.

Mr. KUCHEL. Were the Senator from Rhode Island a leading Democratic citizen of my own city of Anaheim and he desired to be mayor, I would not want the fact that my friend is a Democrat and I am a Republican to interfere with his ambition. Yet the provisions of the bill, as applied to my own city or any California city, would interfere. There ought not to be partisanship in municipal elections if we are interested in clean, honest, and forward-looking government.

Mr. PASTORE. Absolutely. In view of the very nice things that my friend from California has said about me in the past, if I were running for the office of mayor of the city of Anaheim, even though I am a Democrat, I would expect the distinguished Senator to vote for me.

Mr. BIBLE. Mr. President, I yield further for the continuance of this delightful colloquy.

Mr. KUCHEL. I am certain that my friend from Rhode Island is not inviting me to break the purity of elections laws. In a partisan primary election I would be unable to vote for my able friend. Early in the present century municipal governments in various parts of our State were crawling with fraud and corruption. Then a great Governor, and later a great Senator from our State, the late Hiram Johnson, successfully urged the legislature to eliminate party politics from local government. He did so. As my friend, the distinguished Senator from Nevada [Mr. BIBLE], and the distinguished Senator from Colorado [Mr. DOMINICK] know, the quality of local government in my State is now excellent.

Mr. PASTORE. If partisanship leads to corruption, why not operate the State government on a nonpartisan basis? Why stop at the municipal level?

All I am saying is that the nonpartisan process is becoming a fiction. When a Democrat runs in a nonpartisan election, everyone knows that he is a Democrat. That happens in my State all the time. The fact that the candidate is running in a nonpartisan election does not make that much difference.

Mr. KUCHEL. I disagree. I believe it does.

Mr. PASTORE. In the world of politics, the substance, the strength and virility of our American system is the two-party system. I do not believe that it is less virile when it is used in elections on a municipal level. I realize that over the years the notion has been built up that nonpartisan elections are more honest elections. I cannot subscribe to that view. I believe that it is a ludicrous argument that because party labels are removed, the government is purified.

Mr. KUCHEL. I did not quite make that statement.

Mr. PASTORE. Oh, yes; the Senator did.

Mr. KUCHEL. I did not quite make that statement.

Mr. PASTORE. The Senator did. The Senator did not mean to make that

statement, but that is what he said, that nonpartisan government is excellent, whereas partisan government crawled with fraud and corruption.

Mr. KUCHEL. My friend is in error. My view is that adding partisan politics to local elections adds a potential element of city bossism and ward heeling that ought not to be permitted.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Nevada has the floor.

Mr. BIBLE. Mr. President, in fairness to both of my wonderful, distinguished friends, from opposite sides of our great Nation, I shall yield later to them again.

First, I wish to make an observation. I believe the Senator from California said that if clean and honest government is desired, the board or council should be nonpartisan. We are all for clean, honest government. But it occurred to me that if the indictment is true, it would certainly be true of county governments, which I believe, by and large, are elected on a partisan basis.

Mr. KUCHEL. They are not in my State.

Mr. BIBLE. They are in my State, and I believe they are good, clean, and honest governments.

I also agree that, so far as I know on the State level, to carry it one step further, the governments are good, clean, and honest. I believe that we must recognize that we have bad apples in government, whether we have nonpartisan elections or partisan elections, whether they are in cities, counties, or State governments. Thank goodness, such cases are isolated, and do not occur very often.

The testimony and the reasons for partisan elections are very clearly in favor of the committee position.

I merely wished to get my own little oar in at that point, during my exuberance in yielding too freely. I now yield to the Senator from Florida, who previously asked me to yield.

Mr. HOLLAND. I thank the Senator for yielding.

I approve the position taken by the Senator in charge of the bill and the majority of the committee, but for a different reason from what has been stated.

In my own State there are a large number of cities which have nonpartisan elections for the office of mayor and for city government officials. There are others that operate in the other way. In the District of Columbia, where the people are not used to having elections and where participation by way of registration and by way of voting has been very poor up to now, by all means the position of the committee is the sounder. It would be difficult enough for the two partisan organizations to get the people in this area who are not accustomed to voting, and who have not voted on the limited occasions given since the 23d amendment was adopted in anything like the proportions that any of us would wish. I believe that the partisan organizations are the best machinery for keeping the people interested and inducing them to register and vote.

I call attention also to the fact that, so far as bipartisanship is concerned, as contrasted with nonpartisanship, the ward system which is embraced in the proposed city charter now pending would almost surely provide some difference of opinion in the city commission along party lines.

I can be corrected by the distinguished Senator from Nevada if I do not understand the fact correctly, but as I understand, nine members of the city commission would be elected on a ward basis—that is, with only the citizens of that ward participating in the election.

Mr. BIBLE. Mr. President, will the Senator indulge an interruption at that point?

Mr. HOLLAND. Certainly.

Mr. BIBLE. Rather than 9, the number would be 14.

Mr. HOLLAND. I thought it was 5 on a citywide basis and 9 on the ward basis.

Mr. BIBLE. No; it would be 14 selected from 14 wards created in the District of Columbia and 5 selected at large, for a total membership on the council of 19.

Mr. HOLLAND. That emphasizes the point I have made. The wards would be smaller proportionately, and there would be assurance of the election of councilmen of different political philosophies with the ward system operating.

It seems to me that the committee has wisely determined that we are not deciding the question for all time. If we find that there is general and widespread interest in and participation in municipal elections—while I do not support the measure, but I believe it will pass—we may then change the system if we find good reason for doing so.

Congress is not surrendering its responsibility on the issue. It has a perfect right to amend the charter. But under present conditions my own point of view is that what we need to do is to encourage greater participation if we are to have a municipal government with greater interest than has been shown up to date. I believe that the system suggested in the bill would do that.

I thank the Senator.

Mr. BIBLE. Mr. President, I appreciate the views of the Senator from Florida. They underscore the views that were given to us by Mr. Gunther when he said that we can expect stronger participation in partisan elections.

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

Mr. BIBLE. I yield for a question. May I ask how much time? I do not wish to yield the floor.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. BIBLE. I should like to cover the second phase of the Senator's amendment on the question of the Hatch Act exemption, and then I shall yield to the Senator from Ohio. I prefer to do so after I have made an explanation of the Hatch Act exemption, which seems to me justifies and makes the position of the committee very sound.

HATCH ACT EXEMPTION

Section 810(c) provides that the Hatch Act provisions, which bar officers or employees in the executive branch of the Federal Government from taking an active part in political management or campaigns, shall not be applicable to elections held under the proposed Home Rule Act.

The distinguished junior Senator from Colorado proposed an amendment, during the committee's consideration of the bill, to strike from it the Hatch Act exemption provision. The amendment was defeated by the committee.

Actually, section 16 of the Hatch Act gives to the Civil Service Commission power to permit certain political activity in the National Capital area by Federal employees when special or unusual circumstances warrant such permission. The committee believes that the District of Columbia represents a striking example of the unusual circumstances anticipated in the Hatch Act.

The percentage of District residents 18 or over, who are Federal employees, is approximately 20 percent, and of eligible voters, probably substantially greater—possibly as high as 35 percent.

It seemed to the committee that to foreclose participation by such a large portion of this city's population from political activity would be to deny to the District of Columbia one of its major sources of capable individuals who would participate in the government of the District.

The committee was informed, as appears more fully in the hearing record, that the Bureau of the Budget feels strongly that the Hatch Act exemptions should be applied to elections within the District. Congress cannot grant home rule to 800,000 people in the city of Washington and by the same stroke of the pen sterilize 260,000 of the city's most capable individuals who would be of great assistance in their participation in local governmental activities.

Actually, for many years prior to the enactment of the Hatch Act of 1939, Federal employees residing in nearby Maryland and Virginia municipalities were permitted to be candidates for and to hold office in those municipalities. Permission was granted either by an individual Executive order or by action of the Commission based on an Executive order, and it remained in full force and effect until the passage of the act of August 2, 1939, which prohibited active participation in political management or in political campaigns without exception.

When this act was amended by the act of July 19, 1940, a new section was added whereby the Commission was authorized to promulgate regulations extending the privilege of active participation in local political management and local political campaigns to Federal employees residing in municipalities or other political subdivisions of the States of Maryland and Virginia in the immediate vicinity of the District of Columbia or in municipalities elsewhere in the United States, the majority of whose voters are employed by the Federal Government.

It was surprising to me, and perhaps it will be surprising to other Senators, that the privileges have been extended to 40 political subdivisions in Maryland,

9 in Virginia, 3 in the State of Washington, 1 in California, 2 in Arizona, 1 in Georgia, and 1 in Tennessee.

To summarize, the Bureau of the Budget advised the committee that the exemption sought in the bill for Federal employees in the District of Columbia is not inconsistent with the language of the Hatch Act. I submit that for really effective and general participation in any local government of the District of Columbia, Federal employees should be permitted to participate in that government as truly representative citizens.

Therefore, I urge that the amendment of the Senator from Colorado—and I understand a division will be called for—be rejected.

I now yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I go back to the subject of candidates for office. I observe that section 809 contains a provision for the nomination of independent candidates. It provides that the name of an independent candidate may be placed on the ballot by the filing of a petition containing the names of not less than 500 qualified voters registered in the District of Columbia. Was there any discussion in committee with respect to the danger of having a plethora of candidates because of the small number of names of petitioners that would be required to place the name of an independent candidate on the ballot?

Mr. BIBLE. My memory is hazy on that point, but I do not believe there was a discussion on this particular point. There may be validity in what the Senator says. As I understand, the thrust of his position is that he does not want to have the ballot loaded with the names of many candidates for either mayor or the city council. But in direct response to the Senator, to the best of my knowledge, this subject was not discussed either during the hearing or at the time of the markup of the bill.

Mr. LAUSCHE. Do I correctly understand that under the present language of the bill one member of each of the two major parties would be running? That would be two candidates.

Mr. BIBLE. That is correct.

Mr. LAUSCHE. Then there might be as many as three candidates who were able to file petitions each containing 500 names?

Mr. BIBLE. I believe that would be the effect of the bill.

Mr. LAUSCHE. I have not read the bill completely. Is there any provision for a runoff election, so as to insure government by majority expression? I do not believe there is.

Mr. BIBLE. Is the Senator limiting his question to independent candidates?

Mr. LAUSCHE. No, because the provision from which we are reading is contained in the particular section dealing with candidates for the office of mayor.

Mr. BIBLE. That is correct.

Mr. LAUSCHE. Let us assume that a Republican, a Democratic, and five independent candidates are running at the regular election and that not a single one receives a majority of the votes. One has a plurality. Would he be declared elected with the highest plurality of the votes cast, and would the election be concluded?

Mr. BIBLE. I am frank to say that I have not studied the legal opinions. My answer is based upon my experience with this problem in my own State. It is fairly analogous, and I believe it would apply in the District of Columbia.

If there were a Republican, a Democratic, and five independent candidates for mayor, the one who received the greatest number of votes would be elected mayor.

Mr. LAUSCHE. That answers my question.

Mr. BIBLE. I speak from memory, but I believe that is the situation.

Mr. President, how much time have I remaining?

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

Mr. BIBLE. I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator from Colorado has 12 minutes remaining.

Mr. DOMINICK. I yield myself 5 additional minutes.

Mr. President, one of the reasons why municipalities have turned to the nonpartisan basis of operation is the bossism that grew up in the cities on a partisan basis, whether it was Republican or Democratic bossism. All of us recall the great machines about which we heard so much—the Pendergast machine, the Hague machine, or one of the Republican machines—which grew up around municipal elections, and were controlled by partisan groups which were trying to gain control of the form of city government.

The Nation's Capital is the last place in this country where an opportunity should be provided for the same thing to happen. It strikes me that since we have been trying to induce more and more people to run for office, and trying to get people who will hold elective office, many of whom shy away completely if they have to become actively affiliated with a political party because they are worried about the political scars that will result, one of the best things we could do would be to involve them in municipal elections on a nonpartisan basis.

Also, I invite attention to the wording of the so-called Hatch Act exemption, which is contained in the bill. The wording of the act alone should be sufficient to convince.

From page 162, line 24, of the bill, I read:

> The second sentence of Section 9(a) of the Act entitled "An Act to Prevent Pernicious Political Activities", approved August 2, 1939 (53 Stat. 1147), as amended, shall not be applicable to elections held under this Act or to political management or political campaigns in connection therewith.

I feel that that type of provision ought not to be in the bill at a time when we are trying to present to the House of Representatives a clean bill, affording an opportunity to establish a government upon which the House, for the first time, may finally act.

I say to my colleague, the Senator from Nevada, that I do not particularly have anything more to say on this amendment. However, I should like to ask for a division of the amendment.

The yeas and nays have been ordered on the entire amendment. However, I should like to have the yeas and nays ordered separately on both sections of the amendment.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). How does the Senator from Colorado wish to divide the amendment?

Mr. DOMINICK. The second part of the amendment is on page 3, lines 23 and 24. That is the portion of the proposed amendment which would deal with the Hatch Act. I should like to have a separate vote on that particular amendment.

Do I need unanimous consent for that?

The PRESIDING OFFICER. No. The Senator has a perfect right to make that request.

Mr. BIBLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIBLE. Mr. President, I ask whether the ordering of the yeas and nays on the original amendment would automatically cover each part.

The PRESIDING OFFICER. It would cover each part.

Mr. BIBLE. Therefore, the yeas and nays have been ordered on the Hatch Act provision and the provision relating to partisan versus nonpartisan.

The PRESIDING OFFICER. The Senator is correct.

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

Mr. DOMINICK. I yield.

Mr. LAUSCHE. Mr. President, if the Hatch Act provision were eliminated from the bill, would I be correct in my conclusion that Federal employees in the District of Columbia would be allowed to contribute to political campaigns, actually participate, and be completely removed from all the provisions of the Hatch Act?

Mr. DOMINICK. The Senator is correct. In addition, the employees could be candidates for elective offices.

Mr. LAUSCHE. What about the employers shaking them down for contributions of money to be used in a campaign in the District of Columbia? By employers, I mean superiors and heads of departments.

Mr. DOMINICK. It has happened before, and I am sure that it will happen again unless this amendment is adopted.

I appreciate the contribution of the Senator from Ohio on this point.

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

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Mr. President, would a unanimous-consent request that the time for the quorum call be not charged to either side be in order?

The PRESIDING OFFICER. If the Senators yield back their time, they have the right to suggest the absence of a quorum.

Mr. DOMINICK. Mr. President, how many minutes have I remaining?

The PRESIDING OFFICER. The Senator from Colorado has 4 minutes remaining.

Mr. DOMINICK. Mr. President, I yield 1 minute to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. MILLER. Mr. President, I thank the Senator from Colorado for yielding.

I had the privilege of serving on the Committee on the District of Columbia for 2 years. I have had occasion to study municipal government considerably during my service in the Iowa Legislature.

I have come to the conclusion over the years that partisanship in elections revolving around municipal government is not a necessary ingredient of good government.

To me the Nation's Capital and its proper operation transcend partisan politics. I have never had persuasive reasons presented to me for partisan elections in the District of Columbia.

I believe that, to the extent that we can relieve the operations of the government of the District of Columbia from partisan questions, it would be to the best interest of the citizens of the District and also of the country.

I hope that this amendment will be agreed to.

Mr. DOMINICK. Mr. President, I appreciate the contribution of the Senator from Iowa.

I know that the remarks of the Senator are based on considerable experience in the governmental field.

Mr. President, I am ready to yield back the remainder of my time.

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

The PRESIDING OFFICER. The Senator from Nevada has 1 minute remaining.

Mr. BIBLE. Mr. President, I yield that time back.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Am I to understand correctly that the Dominick amendment has been reduced to two parts, and that there will be a separate vote on each part, one to follow the other?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I thank the Chair.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. What part of the split amendment are we to vote on first?

The PRESIDING OFFICER. The first vote will come on that part of the amendment which begins on page 1, line 1, and extends up to and including line 22 on page 3.

Mr. KUCHEL. That deals with the subject of nonpartisan elections?

The PRESIDING OFFICER. That is correct.

Mr. KUCHEL. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the first part of the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Louisiana [Mr. LONG], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I further announce that the Senator from Virginia [Mr. BYRD] and the Senator from South Carolina [Mr. RUSSELL] are necessarily absent.

On this vote, the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Maryland would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is detained on official business.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 37, nays 57, as follows:

[No. 193 Leg.]

YEAS—37

| | | |
|---|---|---|
| Aiken | Hickenlooper | Robertson |
| Allott | Javits | Saltonstall |
| Anderson | Jordan, Idaho | Scott |
| Bennett | Kuchel | Simpson |
| Boggs | Lausche | Smith |
| Carlson | Miller | Talmadge |
| Cooper | Morse | Thurmond |
| Cotton | Morton | Tower |
| Curtis | Mundt | Williams, Del. |
| Dirksen | Murphy | Young, N. Dak. |
| Dominick | Nelson | Young, Ohio |
| Fannin | Pearson | |
| Fong | Prouty | |

NAYS—57

| | | |
|---|---|---|
| Bartlett | Hart | Metcalf |
| Bass | Hartke | Mondale |
| Bayh | Hayden | Monroney |
| Bible | Hill | Montoya |
| Brewster | Holland | Moss |
| Burdick | Inouye | Muskie |
| Byrd, W. Va. | Jackson | Neuberger |
| Cannon | Jordan, N.C. | Pastore |
| Case | Kennedy, Mass. | Pell |
| Church | Kennedy, N.Y. | Proxmire |
| Clark | Long, Mo. | Randolph |
| Dodd | Magnuson | Ribicoff |
| Douglas | Mansfield | Russell, Ga. |
| Eastland | McCarthy | Smathers |
| Ervin | McClellan | Sparkman |
| Fulbright | McGee | Stennis |
| Gore | McGovern | Symington |
| Gruening | McIntyre | Williams, N.J. |
| Harris | McNamara | Yarborough |

NOT VOTING—6

| | | |
|---|---|---|
| Byrd, Va. | Hruska | Russell, S.C. |
| Ellender | Long, La. | Tydings |

So the first part of Mr. DOMINICK's amendment was rejected.

Mr. BIBLE. Mr. President, I move that the Senate reconsider the vote by which the first part of the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Will the Presiding Officer state what the subject of the second vote will be?

The PRESIDING OFFICER. The question now is on agreeing to the second part of the amendment offered by the Senator from Colorado [Mr. DOMINICK]. The vote will be on the second part of the amendment, which appears on lines 23 and 24, on page 3 of the amendment, and deals with the Hatch Act. The yeas and nays have been ordered.

Mr. DOMINICK. Mr. President, am I correct in assuming that, if the second part of the amendment is adopted, the Hatch Act will be restored so far as elections in the District of Columbia are concerned?

The PRESIDING OFFICER. The Chair cannot answer that question. It is a question on a matter of substance, and not a parliamentary inquiry. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Louisiana [Mr. LONG], the Senator from Maryland [Mr. TYDINGS], and the Senator from Arizona [Mr. HAYDEN] are absent on official business.

I further announce that the Senator from Virginia [Mr. BYRD] and the Senator from South Carolina [Mr. RUSSELL] are necessarily absent.

On this vote, the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Maryland would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is detained on official business.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 38, nays 57, as follows:

[No. 194 Leg.]

YEAS—38

| | | |
|---|---|---|
| Aiken | Fong | Robertson |
| Allott | Hayden | Russell, Ga. |
| Bayh | Hickenlooper | Saltonstall |
| Bennett | Javits | Scott |
| Boggs | Jordan, Idaho | Simpson |
| Carlson | Kuchel | Smith |
| Case | Lausche | Talmadge |
| Cooper | Miller | Thurmond |
| Cotton | Morton | Tower |
| Curtis | Mundt | Williams, Del. |
| Dirksen | Murphy | Yarborough |
| Dominick | Pearson | Young, N. Dak. |
| Fannin | Prouty | |

NAYS—57

| | | |
|---|---|---|
| Anderson | Hart | Mondale |
| Bartlett | Hartke | Monroney |
| Bass | Hill | Montoya |
| Bible | Holland | Morse |
| Brewster | Inouye | Moss |
| Burdick | Jackson | Muskie |
| Byrd, W. Va. | Jordan, N.C. | Nelson |
| Cannon | Kennedy, Mass. | Neuberger |
| Church | Kennedy, N.Y. | Pastore |
| Clark | Long, Mo. | Pell |
| Dodd | Magnuson | Proxmire |
| Douglas | Mansfield | Randolph |
| Eastland | McCarthy | Ribicoff |
| Ellender | McClellan | Smathers |
| Ervin | McGee | Sparkman |
| Fulbright | McGovern | Stennis |
| Gore | McIntyre | Symington |
| Gruening | McNamara | Williams, N.J. |
| Harris | Metcalf | Young, Ohio |

NOT VOTING—5

| | | |
|---|---|---|
| Byrd, Va. | Long, La. | Tydings |
| Hruska | Russell, S.C. | |

So the second part of Mr. DOMINICK's amendment was rejected.

Mr. BIBLE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

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

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I call up my amendments (No. 360) and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. MORSE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be printed in the RECORD at this point.

The amendments offered by Mr. MORSE are as follows:

On page 106, line 12, strike out "he shall present the act to the President." and insert in lieu thereof "such act shall become law.".

On page 106, line 18, beginning with "he", strike out all through the period on line 19 and insert in lieu thereof "it shall become law.".

On page 106, line 22, beginning with the comma, strike out all through the period on line 24 and insert in lieu thereof a comma and the following: "it shall become law.".

On page 106, beginning with line 25, strike out all through line 10 on page 107.

On page 107, line 11, strike out "(f)" and insert in lieu thereof "(e)".

On page 107, line 21, strike out "(g)" and insert in lieu thereof "(f)".

On page 108, line 9, strike out "(h)" and insert in lieu thereof "(g)".

On page 108, line 17, strike out "(i)" and insert in lieu thereof "(h)".

On page 108, line 21, strike out "(j)" and insert in lieu thereof "(i)".

On page 185, line 11, immediately after the period, add the following: "Any measure so proposed by petition shall, if approved by a majority of the qualified voters voting thereon in such election, take effect and become law on the day following the day on which the Board of Elections certifies the results of such election or on the date provided for by such measure."

On page 185, beginning with line 12, strike out all through line 4 on page 186.

On page 186, line 5, strike out "(d)" and insert in lieu thereof "(c)".

On page 186, line 8, strike out "(e)" and insert in lieu thereof "(d)".

On page 186, line 12, strike out "(f)" and insert in lieu thereof "(e)".

On page 186, line 15, strike out "(g)" and insert in lieu thereof "(f)".

On page 186, line 21, strike out "(h)" and insert in lieu thereof "(g)".

## OPPOSITION TO REPEAL OF SECTION 14(b) OF THE TAFT-HARTLEY ACT

Mr. CURTIS. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield with the understanding that I do not lose my right to the floor.

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senator from Oregon may be permitted to yield to me without losing his right to the floor.

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

Mr. CURTIS. The Nebraska State Legislature has adopted legislative resolution 60 opposing the Johnson administration proposal to repeal section 14(b) of the Taft-Hartley law. I ask unanimous consent to have printed in the RECORD that resolution, and following the resolution, a statement that I made before the Labor Subcommittee of the Committee on Labor and Public Welfare of the Senate on June 23, 1965.

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

LEGISLATIVE RESOLUTION 60, LEGISLATURE OF NEBRASKA

Whereas the people of the State of Nebraska in the year 1946, by initiative referendum adopted by a vote of 212,443 to 142,702 amendments to the constitution of the State of Nebraska now designated sections 13, 14, and 15 of article XV which provide in part that: No person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization; and

Whereas the Legislature of the State of Nebraska in the year 1947 adopted sections 48–217, 48–218, and 48–219 of the statutes of Nebraska which provide in part that: To make operative the provisions of sections 13, 14, and 15 of article XV of the constitution of Nebraska, no person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization; and

Whereas section 14(b) of the Taft-Hartley Act of our Federal statutes provides that States may forbid agreements requiring membership in a labor organization as a condition of employment; and

Whereas President Johnson has recently sent to Congress a message urging the repeal of section 14(b) of the Taft-Hartley Act which would have the practical effect of invalidating the right-to-work laws of Nebraska and other States having these statutes; and

Whereas the citizens of Nebraska desire to retain their right-to-work law and believe that each State should have the right of self-determination in this regard: Now, therefore, be it

*Resolved by the members of the Nebraska Legislature in 75th session assembled:*

1. That the Nebraska Legislature reaffirms its belief in the necessity of sections 13, 14, and 15 of article XV of the Nebraska constitution and the statutes implementing these sections.

2. That the Nebraska Legislature disagrees with the efforts of the present national administration to take from the States the right to self-determination in this area.

3. That the Nebraska Legislature forward printed copies of this resolution and the position of the State of Nebraska's Legislature to the Nebraska delegation in Congress.

STATEMENT OF SENATOR CARL T. CURTIS BEFORE THE LABOR SUBCOMMITTEE OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, JUNE 23, 1965

Mr. Chairman, members of the committee, I am here today to represent the voters of Nebraska and, I believe sincerely, the majority of voters in most of the States. I am here to oppose repeal of section 14(b) of the Taft-Hartley Act—a section of our code that reaffirms to the several States their rights and powers as delegated to them by the Constitution of the United States.

I am not here to discuss the issue of union shop or no union shop—or the merits of right-to-work legislation. Those issues have been analyzed here many times before and will no doubt be brought up again many times by others.

The issue to which I wish to direct my brief statement is in my opinion—and that of many of my colleagues—much more fundamental than that of the union shop. The issue which confronts this committee and the Congress is the issue of whether the vox populi shall continue to be heard and heeded in our land.

This basic issue also involves the rights and proper functioning of the governments of our several States as they discharge their share of responsibility in the partnership of State and National Governments which is the foundation of our Federal Republic.

My main concern, however, is for the people of the several States in whom final authority in all such matters must be vested. Few issues in our recent history have so often been placed before the people for them to decide. It is my concern that now the Congress is attempting to take from the people this right of decision.

In the 80th Congress when the Taft-Hartley Act was under consideration there were those in the Congress who wanted the union shop banned as a national policy. There were others who wanted the National Legislature to approve the union shop as an instrument of labor-management relations.

These discussions resulted in what I consider a fortuitous compromise and from this meeting of the minds came section 14(b).

At the time of the adoption of 14(b) there were those who claimed Congress was abdicating its authority in a vitally important matter. I say rather that the Congress then acted as it properly should have acted—it placed the responsibility for such decisions where it belongs, on the shoulders of the individual voters in each of the several States.

In my own State of Nebraska the voters had already taken direct action on the issue of union shop by approving a constitutional amendment in 1946 barring such conditions. Enactment of 14(b), therefore, confirmed for the people of my State that they had the right to act as they did.

Six other States have enacted such constitutional amendments, and in each instance the responsibility was that of the voters themselves. In other States, and I need mention here only Ohio and California

as examples, the issue was put to the voters and the voters, discharging their responsibility as citizens of the Republic, voted in favor of union shops.

In each instance, the voters made their choice. And this is how it must be if our Republic is to survive as a form of government.

In nearly every State at one time or another the proposition to outlaw the union shop has been presented to the State legislature. In each instance the legislatures acted as they felt the people of their States would want them to act. As typical of this approach I might cite the State of Indiana. That State first adopted a so-called right-to-work law. On January 28 of this year that law was repealed. Between time of enactment and January 28, 1965, public sentiment on the issue obviously had changed in Indiana, and the legislature responded accordingly.

The point is, though, that it was the Indiana Legislature representing the people of Indiana, which acted in both instances.

In at least five other States, legislation was pushed, and pushed hard this year to repeal the right-to-work laws. In all five States the legislatures decided—sometimes after agonizing soul-searching—not to change the law.

Indiana decided to make a change. The other States did not.

In both cases it was the State which made the decision. It was not made for them. And this, Mr. Chairman, is as it should be. It is up to the people of each State to make these decisions.

By enactment of the Taft-Hartley law the Congress subscribed to this principle. It is a good principle and a sound one. It has been tried and tested in this country and it has been proved that it works. That principle is that the ultimate authority of government rests solely with the governed.

There were those when this Nation was founded who decried that principle and said it could never work. They said the people were not capable of governing themselves and would do foolish and irrational things.

It is a fortunate thing for humanity that those prophets of calamity were overridden by men of sounder judgment and men of greater faith. These men had faith that, given the chance, people would rule themselves wisely and well. Their judgment and their faith have been vindicated by this noble experiment we call the American Republic.

It ill behooves us now to become latter-day prophets of calamity.

It is my hope that the 89th Congress will take no action that will run counter to this fundamental American belief in the final authority of the governed.

I, therefore, urge, Mr. Chairman, that this committee not approve repeal of section 14(b) of the Taft-Hartley Act.

The people have a voice. Let us not take action here to still that voice.

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## DISTRICT OF COLUMBIA CHARTER ACT

The Senate resumed the consideration of the bill (S. 1118) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

Mr. MORSE. Mr. President, I discussed my amendment yesterday. I shall only take 2 or 3 minutes today and then yield back the remainder of my time.

This is the amendment that I offered in committee and it was defeated.

It is the only amendment that I offered in committee that I have decided to offer on the floor of the Senate, because I feel that it is the only amendment that really involves a matter of basic governmental policy. The other amendments involved matters of reasonable choices on either side.

The pending bill in its present form seeks to give to the President of the United States power to veto an act of the city council of the District of Columbia that has been approved by the mayor, or to veto an initiative act the people of the District of Columbia may themselves adopt in an election.

The position that I took in committee and again yesterday, and today, can be put very briefly this way:

Under article I, section 8, of the Constitution, the ultimate legislative control of the District of Columbia rests in the Congress of the United States, not in the White House.

Section 8 states:

> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government * * *.

I am at a loss to understand why we want to burden the President of the United States in the first instance with any responsibility to pass upon legislation passed by the city council. Let us face it. We all know how it would be administered. The President of the United States is not going to have time to evaluate every act of the city council or initiative proposals passed by the people.

He will assign it to an administrative aid, who will make a recommendation.

My objection to this is I do not think we ought to weaken our system of government whereby legislative powers under the Constitution are vested in the Congress.

The Congress has the residual power to decide what the policies in the District of Columbia will be if it wishes to exercise them.

It has the power, if the District of Columbia City Council violates a Federal interest, to reverse the city council. It ought to stay there. Then, the President under our separation of powers doctrine and our system of checks and balances has the authority to veto the act of the Congress.

But I wish to say I do not think we ought to superimpose the President of the United States into a position where he would pass upon an act of the city council or an initiative proposal passed by the people of the District of Columbia. That is our responsibility in the Congress.

If they pass an ordinance which it is thought interferes with the Federal interests in the District of Columbia, the two committees of the Congress should hold their hearings and there should be a record made, and an opportunity for the advocates of the proposed legislation to be heard. On the basis of that record Congress could decide, in the exercise of its control, whether to reverse the city council.

Then, let us say, Congress takes action to reverse the city council. The measure then goes to the President and he has the right to veto the act of Congress.

I do not think we should weaken that precious system of separation of powers with its checks and balances procedure, and that is why I have offered my amendment.

Mr. ROBERTSON. I wish to ask a question about that precious system. We are going to create a new State, with this exception: The Federal Government will finance it. Every State government has a Governor that vetoes powers of the State legislature. The Congress would have the power to veto the acts of that State. In order to veto such acts, there must be a majority of 435 Members of the House and 100 Members of the Senate, and the vote on the bill shows we could not get one-fourth of that number who wish to cater to what we are now doing. That is the precious State being created.

Mr. MORSE. All I want to say in closing is that in my judgment the proper procedure is for the Congress to exercise its constitutional authority under article I, section 8, to pass judgment on the acts of the city council or people in an initiative action, if it is decided they have interfered in a Federal interest.

Once Congress speaks, the President has his constitutional right and duty to exercise his veto if he desires, and Congress can override it if it has a two-thirds vote.

I know of no reason why we should interfere with what I think is a very precious pattern of constitutional government.

Mr. BIBLE. Mr. President, I yield to myself such time as I may require.

First, I ask the author of the amendment, the distinguished senior Senator from Oregon, if he desires the "yeas" and "nays" on the amendment.

Mr. MORSE. Yes. That was the understanding yesterday.

Mr. BIBLE. Mr. President, I ask for the "yeas" and "nays."

The PRESIDING OFFICER (Mr. BASS in the chair). Is there a sufficient second?

The yeas and nays were ordered.

Mr. BIBLE. I first yield 3 minutes to the Senator from Pennsylvania, who has a statement he desires to make on the bill itself.

Mr. SCOTT. Perhaps because of official business, I may not have an opportunity to vote for the bill on its final passage. I have arranged to have my position announced.

I have favored home rule generally and hoped to the able to favor the pending bill.

What is coming forth now is not so much home rule as political machine domination. What has been happening has caused me to change my mind and I shall vote against the bill or be recorded against this so-called home rule.

Every good government amendment proposed has been beaten down by a heavy majority. For example, we attempted to provide for nonpartisan elections.

For example, a proposal to provide for nonpartisan elections, which is increasingly becoming the custom in major American cities, was defeated. That in-

dicates that this body wants partisan elections. The long tenure of office of one political party in the Federal Government indicates what party elections they want.

Do they want honest administration? A majority overwhelmingly defeated an attempt to apply the Hatch Act, so the future city fathers of the District of Columbia would not be bound by the ordinary restrictions that are applied to thousands of Federal employees in the United States. So I do not believe that good government or honest government or responsible government is wanted.

There is considerable opposition to allowing the President to have the veto power. No one would have veto power except two large bodies—bodies too large to act, too cumbersome to move, and too unwilling to act in any event.

Is anything wanted, then, but a political machine dominated by a handful of operators guided from up on the Hill as to what is to be done, and free to impose taxation, with not too much restriction by anyone?

The bill does not provide home rule, as I view it. It would create a political machine for one more city, a political machine providing all the opportunities for the kind of corruption that has just been exposed in my own cities of Philadelphia and Pittsburgh, an opportunity for pressure, an opportunity for all the ills and faults that have infested and have become, again, the shame of the cities.

For example, the bill contains a clause—I believe it is still in the bill—that the local city council shall name the judges. If the local city council of my city, for example, were to name the judges, I know what would happen. Instead of having judges elected in the first place, every time some member of the city council got pressure from somebody to fix a zoning law, to sell legislation, to fix a traffic ticket, even, he would go to a judge. What judge? The judge whom he placed in office, the judge whom he named.

So there would not be a nonpolitical judiciary; there would not be a pressure-free judiciary; there would be a judiciary over which Congress had no control. The standards of the judiciary would be lowered. The judiciary would really be denigrated to where it would be nothing in the world but a group of political hacks named by another group of political hacks, for the purpose of granting favors to friends; and, if it were anything like the system in Philadelphia, for the purpose of selling justice. I am not referring to the judiciary of Philadelphia, but to the common council and the recent investigation of it.

Since a good government amendment is not wanted; since responsible administration is not wanted; since nonpolitical and nonpartisan elections are not wanted; I shall not vote for this sham, this farce, which is mistakenly called home rule.

This proposal is a child illegitimately born from legitimate aspirations, an unfortunate reject from an original concept which might have given the people of this city balanced home rule, balanced, reasonable self-government, balanced with respect to revenues with which to run the city, balanced with regard to a judiciary free from pressure, balanced with regard to the choice that might be made in selecting those who are to govern the city.

The PRESIDING OFFICER. The time yielded to the Senator from Pennsylvania has expired.

Mr. BIBLE. I yield 30 seconds more to the Senator from Pennsylvania. I am running out of time.

Mr. SCOTT. I shall not be moved by any irrelevant argument which tends to create an atmosphere that if a Senator votes against home rule for the District of Columbia, he must be categorized as being against any other proposals made before Congress. I am against a home rule measure which I feel is a total failure as presently drafted. If it goes back to the other body and comes out in final form in a more honorable state than it is now, I will change my mind.

Mr. CLARK. Mr. President, will the Senator from Nevada yield time to me?

Mr. BIBLE. Mr. President, before I yield to the senior Senator from Pennsylvania, I should state that the committee thoroughly discussed the proposal contained in the last amendment. It was made abundantly clear that each of us wants a good, clean, honest government. The record was made clear that that will be done under the bill as it is presently drawn.

With reference to the Hatch Act, I commend to the distinguished junior Senator from Pennsylvania a careful reading of the RECORD. The truth is that in 40 political subdivisions in Maryland today, 9 in Virginia, 3 in the State of Washington, 1 in California, 2 in Arizona, 1 in Georgia, and 1 in Tennessee, Federal employees are permitted to participate in local elections and to hold office in their city councils. I wanted to set the record straight on that subject.

In my considered judgment, this is a good bill. It is a bill to guarantee honest government in the Nation's Capital. I wanted to make that clear.

I now yield 3 minutes to the distinguished senior Senator from Pennsylvania.

Mr. CLARK. Mr. President, I shall support the present amendment, because, in my opinion, home rule means what it says, There is no necessity to have the President interject himself through the veto power in connection with local legislation. Nevertheless, I have much sympathy with the position taken by the committee. I commend the Senator from Nevada for the statement he has just made.

I deplore the action of my junior colleague from Pennsylvania [Mr. SCOTT] who, I regret to say, has left the Chamber, in slandering his own home city.

Mr. SCOTT. If the Senator will yield, I will buy him a pair of glasses. The junior Senator from Pennsylvania is in the Chamber, on his feet, and is in direct opposition to what the senior Senator from Pennsylvania is about to say.

Mr. CLARK. I am happy to see that my colleague has turned his face instead of his back to the debate now taking place.

I reiterate my strong dissent from the action of my junior colleague in the Chamber a moment ago in slandering his own home town of Philadelphia, and in saying unpleasant things about that other great city in Pennsylvania—Pittsburgh—and in indicating that after 67 years of nefarious outstanding Republican misrule, either of those cities is so badly governed as it used to be when my colleague's party was in control.

Mr. SCOTT. The cities were governed by competent persons.

Mr. CLARK. I refuse to yield.

The PRESIDING OFFICER. The senior Senator from Pennsylvania declines to yield.

Mr. CLARK. I suggest to my colleague, in all good humor, that he remove the mote from his own party's eye in Northumberland County, where the notorious Henry Lark, with the most corrupt political machine in the State is now in power; and to take another look at the Republican machine in Delaware County, where the notorious John McClure misgoverned the county for some 50 years, before he makes the kind of charges he has made about his own city of Philadelphia.

The PRESIDING OFFICER. The time yielded to the Senator from Pennsylvania has expired.

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

Mr. CLARK. My time has expired.

Mr. SCOTT. Mr. President, will someone yield time to me to answer those damnable, inaccurate accusations?

Mr. MORSE. Mr. President, I yield 1 minute to the junior Senator from Pennsylvania.

Mr. SCOTT. The statements made by my senior colleague are without proof and, so far as I know, without substance. He has brought in people by name, which I regard as being done because this is a form of trial through immunity.

I suggest that the senior Senator from Pennsylvania go to Northumberland and Delaware Counties and repeat his accusations there, where he will not have immunity. I would not guarantee his reception, but I should hope that it would be restrained.

Mr. BIBLE. Mr. President, if I may now return to the pending amendment, which is the amendment of the senior Senator from Oregon concerning the question of the President's veto power, the committee has incorporated into the bill what it considered an important provision.

This provision would provide that the President of the United States could exercise an absolute veto of any act of the council which he found it desirable to prevent from becoming effective whenever in his judgment the Federal interest would be adversely affected.

I believe that the reasons for this provision are best set forth in the position of the Bureau of the Budget. There was specific testimony from the Budget Bureau as to this provision. On page 280 of the printed transcript of the hearings, five reasons are given for incorporating the veto power in the bill. It occurs to me, and I believe to the majority of the

committee, that they are good reasons. These reasons are:

1. Since both the mayor and the council are elected by the residents of the District, the veto provides an effective means of protecting the broader Federal interest in the Capital.

2. The President can operate more expeditiously than Congress to nullify an act which adversely affects the Federal interest, particularly if it is passed when the Congress is not in session.

3. Denial of the veto would leave the President no avenue of participation in the legislative process of the District except when Congress exercised its legislative power, and would place the District Council in a position superior to the Congress viz-a-viz the President.

4. If Congress objects to the use of the veto respecting any District act, it can, of course, exercise its own legislative powers to enact the measure.

5. A precedent exists with respect to the territories, where the President could veto acts passed over the Governor's veto.

I believe that those are good and valid reasons.

I believe that the amendment of my distinguished friend the Senator from Oregon should be rejected.

Mr. President, I reserve the remainder of my time.

Mr. MORSE. Mr. President, none of us should be surprised to find that the Bureau of the Budget advocates greater executive power. That happens to be the position of the Bureau of the Budget. It has nothing to do with what the legislative responsibilities of Congress are under the Constitution. I do not intend ever to ignore that fact.

As to the point that the President could handle it more expeditiously, which was the argument of the Bureau of the Budget, that is an interesting expression. What do we mean by "more expeditiously"? Discretionary power could be exercised without the certainty of a quick review, if one would call that handling a measure expeditiously.

Let us see what is necessary and what we would not have. Under the veto power of the President, as proposed in the bill, we would not have the opportunity to have hearings and make a record. Hearings ought to be held, at which people would have the opportunity to testify and state their case. That is the legislative process.

The House and Senate District of Columbia Committees deal with District affairs. They would have that responsibility. If they were to decide on the basis of the record that the Federal interest has been violated, they could proceed to pass legislation to set the ordinance aside. The President, if he disagreed, could veto that act of Congress. We would then have the precious system of the separation of the powers unviolated. The President could decide whether to veto the measure and the Congress could decide whether it should override his veto.

I see nothing in the position of the Bureau of the Budget which would justify setting aside the long-established system of the separation of powers for which I have been pleading.

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

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the senior Senator from Oregon. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Louisiana [Mr. LONG] and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from Virginia [Mr. BYRD] and the Senator from South Carolina [Mr. RUSSELL] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. PEARSON] is detained on official business, and if present and voting, would vote "nay."

The result was announced—yeas 20, nays 75, as follows:

[No. 195 Leg.]

YEAS—20

| | | |
|---|---|---|
| Aiken | Gruening | Murphy |
| Anderson | Inouye | Nelson |
| Church | Kuchel | Neuberger |
| Clark | Long, Mo. | Ribicoff |
| Cooper | Montoya | Simpson |
| Douglas | Morse | Young, Ohio |
| Fannin | Moss | |

NAYS—75

| | | |
|---|---|---|
| Allott | Hart | Monroney |
| Bartlett | Hartke | Morton |
| Bass | Hayden | Mundt |
| Bayh | Hickenlooper | Muskie |
| Bennett | Hill | Pastore |
| Bible | Holland | Pell |
| Boggs | Hruska | Prouty |
| Brewster | Jackson | Proxmire |
| Burdick | Javits | Randolph |
| Byrd, W. Va. | Jordan, N.C. | Robertson |
| Cannon | Jordan, Idaho | Russell, Ga. |
| Carlson | Kennedy, Mass. | Saltonstall |
| Case | Kennedy, N.Y. | Scott |
| Cotton | Lausche | Smith |
| Curtis | Magnuson | Sparkman |
| Dirksen | Mansfield | Stennis |
| Dodd | McCarthy | Symington |
| Dominick | McClellan | Talmadge |
| Eastland | McGee | Thurmond |
| Ellender | McGovern | Tower |
| Ervin | McIntyre | Tydings |
| Fong | McNamara | Williams, N.J. |
| Fulbright | Metcalf | Williams, Del. |
| Gore | Miller | Yarborough |
| Harris | Mondale | Young, N. Dak. |

NOT VOTING—5

| | | |
|---|---|---|
| Byrd, Va. | Pearson | Smathers |
| Long, La. | Russell, S.C. | |

So Mr. MORSE's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 157, line 20, to strike out the word "eighteen" and insert in lieu thereof the word "twenty-one".

Mr. LAUSCHE. Mr. President, the time I shall take in the presentation of my reasons why the amendment should be adopted will be very brief.

The bill qualifies to vote those who have reached the age of 18 or more. My amendment contemplates striking the word "eighteen" and inserting in lieu thereof the word "twenty-one".

There are 50 States in the Union. In 46 of them the voting age is 21. In 4, it is less than 21. In Georgia and Kentucky it is 18 years. In Alaska I believe it is 19. In Hawaii it is 20.

The argument I wish to make is that 46 States have heard this subject debated for the last 30 years, and none of them except the 4 which I have identified has changed its concept of what the voting age should be. That is my argument.

I now yield to the Senator from Florida [Mr. HOLLAND] for a matter which he seeks to discuss which is not immediately connected with my amendment.

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

The yeas and nays were ordered.

Mr. HOLLAND. I thank the Senator from Ohio for his courtesy in yielding to me. I am entirely in accord with his amendment, because it seems to me to be the consensus of the Nation that 21 is the appropriate age to be followed, as 46 out of 50 States, by their basic legislation, require.

However, I have risen to speak on another subject.

I supported home rule for the District of Columbia for several years after I came to the Senate.

I have supported it not only by my vote, but also on one or more occasions by remarks on the Senate floor.

However, since I cannot and will not vote for the pending measure, I believe that I owe it to myself and to the Senate generally to explain why, some years ago, I changed my point of view, and why I now feel very strongly that I could not possibly support the pending measure.

In general, I have heretofore supported the principle of general participation of citizens in any area of America in decisions affecting their important governmental problems.

I supported that principle in my own State, in eliminating the poll tax requirement.

I supported it here as the author of the 24th amendment eliminating the poll tax in Federal elections throughout the Nation.

I supported the principle as a sponsor of statehood bills for Alaska and Hawaii.

I supported and voted for the 23d amendment giving citizens of the District of Columbia the right, for the first time, to participate in presidential elections.

I would be ready now to give to the citizens of the District of Columbia many of the powers of decision affecting their local problems, because I believe that not only would they be better qualified to discharge them, but also it would relieve Congress of the heavy burdens which, too often, it does not well perform.

But, Mr. President, in view of the bad crime record now existing in the District of Columbia, and the various questions connected therewith, I could not be a party to surrendering the responsibility of Congress to deal with that problem, or the responsibility of the Federal Government to have something directly to do with the solution of that problem.

Mr. GRUENING. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I am glad to yield to the Senator from Alaska for a question.

Mr. GRUENING. Does the Senator from Florida feel that Congress is doing a good job in preventing crime in the District of Columbia?

Mr. HOLLAND. I do not. I feel that we should do a better job. I believe that we should be doing a worse job if this problem were turned over to a ward system of government in the District of Columbia, under which 14 wards would be established with 14 councilmen locally elected and 5 councilmen would be elected at large, with complete control of the Police Department given to that elective council.

Mr. President, I cannot think of anything more likely to greatly diminish the enforcement of criminal law in the District of Columbia than to take such a step.

I need not elaborate for the record on the distressing presence of crime at all sorts of dangerous levels now prevalent in the District of Columbia. It would be unnecessary repetition to discuss something everyone knows, to remind the Senate that crimes of murder, rape, robbery, burglary, larceny, and all kinds of acts of violence are so common in the District that safety is no longer enjoyed by our citizens.

It would be unpleasant to dwell further on this aspect of the problem, but I remind the Senate that only the day before yesterday the President himself recognized this terrible problem by inviting the attention of the District of Columbia in particular to its existence, by setting up a Crime Commission to deal as best it can with this pressing problem.

Mr. President, I invite attention to the fact that within the past few weeks or days Congress has appropriated a substantial additional sum of money to increase the number of policemen in the District of Columbia. My recollection is that approximately 250 police officers have been added to the District police force.

We all know that is the condition which now exists. But, I do not believe these actions go far enough to discharge the responsibilities of the Federal Government. Let me say to my friend the Senator from Alaska [Mr. GRUENING] that I am the first to recognize that Congress and the Federal Government have not handled responsibility too effectively simply by having the President inveigh against the existing situation and appoint a Crime Commission to look into the problem, or by having the Congress inveigh against it and supply a large addition to the police force of the District of Columbia.

I believe that our responsibilities under the Constitution are such that we should not be placing this burden on someone else's knee, particularly when we know that it would be under a setup which has not commended itself to good law enforcement in general throughout the Nation, because control of crime in cities which have the ward system handling their police departments has been far from complete in many instances, and far from capable and effective in many instances, that I do not have to comment further on that fact.

Yet, that is what we are being asked to set up, in approving this particular so-called home rule bill.

Further, I believe that we should not discharge our responsibilities complacently by merely enacting this so-called home rule bill. My own feeling is that we must recognize that we have a responsibility; and if we have not measured up to it well enough in the past, we should now bend every effort to try to do better.

Need I remind the Senate that acts of violence have occurred too frequently against our own employees, even against our own families. I remember this year, there have been at least three acts of violence against employees of Members of the Senate and the House of Representatives. There may be more which I have not heard of. There have all too frequently been occasions when visitors to the Nation's Capital—and several million visit us every year—were subjected to acts of violence—murder, rape, theft, and yokings.

Many of our citizens who come to visit the Nation's Capital are youngsters who look upon their visit as a pilgrimage to the shrine of their country. When they arrive here, they too often receive that kind of treatment.

Need I remind the Senate that there are too many of the citizens of the District of Columbia—and, of course, there are many fine citizens here, as good as any in the Nation—whose actions as citizens have shown too little of their duty realization and too little willingness to face the crime problem to make me believe that they would handle it any better if it were placed exclusively in their hands?

Need I remind the Senate that thousands of citizens have left the District of Columbia largely because of the crime situation?

Need I remind the Senate that in many instances recently, citizens have refused to cooperate with police officers, or with other citizens, when they have been asked to help in warding off violence that was imminent or which was then occurring?

Need I remind the Senate of the many crimes of brutality which have been alleged against police officers—who, it seems to me, have been remarkably patient in handling some of the difficult situations with which they have been confronted in recent months and years—and yet have been accused of these charges of brutality, which makes their enforcement of the law even more difficult.

Need I remind the Senate that in many instances citizens have been unwilling to testify? Senators will remember, when the child of one of our employees was stabbed to death a few years ago, in the presence of many of the local citizens, that not one was willing to come forward and testify as to what had happened.

Thus, the situation does not indicate to me a sense of fairness or of local responsibility which would justify our acting, with great complacency, to pass on this important field of enforcement of the law to the local citizenry, particularly under the ward system under which complete control of the police department would be given over to the elected mayor and the council.

I remind Senators that 14 of the 19 Members would be elected on a ward basis.

Mr. President, it seems to me that for those reasons and for one other that I shall mention we have a responsibility which we should not ignore.

The other reason which I mention has to do with the presence of more than 100 embassies and chanceries and the personnel sent here at the highest level, and at lower levels, of both friendly and unfriendly nations from all over the world.

Senators have read in newspapers and have heard personally of distressing cases of violence committed upon the high and the low among visitors who are here in a peculiarly privileged status, in which connection we are partially responsible for their safety.

I do not believe we can resign from that responsibility.

So, Mr. President, without longer detaining the Senate, while I would be willing to give many powers to the local citizenship, and while I have shown my willingness, by my support of the 23d amendment to the Constitution of the United States, as my remarks in the RECORD at that time will show, I am unwilling to give to this citizenship, under present conditions, and under the present deplorable criminal conditions in the District of Columbia, complete control over their police and law enforcement agencies. I do not believe it would be a proper discharge of our responsibilities and a proper protection of the people of the United States who come here by the millions, as well as the protection of the people who come here from other countries, and those who work for us, or, for that matter, those who are members of our own families.

I shall regretfully vote against the bill. I make this statement both because I have supported home rule on other occasions and because I do not know whether there will be a yea and nay vote on the bill, which I certainly hope we may have, because I believe Senators should have a right to put themselves on record.

I thank the distinguished Senator from Ohio [Mr. LAUSCHE] for permitting me to make this statement.

I ask unanimous consent that my remarks may not be charged to his time.

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

Mr. MORSE. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, I reserve the remainder of my time.

Mr. BIBLE. Mr. President, I should like to make some comments on the statements made by the senior Senator from Florida [Mr. HOLLAND]. These remarks are not directed to the pending amendment.

It seems to me that what the Senator has said was a rather harsh indictment of those of us who work on probably the most thankless job to which any Senator can be assigned; namely, the legislative Committee on the District of Columbia.

I believe that it is possible to count on half of one hand the number of Senators who seek to serve on this committee. I do not say this apologetically, because from the standpoint of hours of service, I believe I have devoted my very best effort in an attempt to draft appropriate legislation in a situation which I know is bad.

To be belabored goes a little deep, because this is really one of the most thankless jobs I can think of. We have spent a great many man-hours trying to arrive at a realistic solution to the crime problem. It is not easy.

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

Mr. BIBLE. I shall yield in a moment.

The chairman of this committee has found himself, hour after hour, day after day, presiding by himself in attempting to hear those who had suggestions to make, in an attempt to try to alleviate what we know to be a bad crime problem.

It is not all as black as the Senator from Florida has stated. We have done a great many things in our committee which we believe have been helpful, and some of it in the face of rigorous opposition.

When I first began to serve in the Senate I found myself—I do not know whether I had checked it out very carefully—on the Committee on the District of Columbia. I found myself in charge of fiscal affairs. I found myself in charge of a bill which would have added additional manpower to the juvenile court system. I admit that I am not very persuasive. I was not very persuasive in this instance, because I believe it took me 5 years to add two additional judges to the juvenile court system. This was done, but it was difficult to do.

We have increased the authorization for additional police officers in the city. We have armed the police as best we could, acting on the requests that they made of us.

Only recently we appropriated money to permit them to designate what are called trouble areas and to saturate them with police officers in an attempt to bring the growing crime problem to a halt.

The statistics, obviously, are not good. However, let us be fair. Let us say that the statistics on crime nationwide are not good. Testimony shows that the city of Washington compares favorably with any other city of comparable size. Still, this does not make it a good record. Those of us on the committee are doing our level best to attempt to correct some of these problems.

We have one of the finest police forces in the Nation. It is one of the highest paid police forces. I believe it is second only, from the standpoint of pay, to that of San Francisco. It is very high from the standpoint of pay. I believe the beginning salary is $6,000 a year. We also have instituted one of the best retirement systems.

In session after session we have come before Congress in an attempt to try to improve the situation and give to the chief of police the manpower he wants and which he has said he needs. He has repeatedly told us that one of his main problems lies in the fact that he cannot recruit all the men he wants on the police force.

I would indicate to the Senator from Florida that those of us who serve on the committee do our level best to bring this problem to Congress year after year in order to strengthen the hands of the police officers and in an attempt to make some effective inroads on the crime problem. This is on a short-range basis. Some of the long-range problems involve educational needs, housing needs, welfare needs, and recreation needs, which have been too long delayed in this community.

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

Mr. BIBLE. I shall close in a moment, and then I shall yield to the Senator from Florida.

I wished to say this in the presence of the Senator from Florida. We have moved forward in an attempt at a short-range solution of the problem. We are trying to move forward in the long-range solution of the problem.

I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I wish to make it abundantly clear that not only do I lay no fault at the feet of the distinguished Senator from Nevada, who works so tirelessly in his effort to be of service to the District of Columbia and the Nation; and I have repeatedly told him that I thought he was rendering an excellent service in this capacity. I have told him so privately, and I now say so on the floor of the Senate.

At this time I wish also to pay my tribute to other members of the committee who, in addition to the Senator from Nevada, are the Senator from Oregon [Mr. MORSE], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from New York [Mr. KENNEDY], and the Senator from Maryland [Mr. TYDINGS]; and on the other side of the aisle the Senator from Vermont [Mr. PROUTY] and the Senator from Colorado [Mr. DOMINICK]. Those Senators have labored tirelessly. I wish especially to say that what I have said applies particularly to the Senator from Nevada and the Senator from Oregon [Mr. MORSE] since I have frequently discussed District problems with them and in doing so I speak of my own knowledge.

I do not believe that under present crime conditions the Senator from Florida can vote to discharge his responsibility—and I am now making it personal—or to discharge the responsibility of Congress—and we are partly responsible for the present situation—merely by laying the load upon the knees of the citizenry of the District of Columbia.

The Senator from Florida knows a good many citizens in the District of Columbia, some of whom serve in humble positions, some in the Senate, some in the House of Representatives, some in the hotel where I live, and some in other spots—for example, taxicab drivers. Literally dozens of such humble citizens have come to me as though they were afraid to speak their real sentiments, just as so many persons have been afraid, apparently, to come to the aid of officers when they call for their assistance when they have been shot down or cut down and left unassisted. They come to me and say, "We do not want home rule because there is too much of the criminal influence that we cannot combat."

I believe I speak for a great many people in the District of Columbia, both of humble state and high state, when I say that I do not believe we should merely wash our hands of the responsibility in the field of law enforcement. It is not easy for me to make that statement, for two reasons:

First, at one time I served on the District of Columbia Committee. I got off of it as rapidly as I could, since I represent a State that is very active and which has many interests and many burdens. I did not feel that I could continue to carry that additional burden.

Second, I supported home rule, as I have stated, in the past. I feel that the present development leaves us in a situation in which we—or at least I, speaking only as one Senator—could not vote to try to relieve myself of the responsibility merely by saying that we are going to leave it to those good people in the District to work out. I do not believe we can. They are entitled to the help of Congress, and they must have the help of Congress if they are to improve the intolerable conditions which give Washington, D.C. such a black eye in all the world and in many parts of our own country, which inveigh against the pride in the Nation's capital which every American should have. It is only from that point of view that I have said what I have said.

I am not belaboring in any sense any member of this committee. The Senator from Nevada knows that I have complimented him on repeated occasions for carrying the heavy burden which he is carrying. He has carried it nobly, to his own hurt, physically and in every other way, and in such a way as to force him to give undue attention to this problem. So long as conditions remain as they are now, and so long as the attitude of so many local people remains as it is now, I could never vote for the home rule bill.

I thank the Senator for yielding.

Mr. BIBLE. I am very happy that the Senator has made that statement. He has expressed his sentiments to me on a number of occasions. I wish to make the record very clear as to some of the things we are doing in this area.

Under the terms of the bill the Congress could enact any additional legislation that it might feel necessary to deal with the problem. We are not getting out of this field by enactment of the bill. If that is the reason for a Senator voting against the home rule bill, that is a question for his own personal decision and his own personal judgment. There are adequate safeguards in the Congress of

the United States which will authorize it at any time to enact necessary legislation in this field if it is indicated and needed.

Mr. President, I believe I had better return to the amendment, which is the pending business.

First, I should like to ask the Chair how much time I have remaining.

Mr. GRUENING. Mr. President, will the Senator yield? I should like to speak in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Nevada has 20 minutes remaining.

Mr. BIBLE. First, I made a commitment to yield to the Senator from Wisconsin [Mr. NELSON]. As soon as I have yielded to him, I shall be happy to yield to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, my remarks will not require more than about 5½ minutes.

I am for the home rule bill. Nothing that I say in my prepared remarks should be construed in any way as a reflection upon any Member of the District Committee of either House, because I happen to believe that service on the District of Columbia Committee, here and in the other body, is the most demanding contribution of time, with the least reward, that is made upon Members of either House of Congress. The work that has been done by the distinguished Senator from Nevada, the distinguished Senator from Oregon, and the others who are members of the committee leaves the rest of us in their debt.

I have had a feeling that perhaps it would be a good idea to adopt a rule that all those who vote against home rule should be required to serve upon the District of Columbia Committee in either House until they change their minds.

It seems to me that all the arguments that can be made have been made this year, last year, the year before, and for many, many years by able spokesmen in behalf of home rule for the District of Columbia. I have little or nothing to add to any of the distinguished arguments that have been made, except to suggest that the U.S. Senate, the greatest deliberative body in the world, has done an honorable and important service in its past legislative consideration of District matters. Having served well, it deserves a rest.

Consider, for example, that we gave serious and well-merited Senate attention, last July, to the important matter of packaging cream in the Capital area. After due and thoughtful deliberation, and careful investment of Senators' time, we concluded that the old law required an amendment. Formerly, the Senate had duly required as a matter of law and grave public policy that bottles or jars used for the sale of milk or cream had to be of the capacity of 1 gallon, one-half gallon, 3 pints, 1 quart, 1 pint, one-half pint, or 1 gill.

This is and has been an important matter, but, as times change, so must the law. Having duly deliberated on this matter, last July, we concluded, as a matter of law, that in the District of Columbia, milk and cream could also be sold in cartons containing 1 ounce. I am happy and proud that this decision was taken. Now it is easy for the consumer to purchase those neat little containers of coffee cream, so usefully found in our best restaurants. Having done its job as a legislative body on this important matter, I believe the Senate and the Congress deserve a rest. Though one may disagree, and I would not want to argue the point at great length, I believe that with a certain patience and confidence and faith we may find that the District of Columbia itself can rule upon such weighty matters.

Let me add that at the same time we passed this law, we also legalized the sale of Eskimo Pies in the District. I will readily admit that arguments against this aspect of the legislation that the Congress considered may be more persuasive. I do not wish to predict that the District itself will be able to handle such questions without making dangerous mistakes. Nonetheless, I suppose that in any matter of high national policy there are risks that must be taken. But to live is to live with some dangers that one simply has to accept.

I want to say one or two other words of praise for the fine work the Congress has done in the past. It seems to me that our deliberation and study was most thorough in the period preceding our approval of legislation which eliminated the requirement that the District keep an alphabetical file of liens on motor vehicles and trailers. I hope that an independent District government will also consider such matters with a certain care.

Again, we did well indeed in changing the law so as to authorize the Association of Universalist Women to consolidate with the Alliance of Unitarian Women. Lest there be any confusion about this vital piece of legislation, let me point out that the Alliance of Unitarian Women was formerly known as the National Alliance of Unitarian and Other Liberal Christian Women.

During the years of the 88th Congress, we also enacted District laws to:

Raise the fee for learner driving permits from $2 to $5;

Not being used to dealing with large sums, Senators can see what a difficult decision that must have been for the Congress to make.

After long deliberation, Congress enacted a law to permit foreign life insurance companies to mail copies of their annual report to policyholders who live in Washington.

We also passed a law to permit condominium units to be located on more than one floor of a building.

Earlier this year, after due consideration, we passed a bill to allow the Veterans of Foreign Wars to rent an office in the District of Columbia. While there were many who questioned the wisdom of this action, there was no doubt in my mind but that we did the best we could.

I do have one quarrel with Congress' past treatment of the District, I must admit. In my opinion, the decision last year not to repeal the prohibition against flying kites, balloons, and parachutes was not well taken. Considering the many significant measures we did pass, however, I do not think anyone would be so harsh as to condemn us unduly for our laxity in this one instance.

All in all, Mr. President, I believe we have acted carefully and well on these questions; I am hopeful that a decision of this weight and magnitude can be made with prudence and wisdom by an independent District of Columbia. As for Congress, I feel that we have done enough. We deserve a rest.

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

Mr. NELSON. I yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. The Senator from Wisconsin does not realize how fortunate he has been. When the Senator from Rhode Island first came to the Senate in 1950 from the Governor's chair in Rhode Island, he had to decide, as his first responsibility on the Committee on the District of Columbia, exactly how large a rockfish one could fish out of the Potomac without being compelled to put it back. That is not a fishy story.

Mr. NELSON. It was a tough decision, too, for a man who is not a fisherman.

Mr. BIBLE. Mr. President, I commend the distinguished Senator from Wisconsin for putting this problem in its proper perspective in his delightful manner and way.

In mentioning the members of the legislative Committee on the District of Columbia, I did not intend that to be exclusive recognition, because as a member of the Committee on Appropriations I am aware of the work that the great Senator from Rhode Island [Mr. PASTORE] did as chairman of the Subcommittee on District of Columbia Appropriations, on which he has just commented, and the hours that were required of him and the other members of the subcommittee who served with him. That is likewise true of the distinguished Senator from West Virginia [Mr. BYRD], who is now chairman of that subcommittee, and the other members of his group.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Senator from Nevada has 10 minutes remaining.

Mr. BIBLE. Again returning to the amendment at hand, relating to the question whether the voting age should be 18 or 21, this question is not new to Congress. It has come to us before. It came to us in the 87th Congress, at the time when we had before us a bill to determine the qualifications of voters who would participate in a presidential election. The bill as it came to us set the voting age at 18 years, and the residence requirement at 6 months, as being correct. There was considerable discussion on that subject. Many amendments were offered—five, as I recall. If I read the RECORD correctly, the vote to change the voting age from 18 to 21 was 38 to 36, which is, I believe, some indication of

how close this question may frequently be.

One additional area that has not been mentioned is the territory of Guam, where voting is permitted at the age of 18.

The hearing record shows that on this particular point the recommendation came in these words. I refer to page 123 of the hearing record.

The President has considered this matter carefully, and it is his conclusion that the age of 18 and the 6-months' residence requirement is the correct one, and he would like to support it.

I can say unequivocally and on authority that that is the position of President Johnson this day.

The late President Kennedy, in his first year of office, appointed a special commission to examine into the questions of voting age and voting residence. That national committee made its report and recommended a voting age of 18, with a 6-months' residence required for voting.

The statement I have just made appears in the RECORD. President Johnson was of exactly the same opinion and favors a voting age of 18 years.

This question has been discussed and debated in every State. A resolution is pending in the legislature of my own State of Nevada at the present time.

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

Mr. BIBLE. I yield.

Mr. MILLER. Can the Senator from Nevada tell us what the age is for entering into a binding contract in the District of Columbia?

Mr. BIBLE. I have checked that. I believe I am correct in saying that the age for entering into a binding contract in the District of Columbia is 21.

Mr. MILLER. Can the Senator tell us the minimum age at which a person may convey a piece of real estate and enter into a deed which would be considered marketable?

Mr. BIBLE. I believe that it, likewise, is 21 years, in the District of Columbia.

Mr. MILLER. My only response is that it seems to me that the exercise of the voting franchise is as fundamental and precious a right as is the right to enter into a binding contract or to convey real property.

If the bill had provided a change in the law to permit 18-year-olds to enter into a contract or to convey real estate, it would have been consistent. But as it is now, it seems to me that until the law can be changed regarding the age at which binding contracts, the conveyance of real property, and many other items in the field of law can be handled by a person of the age of 18, we are probably jumping the gun a little by changing the voting age.

Mr. BIBLE. I appreciate the sentiments of the Senator from Iowa. This argument is frequently made. An additional argument is that young men are fighting in the Armed Forces when they are 18 years of age.

Mr. MANSFIELD. And it is a binding contract.

Mr. MAGNUSON. I was about to ask the age at which a person can be drafted.

Mr. BIBLE. I feel certain that those who are serving in Vietnam are convinced that it is not only a binding contract but a difficult contract.

I now yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, I oppose the amendment offered by the Senator from Ohio. I feel, as has been said before, that if young men can be drafted into military service and go out and be prepared to die at the age of 18, they should be entitled to vote at the age of 18.

To say, as the Senator from Ohio does, that so far only four States have changed the voting age below 21 is not a convincing argument to me. We are constantly broadening the base of our democracy. That has been so throughout the course of American history and properly so. We should not desist from that desirable course.

It is rather interesting to observe that the four States which have changed the voting age below 21 years include one of the original 13 States—Georgia, whose distinguished junior Senator [Mr. TALMADGE] I observe in the Chamber; Kentucky, which entered the Union shortly afterward in 1792 as the 15th State; and the two youngest States, the 49th, my own State of Alaska, and Hawaii, the 50th State. The people of these four States both old and young have had the wisdom and progressiveness to allow their young men to vote at an earlier age.

I hope that the provision in the bill to establish the voting age as 18 will not be modified, and that the amendment to do so will be rejected.

Mr. MILLER. Mr. President, will the Senator from Ohio yield time to me?

Mr. LAUSCHE. I yield.

Mr. MILLER. The argument about the age of 18 being young enough to vote to fight for the country and go into the Armed Forces, and that, therefore, one must be old enough to vote if he is 18, is not quite the point. If it were the point, every State in the Union would have long ago permitted 18-year-olds to enter binding contracts and to convey real property.

While hundreds of thousands of 18-year-olds from all 50 States have entered the armed services, only four States, as of now, as the Senator from Ohio has pointed out, have concluded that under 21 is an age at which voting can be done.

I might suggest that the figures will show, similarly, that most States require the age of 21 for entering into binding contracts or the conveyance of real estate. Merely because one is capable physically to fight for his country does not necessarily mean that he has the capacity to enter into a binding contract or to convey real property.

I suggest that the voting franchise is just as important as the entering into of a contract for the conveyance of real estate. I believe that it is even more important. So if we are going to do the job, I suggest that we change the bill so as to provide for the conveyance of real estate and for the entering into of binding contracts at the age of 18, and couple that provision with the provision for the change in voting age.

Mr. PASTORE. Mr. President, will the Senator yield me 1 minute?

Mr. BIBLE. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, the only reason that I became involved in the debate is that when I was Governor of my State I recommended that there be a constitutional amendment to lower the voting age from 21 to 18.

I did that precisely for the reason that we are arguing here today, that if our country can call upon a young man to shoulder a gun and fight for this country, that young man ought to be able to decide who the man will be who is going to send him to war. I believe that is the test.

I believe that is the proper test, rather than the test as to whether a young man is sui juris at the age of 21 and can sign a contract. I believe the question is whether, if we are living in an age in which young people of 18 years of age are to be called upon to serve their country, they ought to be permitted to decide who the councilman shall be in the District of Columbia.

I believe that we can argue this question one way or the other. However, the argument that, if we are to lower the legal age for voting, we must lower the age for a young person to be able to act legally as an adult is fallacious. I do not believe that it applies. I do not believe that it compels us at this moment to revise all our statutory law in order to make this change.

The voting age has been changed by law in four States at the present time. I believe that in due time other States will get around to doing the same thing. Our boys and girls of the age of 18 years are conscious today of what is going on around them. They are better educated than their predecessors were. There is no magic in the age of 18 or 21.

I believe that in our modern society, as we look to our youth to sacrifice and fight for us, we should provide them with the power to decide who their President shall be, who their Senators shall be, and, under this bill, who their councilmen will be.

Mr. MORSE. Mr. President, will the Senator yield me 1 minute?

Mr. BIBLE. I yield 1 minute to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. MORSE. Mr. President, I wish to supplement the views of the Senator from Rhode Island and the views of my chairman. However, one of the reasons why I have recommended in my State for a good many years the 18-year-old age limit is that I am satisfied that 18-year-old youths, as a result of the great improvement in our educational system during the last 100 years, are really better informed and better qualified to pass on questions of government than a good many millions who are many years older. They ought to be better qualified. If they are not, our whole educational process has broken down.

I always welcome an opportunity to support my President when I believe he is right. In spite of the whispered conversation from my good friend the Sen-

ator from Ohio [Mr. LAUSCHE], whom I have not found to be correct very often recently, I find the President to be correct in this instance. His witness at the hearing, Mr. Staats, who spoke on behalf of the President, said:

The President has considered this matter carefully. It is his conclusion that the age of 18 and the 6 months' residence requirement is the correct one, and he would like to support that.

I ask the majority leader to see that the President is notified that I agree with him, and that I shall vote for the 18-year limitation and against the amendment of the Senator from Ohio.

Mr. DOMINICK. Mr. President, will the Senator yield me some time?

Mr. BIBLE. I have no time remaining.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield me a minute and a half?

Mr. LAUSCHE. Mr. President, I yield 1½ minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1½ minutes.

Mr. DOMINICK. Mr. President, I offered a constitutional amendment in the State legislature when I was a member of the minority party. I offered that amendment 4 years in a row to try to have the age limit reduced from 21 to 18, as has been mentioned also by the distinguished Senator from Rhode Island.

I thought the Senate would be interested to know that the majority party, the Democratic Party, refused to let the amendment out of committee.

I asked them why. They said, "We are sure that there are many responsible 18-year-olds who would vote, but, unfortunately, most of them would be Republicans. We do not want to give them the chance."

Mr. LAUSCHE. Mr. President, I yield 2 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. ERVIN. Mr. President, I expect to vote against the bill for several reasons, one of which is that under the terms of the bill, the Federal Government would have to pay to the District of Columbia government what is equivalent to an ad valorem property tax upon all of the Federal property in the District of Columbia used for governmental purposes. The Federal Government would have to pay a tax to the District on the Capitol of the United States and on the flagstaff and the flag displayed over the Capitol.

Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD extracts from page 142 to page 146, both inclusive, which sustain the accuracy of my observations.

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

PART 4—ANNUAL FEDERAL PAYMENT TO DISTRICT

*Annual Federal payment to District*

SEC. 741. (a) In recognition of the unique character of the District of Columbia as the Nation's Capital City, regular annual payments by the Federal Government are hereby authorized to cover the proper share of the expenses of the District government. On or before January 10 of each year, the Mayor shall, with the approval of the Council, submit to the Secretary of the Treasury through the Administrator of General Services a request for a Federal payment to be made during the following fiscal year, and the amount of such payment shall be computed as follows:

(1) An amount (to be paid to the general fund) computed as of January 1 of the fiscal year preceding the fiscal year for which payment is requested based upon the following factors:

(A) The amount of real property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested, based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a result of the exemption from real property taxation of the following properties:

(i) Real property in the District owned and used by the United States for the purpose of providing Federal governmental services or performing Federal governmental functions, but excluding parklands, museums, art galleries, memorials, statuary, and shrines, and also excluding to the extent to which it may be so used, property owned by the United States and used to provide a service or perform a function which would otherwise be provided or performed by the District, such as, by way of example and without limitation, public streets and alleys and public water supply facilities.

(ii) Real property in the District exempt from taxation by special Act of Congress or exempt from taxation pursuant to subsection (k) of section 1 of the Act approved December 24, 1942 (56 Stat. 1809), as amended (sec. 47–801a(k), 1961 ed.), and not eligible for exemption from taxation under any other subsection of said section 1 of the Act approved December 24, 1942.

(B) The amount of personal property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a consequence of the exemption from personal property taxation of tangible personal property located in the District and which is owned by the United States, exclusive of objects of art, museum pieces, statuary, and libraries. Tangible personal property located in the District owned by the United States may be estimated by one or more methods developed by the Mayor and approved by the Administrator of General Services.

(C) The amount obtained by multiplying by a fraction the actual collections, during the second fiscal year preceding the fiscal year for which the annual Federal payment is being requested, of corporation and unincorporated business franchise taxes, and taxes on insurance premiums and on gross earnings of financial institutions and guaranty companies. The numerator of such fraction shall be the total number of Federal Government employees whose places of employment are in the District, as estimated by the United States Civil Service Commission, and the denominator of which shall be the total number of other employees whose places of employment are in the District, as estimated by the United States Employment Service for the District, but excluding employees of the government of the District, employees in nonprofit activities and domestics in private households, also as estimated by such Service.

(2) The amount of the charges for water services furnished to the Federal Government by the District during the second fiscal year preceding the year for which the annual Federal payment is being requested (to be paid to the water fund).

(3) The charges for sanitary sewer services furnished to the Federal Government by the District during the second fiscal year preceding the year for which the annual Federal payment is being requested (to be paid to the santitary sewage works fund).

(b) After review by the Administrator of General Services of the request for Federal payment and certification by him on or before April 10 of the fiscal year preceding the fiscal year for which the annual Federal payment is being requested that such request is based upon a reasonable and fair assessment of real and personal property of the United States and a proper and accurate computation of the factors referred to in section 741(a)(1) and is in conformity with the provisions of this section, the Secretary of the Treasury shall, not later than September 1 of each fiscal year, cause such payment to be made to the District out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is authorized to advance on or after July 1, out of any money in the Treasury not otherwise appropriated, without interest, such amounts (not to exceed in the aggregate the total payment in the previous fiscal year) as may be required by the District pending the payment of the amount authorized by this section.

(c) The Administrator of General Services shall enter into cooperative arrangements with the Mayor whereby disputes, differences, or disagreements involving the Federal payment may be resolved.

(d) For the first fiscal year in which this part is effective, the amount of the annual Federal payment may be computed on the basis of preliminary estimates: *Provided*, That such amount shall be subject to later adjustment in accordance with the provisions of this part.

Mr. ERVIN. I reiterate that under the pending bill, the Federal Government would have to pay to the District of Columbia government on Federal property in the District what is equivalent to an ad valorem property tax. Such payment would have to be paid even upon the value of post offices in the District of Columbia. That is something that would not happen anywhere else in the Nation.

Mr. LAUSCHE. Mr. President, I yield myself whatever time I may need within the time that still remains for my use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LAUSCHE. Mr. President, at the beginning of my remarks on my amendment, I said that for the past 30 years the subject of what the voting age ought to be has been discussed in the various States.

I was elected Governor of Ohio in 1944. I served for 10 years. I visited universities, high schools, and other institutions of higher learning at a time when the subject of voting age was being discussed in every school of the State.

I was subjected to questions concerning why an 18-year-old should not be permitted to vote. The identical arguments that have been made on this floor during the last 45 minutes were made in those discussions. Some people said if a boy is capable of carrying a gun, and is subject to the carrying of a gun, why should he not have the right to vote? Others would say that if the boy has the right to vote at 18, why should he not be permitted to make a will disposing of his

property at the age of 18? Some asked why he should not be permitted to make a contract to buy diamonds, furs, automobiles, and luxuries which contracts he would be obligated to perform and why he should not be permitted, if he has been the legatee of real estate, to sell that real estate and execute a deed?

There is no difference in the arguments that were made then and the arguments that are made today.

Forty-six States of the Union require a person to be 21 years of age before he is eligible to vote. Four States, as I have previously stated, do not have this requirement. The States of Kentucky and Georgia have a requirement that a person be 18 years of age or older. The State of Alaska has a requirement that a person be 19 years of age or older. The State of Hawaii has a requirement that a person be 20 years of age or older. However, we, the greatest deliberative body of the world—infallible in judgment, we say—proceed to tell 46 States that they do not know what they are doing.

I pause for a moment on this proposition. How many members of the senate and how many members of the house of the 46 States are there? In my State there are about 150 in both houses. I suppose, if one went through the list of 46 States, he would find that in all there are probably 6,000 legislators.

During all of the argument, with changing legislatures, year after year, no change has been made in the voting age. But we on this floor, gifted by the Creator with an infallible judgment, know. No one else, nowhere else, knows what is right but us. So we are going to tell the Nation that in the District of Columbia, with all of the crime that is supposed to be rampant—and I do not assert that it is as bad as it has sometimes been portrayed—with special money provided to take care of the school dropouts, where the birthrate of illegitimates is worse than in any city in the country, while other States, agricultural and otherwise, have said a citizen shall be 21 years of age before he can vote, we as a part of this great deliberative body are picking out Washington, D.C., as the example where 18-year-olds are to vote.

If past history and experience mean anything, they mean that we should use them to ascertain what people think. I respectfully submit to Senators that when 46 States have refused to change the law with respect to voting age, we are becoming a bit arrogant and haughty about our judgment and our intellectual ability and our infallibility in making this decision.

I do not wish to be critical, but I believe during the 9 years I have served in the Senate, I have learned one thing. The Congress of the United States believes that all intellectual richness resides here. We do not believe that people down on the Mahoning River, or on the Maumee, or the Scioto, or the Miami, or the Hocking, or those working on the farm have any intellect at all. We believe they do not know what is good for them.

Can anyone argue justly that, if the principle which has been argued for today, giving the right to vote to those who are 18 years of age, was sound, it would not have been adopted by more than four States in the Union?

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

Mr. LAUSCHE. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from Ohio has 15 minutes remaining.

Mr. LAUSCHE. I yield to the Senator from West Virginia.

Mr. RANDOLPH. I appreciate my colleague giving me an opportunity to oppose his point of view.

It was my responsibility, when a Member of the U.S. House of Representatives, to offer a constitutional amendment bearing on this problem. I recall also that a witness at that time before our committee was the distinguished Governor of Georgia, Hon. Ellis Arnall. He came before us and was highly persuasive in his presentation of the reasons why young men and young women 18 years of age should have the right and the responsibility to vote.

As a Member of the U.S. Senate I have introduced similar legislation calling for an amendment to the Constitution which would lower the voting age to 18.

I am also happy to report that, although we have not as yet been able to move forward with that approach through the constitutional amendment route, the effort is being continued. In the State of West Virginia I have contacted on regular occasions the members within our legislative body, urging action on this problem.

On the most recent occasion we were almost successful in this effort in West Virginia. The attempt failed by a small margin. It is my belief that, in the legislative session of 1966, we shall be able to give this right and responsibility of the ballot to the youth of our State who are 18 and over.

I do not believe it is a matter of any special perceptive power which the Senate will assume if it enacts the home rule legislation as presented with the 18-year-old voting provision. Rather, it will be the Senate responding to the needs of the era in which we live—an era of change and of challenge. And, in a sense, our decisions with respect to the District of Columbia will be guideposts for action in other parts of our land. It is appropriate that the Nation's Capital serve as an example of just and responsive government—and it is my view that these qualities would receive added emphasis by the retention of the 18-year-old voting provision in the pending bill.

Perhaps it is wrong to speak too often of one's own family in public. However, I believe that those Members who have sons and daughters, as I do, would agree that their offspring are better prepared to vote at 18 than their parents were at 21. The two sons in our family have served to strentghen my convictions in this respect.

It is a truism that through modern methods of communication and procedures of education the youth of today are better qualified to vote than were their parents.

Mr. LAUSCHE. Mr. President, how much time does the Senator intend to use? My time is running out.

Mr. RANDOLPH. I shall stop within 30 seconds. I feel that the Senator from Ohio is mistaken on this subject. I esteem the Senator from Ohio, and I often follow his logic. He has the same affection for our younger folk that the Senator from West Virginia has, but I believe he has failed to realize that the youth of today has a wider knowledge of public matters and is better able to participate and respond to the challenge of citizenship at the age of 18 than were his parents at the age of 21.

Mr. LAUSCHE. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from Ohio has 11 minutes remaining.

Mr. LAUSCHE. Mr. President, how much time does the Senator require?

Mr. PASTORE. Two minutes.

Mr. LAUSCHE. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. Mr. President, I have to leave immediately after the vote, to return to my State to attend the funeral of a very distinguished Rhode Islander, Mr. Arthur Famiglietti, who passed away on Monday. For that reason, I shall not be in Washington when amendment No. 355 on the Federal payment, sponsored by the Senator from Colorado [Mr. DOMINICK], will be voted upon.

I desire to be recorded in opposition to that amendment.

I also wish to be recorded as being in favor of passage of the bill itself. I have been in favor of home rule for the District of Columbia, and I wish the RECORD to indicate it.

## LEAVE OF ABSENCE

Mr. PASTORE. Mr. President, I ask unanimous consent at this time to be allowed to be absent from the Senate immediately after this vote, for the remainder of the week.

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

## DEATH OF ARTHUR F. FAMIGLIETTI

Mr. PASTORE. Mr. President, Arthur F. Famiglietti was indeed a distinguished citizen of Rhode Island, prominent in its civic, educational, religious, political, and industrial life.

For many years he was alumni secretary of his alma mater, Providence College, and known nationwide to its graduates. He was on the college football team and on the staff of its literary magazine. In after life, Mr. Famiglietti became a newsman and member of the Rhode Island Press Club. He was past president of the Serra Club which fosters Catholic religious vocations, and past president of the Rhode Island Catholic Association of College Alumni. For many years he was secretary of the Aurora Civic Association and prominent in Italo-American activities.

In the OPA days Mr. Famiglietti entered public service as Assistant Director and ended his public service as secretary to Dennis J. Roberts when Governor of Rhode Island.

His political interest and involvement continued as he engaged in private business as proprietor of the Aylesworth World Travel Agency through which he attained a global acquaintanceship.

Despite all his community activities, Arthur Famiglietti remained the ideal family man, devoted father and husband and earned for himself a respect and affection rare in our times. He will be sadly missed from the Rhode Island scene.

## DISTRICT OF COLUMBIA CHARTER ACT

The Senate resumed the consideration of the bill (S. 1118) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

Mr. YOUNG of Ohio. Mr. President, will my colleague yield?

Mr. LAUSCHE. Mr. President, I yield 1 minute to my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 minute.

Mr. YOUNG of Ohio. Mr. President, I wish to use the minute given me to say that, in my judgment, my colleague [Mr. LAUSCHE] is just as right as any Senator can be in offering his amendment, and I propose to support him.

I differ with the Senator from West Virginia [Mr. RANDOLPH]. I readily concede that my colleague [Mr. LAUSCHE] and I, at the time we graduated from high school many years ago, did not attain as good an education as the average high school graduate of today. But I challenge the statement of the Senator from West Virginia, and I differ from him in his statement, which I believe is not factually correct, because, all things taken into consideration, when we were 21 years of age, we were just as able to vote as anyone who is now 21, and we were far more intelligent in government matters than a youngster getting out of high school today.

My colleague's amendment is a good amendment. With 46 States keeping the age at 21, I believe that we should stick to that.

Mr. LAUSCHE. Mr. President, the Senator from West Virginia was rather severe and harsh with me in emphatically declaring that I am as wrong as anyone can be, but I wish to submit——

Mr. RANDOLPH. I said on this subject——

Mr. LAUSCHE. Just one moment. I wish to submit as testimony in behalf of my cause that 46 State legislatures have been repeatedly importuned to change the law, but they have never deemed it advisable to do so.

I should like to know what the position of the Senator from West Virginia would be if I offered an amendment making it legal to sell liquor to 18-year-old children, and what the position of Congress would be if we proceeded to allow 18-year-olds to buy diamonds, automobiles, tapestries, and silks not needed——

Mr. RANDOLPH. The Senator has asked me a question. Will he allow me to——

Mr. LAUSCHE. Just one moment. I have already given the Senator his time——

Mr. RANDOLPH. The Senator has asked me a question, and——

Mr. LAUSCHE. Mr. President, I yield one-half minute to the Senator from West Virginia to answer.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for one-half minute.

Mr. RANDOLPH. I would not vote for such an amendment.

Mr. LAUSCHE. That answers the question.

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. Mr. President, the Senator from West Virginia has been driven into a corner, and in order to sustain his position on the 18-year-old voting right has been obliged to say that he would approve of the sale of liquor to 18-year-olds——

Mr. RANDOLPH. No, no——

Mr. LAUSCHE. That is—just one moment, please—that is at least my interpretation.

Mr. RANDOLPH. No——

Mr. LAUSCHE. I would not vote for that right.

Mr. RANDOLPH. I also declared that I would not vote for that right. I would take the position of the Senator from Ohio. I would not vote to sell liquor to 18-year-olds.

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

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I have been gladly yielding——

The PRESIDING OFFICER. Six minutes remain to the Senator from Ohio at the time he asked his question.

Mr. LAUSCHE. I should like to yield to the Senator from Oregon——

Mr. MORSE. I knew that the Senator would.

Mr. LAUSCHE. Because he will convince me that my statement that we are the possessors of all intellect and knowledge is correct.

Mr. MORSE. Mr. President——

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

Mr. LAUSCHE. How much time have I remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. MORSE. The Senator has enticed me——

Mr. LAUSCHE. I yield 1 minute to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. MORSE. The Senator enticed me when he raised the liquor issue. How would the Senator vote on barring liquor from being served at all Senate functions in the Capitol?

Mr. LAUSCHE. I would vote for barring it, most assuredly.

Mr. MORSE. Then I believe that I shall offer it as an amendment, in order to get the Senator's vote.

Mr. HOLLAND. The Senator from Ohio will recall that in almost all States a person is not sui juris, and cannot make a contract, until he is 21 years old.

Mr. LAUSCHE. Yes. That has been argued for 50 years. Those who advocate the right to vote for 18-year-olds have never raised their voices to change the law from 21 to 18 under the right to contract.

I should like to know why. One seems popular and the other seems unpopular.

Mr. President, I do not believe that there is anything new——

Mr. TYDINGS. Mr. President, will the Senator from Ohio yield? I should like to address a question to him.

Mr. LAUSCHE. I am glad to yield to the Senator from Maryland.

Mr. TYDINGS. The question I should like to address to the Senator is: Has he stood before a senior high school class in the State of Ohio, in the past 2 or 3 years, and discussed the politics and the policies of the Federal Government, and the State governments, and then submitted himself to a question-and-answer period by the students?

That is my first question.

Mr. LAUSCHE. That is an excellent question. I was elected Governor of Ohio five times, and I have stood before hundreds of classes, immediately after World War II, in which we discussed the right to vote.

Mr. TYDINGS. Let me then propound——

Mr. LAUSCHE. Just one moment—I wish to say categorically that at the end of each session, when I asked the class to indicate by show of hands whether they believed they should be given the right to vote, not one single class—throughout my experience in Ohio—made up of 16-, 17-, and 18-year-olds raised their hands in a majority who believed that they should have the right to vote.

Voting is something more than intellectual capacity. It deals with the impetuous tendency of youth.

Why do insurance companies charge higher premiums to 18-years-old drivers of automobiles than they do for those over 25? Why do we prohibit the sale of liquor to youths? We cannot put them in the same category.

Mr. TYDINGS. Would the Senator from Ohio agree with me, then—and I judge from his remarks that he would—that the knowledge in the field of government, politics, and national affairs of high school graduates today, not only in his State but throughout the Nation, is exceptional. That our young people generally have a pretty decent grasp of national and State affairs? Does the Senator agree with that?

Mr. LAUSCHE. Surely, they have a grasp of national and State affairs, but the fact still remains that with over 190 million people in the United States represented by 50 State legislatures, only 4 of them have seen fit to change the voting age.

I intend to give some credence to that fact. I am not going to impose my judgment over and above that. If we exclude Georgia, Kentucky, Hawaii, and Alaska, there are probably 180 million people who have not favored lowering the voting age, at least by a consensus.

Mr. COOPER. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, Kentucky is one of the four States which permit those under 21 years of age to vote. The voting age in Kentucky is 18.

It is probably correct to say that after World War II, the people of the State of Kentucky were moved by the sacrifices of boys 18 years old and over, and granted them the right to vote.

Let me tell the Senate how that came about. I believe that I can speak from experience, as can my colleague [Mr. MORTON]. Granting these boys and girls of 18 years of age the right to vote has brought about a great, stimulating effect among the voters of Kentucky.

It is evident in the colleges. It is evident in the high schools. It is evident in the formation of political clubs. I may say that their interest and enthusiasm has spilled over and has given new interest and enthusiasm to the older voters.

The argument is made against 18 year olds voting that they do not have judgment and maturity.

We must develop judgment and maturity. I do not believe they have misused the right to vote. I do not want to be immodest, but I believe they have shown good judgment.

Their interest in political issues and activities all through my State has spilled over and has given new interest and enthusiasm to the older voters.

Mr. BARTLETT. Mr. President, will the Senator from Ohio yield me 1 minute?

Mr. LAUSCHE. I have only 1 minute remaining.

Mr. BARTLETT. Will the Senator yield me a half minute?

Mr. LAUSCHE. I shall yield that time to the Senator. All I wish to say at the end of it all is "Amen."

Mr. BARTLETT. The wisdom of those who drew up the Alaska constitution in lowering the voting age is amply demonstrated by the maner in which those young people have voted since that time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. LAUSCHE]. All time has expired. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Louisiana [Mr. LONG] and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I further announce that the Senator from Virginia [Mr. BYRD] and the Senator from South Carolina [Mr. RUSSELL] are necessarily absent.

I further announce that if present and voting, the Senator from Georgia [Mr. RUSSELL] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Pennsylvania [Mr. SCOTT] is absent on official business, and if present and voting, would vote "nay."

The result was announced—yeas 29, nays 66, as follows:

[No. 196 Leg.]

YEAS—29

| | | |
|---|---|---|
| Allott | Hickenlooper | Mundt |
| Bennett | Hill | Robertson |
| Curtis | Holland | Saltonstall |
| Dodd | Hruska | Simpson |
| Eastland | Jordan, N.C. | Sparkman |
| Ellender | Jordan, Idaho | Stennis |
| Ervin | Lausche | Thurmond |
| Fannin | McClellan | Tower |
| Fulbright | McIntyre | Young, Ohio |
| Hayden | Miller | |

NAYS—66

| | | |
|---|---|---|
| Aiken | Gruening | Morton |
| Anderson | Harris | Moss |
| Bartlett | Hart | Murphy |
| Bass | Hartke | Muskie |
| Bayh | Inouye | Nelson |
| Bible | Jackson | Neuberger |
| Boggs | Javits | Pastore |
| Brewster | Kennedy, Mass. | Pearson |
| Burdick | Kennedy, N.Y. | Pell |
| Byrd, W. Va. | Kuchel | Prouty |
| Cannon | Long, Mo. | Proxmire |
| Carlson | Magnuson | Randolph |
| Case | Mansfield | Ribicoff |
| Church | McCarthy | Smathers |
| Clark | McGee | Smith |
| Cooper | McGovern | Symington |
| Cotton | McNamara | Talmadge |
| Dirksen | Metcalf | Tydings |
| Dominick | Mondale | Williams, N.J. |
| Douglas | Monroney | Williams, Del. |
| Fong | Montoya | Yarborough |
| Gore | Morse | Young, N. Dak. |

NOT VOTING—5

| | | |
|---|---|---|
| Byrd, Va. | Russell, Ga. | Scott |
| Long, La. | Russell, S.C. | |

So Mr. LAUSCHE's amendment was rejected.

Mr. BIBLE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

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

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM AND ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. DIRKSEN. Mr. President, I should like to make inquiry of the distinguished majority leader as to what the program is for the remainder of the day and what is proposed for tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished friend, the minority leader [Mr. DIRKSEN], we have come to a tentative agreement. Insofar as we know, the amendment of the Senator from Colorado [Mr. DOMINICK] is the last amendment. We shall reach the third reading of the bill tonight. It is hoped that all Senators who have remarks to make on the bill and have not made them, will make them after the third reading.

Mr. President, if that is agreeable, I ask unanimous consent that when the Senate completes its business tonight it stand in adjournment until 11 o'clock a.m. tomorrow.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending legislation occur at 11:05 a.m. tomorrow.

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

The Chair advises the majority leader that an agreement must be entered into which would waive the requirement for a quorum call. Under rule XII, a quorum call must be had before reaching an agreement setting a time for a final vote on the passage of a bill. Does the Senator ask that that provision of the rule be suspended?

Mr. MANSFIELD. Yes; and I ask further that time be allowed between the conclusion of the prayer and the vote on the passage of the bill for a quorum call.

The PRESIDING OFFICER. Without objection, the several requests are granted; and, without objection, the rule will be suspended.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

*Ordered,* That the Senate proceed to vote on final passage of S. 1118, to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, at 11:05 a.m., Thursday, July 22.

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

Mr. MANSFIELD. I yield to the Senator from Florida.

Mr. HOLLAND. I am sorry. I did not hear the majority leader. Did he say there would be no more votes this afternoon?

Mr. MANSFIELD. There will be one more vote tonight. We shall get to a third reading tonight. It is hoped that Senators who have remarks will make them after the third reading and that the final vote will come at 11:05 tomorrow morning.

AMENDMENT NO. 355

Mr. DOMINICK. Mr. President, I call up my amendments No. 355.

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

The legislative clerk proceeded to state the amendments.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; the amendments will be printed in the RECORD at this point.

The amendments offered by Mr. DOMINICK are as follows:

On page 142, beginning with line 3, strike out all through line 12 and insert in lieu thereof the following:

"SEC. 741. (a) In recognition of the unique character of the District of Columbia as the Nation's Capital City, regular annual payments are hereby authorized to be appropriated from revenues of the United States to cover the proper share of the expenses of the District government and such annual payments, when appropriated, shall be paid in the manner hereinafter provided. The annual payment authorization shall consist of the aggregate of the following amounts computed by the Mayor, with the approval of the Council:".

On page 145, beginning with line 15, strike out all through line 8 on page 146 and insert in lieu thereof the following:

"(b) The Mayor, with the approval of the Council, shall annually compute the amount of the Federal payment authorized to be appropriated under this section and the amount of such authorization so computed shall be submitted to the Congress along with any request for appropriation of such payment."

Mr. DOMINICK. Mr. President, on my amendments I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER (Mr. BASS in the chair). The Chair has made every effort to obtain order. The Senator will suspend his remarks until other Senators and the staff are ready to do business. The Presiding Officer dislikes to point to specific Senators and members of the staff, but there will have to be order in the Senate.

The Senator from Colorado may proceed.

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

Mr. DOMINICK. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. I ask unanimous consent that there be no limitation on debate after the third reading of the bill.

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

Mr. DOMINICK. Mr. President, I yield myself such time as I may require. I shall start with 15 minutes, so that I will know how much time is available as we proceed.

This amendment is designed to correct what I believe is a basic, glaring error in the home rule bill at present. The amendment is simple. It merely provides that the formula setting forth the Federal payment to the District of Columbia shall be subject to annual appropriation.

I say in all sincerity to the distinguished Senator from Nevada that I do not believe that the House will give the bill serious consideration without the adoption of the amendment.

We ought to be clear about what we are proposing to do. By the adoption of section 741, part 4, entitled "Annual Federal Payment to District," we are proposing a novel and potentially dangerous method of dealing with the Federal payment to the District. This provision contains a built-in, automatic formula for computing the Federal payment, based upon amounts the Federal Government would pay in private taxes, personal property taxes, and business taxes, if it were a private industry. In addition, the Federal Government would continue to pay the District water and sanitary sewer charges.

Imagine for a moment some of the problems involved in assessing real and personal Federal property in the District. I was happy to have the distinguished senior Senator from North Carolina [Mr. ERVIN] bring up this point in connection with the consideration of another amendment.

For example, the District of Columbia Assessor would be called upon to place an assessed valuation on the U.S. Capitol and, indeed, on the very Chamber in which we are now sitting. How would he do that? What basis of value would he use? Would he use current market value, the original cost, or the cost of replacement at today's prices? All three are well recognized methods of valuation and probably could be used to justify either a high or a low assessed value, depending upon the whim of the District of Columbia government.

The District Assessor would also be empowered to place a value upon the White House, the Senate and House Office Buildings, the Supreme Court, the Library of Congress, the Smithsonian Institution, and even the buildings of the Internal Revenue Service.

We must not forget that personal property, with a few exceptions, would also be subject to similar valuation. One example would be the desks in this Chamber. The District of Columbia Assessor would be required to place a value on these desks, which have seen historical service of notable distinction. How would he appraise them? On the basis of replacement value, of historical value, of sentimental value, on what they are really worth to the Senators who sit behind them? I suggest that that is a problem which has not been solved, perhaps has not even been approached. Difficult problems will be encountered in the valuation area alone. We must remember that the basis upon which valuations are computed is within the judgment and discretion of the District Assessor. Under the present provisions of the bill, the only way Congress could change the assessment would be to pass a law in lieu thereof, which would put us back at the point where Congress would have to determine the Federal payment.

In my supplemental views in the committee report, I have set forth another factor that ought to be considered. I stated:

> Finally, the Federal payment formula will set a dangerous and far-reaching precedent for States and localities where there are large Federal property holdings. Those of us who come from the so-called public lands States are acutely aware of the drive to levy in lieu of taxes on Federal property. For instance, we have States like Alaska where the Federal Government owns over 98 percent of all the land in the State. There are examples where a certain percentage of the revenues from Federal lands are turned back to the States or counties, but nowhere is there a situation where not only are payments made in lieu of real and personal property taxes on Federal property, but also payments based upon hypothetical business income and related taxes as well. I think that the Federal payment provision in the bill is not wise and certainly will hamper eventual passage of the bill.

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

Mr. DOMINICK. I yield.

Mr. ERVIN. I wish to ascertain whether the Senator's interpretation of this aspect of the bill is similar to mine. As I interpret the bill, the Federal Government would have to make a payment to the District of Columbia government which would be tantamount to an ad valorem property tax, even on the post offices the Federal Government operates within the District of Columba.

Mr. DOMINICK. That is absolutely accurate.

Mr. ERVIN. The Federal Government would have to pay what is equivalent to an ad valorem tax upon the Capitol itself. Would it not even have to pay an ad valorem tax, or the equivalent of an ad valorem tax, on the flags that fly over the Capitol?

Mr. DOMINICK. It seems to me that that would be true, because the only exceptions I know of are certain classes of personal property plus memorials and museums and some of the contents of them.

Mr. ERVIN. Can the Senator give any justification for allowing the District of Columbia to impose, in effect, the equivalent of an ad valorem tax on post offices operating within the District of Columbia, and not extend that right to all the States and municipalities in which post offices are located?

Mr. DOMINICK. That is a point I was about to discuss.

Mr. ERVIN. I thank the Senator for yielding.

Mr. DOMINICK. I appreciate the contribution to the debate made by the Senator from North Carolina.

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

Mr. DOMINICK. I yield.

Mr. MORTON. If Fort Knox, Ky., were in the District of Columbia, would a tax be imposed on the Nation's gold reserves?

Mr. DOMINICK. I had not thought of that.

Mr. MORTON. The gold reserve is in trouble now; let us not tax it.

Mr. DOMINICK. We are already losing it so fast that I do not believe a tax ought to be imposed besides.

It is clear from what I have been saying that it would be unwise to proceed under the Federal payment formula set out in the bill. In addition, the bill provides for a permanent appropriation based upon this formula. I raised the point during the committee hearings that this might be an unconstitutional delegation of the appropriation authority of Congress. The Attorney General was asked for an opinion on this point and expressed the view that it is not an unconstitutional delegation of power. His complete opinion is contained in the hearings, pages 125 to 130. I shall discuss that in detail a little later. However, I wish to make some comments on it now. He relied on the instance in which Congress made a permanent appropriataion for sums necessary for the payment of final judgments and compromise settlements against the United States, with the approval of the Comptroller General, and in accordance with applicable laws relating to judgments and settlements.

I fail to see the analogy. He also relied on another law enacted by Congress allocating a portion of tax revenues from coconut oil produced in the Philippines to the Philippine Government.

Again the analogy is weak. At best, the Philippine Government has no discretion or had no discretion as to the amount of revenue it would receive. Such amount was readily ascertainable from production figures. Of course, nothing is readily ascertainable so far as values are concerned in trying to establish values of the White House, the property located therein, the Capitol, or the Senate and House Office Buildings.

My amendment would make the Federal payment, for these reasons, subject to annual appropriation by Congress.

It would leave the formula itself untouched. Thus, under my amendment, the District government would still compute the formula, but it would then be submitted to Congress for appropriation. This would certainly not mean that Congress would determine the entire District budget. However, it would provide an opportunity for a review of the formula and a method of determining the justification for the requested amount.

What we would be allowing under the pending bill, unless my amendment were agreed to, would be an appropriation from the general Treasury funds, with the amount to be determined by the District government under the formula—all without regard to the appropriation function of Congress.

The committee report mentions several times that the formula would encourage the District to utilize local taxes to meet local needs. However, it would work exactly to the contrary. The District would look to the Federal payment first, and then adjust other local taxes accordingly.

The Federal payment is practically guaranteed. Once they obtained a lock on such revenues, Congress would have to move heaven and earth to change the formula, unless my amendment were agreed to.

The Federal payment in 1964 was $37.5 million. Under the formula, the Bureau of the Budget estimates that it will be $57 million in the fiscal year 1966, with a projected increase to $71.2 million in 1970.

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

Mr. DOMINICK. I yield.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Nevada is recognized.

Mr. BIBLE. Mr. President, if I correctly understood the Senator from Colorado, he indicated that the formula could not be changed if his amendment were not agreed to. Was not the amendment offered by the Senator from Colorado in committee to require the Administrator of the General Services Administration to review the assessment made by the city assessor? I thought that part of the bill was unchanged by the present amendment. Perhaps I am in error.

Mr. DOMINICK. The Senator is correct. The committee agreed to my recommendation on the General Services Administration.

Mr. BIBLE. I thought it was an improvement to the bill.

Mr. DOMINICK. We also brought up the question of constitutionality at that time.

Mr. BIBLE. The Senator is correct.

Mr. DOMINICK. We received an opinion which held that it was constitutional so far as the Federal formula is concerned. Since then, we have had much more thought and analysis of what the opinion was based on and what would happen under the payment formula. Therefore, the whole scope of my amendment in this regard is merely to provide that the formula shall remain the same, but it would become subject to appropriations.

Mr. BIBLE. I wanted to be clear on that point.

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

Mr. DOMINICK. I yield.

Mr. ERVIN. Mr. President, I invite the attention of the Senator to the bottom of pages 143 and 144 of the bill. That part would provide for the taxation of tangible personal property. Would that part of the bill not impose an obligation upon the Federal Government to pay for the equivalent of an ad valorem property tax on all the furniture in all the Federal department buildings in Washington, including the furniture which Senators have in their offices?

Mr. DOMINICK. Without any doubt.

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

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

Mr. DOMINICK. I yield.

Mr. KUCHEL. Mr. President, let us assume the provisions of the bill were to remain intact and an assessment were to be levied on certain improved property in the District owned by the Federal Government, and that the formula then were to result in the rate of tax which would be assessed on the value of the property. Would Congress be required to appropriate a fixed amount of money to fulfill the obligation to the District of Columbia?

Mr. DOMINICK. If the bill were to remain unchanged, the amount of money owed, as so certified, would be sent up here and would be the automatic obligation of the Treasury, so far as I know.

Mr. BIBLE. Mr. President, I believe that is a correct statement. I believe that is the effect of the bill as it stands at the present time.

Mr. KUCHEL. Mr. President, if my friend the senior Senator from Colorado will listen to this discussion, there are fixed obligations in law which the Congress of the United States has shunted aside. The last time the Congress of the United States has mocked a congressional mandate to pay was a few weeks ago, as my able friend the senior Senator from Colorado will recall.

The point I make is that I do not believe my able friend the junior Senator from Colorado can have his amendment attacked by those who oppose it on the ground that under his amendment Congress would be given discretionary authority under the wording of the bill. We cannot write language into law that ties the hands of Congress and makes Congress appropriate money even though prior to that time Congress has enacted a statute demanding that the money be appropriated.

The point I make, therefore, is that, to that extent, whether we adopt the language of the bill or the language of the amendment offered by the junior Senator from Colorado, Congress still would exercise its discretion, wisely or unwisely, in determining the amount of money which it will appropriate to the District.

Mr. DOMINICK. Under the bill as it is now written, Congress would have no authority whatsoever to determine what amount of money would be appropriated. It would be an automatic payment out of the Treasury. We would have to pass a law in order to change this. That is the reason that I say it should go through the appropriation process. That is what I am trying to provide in the bill, so that Congress would have the choice in determining the amount of money to be spent.

Mr. KUCHEL. Mr. President, I do not want to denigrate the language of the bill, but is this what some people would call a back-door entrance to the Treasury?

Mr. DOMINICK. To me, it is complete.

Mr. BIBLE. Mr. President, it has been referred to as such. It is admitted that it falls into that particular category.

Mr. KUCHEL. Mr. President, I thank my friend the Senator from Colorado for straightening me out on this point.

Mr. DOMINICK. Mr. President, I express my appreciation to the Senator from California for raising the point. I believe that the colloquy has been helpful. It is helpful in showing what the bill would do, and what we hope the amendment would do if it were agreed to.

Before I yielded to the distinguished Senator, I was discussing the amount of money that has been appropriated over the past few years for the District and the increasing trend of the appropriations.

Where is the incentive for the District to use local revenues? It would commit funds for future capital projects based upon the anticipated Federal payment and it would be difficult, if not impossible, for Congress to change the formula when this process would get into full swing.

The committee report mentions on pages 12 and 13 that the House Appropriations Committee once used a formula in lieu of taxes in determining the Federal payment. But the formula used was not nearly so extensive as the one proposed in this bill. It did not include personal property or business taxes. And keep in mind that this was the Appropriations Committee figuring the value of Federal property, not the District government. There certainly is a great difference.

The report also mentions on page 13 that the Senate has previously approved a formula such as the one proposed here when it passed H.R. 6177 in 1963. Of course, the Senate did not prevail in conference. Nevertheless, my amendment, making the payment subject to annual appropriation, was taken almost word for word from the provisions of H.R. 6177, where the Federal payment was also subject to annual appropriation. Section 741(a) of my amendment is almost identical to section 101 of H.R. 6177, and section 741(b) of my amendment is substantially identical to section 102(a) of H.R. 6177. All I have done is to change the wording, but not the intent to conform to S. 1118.

Mr. President, the Senate just 2 years ago approved a provision almost identical to my amendment and I think it should do so again.

I would like to speak a few minutes more.

Mr. President, how much time have I used on my amendment?

The PRESIDING OFFICER. The Senator has consumed 20 minutes.

Mr. DOMINICK. I yield myself an additional 10 minutes.

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

Mr. DOMINICK. I wish to speak on the Attorney General's opinion, citing the various precedents to support the right of Congress to allow a subsidiary government to tax the Federal Government, in effect.

The first one cited was the TVA case, as I recall, or it was one of the first that was cited as a precedent. One of the major differences between that act and this bill is that there the payments are made from TVA proceeds, and not from the general funds of the Treasury. General fund appropriations and general fund withdrawals of any kind are supposed to be acts of Congress, and not the act of a district assessor or council operating on what the district assessor has done.

In the TVA case all that was done was to take the money from funds generated by TVA itself, rather than from the general funds of the Treasury.

The next case that was cited as a precedent was the Columbia Basin project, which authorized the Secretary of the Interior to pay annual sums in lieu of taxation to States or subdivisions thereof out of the proceeds of leases. Again, it is out of the proceeds of leases rather than out of the general funds of the Treasury. So we really have no withdrawals from general funds of the Treasury involved, but in the present case we are dealing with general funds of the Treasury.

The next case cited as a legislative precedent is the act of July 27, 1956, providing for permanent and indefinite appropriations "out of any money in the Treasury not otherwise appropriated" to meet Federal judicial judgments and settlements. In the only precedent cited where payment was made out of Treasury moneys, it is interesting to note that the act cited has the popular name of the "Supplemental Appropriations Act of 1956." In other words, the only precedent cited utilizing funds from the Treasury directly was in fact an appropriation measure heard, considered, and voted upon by the Appropriations Committees of the House and Senate. Of course, no such procedure was followed in connection with the present bill.

The next case cited as a precedent is the atomic energy bill. The Atomic Energy Act is cited as a precedent for this type of payment. But in that case the Federal payment was only authorized and, by section 118 of the act, those authorizations were subject to annual appropriations.

So at least in the last two cases, the precedents cited by the Attorney General to approve the constitutionality of the Federal payment formula provide a complete precedent for the very amendment I am offering, which would make the Federal payment subject to annual appropriations. This is important, because I am sure that opinion will be cited. We should keep in mind that in every instance the money comes entirely from income derived from the installations or from annual appropriations.

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

Mr. DOMINICK. I yield.

Mr. ALLOTT. I am sure my distinguished colleague has given consideration to the Constitution, and I must concur in the distinctions he has made in the Attorney General's opinion that article I, section 9, provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law.

Can the Senator find any precedent at all—and I think I know the answer to this question—for an appropriation to any person or anybody which has not been as a result of an appropriation duly made by Congress?

Mr. DOMINICK. I know of no such case.

Mr. ALLOTT. The Senator has touched upon the assessment of Government property. I see the distinguished Senator from Nevada present. His State is 85 percent federally owned, I think.

Mr. BIBLE. Approximately.

Mr. ALLOTT. The State of Colorado is 36 percent, generally, Federal property, and acquisitions later have raised that figure to almost 40 percent, I believe.

In addition, according to table 7: Public Land Statistics 1963, published by the Department of Interior, there are a dozen States with a higher percentage of their territory owned by the Federal Government. In fact, this table shows that the District of Columbia is below the national average.

If a local government can, by its own formula, tax the property of the Federal Government and fix the standards of valuation, is there any reason why the same principle, if this principle were to be followed, should not be extended to the States which have public lands?

Mr. DOMINICK. Not the slightest. I am positive that if we establish this precedent, that will be the first request that will be made.

Mr. ALLOTT. In the case of public lands, we build in all the troubles we are going to have here, except they are of a little different nature. If we follow this precedent we would tax our own post offices. We would tax our Federal buildings. We would try to determine some basis upon which to tax oil and gas in the Federal domain.

In Colorado there is an estimated 800 billion barrels of oil locked in oil shale on federally owned lands. At $3 a barrel, that would amount to $2.4 trillion. That would be the taxable base in that situation, plus what would be applied to gold, silver, lead, zinc, manganese, and many other ores. We have whole mountains of manganese oxide in Colorado. So the problems would be multiplied a thousandfold.

Let me ask this question, and I think the Senator is entirely right. If this principle is to be applied in the District of Columbia, in all fairness to the public land States should it not also be applied there?

Mr. DOMINICK. I would say one thing to point up the question. We should have in mind, for example, that the city and county of Denver might want to tax all the State property in the city and county of Denver. So there would be a triple law of taxation.

Mr. ALLOTT. I had not gone that far, but it follows the same principle, and we are not stretching the principle in order to make it applicable at all. It is not an expanded stretching. It is a direct consequence of what we propose to do.

I should like to ask the Senator if he knows of any country in the world which permits a tax upon its governmental properties?

Mr. DOMINICK. I do not know of any. Whether there are any, I do not know. I could not say, but I do not know of any.

Mr. ALLOTT. Do I understand correctly that once the bill is passed and the formula goes into effect, Congress has no appeal from the valuation placed on the buildings, or the rate of taxation or formula applied upon the payments, except to repeal a part of the bill which we are now acting upon?

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

Mr. DOMINICK. Mr. President, I yield myself 5 more minutes.

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

Mr. DOMINICK. I would say that the Senator's understanding is completely accurate. We could pass a special law, I would presume, to repeal the act which they may have taken in the District Council, which would have the effect of placing a tax on the assessed valuation already determined by the District Assessor, but it would be cumbersome and might be too late.

Mr. ALLOTT. In other words, we would have to wait until Congress met and, in effect, repealed part of the law we are talking about enacting right now?

Mr. DOMINICK. That is absolutely correct. One other point which I believe is worthy to note, last night's Evening Star reported that the District was about to raise property taxes. Once we established the valuation of the buildings and all the property which the District will tax, the minute the rates are raised, we will have, in effect, by the simple act of perhaps one or two persons, or the District Council itself, placed another tax on the Federal Treasury and will have withdrawn so much more money.

Mr. ALLOTT. Let me continue with a further question. In response to my last question, my colleague said that it was true, the only way we could do it would be by repealing a portion of the bill we now propose to enact. In other words, we would be placing the Federal Government in an inferior position to any individual taxpayer in the United States who has the right, on the assessment of his property, to appeal to his board of county commissioners, or assessors—it varies in the separate States—and if he is not satisfied with that, he can appeal it to the courts.

I know that my colleague is a fine lawyer and will agree with me that this is the law in every State and is guaranteed; so that we would be placing the U.S. Government in a position which is inferior to any private citizen of the United States in the taxation of his property.

Mr. DOMINICK. Without a doubt, it seems to me; and I would pose a contrary point of view for just a moment—suppose the District Assessor valued the Capitol and the White House at $1 and then applied the tax on that valuation, I would suspect that every District taxpayer of private property would scream to high heaven on the ground that the Federal Government was not paying its fair share of the taxes, because the assessed valuation was not correct. Once again, Congress would have no power to do anything about it, unless and until it passed a special law to try to change the situation. Accordingly, I believe that we could work it either way. Either way, the project as it is now written is, to me, most inequitable and unfair.

Mr. ALLOTT. It is repugnant to the principles of government that we would permit an inferior government to tax the main government itself. I do not know of a situation where a county may tax a State, nor do I know of a situation where a municipality may tax a county. It is inconceivable to me that we would even consider such a thing.

Then, if my colleague will indulge me for one moment, I must say that as a member of the Apppropriations Committee and, having insisted always that every cent spent out of the Federal Treasury must be referred to the Appropriations Committee and acted upon by them, even though individually some persons might not agree with an appropriation which goes through the majority process, I could not possibly swallow this new concept of appropriation, as I see it.

I do not care how someone a few years out of law school might interpret this constitutional question. In my opinion there is no question but what it violates the appropriative process of the Federal Government. Even if this bill did pass the Senate—and I am under no misapprehension concerning it—when the people of America find out about it, they will rise up in arms that we have surrendered this power which will, in effect, permit the people of the District of Columbia to say to us, "Whatever we give to you, you have to accept."

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

Mr. DOMINICK. I very much appreciate the colloquy I have had with my very distinguished colleague.

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

The PRESIDING OFFICER. The Senator has consumed 35 minutes. He has 25 minutes remaining.

Mr. DOMINICK. Does the Senator from Nevada [Mr. BIBLE] wish to go forward now, or does he wish me to do so?

Mr. BIBLE. Either way, it does not make any difference.

Mr. DOMINICK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, I yield myself such time as may be necessary to respond to the argument of the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Nevada is recognized, and has 1 hour to respond.

Mr. BIBLE. Mr. President, let me say that the Senator from Colorado went quite thoroughly into the subject yesterday. I said then, and repeat now, that it seems to me the provision to which the Senator from Colorado has addressed himself is one of the crucial sections in this proposed legislation.

The question of a Federal payment is one which Congress has labored over for many years, both on the authorizing side as a legislative committee, and on the Appropriations Committee as the appropriating committee. Over the years, it has caused us a great deal of concern.

From 1879 until 1920, the amount paid to the city of Washington was actually 50 percent. Thereafter, the amount authorized and appropriated dwindled, until today it is somewhere in the neighborhood of 13 percent, the remaining 87 percent coming from the residents of the District of Columbia.

In working with the problem, I thought it would assure stability more than any other kind of proposal in calculating the revenues and the expenditures which were to be made in the District of Columbia.

Further on the subject of Federal payment, let me say that, if there is one provision of the President's home rule bill which I believe is more essential to an effective elective system of government for the District than any other, it is the Federal payment formula. It would accomplish a fixed basis for the Federal Government to pay an in-lieu-of-tax amount annually for nontaxable Federal properties and the unique expenses required for a national capital city.

In brief, the President's formula calls for an annual Federal payment to the District that would be payable, without direct congressional action, from the U.S. Treasury. The formula would be based largely upon taxes lost to the District of real and personal property owned by the Federal Government and from taxes lost to the District from real property exempted by special acts of Congress.

A formula would assure the District of a fixed income from the Federal Government and thereby lift an annual task of determining the Federal payment from a busy Congress whose energies could be more wisely directed to the business of the entire country.

The Senator from Colorado has said that the formula is in the nature of backdoor spending, with Congress unable to keep the Federal payment controlled and Congress not having a line item authority over all city housekeeping details. My answer is that if Congress enacts the formula, it can also change that formula. After all, expenditures will be made here on the doorstep of the Congress where surveillance will not be difficult.

There are those critics who say that any in-lieu-of-tax formula would serve as a bad precedent since States and cities might seek to secure payments for federally owned real properties within their boundaries. Obviously, this could not be a precedent since Congress has voted in-lieu-of-tax payments annually to the District since 1879 and called it the annual Federal payment. An actual formula, as proposed here by President Johnson, would merely provide a more realistic approach.

Over the years the annual Federal payment has been used as something of a gap filler between tax revenues collected from the city's residents and projected expenditures. Capable and efficient planning to meet the problems of the central city of the country's fastest growing metropolitan area has been impossible. The Capital City has suffered in many ways.

The bill before us today grants self-government to the citizens of the District—in fact the same kind of self-government every city and town across the country enjoys. If self-government in fact, rather than in fiction, is to be had in the District, the city must control its own financial destinies unfettered by the Congress directly or indirectly controlling how, when, where, why, and for what every dollar is to be spent each and every year.

If the city does not or cannot master its own financial matters, then Congress can step in and change the formula, do away with it, or return the city to the control of the Congress as it is today. But, I submit that the District's citizens should and must be given a chance. I have confidence in the potential electorate of this city just as I do the wisdom of the electorate across the Nation under this bill. Congress will get reports from the Comptroller General of the United States on the District each year and Congress and the legislative committees can serve as oversight examiners over these matters to assure against financial debacles.

It is claimed that the amendment suggested by the distinguished junior Senator from Colorado, is to be preferred because it provides an annual Federal payment authorization and leaves the appropriating function each year with the Appropriations Committees of the Congress.

But, Mr. President, will, in fact, the Congress be deciding only the amount of the Federal payment each year—or will it in reality be deciding the District's entire budget; how each and every dollar is to be spent? Obviously, it will be the latter for it is the appropriation process that holds the whip hand, not the authorization as the District's Federal payment history will show.

The Congress by deciding some 13 percent of the annual budget will hold that whip hand over the elected District legislative council. In truth and in fact, if the Congress determines an adequate Federal payment appropriation, is not the

Congress really required to examine into every proposed District expenditure and exercise its control thereby? Actually, self-government under this obvious fact would become a hollow thing—an elective body without power, a political eunuch—Congress would have those purse strings just as it has today.

It seems to me that if we were to adopt the amendment, which would require the city government of the District of Columbia to come back to the Appropriations Committees to justify every line-by-line item, we would go a long way toward defeating the very purpose that we are trying to accomplish.

I have the greatest respect for the Appropriations Committee of the Senate. I am a member of the committee. I see also on the floor of the Senate the able chairman of the District of Columbia Appropriations Subcommittee. I know of the tremendous work and effort that he has put into this field. It therefore seems to me that rather than require a line-by-line item justification of the amounts that are agreed upon when we emancipate the city, we would be directing our attention far better to passing the bill as reported to the Senate, making the Federal payment in accordance with the formula that remains unchanged in the bill.

The Federal payment would be subject to certification by the Administrator of the General Services Administration. In fact, the committee adopted an amendment offered by the distinguished junior Senator from Colorado, to nail down any belief that the District of Columbia government could arbitrarily set valuation figures on Federal property to compute the Federal payment. The amendment provides the Federal Government with a voice, in fact the final voice, in determining the manner in which the tangible personal property or the real and personal property of the Federal Government is to be estimated and assessed. In fact, I might call attention to page 116 of the committee hearings wherein the question was raised as to whether the formula would turn over to the local government the authority to fix the assessment on Federal buildings and Federal property. Mr. Elmer Staats, Deputy Director of the Bureau of the Budget, testified that the Administrator of the General Services Administration had to make a certification of his agreement in the so-called assessed valuation, and that the Federal interest would be protected further by the fact that the Administrator of the General Services Administration could reduce the assessment figure, if he so chose.

In fact, another portion of an amendment offered and accepted in the committee by the distinguished junior Senator from Colorado, requires the Administrator of the General Services Administration to look beyond the new District government's technical computations so that he may pass judgment on the propriety, reasonableness, and fairness of the assessment and computations, thus insuring better Federal participation in the Federal payment plan.

Differences in opinion between the new District government and the Administrator of the General Services Administration are to be worked out, under a portion of the amendment to the bill by the Senator from Colorado which was adopted by the committee, providing a definite method of resolving differences of opinion and further providing that cooperative arrangements be carried out when disputes arise involving the Federal payment.

Under the formula proposal, it is estimated that the Federal payment to the District would be $57 million for fiscal year 1966 as compared to the amount appropriated by the Congress this year of $43 million. The present annual Federal payment authorization approved by the Congress is $50 million.

In forwarding Federal payment formula legislation to the Congress this year, President Johnson stated that its enactment "is essential to the proper assignment between the Federal Government and the local citizens of the responsibility of providing the necessary funds."

The committee, in approving the Federal payment, felt that this provision would provide an orderly basis for determining each year the appropriate level of Federal contribution to the District. The formula relates more directly to the District's needs and local resources and provides a standard which would seem fair to all parties concerned.

As chairman of the Senate District of Columbia Committee and as an Appropriations Committee member as well, I have advocated a Federal payment concept since 1960. It is my belief that this method will ease the difficult task for both the legislative and the appropriations committees in determining an adequate Federal payment by this city's largest industry, the Federal Government, when the imponderables of District tax revenue forecasts, borrowing authority totals and capital improvement requirements come into play.

The present lump-sum authorization has no direct relationship to local taxes or requirements. It does not reflect the proper share of the District's financial needs which should properly be borne by the Federal Government, which owns 44 percent of the total land area of the District, properly imposes building height limitations prohibiting office buildings that would bring to the District greater tax revenues, and grants tax exemptions to scores of educational, philanthropic, and patriotic organizations, not to mention the tax-exempted properties of foreign governments located here.

Mr. President, I hold the Senator from Colorado in great respect as a Senator and as a very fine lawyer.

I ask unanimous consent at this point to insert in the RECORD in full the inquiry I directed to the Attorney General of the United States under date of March 11, 1965, on the constitutionality of two specific provisions. I believe these questions were raised by the Senator from Colorado. The Attorney General has commented on those questions, and I ask unanimous consent that the Attorney General's reply and memorandum be printed in the RECORD at this point.

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

MARCH 11, 1965.

Hon. NICHOLAS DEB. KATZENBACH,
*Attorney General of the United States, Department of Justice, Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: During the course of the hearings before this committee on S. 1118, a bill to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, certain questions arose with respect to section 741 dealing with the annual Federal payment to the District of Columbia.

It would be appreciated if you would supply your Department's views as to whether such section is an unconstitutional delegation of taxing powers vested in the U.S. Government within the District of Columbia and/or an unconstitutional delegation of appropriation procedures of the Congress of the United States.

I am enclosing a portion of the transcript of the hearing of the above date, pages 40 through 69, wherein this subject was dealt with at some length, together with a copy of the proposed legislation in question.

It would be appreciated if this opinion could be supplied to this committee no later than Tuesday, March 23.

Cordially,

ALAN BIBLE.

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DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
*Washington, D.C.*

Hon. ALAN BIBLE,
*Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.*

DEAR SENATOR: This is in response to your letter of March 11, 1965, requesting the views of the Department of Justice with respect to the constitutionality of section 741 of S. 1118, a bill "To provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes."

We have considered the two specific questions raised by your letter and the transcript of the hearing you enclosed: (1) whether section 741 violates the Constitution by permitting the District of Columbia to tax the property of the Federal Government; and (2) whether the section involves an unconstitutional delegation of Congress power over the appropriation procedure. We have concluded that section 741 does not authorize the District of Columbia to tax Federal property and, therefore, does not raise a constitutional question in this regard. Further, we have concluded that 741 is not an unconstitutional delegation of the appropriate power of Congress. A memorandum giving the basis for these conclusions is attached.

I hope that this memorandum is helpful to your committee. This Department will be happy to furnish all assistance possible with respect to this important legislation.

Sincerely,

RAMSEY CLARK,
*Deputy Attorney General.*

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MEMORANDUM RE CONSTITUTIONALITY OF SECTION 741 OF S. 1118, THE DISTRICT OF COLUMBIA HOME RULE BILL

The District of Columbia home rule bill contains a provision which would establish a fixed formula for the annual Federal payment to the District of Columbia. This provision, section 741, is in the nature of a permanent and indefinite appropriation of Federal funds to be paid to the District of Columbia from the Treasury of the United

States. The initial computation of the amount of the payment would be submitted to the executive branch of the Federal Government each year by the Mayor of the District of Columbia. The computation would be based on three factors: (a) the real estate taxes the District of Columbia would receive if property owned and used by the Federal Government and property exempted by special act of Congress were taxable; (b) the personal property taxes the District would receive if tangible federally owned personal property, with certain exclusions, were taxable; and (c) the business income and related taxes which the District could reasonably expect to receive if the Federal Government were a private employer with an equivalent number of employees.

Because of the nature of this computation and the manner in which the payment of funds is to be requested and approved, the constitutionality of section 741 has been questioned. The specific questions raised are as follows: (1) Does the section constitute an unconstitutional grant of authority to the government of the District of Columbia to tax Federal property; and (2) is it an unconstitutional delegation of the appropriation authority of the Congress of the United States?

On the basis of the principles and precedents discussed below, our answers to both questions are negative.

A. THE DISBURSEMENT PROCEDURES OF SECTION 741

Section 741 of S. 1118 authorizes an annual payment to the District of Columbia from general funds in the Treasury of the United States not otherwise appropriated. Payment would be effected in the following manner:

The executive branch of the District of Columbia government would make the initial computation of the annual payment based upon the three factors outlined above. In making the computation based on real and personal property tax equivalents, the government of the District of Columbia would assess the value of the Federal property and would utilize the applicable tax rate in effect in the District in the preceding calendar year. The computation based on the business tax equivalent would be made by multiplying the actual receipts of business taxes during the second fiscal year preceding the fiscal year for which the Federal payment is requested by a fraction, the numerator of which represents the total number of Federal employees employed in the District and the denominator of which represents the total number of other employees employed in the District (excluding District government and certain other employees). In addition, the computation of the Federal payment would include water and sewer service charges.

On or before January 10 of each year, the mayor of the District of Columbia, with the approval of the Council, would submit a request for a Federal payment based upon this computation. The request would be submitted first to the Administrator of General Services, who would review it. If the Administrator determined that the request conforms with the law, he would certify the request to the Secretary of the Treasury. Certification would be made on or before the April 10 preceding the fiscal year for which payment is requested.

If the request were duly certified, the Secretary of the Treasury would cause payment to be made on or before September 1 of each fiscal year. Further, he would be authorized to advance necessary funds between July 1 and the date on which the annual Federal payment is made.

Section 741 would make a permanent indefinite appropriation. As defined by the Attorney General, this means that the appropriation would not be limited in duration or in specific amount; 13 Op. A.G. 288, 292 (1870). The appropriation would, however, be limited by the formula established by Congress and adherence to that formula would be enforced by the officers of the Federal Government designated by Congress.

B. POWER TO TAX FEDERAL PROPERTY

Among the enumerated legislative powers of Congress is the power to exercise "exclusive Legislation in all Cases whatsoever, over such District * * * as may * * * become the Seat of the Government of the United States* * *." (Art. I, sec. 8, cl. 17.) That, pursuant to such authority, Congress may create a District government and provide the same degree of local autonomy that can be given to a territory, or in general terms, which a State may confer on one of its subdivisions, is no longer open to question; *District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100, 105–110 (1953).

However, the question has been raised whether, assuming that Congress can delegate to the District government the ordinary powers of local government, it can also authorize the District of Columbia to tax Federal property.

It is, of course, an axiom of constitutional law that the property and functions of the Federal Government are immune from State and local taxation. This immunity is not set forth specifically in the Constitution, but was inferred from the supremacy clause in *McCulloch* v. *Maryland*, 4 Wheat. 316, 425–26 (1819), on the ground that possession of such a power of taxation by the States would be incompatible with, and repugnant to, the Federal laws under which such property was held and such functions performed. *Clallam County* v. *United States*, 263 U.S. 341, 344 (1923). It need not necessarily follow, however, that Congress may not permit such taxation if it does so explicitly; see *Van Brocklin* v. *Tennessee*, 117 U.S. 151, 175 (1886); *United States* v. *Allegheny County*, 322 U.S. 174, 177 (1944). We know of no instance in which Congress has permitted a direct tax to be imposed upon property or functions of the Federal Government, and this refusal is undoubtedly wise, because of possible embarrassments to the conduct of the Government which might arise from the subjection of such property or functions to the assessment and collection procedures of State and local law. But it has been by no means uncommon for Congress by statute to extend or to circumscribe the area of immunity which might otherwise be implied for Federal agents and instrumentalities; see, e.g., *Des Moines Bank* v. *Fairweather*, 263 U.S. 103, 106 (1923); *Pittman* v. *Home Owners' Loan Corp.*, 308 U.S. 21, 32–33 (1939); *Carson* v. *Roane-Anderson Co.*, 342 U.S. 232, 233–36 (1952); *Federal Land Bank of Wichita* v. *Kiowa County*, 368 U.S. 146, 149 (1961). However, we need not determine at this time whether Congress might constitutionally permit the District of Columbia to tax the property of the Federal Government, for it is clear that section 741 purports to grant no such power.

Section 741 indicates a congressional recognition of the "unique character of the District of Columbia as the Nation's Capital City," and a congressional intention to "cover the proper share of the expenses of the District government." The Federal Government owns and controls a large proportion of the land in the District of Columbia. Moreover, it has exempted other land, such as embassy property, from local taxation. The Federal Government is also the major employer in the District. These factors alone offer ample justification for the annual Federal payment to the district which compensates, in part, for lost taxes.

More importantly, however, the Federal Government has a unique responsibility for the District because it is the Nation's Capital. It retains ultimate legislative authority over the District and it directly influences the growth, development, and day-to-day operations of the District. This responsibility includes a financial responsibility as well. Section 741 is a recognition of this.

Nothing in the language of section 741 confers, expressly or impliedly, authority to tax the Federal Government. That section merely authorizes a regular annual payment to the District—a practice which has been in effect for many years. The difference between the present system and section 741 is that section 741 would constitute a permanent appropriation to be calculated under a fixed formula, whereas under the present system the District government annually requests a Federal payment, under a method of calculation which may vary from year to year, and Congress makes an annual appropriation which may or may not be related to that request.

Section 741 would establish a fixed formula upon which to base the request for Federal payment and the District government would be limited by that formula. Congress, of course, would not be bound by the formula since it retains authority to repeal or modify the formula at any time. It is true that the formula is based upon tax revenues which are lost to the District because of its status as the Nation's Capital, but this does not make the annual payment a tax. It merely represents a congressional judgment that this is a practical, efficient, and just method of computing the Federal payment. This is a basis of computation which Congress has found satisfactory in the past.

The District's situation is unique, but there are some analogous situations in which Congress has sought to ease the financial burdens occasioned by the presence of large Federal installations. For example, the Board of the Tennessee Valley Authority is authorized to pay a certain percentage of its gross proceeds to States and counties in lieu of taxes which would be owing if TVA were a private business. The statute expressly indicates that these are payments in lieu of taxation and that no State or local government is authorized to tax TVA. Tennessee Valley Authority Act of 1933, section 13, 48 Stat. 66, as amended, 16 U.S.C. 831. While these payments are made from TVA proceeds, rather than from general funds of the Treasury, the source of the funds has no bearing on whether or not the payments are taxes, and, indeed, Congress itself made an express distinction between payments in lieu of taxes and taxation. As a matter of justice it authorized such payments, while at the same time it expressly prohibited taxation of TVA. Nothing in the legislative history indicates any doubt as to the constitutionality of such payments. Nor, apparently, has this section been challenged in court on constitutional grounds, although it has been subject to court interpretation, *City of Tullahoma* v. *Coffee County*, 328 F. 2d 683 (C.A. 6, 1964); *Tennessee Valley Authority* v. *Polk County*, 68 F. Supp. 692 (E.D. Tenn. 1945), affirmed per curiam, 158 F. 2d 96 (C.A. 6, 1946). It must be presumed then, as with all acts of Congress, that this statute is constitutional.

A similar provision was made with respect to the Columbia Basin project. The Secretary of the Interior is authorized to pay annual sums in lieu of taxation to States or subdivisions thereof with respect to real property, and the amount of the payment is not to exceed the taxes which would be payable if the property were not tax exempt. Again payment is made from the proceeds of leases rather than from the general funds of the Treasury. The Columbia Basin Project Act, section 5 as added, 57 Stat. 19, as amended, 16 U.S.C. 835c–1. The constitu-

tionality of this does not appear to have been challenged.

An even closer analogy concerns the communities originally constructed by the Atomic Energy Commission at Oak Ridge, Tenn., and Richland, Wash. These communities were originally Government-owned company towns, but in 1955 Congress determined that they should be sold and converted to regular municipalities. At the same time, Congress announced its purpose of providing for "the obligation of the United States" to continue financial support in a manner "commensurate with (1) the fiscal problems peculiar to the communities by reason of their construction as national defense installations, and (2) the municipal and other burdens imposed on the governmental or other entities at the communities by the United States in its operations at or near the communities * * *." Atomic Energy Community Facilities Act of 1955, section 13, 69 Stat. 472, 42 U.S.C. 2303.

This act provided that the Atomic Energy Commission would make an annual payment for a period of 10 years and such payment was to be based on the following factors: (1) the approximate real property taxes and assessments which would be payable if Government property were not exempt from taxation; (2) the amount necessary to maintain municipal services at a level which would not impede AEC recruitment; (3) a consideration of the peculiar fiscal problems resulting from the construction of a single purpose national defense installation; and (4) the municipal services and other burdens imposed by the United States in its operations. Provision is also made for an AEC recommendation for continued payments at the expiration of the 10-year period. (This period has not yet expired.) Section 91, 69 Stat. 481, 42 U.S.C. 2391. Apparently the constitutionality of this arrangement was not challenged in Congress nor has it been tested in the courts. Thus, this provision also must be assumed to be constitutional.

To sum up, therefore, the most that can be said against section 741 on this score is that it authorizes a Federal payment to the District figured on the basis of tax rates imposed by the District government, so that the amount of Federal payment is dependent on the actions of the District government. But over the years Congress has several times used the loss of tax revenues as a standard for computing the appropriate contributions of the Federal Government to a community upon which the Government has placed a special burden, even though any formula based in whole or in part on a calculation of lost tax revenues makes the Federal payment to some extent dependent on the local tax rate. Indeed, such a standard is implicit in the concept of a payment in lieu of taxes. Nothing in the Constitution specifically forbids use of such a formula, nor can any such prohibition, in our opinion, be fairly inferred. Even if it is assumed that Congress could not permit State or local governmental units to impose taxes on Federal property, there is nothing to prevent Congress itself from prescribing a formula for payments in lieu of taxes which utilizes existing or subsequent local tax rates, just as Congress in the Assimilative Crimes Act, 18 U.S.C. 13, adopted for Federal enclaves the existing and subsequently enacted criminal laws of the States, compare *United States* v. *Sharpnack*, 355 U.S. 286, 294 (1958). The payments to be made to the District under section 741 will be made not to satisfy any tax obligation imposed by the District government, but pursuant to a direction of Congress, a direction which Congress is at any time free to change.

C. RELATIONSHIP OF SECTION 741 TO APPROPRIATION AUTHORITY

Article I, section 9, clause 7 of the Constitution provides: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law * * *." It has been suggested that section 741 may be an unconstitutional delegation of this congressional power.

As indicated above, section 741 is a permanent and indefinite appropriation and if enacted by Congress, it would be an appropriation made by law. On the other hand, the specific amount of each annual appropriation would not be set by Congress, even though the method of computation would be fixed by statute.

For the most part, appropriations made by Congress are limited to 1 year's duration and maximum monetary amounts are specified. Further, the general purposes for which such funds are to be expended are outlined in appropriation acts. This is not required by the Constitution, however, except that appropriations to raise and support armies must be limited to 2 years' duration (art. I, sec. 8, clause 12), and appropriations may be made only for the broad purposes recognized in article I, section 8, clause 1. All other restrictions on appropriations are the result of congressional action and may, accordingly, be changed by Congress.

This is not to say that Congress has never appropriated on a permanent and indefinite basis. For example, there is a permanent appropriation "out of any money in the Treasury not otherwise appropriated" of such sums as may be necessary for payment of final judgments and compromise settlements against the United States. There is no limitation on the amount of total expenditure although the act is applicable only to individual judgments and settlements not in excess of $100,000 in any one case, and each payment must be certified by the Comptroller General and must be in accordance with the applicable laws relating to judgments and settlements. Act of July 27, 1956, section 1302, 70 Stat. 694, as amended, 31 U.S.C. 724a. It should be noted that the "computation" of the individual payments is left to the courts or the settlement authorities and payment is to be made when certified, without any requirement of direct congressional action. The reasons for this provision are obvious—specific appropriations for each individual judgment against the United States would be unduly burdensome to Congress and might, because of delay, result in injustice. Thus, Congress made a permanent and indefinite appropriation, governed by certain statutory requirements. The administration of the act and the authority to fix specific amounts, however, were left to others.

There are obvious differences between section 741 and the law discussed above, but both have certain factors in common: (1) permanence; (2) indefiniteness; (3) statutory limitation; and (4) a delegation of authority to set the specific amount of individual expenditures. Nothing in the Constitution expressly prohibits appropriation acts of this type and such acts appear to be within the permissible limits of congressional authority.

As long as the annual Federal payment to the District of Columbia is authorized by an act of Congress, is computed on the basis which Congress itself establishes, is certified in accordance with law, and remains subject to legislative control, it would appear to comply with the requirement that all payments of public funds be made "in consequence of appropriations made by law."

It is true that the section 741 would leave to the District of Columbia government the power to allocate the annual payment to specific purposes. It has been held, however, that such authority may be delegated by Congress. The Internal Revenue Code of 1934 levied a tax on coconut oil and provided that tax revenues received on coconut oil of Philippine production would be turned over to the government established for the Philippines by act of Congress. A taxpayer challenged this as a violation of article I, section 9, clause 7, and also as an unconstitutional delegation of the legislative power of Congress over the Philippines. The Supreme Court indicated that Congress has the same authority over its dependencies that a State has over its political subdivisions and that authority may be delegated to dependencies to the same extent to which a State might delegate authority to a county or municipal government, *Cincinnati Soap Co.* v. *United States*, 301 U.S. 308, 317 (1937). Further, the Court noted that the Federal Government has a "moral obligation" to render financial assistance to dependencies and that it has wide discretion in prescribing the allocation of any disbursement made to the local government. The Court stated:

"The proceeds of the tax under consideration are to be paid into the treasury of a government which Congress itself thus created, to be expended by that government, except as the act otherwise directs, in accordance with its judgment as to specific necessities. The congressional power of delegation to such a local government is and must be as comprehensive as the needs." *Id.*, at 322.

The Court found this provision to be a valid appropriation of funds and a constitutional delegation of authority.

It seems equally clear that Congress may delegate to the District of Columbia government the authority to determine the objects for which the Federal payment to the District may be expended.

Mr. BIBLE. Mr. President, one question frequently heard is whether such enactment would establish a precedent for payments in lieu of taxes in other jurisdictions in which the Federal Government owns property. Obviously, the Federal Government established this city as the seat of its government and therefore has unique responsibilities for the financial well-being of the Nation's Capital. For more than 75 years, Congress has recognized that responsibility by appropriating a share of the funds needed for the operation of the government of the District. Congress has fully understood that, because Washington is the Federal City and the seat of the National Government, its development and growth have been unusually affected by Federal Government operations.

Hence, the issue is not in any sense whether the Federal Government should contribute to the expense of government in the District, but only what measure can best be used to determine its fair share of the District's financial needs.

A formula approach based on the valuation of tax-exempt property of the Federal Government located in the District of Columbia, tax-exempt property of foreign governments, and others exempted by special acts of Congress, is not a new idea. The House Appropriations Committee, in the 86th Congress, used local tax-exempt properties in computing its recommendations on the Federal payment authorization for the 1960 fiscal year, and this bill might well be classed as an extension of the House Appropriation Committee's logic.

Further, history also provides authority for a Federal payment percentage, as I said previously. From 1879 through 1920, the Federal payment to the District of Columbia was a flat 50 percent of the General Fund appropriation. In

other words, of each dollar appropriated to operate and maintain the District, the local taxpayer paid 50 cents with the remaining 50 cents being paid by the Federal Government.

In 1921 the Congress discontinued its 50 percent formula. Since that time, the percentage of costs borne by the Federal Government has fluctuated from a high of 39.5 percent on General Fund appropriations in 1924, to a low of 8.5 percent in 1954. Since 1956, the Federal payment has been slightly over 12 percent. The $43 million Federal payment voted to the District by Congress for fiscal year 1966 is approximately 13 percent of the General Fund estimate of a $300 plus million appropriation for the 1966 fiscal year to operate the District government.

Mr. President, the Federal payment formula concept contained in the bill is not new to the Congress. The Senate, when it passed H.R. 6177, a District revenue bill, on July 22, 1963, approved a Federal payment formula authorization for the District of Columbia. This was a formula authorization concept with the annual appropriation authority remaining with the Congress.

A home rule bill submitted by the late President Kennedy and the one submitted this year by President Johnson provide the Federal payment formula not only as an authorization but also as an automatic payment.

Mr. President, in my judgment the Federal payment formula provision represents what I believe to be the heart of the entire home rule proposal. If we are to grant the residents of this city the freedom to elect their governing officials, can or should the Congress continue to hold all the purse strings and with it, the actual power over the District's daily activities. I submit we cannot and should not grant actual home rule with one hand and pull it back with the other.

If the formula does not operate properly, the Congress can easily change that formula, but in the meantime the citizenry of the District will be placed on its own to run a local government as it sees fit. Both the late President Kennedy and President Johnson were and are fully committed to the Federal payment concept. I am hopeful that the Senate and the Congress will adopt it.

When the section of this bill providing for a Federal payment authorization appropriation is attacked as an inappropriate automatic appropriation and back-door financing, I believe that we must examine other precedents to ascertain whether this is as bad as it may sound, and I, for one, do not believe it is bad as the opponents would wish to make it.

A very good comparison I believe the Senate should examine is the 1950 Organic Act for the Territory of Guam and the 1954 Act concerning the Territory of the Virgin Islands.

It should be noted that automatic payments under Federal law for the use of the governments of the Virgin Islands and for Guam are now in effect without Congress or the Appropriations Committees passing on the individual use of these dollars.

Actually, residents of these two territories pay a tax which is the equivalent of the Federal income tax paid by District residents and other Americans. As an example, this tax total for fiscal year 1963 was approximately $7½ million and for the 1964 fiscal year was some $10½ million for the Virgin Islands. These income taxes were automatically paid under Federal law to the Virgin Islands government for the direct use of its 42,000 citizens.

The Territory of Guam, with its 70,000 to 75,000 residents, has a similar situation. Taxes equivalent to our Federal income taxes are reserved in a trust fund for the Guamanian government.

It is true that appropriations are made by the Congress to both the Virgin Islands and for Guam but that is merely for the salaries of top governmental officials and the judiciary, but not for the municipal housekeeping items of those territories.

Likewise, another example of direct payments without congressional appropriation are those totals paid to the governments of the Virgin Islands and Puerto Rico in the form of excise taxes collected in the United States on products, now chiefly rum, shipped into the States from both the Virgin Islands and Puerto Rico.

These funds are used by the two territorial governments without direct appropriation by the Congress from the Treasury to these two governments. Those estimated collections for fiscal 1966 are approximately $10 million for the Virgin Islands alone. Statutory controls over these expenditures are imposed by Congress with the Department of Interior as the administering agency.

Would those who oppose the District of Columbia Federal payment formula believe the citizens of the Virgin Islands, Puerto Rico, and Guam more properly should receive automatic payments without specific appropriations by the Congress and deny that same privilege of a Federal payment by the Congress to the citizens of the District of Columbia?

In brief, if Congress was as beneficent with the District of Columbia as it is with the Virgin Islands and Guam and return, in essence, every Federal income tax dollar to the District Government for its governmental use, I would predict some of the problems which make themselves tragically felt all to often would not now be with us.

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

Mr. BIBLE. I am glad to yield to the Senator.

Mr. DOMINICK. I had the pleasure of serving on the Subcommittee on Territories and Insular Affairs of the Committee on Interior and Insular Affairs, both in the House and the Senate.

I may be in error, but I should like to ask if it is not a fact that the Federal payment is based really on what the individuals in those areas would otherwise have paid into the Federal Treasury in the form of income taxes?

Mr. BIBLE. I believe it is based upon the direct income tax that would have been paid into the Federal Treasury.

Mr. DOMINICK. It is not an ad valorem tax on governmental property, such as the one about which we have been speaking.

Mr. BIBLE. I know; but there is a tax on individuals that ordinarily would go into funds of the U.S. Treasury. Instead of going into the U.S. Treasury, it goes directly for the use of residents of Guam and residents of the Virgin Islands. That is the point I was making, and directing it to the point that here we have precedent for so-called backdoor spending.

Other examples of shared revenues without appropriations, include customs receipts going for agricultural research, custom receipts going to the Commercial Fisheries Bureau and for State marine schools and to the American woolgrowers. Likewise, there has been a permanent, indefinite appropriation in effect since 1917 in which the vocational schools around the country receive a grant on a dollar-for-dollar matching basis to pay teachers' salaries to teach other teachers agricultural trades, home economics, farm, and industrial subjects. Likewise, forest receipts and grassland receipts for grazing purposes are returned to the States for roads, schools, and so forth.

Mr. President, the Justice Department advised the committee in making a comparison between the Federal payment formula proposal with the Tennessee Valley Authority Act of 1933 and the Columbia River Basin Project Act, that both the latter authorize payments from proceeds of leases rather than from general funds of the U.S. Treasury as the District of Columbia Federal payment proposal would do. The Justice Department claims a closer analogy is the Atomic Energy Community Facilities Act of 1955 providing annual payments by the AEC to the Government-owned towns of Oak Ridge, Tenn., and Richland, Wash., and based upon Federal property exempt from taxation, and so forth.

Those are precedents which should be taken into consideration as we consider the amendments before the Senate. Congress is not unfamiliar with bills which have been introduced to make certain payments to States and municipalities for taxable property which has been withdrawn from those various municipalities. Bills have received committee consideration. If my memory is good, on one occasion such a bill was passed by the Senate. It was not enacted into law. I believe those are excellent precedents.

I reserve the remainder of my time.

I yield 5 minutes to the distinguished Senator from New Hampshire [Mr. McINTYRE].

Mr. McINTYRE. I thank the Senator. Will the Senator yield for 10 minutes?

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

The PRESIDING OFFICER. The Senator from Nevada has 43 minutes remaining.

Mr. BIBLE. I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. McINTYRE. Mr. President, I am glad of this opportunity to rise and buttress the argument of my distinguished chairman of the District of Columbia Committee in opposition to the amendment of our good friend, the Senator from Colorado.

I point out that the Federal payment formula is not simply a desirable feature for home rule, it is a necessary feature for home rule. There can be no home rule if there is no payment formula. The whole idea of home rule is that District of Columbia citizens have some real influence on the government of the District. In S. 1118, we are providing a government which will be elected by the people and which will be responsible to the people for the conduct of government. If the government which is elected is not responsive to the people, it should be voted out of office and another government voted in. Now the question is, "Can a government be responsive to its people if it does not have control over the use of its funds?" I know that from my experience as a mayor in New Hampshire that almost every important action costs money. Each members here knows this from the experiences we have had acting on appropriations for various agencies.

If the elected representatives of the District do not have the authority to spend funds, they do not have the ability to be responsive to the people. Instead of a governing body, they will become a recommending body bringing the recommendations of the people to the Congress for our approval. If a new clerk-typist position is needed for the school system, if a new medical doctor position is needed for a health clinic, the function of the District of Columbia government will not be to approve its establishment, instead its function will be to present, hat in hand, its request to the Congress for approval.

Mr. President, as a former mayor working with a city council, we could not have fulfilled our responsibility to meet the needs of the people who elected us if we had not had the right to vote moneys, to take a position, without sanction from a higher authority. If we could not have hired a policeman, or a teacher, or a city engineer without prior approval from above, we would not have been able to do our job effectively. I submit that the elected officers of the District will not be able to fulfill the responsibilities for which they are to be chosen if they do not have authority to establish even one position, or to vote one dollar, but must instead request the Congress to approve each action.

Mr. President, some of us are concerned that the District, with many years of disenfranchisement, may not be able to do an adequate job of running itself. I am sure that everyone who has had experience in city government is aware of the tremendous problems. However, I would like to suggest that it is time we let the District have a try at it. The condition of the District today shows that our present system has not eliminated all problems. In fact, it may be that local authority would have done better in some areas.

One area is schools. I have visited several, and in New Hampshire, we would have torn them down years ago. The buildings are old and dilapidated, and in many, children have to attend split sessions because there is not enough classroom space. Basement rooms designed for storage are now classrooms. Auditoriums are partitioned to take care of overflow. Schools are not being built or planned where they will be needed. We cannot blame this on the District, which has asked for funds up to the limit of the authorized Federal payment. We can only take the responsibility ourselves.

The Congress has been very responsive to the requests of the District for police and direct action on crime. We have not been so responsive to the needs for schools, welfare programs, urban renewal, housing, and thus over the years the seeds have been planted which today we reap. I suggest that a city which governed itself would be more likely to meet and respond to these needs as they occur, instead of having to wait and wait until a Congress, burdened with national and international affairs, could be convinced that action was necessary.

The authorization approach will not give the District of Columbia government the basis for planning which is necessary for orderly government. I would like to remind the Senate that the Federal payment now authorized for the District of Columbia amounts to $50 million. Yet the amount approved for fiscal year 1966 was $43 million. No one disagreed about the need for replacement of old schools, but on a priority basis, enough construction was deleted to keep the Federal payment below the total authorized.

If we take only the last 3 years—when $50 million was authorized—we find that $32 million authorized was not appropriated, and the $32 million would have gone a long ways toward meeting the need for new schools.

Mr. President, it has been said that the kind of Federal payment we are asking the Senate to approve would create problems, in that cities and States with substantial Federal buildings and property would feel they should receive similar payments. I suggest that this is really groundless.

This payment is not an abstract thing with no context; it is proposed in the context of the government of the Federal city over which the Congress has exclusive legislative control. And this is not a Federal handout which covers all the expenses of the District of Columbia. In fact, the payment will probably amount to about 15 percent of the total budget for the District, leaving 85 percent to come from taxes and revenues paid by the citizens of the District.

I would like to ask if anyone here knows of a city or State which, in return for 15 percent of its total budget, would like to turn over control of its future to the Congress. Is there any city or State which would like to give the Congress and the President veto power over every act of the council or legislature, for 15 percent of its budget? Is there any city or State which would like to give the Congress regular reports on its operations and programs and stand ready to explain to the Congress the reasons for taking one course of action rather than some other?

Mr. President, I know of no such city or State, and I do not believe any exists. What we are here recommending will set no precedents which will return to haunt us unless we do in fact approve a bill without the Federal payment formula.

Mr. President, I could not count the number of people of the District who have been in my office asking my support for this or that project or program or building for the District, or to urge me to take a certain position effecting the District of Columbia. And, if I understand correctly, the same experience is true for many of my colleagues. I would suggest that, if we pass a home rule bill without a Federal payment provision, we can expect many more people from the District to visit our offices to plead for their special interests—especially since the elected District of Columbia officials will have no option but to tell them that final approval rests not with them but with the Appropriations Committees and Congress.

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

Mr. McINTYRE. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I do not know the reason for the Senator's comment about passing a bill without a Federal payment provision. Nothing in my amendment would eliminate the Federal payment provision; the amendment merely makes the Federal payment subject to appropriation.

Mr. McINTYRE. As I understand the amendment of the Senator from Colorado, it is proposed to repeat the present process, in that once the city council and the mayor of the District had proposed a budget, they would have to come to Congress for the approval and sanction of that budget. So, in effect, they would be coming to Congress, hat in hand, trying to have certain jobs done and certain positions filled. That is my understanding of how the Senator's amendment would work.

Mr. DOMINICK. It is not my understanding.

Mr. McINTYRE. Mr. President, under the Constitution, the Congress has special responsibility for the District. There is no question about this. However, we can exercise this responsibility by reviewing the reports of the District on its ongoing activities. On matters of importance, we can intervene directly in District of Columbia affairs, and if home rule does not work properly, and

it cannot be changed to make it work, we can revoke it and return to the present way of running things.

I do not feel that we can tell the District that it has home rule and then require it to check every step with us for prior approval. If we have no faith in the ability of the District to run itself, then we should not grant home rule. We should not go to the trouble and expense of setting up an elective system.

If we pass a bill without a Federal payment provision, we will be deluding the people of the District by letting them think that they have home rule when really we will be weakening their position. The District of Columbia budget now comes to Congress with the support and endorsement of the administration. The President's prestige and concern are evident in its presentation. Under an emasculated home rule bill—and I can think of no more fitting word to describe the bill without a Federal payment formula—the prestige and support of the President would no longer be present. Instead, the people of the District would be coming before the appropriations committees without votes and without advocates.

Mr. President, it is abundently clear that the committees of Congress which have responsibility for supervision of District affairs are the District of Columbia Committees of the Senate and House. As a member of the Committee on the District of Columbia, I have full confidence in our ability to exercise such supervision under the leadership of the distinguished senior Senator from Nevada. I have full confidence that the District, under home rule, will do a good job, provided it has the flexibility to use its funds where it sees fit, rather than having to check first to see if Congress agrees.

I urge that the Senate pass the bill with the Federal payment formula as proposed and that the amendment of the Senator from Colorado be rejected.

Mr. SALTONSTALL. Mr. President, will the Senator from Colorado yield me a few minutes?

Mr. DOMINICK. Yes; but I first promised to yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, I compliment the distinguished Senator from Colorado [Mr. DOMINICK] for having offered a significant and important amendment. His explanation is a valuable contribution to the understanding of the difficult and complex question of home rule.

We have heard in the hearings, and again on the floor of the Senate, that it is of vital importance to the independence of the local government that the Federal payment be retained. I have several comments on this point.

First, in the bill as it came to us and as it was reported to the floor, the Federal Government is asked to appropriate on a permanent basis an indefinite amount calculated on a rather abstract and complicated theory. The Deputy Attorney General, Ramsey Clark, submitted a memorandum to the committee supporting the constitutionality of the Federal payment section and acknowledged that it was the intention in the section to provide a "permanent indefinite appropriation."

The amount of the annual appropriation is to be computed by having the District government assess the value of all federally owned real estate and personal property and multiply its assessed amounts by the property tax rates then applicable to private property in the District. Additionally, a sum is to be appropriated for business taxes purportedly lost by the presence of the Federal business in the District. This amount would be equal to the total of business taxes collected in the fiscal year multiplied by the ratio of Federal employment to private employment.

As the bill came to us, the mayor would determine the method of assessing District personal property, and the District assessment office would make its own judgments on Federal real property assessments. The Administrator of General Services could do nothing more than to certify that the District Government had made such assessments in accordance with the procedures set out in the bill or in existing law.

By the time the bill left the committee, it contained significant and substantial amendments offered by Senator DOMINICK and me to give the Federal Government an opportunity to review these assessments to make sure that they were fair, reasonable, and correctly computed.

Granting the efficacy of these amendments, substantial problems remain in the Federal payment plan. How would one assess the Justice building? The White House? Or the Capitol? What parallels or analogies are there between these buildings and private property? What system of inventory would be imposed on the Federal Government so that the District could keep track of every pencil and every eraser?

Assuming that a set formula is advisable and workable, what kind of financial objective would be sustained by this approach? Would we appropriate to meet a need or to meet the demands of a cold formula?

The level of authorizations for the District of Columbia over the past years has been recomputed from time to time by Congress with an eye toward the needs of the District of Columbia. The Federal payment in the past has not been intended as a windfall. It is not a contribution. It is not hush money. The Federal payment should supplement the sources of revenue for the District only to meet specific District needs.

The District of Columbia is the Nation's Capital. To that extent, the Federal Government ought to contribute to its operation.

S. 1118 requires the Treasury to pay, not Congress to appropriate, annually an indefinite amount based upon a formula of dubious reliability and accuracy without regard to the District's needs. If the District's financial needs should exceed the Federal payment, there would be no mechanism to supplement existing resources. If the District did not need all of the Federal payment, there is no provision in section 741 for refunding any of that amount to the Treasury.

Mr. President, I have no doubt that the District of Columbia would find some way to spend every cent in the Federal payment, but it need not be wisely spent. It might be used to reduce local tax rates. It might result in the rest of the country subsidizing a municipal police or fire department in excess of local contributions to those essential services.

Finally, Mr. President, while the Deputy Attorney General, Ramsey Clark, supported the constitutionality of the Federal payment plan, he said nothing about its compliance with the rules of the House or Senate.

The House of Representatives has long considered the District of Columbia appropriations bill a general appropriations bill which must originate in the House—IV Hinds' Precedents, sections 3553, 4629; VII "Cannon's Precedents," section 1116. The House insists that the Senate may only initiate appropriations bills having single specific purposes. Clearly, S. 1118 is not such a bill. No committee of the House except the Appropriations Committee can report a bill containing a general appropriation without the risk of having a point of order raised against it.

So, Mr. President, it is quite conceivable that the House Committee on the District of Columbia would have to strike the Federal payment from the bill before it could be reported.

I note with interest that certain sectors of the local press have indicated that Charles Horsky, the President's adviser on District of Columbia affairs, is ready and willing to strike this section from the bill in order to get the bill through the House.

It would, therefore, seem timely, reasonable, and in consonance with the spirit of the House and Senate rules to adopt the Dominick amendment, remove any parliamentary questions now inherent in the section, and send this bill to the House in a form in which it would stand a chance of passage.

Mr. DOMINICK. I appreciate the helpful comments made by the distinguished Senator from Vermont. I know how hard he has worked on this bill, and I appreciate his support.

I now yield 5 minutes to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, as a member of the Committee on Appropriations, I support the amendment of the Senator from Colorado. I have been a member of the Committee on Appropriations for 15 or 16 years. I know what it means to approve appropriation requests when we have no authority except to be a rubberstamp. There are certain financial obligations as to which we must be a rubberstamp. I think of bond interest, retirement allowances, and claims. In those cases, the Committee on Appropriations is rightly a rubberstamp with respect to the amounts that are owed by the Government.

But in the case of the District of Columbia it is a question of authority and a question of appropriation.

I have a memory of one instance in which the committee resented being used as a rubberstamp. The United Nations now prepares its budget in December and asks Congress to approve it in June or July. The members of the Committee on Appropriations resent having no alternative except to approve the budget recommended by the United Nations in December.

I read from page 10 of the committee report:

> The formula for a Federal payment to the District of Columbia established by this bill would be an amount equal to the sum of (1) the real estate taxes the District would receive if property owned and used by the Federal Government and property exempted by special act of Congress were taxable; (2) the personal property taxes it would receive if tangible federally owned personal property, with certain exclusions, were taxable; and (3) the business income and related taxes which it could reasonably expect to receive if the Federal Government were a private business with an equivalent number of employees.

It seems to me that those three bases on which taxes for the District of Columbia would be established and Congress requested to appropriate are utterly out of keeping with the status of the Capital City. Washington, D.C., represents to the other sections of the country the authority of the Federal Government. The President and Congress are located here. They act for the entire country; they do not act merely for the District of Columbia.

I disagree with the Senator from New Hampshire, who says that the District of Columbia is like a city in New Hampshire or Massachusetts or Colorado, where the mayor and the city council agree on the amount of money that is to be raised.

The statement that the District of Columbia would assess the buildings, the personal property, and the alleged business income that would arise if all these properties were under private operation, is, to my mind, utterly fallacious. How could one assess the value of the Smithsonian Institution? We appropriated $33 million for the new building. How would that be assessed? We would have the question of assessing the value of the building and then the personal property in the Smithsonian Institution or in the Archives. How could one value, with any degree of accuracy, the value of the Archives, the old documents from the early history of our Government, or the objects that are brought to the Smithsonian Institution for viewing by our people? Those objects are brought from all over the United States and from other parts of the world.

The amendment offered by the Senator from Colorado would accomplish the purpose of an ordinary appropriation that would come before us. We have our authority on the military expenditures, the Department of the Interior, and the Department of Agriculture.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield 3 additional minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 additional minutes.

Mr. SALTONSTALL. We would have authority to decide what is or may be necessary for a particular purpose. Then the question would come before the Appropriations Committee. The Appropriations Committee would decide for that year how much money should be appropriated for the purpose for which authority is given.

The amendment offered by the Senator from Colorado would carry out the method of determining the amount of appropriation.

The city government expresses its estimate as to the money it feels is needed. Then we decide how much actually shall be appropriated.

In ordinary circumstances, I believe, we would appropriate very nearly what the city government would want and the authority which it would set forth. However, to say that Congress, in the Capital City of our country, the President in the White House, the Congress, and all the Government departments in this area shall have no authority over how much money shall be spent by the Federal Government for the purposes of carrying out the Government functions is, to my mind, utterly wrong.

I believe that it would be impossible to establish the basis on which to set up the system for assessing the real estate taxes and the personal property taxes which the District would receive if the property owned and used by the Federal Government were taxable. How can we assess the worth of the personal property in all the various buildings, and particularly in places like the Smithsonian and the Archives? How could one determine what business income might result from buildings such as those occupied by the Department of Labor or the Department of the Interior? We would say that if those were used for business purposes, the income from that property should be taxable.

I hope that the amendment of the Senator from Colorado will be agreed to. I believe that it would greatly improve the bill, and would certainly make it much easier for me as a member of the Committee on Appropriations to vote for the bill.

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

Mr. DOMINICK. Mr. President, I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I shall ask a question or two of the Senator from Massachusetts. I offered an amendment an hour or two ago which was overwhelmingly rejected. The vote was 29 for and 66 against what I proposed.

I went to the desk to see how the senior Senator from Massachusetts voted. I did so because I felt that if my views were in accord with his, I would feel consoled and convinced that what I was proposing was correct.

Mr. SALTONSTALL. Mr. President, I appreciate the remarks of the Senator.

Mr. LAUSCHE. Mr. President, I say that very sincerely. The clerks at the desk will confirm that I examined the record. The U.S. Government owns land, real estate, and personal property in the District of Columbia. Is that correct?

Mr. SALTONSTALL. The Senator is correct.

Mr. LAUSCHE. The U.S. Government owns personal property and real property in the State of Ohio.

Mr. SALTONSTALL. The Senator is correct. Ten years ago the U.S. Government owned real estate to the equivalent of everything east of Ohio, including Ohio.

Mr. LAUSCHE. Would the rule that I was advocating in the pending bill be of equal and just applicability in the way of tax collection in the District of Columbia on the one hand, and the State of Ohio on the other hand, or would the District of Columbia receive preferential treatment on the basis of income that the Federal Government would pay to those two areas?

Mr. SALTONSTALL. Mr. President, I am not sure that I understand the question.

Mr. LAUSCHE. The Senator from Massachusetts read three conditions contained on page 10.

Mr. SALTONSTALL. The Senator is correct.

Mr. LAUSCHE. The Senator referred to the real estate taxes that the District would receive if the property owned and used by the Federal Government and properly exempted by special act of Congress were taxable; the personal property taxes that the District would receive if federally owned personal property, with certain exclusions, were taxable; and the business income.

Does that same rule of the U.S. Government paying for the operation of local government in the District of Columbia apply to Cleveland?

Mr. SALTONSTALL. It would not, if I understand the Senator correctly. The Federal property in Cleveland, Boston, or any other city is free from taxes. I believe that is correct.

Mr. LAUSCHE. That is the point that I am making.

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

Mr. DOMINICK. Mr. President, I yield 1 additional minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 additional minute.

Mr. LAUSCHE. Mr. President, I suppose there have been 10 million visitors to the District of Columbia this year. Under the provisions of the pending measure, the Federal Government would be paying in lieu of taxes an amount that the District might have received on federally owned property if the Federal

Government were not here. That rule does not apply to Denver, Colo., Chicago, Ill., or Buffalo, N.Y., or to Cleveland, Ohio. Am I correct?

Mr. SALTONSTALL. The Senator is correct. The city of Washington has a great number of tourists because it is the Capital of our country.

My point is that it is utterly impossible to say that in the case of the Smithsonian Institution, of which I happen to be a regent, or the Archives, or other Federal buildings, one could determine what the business income would have otherwise been.

How could we go about determining this question? Would it be by the cubic foot, the square foot, the number of floors, or the number of elevators?

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

Mr. DOMINICK. Mr. President, I yield 1 additional minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 additional minute.

Mr. LAUSCHE. Mr. President, am I correct that the bill as written contemplates that the District of Columbia shall be paid the amount of money that it would have collected if the property of the Federal Government were subject to taxation?

Mr. SALTONSTALL. That is my understanding.

Mr. LAUSCHE. The Senator is of the belief that that is wrong because that rule does not apply to other areas of the country?

Mr. SALTONSTALL. The Senator is correct. Also, Congress is responsible for the appropriation of the money that the Government will spend.

Mr. LAUSCHE. I thank the Senator. I concur in the views expressed by the Senator from Massachusetts.

Mr. DOMINICK. Mr. President, I yield myself 2 minutes to determine if any Senator wishes to say anything else. I am about ready to vote if the Senator from Nevada is.

Mr. BIBLE. I am in exactly the same position. If I have no further requests for time, I am prepared to yield back the remainder of my time.

Mr. DOMINICK. I yield back my time.

Mr. BIBLE. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from Virginia [Mr. BYRD] and the Senator from South Carolina [Mr. RUSSELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. YOUNG] would vote "nay."

On this vote, the Senator from Tennessee [Mr. GORE] is paired with the Senator from Arkansas [Mr. MCCLELLAN]. If present and voting, the Senator from Tennessee would vote "nay" and the Senator from Arkansas would vote "yea."

On this vote, the Senator from Rhode Island [Mr. PASTORE] is paired with the Senator from Georgia [Mr. RUSSELL]. If present and voting, the Senator from Rhode Island would vote "nay," and the Senator from Georgia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Pennsylvania [Mr. SCOTT] is absent on official business and, if present and voting, would vote "yea."

The Senator from Kansas [Mr. PEARSON] and the Senator from North Dakota [Mr. YOUNG] are detained on official business, and, if present and voting, would each vote "yea."

The result was announced—yeas 38, nays 48, as follows:

[No. 197 Leg.]

YEAS—38

| | | |
|---|---|---|
| Aiken | Ervin | Murphy |
| Allott | Fannin | Prouty |
| Bennett | Fong | Robertson |
| Boggs | Hickenlooper | Saltonstall |
| Byrd, W. Va. | Hill | Simpson |
| Carlson | Hruska | Smith |
| Cooper | Jordan, N.C. | Sparkman |
| Cotton | Jordan, Idaho | Stennis |
| Curtis | Kuchel | Talmadge |
| Dirksen | Lausche | Thurmond |
| Dominick | Miller | Tower |
| Eastland | Morton | Williams, Del. |
| Ellender | Mundt | |

NAYS—48

| | | |
|---|---|---|
| Anderson | Hart | Metcalf |
| Bartlett | Hartke | Mondale |
| Bass | Holland | Monroney |
| Bayh | Inouye | Montoya |
| Bible | Jackson | Morse |
| Brewster | Javits | Moss |
| Burdick | Kennedy, Mass. | Muskie |
| Cannon | Kennedy, N.Y. | Nelson |
| Case | Long, Mo. | Neuberger |
| Church | Magnuson | Pell |
| Clark | Mansfield | Proxmire |
| Dodd | McCarthy | Randolph |
| Douglas | McGee | Ribicoff |
| Fulbright | McGovern | Symington |
| Gruening | McIntyre | Tydings |
| Harris | McNamara | Williams, N.J. |

NOT VOTING—14

| | | |
|---|---|---|
| Byrd, Va. | Pastore | Smathers |
| Gore | Pearson | Yarborough |
| Hayden | Russell, S.C. | Young, N. Dak. |
| Long, La. | Russell, Ga. | Young, Ohio |
| McClellan | Scott | |

So Mr. DOMINICK's amendment was rejected.

Mr. BIBLE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MOSS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. LAUSCHE and Mr. BYRD of West Virginia addressed the Chair.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The legislative clerk proceeded to a third reading of the bill.

Mr. LAUSCHE. Mr. President, I offer an amendment——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the third reading of the bill be rescinded.

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

Mr. MANSFIELD. The Senator from Ohio was on the floor, standing, seeking recognition.

Mr. LAUSCHE. Mr. President, I will not ask for a yea-and-nay vote.

The PRESIDING OFFICER. The Chair also instructs the majority leader that it is necessary that the adoption of the committee amendment, as amended, be rescinded, in order for the Senator from Ohio to offer his amendment.

Mr. MANSFIELD. Mr. President, I make that request.

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

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

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 107, lines 24 and 25 and on page 108 strike out the words "and to the appointment or selection, qualification, tenure, and compensation of the judges thereof".

Mr. LAUSCHE. Mr. President, the pending bill as now written provides that the Council of the District of Columbia shall have jurisdiction over the appointment, selection, qualifications, tenure, and compensation of the judges of the District of Columbia. In other words, the Council of the District of Columbia as constituted by the pending bill would have complete jurisdiction over the appointment, qualifications, tenure, and compensation of District of Columbia judges.

The District of Columbia is an integral part of the U.S. Government. It is not in the position of a segment of a State or municipality. It is a part of the U.S. Government.

The selection, appointment, compensation, and qualifications of judges in the District of Columbia, in my opinion, is of greater consequence than in any other area of the United States.

The bill as now written would remove from the general operation the limitation of the right to appoint U.S. judges, and would place that right in the Council of the District of Columbia.

Mr. BIBLE. Mr. President, will the Senator from Ohio yield at that point?

Mr. LAUSCHE. I am glad to yield to the Senator from Nevada.

Mr. BIBLE. I ask the Senator to yield at that point because that is not my understanding of that section. It was the intention of the committee to apply only, as it says, to jurisdiction over the municipal courts of the District of Columbia. These are the Court of General Sessions, District of Columbia Court of Appeals, and the Juvenile Court for the District of Columbia. In general they compare with the justice courts as we know them in the

various States. This has nothing whatever to do with the Federal district court system, which remains absolutely unchanged under the pending bill.

Mr. LAUSCHE. The answer given to me by the Senator from Nevada does not destroy what I have said. It is a court of competent jurisdiction within the limits prescribed in the bill. It is a U.S. court. It may not have the jurisdiction given to a district court, but it still is a U.S. court.

In my judgment, the appointment, the fixing of terms, and the compensation should not be turned over to the District Council but should be retained by Congress.

I say that because of the constant talk of the breakdown of morality of the people in this country—and in particular of the people of the city of Washington.

I do not subscribe to that argument, as I have previously stated, but, in my judgment, the appointment, qualifications, tenure, and compensation of judges should be retained by the President of the United States and Congress.

That is my presentation. I will not ask for a yea-and-nay vote, but will ask for a division on the amendment.

Mr. BIBLE. Mr. President, I rise to oppose the suggested amendment of the Senator from Ohio. I do so for a number of reasons.

Such an amendment was never submitted before the committee. The committee worked on this problem carefully, because it thought it would be in conformity with the general provisions applying to the municipal functions of courts in cities of this kind.

I read from the report of the committee on this point, in order to make it abundantly clear. It will repeat what I have said when I asked the Senator from Ohio to yield, which he kindly did:

> Jurisdiction over the municipal courts shall vest with the Council. Any person to be appointed or elected after the date of enactment of this act shall hold office for a term of not less than 10 years and receive a salary of not less than the amount payable to an associate judge of the municipal court on the effective date of this act.

What is the jurisdiction of the present court? The municipal court in the District of Columbia is comparable to a justice or people's court in the various States.

Over the years they have raised the jurisdictional limits for the municipal court, now the Court of General Sessions. The jurisdictional limit of that court was increased several years ago from $3,000 to $10,000. That court has jurisdiction over misdemeanors only. It is also vested by law with divorce jurisdiction.

I hope that the Senate will reject the amendment. It seems more appropriate to me to leave the future of that court to the mayor and city council to determine selection and qualification of the judges.

This is in full conformity with the general practice in other cities.

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

Mr. BIBLE. I yield.

Mr. HOLLAND. Is it not correct to say that the District Court for the District of Columbia has much greater jurisdiction than other Federal district courts throughout the country?

Mr. BIBLE. That is correct. That is true because they try many cases of first impression, which are never tried by Federal courts in other jurisdictions.

Mr. HOLLAND. Do they not try all the felony cases?

Mr. BIBLE. The Senator is correct.

I am prepared to yield back the remainder of my time.

Mr. LAUSCHE. I do not expect my amendment to be adopted. I have such deep conviction about the correctness of my judgment on this matter that I do want a standing vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. LAUSCHE]. A division is called for.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MANSFIELD. Mr. President, I want to extend my great thanks to the senior Senator from Nevada [Mr. BIBLE] for the expeditious manner in which he has handled the pending measure. Over the years, he has served and chaired the District of Columbia Committee and has freely given of his great skill and ability to the solution of the problems of the Capitol city. It was brought out during this debate that appointment to the District of Columbia Committee is not greatly sought after because the problems are so many, so broad, and so complex and the reward for personal effort almost nonexistent. The service of Senator BIBLE to these problems and the interests of the District of Columbia are embodied in the pending measure. I could not let this measure come to a final vote before I paid tribute to him—it is my opinion a reflection of the true and unselfish dedication of this man. To him especially, but to the entire District of Columbia Committee we all owe a well earned salute.

I want to pay a special thanks to the junior Senator from Colorado [Mr. DOMINICK] for his cooperation in expediting the completion of this bill. His criticism has been most constructive and effectively presented.

Again the Senate as a whole has demonstrated that a Labor Day adjournment is not unrealistic.

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## LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1966—CONFERENCE REPORT

Mr. MONRONEY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8775) making appropriations for the legislative branch for the fiscal year ending June 30, 1966, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

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

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 8775, which was read, as follows:

> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the bill (H.R. 8775) entitled "An Act making appropriations for the legislative branch for the fiscal year ending June 30, 1966, and for other purposes", and concur therein with an amendment, as follows:
>
> In lieu of the sum stricken out and inserted by said amendment, insert: "$809,000".

Mr. MONRONEY. Mr. President, I move that the Senate concur on the amendment of the House to the amendment of the Senate numbered 38.

The bill as it passed the House recommended appropriations in the amount of $150,589,107. The House bill as it arrived in the Senate did not contain any funds solely relating to the Senate. The Senate bill recommended appropriations of $190,840,167 including $38,892,290 for exclusive Senate items. The House of Representatives on July 19 agreed on the floor to all of these Senate items and consequently they were not a subject of conference on the bill. The Committee of Conference has agreed upon an appropriation of $189,993,297. The largest single item deleted from the Senate bill was the $700,000 proposal of the Senate to restore the Old Senate Chamber and the Old Supreme Court Chamber. The conferees were in agreement that these two chambers should be restored but the majority of the House managers were adamant and felt that the work could be more efficiently and logically carried out when the west central front of the Capitol is rebuilt.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

Mr. MONRONEY. Mr. President, I have a table which reflects each individual item in the bill for 1965, the budget estimate for 1966, the amount included in the Senate and House versions of the bill and the final amount agreed to in conference. I ask unanimous consent to have this table printed in the RECORD.

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

*Legislative Appropriation Act, 1966*

COMPARATIVE STATEMENT OF THE APPROPRIATIONS FOR 1965 AND THE BUDGET ESTIMATES FOR 1966 AND AMOUNTS RECOMMENDED IN THE BILL

| Item | Appropriations, 1965 | Budget estimates, 1966 | Version of bill | | Conference |
|---|---|---|---|---|---|
| | | | House | Senate | |
| SENATE | | | | | |
| Vice President and Senators: | | | | | |
| Compensation of the Vice President and Senators | $2,877,260 | $3,285,985 | | $3,285,985 | $3,285,985 |
| Mileage, President of Senate and Senators | 58,370 | 58,370 | | 58,370 | 58,370 |
| Expense allowance, Vice President, majority and minority leaders | 14,000 | 14,000 | | 14,000 | 14,000 |
| Total, Senators and Vice President | 2,949,630 | 3,358,355 | | 3,358,355 | 3,358,355 |
| Salaries, officers and employees: | | | | | |
| Office of the Vice President | 154,970 | 155,440 | | 155,440 | 155,440 |
| Chaplain | 15,000 | 15,000 | | 15,000 | 15,000 |
| Office of the Secretary | 1,036,020 | 1,042,005 | | 1,323,000 | 1,323,000 |
| Committee employees | 3,228,115 | 3,236,145 | | 3,236,145 | 3,236,145 |
| Conference committee: | | | | | |
| Majority | 95,980 | 95,980 | | 95,980 | 95,980 |
| Minority | 95,980 | 95,980 | | 95,980 | 95,980 |
| Administrative and clerical assistants to Senators | 15,106,535 | 15,653,785 | | 15,653,785 | 15,653,785 |
| Office of the Sergeant at Arms | 3,010,020 | 3,021,320 | | 3,051,230 | 3,051,230 |
| Offices of secretaries to the majority and minority | 155,500 | 157,520 | | 160,885 | 160,885 |
| Offices of the majority and minority whips | 35,630 | 35,630 | | 35,630 | 35,630 |
| Official reporters of debates | 280,150 | 285,005 | | | |
| Total, salaries, officers and employees | 23,213,900 | 23,793,810 | | 23,823,075 | 23,823,075 |
| Contingent expenses: | | | | | |
| Senate policy committees | 394,050 | 395,050 | | 395,050 | 395,050 |
| Automobiles and maintenance | 42,540 | 42,540 | | 42,540 | 42,540 |
| Furniture | 31,190 | 31,190 | | 31,190 | 31,190 |
| Expenses of inquiries and investigations | 4,677,390 | 4,777,390 | | 4,777,390 | 4,777,390 |
| Folding documents | 46,975 | 39,300 | | 39,300 | 39,300 |
| Mail transportation (motor vehicles) | 16,560 | 16,560 | | 16,560 | 16,560 |
| Miscellaneous items | 2,783,675 | 2,779,015 | | 3,222,755 | 3,222,755 |
| Postage | 62,035 | 62,035 | | 90,825 | 90,825 |
| Stationery | 255,600 | 255,600 | | 255,600 | 255,600 |
| Communications | 15,150 | 15,150 | | 15,150 | 15,150 |
| Total, contingent expenses | 8,325,165 | 8,413,830 | | 8,886,360 | 8,886,360 |
| Other, Senate: | | | | | |
| Legislative counsel | 293,375 | 300,900 | | 308,000 | 308,000 |
| Beneficiaries of deceased Senators | 52,500 | | | | |
| Senate procedure | | | | 4,000 | 4,000 |
| Total, other | 345,875 | 300,900 | | 312,000 | 312,000 |
| Total, Senate | 34,834,570 | 35,866,895 | | 36,379,790 | 36,379,790 |
| HOUSE OF REPRESENTATIVES | | | | | |
| SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER | | | | | |
| Compensation of Members | 12,381,500 | 14,138,975 | $14,138,975 | 14,138,975 | 14,138,975 |
| Mileage of Members and expense allowance of the Speaker | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 |
| Total | 12,581,500 | 14,338,975 | 14,338,975 | 14,338,975 | 14,338,975 |
| SALARIES, OFFICERS, AND EMPLOYEES | | | | | |
| Office of the Speaker | 115,100 | [1] 116,700 | 116,700 | 116,700 | 116,700 |
| Office of the Parliamentarian | 101,875 | 101,875 | 101,875 | 101,875 | 101,875 |
| Compilation of precedents of House of Representatives | | | 10,000 | 10,000 | 10,000 |
| Office of the Chaplain | 12,500 | [2] 15,000 | 15,000 | 15,000 | 15,000 |
| Office of the Clerk | 1,340,000 | [3] 1,643,680 | 1,552,000 | 1,552,000 | 1,552,000 |
| Office of the Sergeant at Arms | 955,000 | [4] 1,065,000 | 1,044,500 | 1,044,500 | 1,044,500 |
| Office of the Doorkeeper | 1,254,000 | [5] 1,620,000 | 1,620,000 | 1,620,000 | 1,620,000 |
| Office of the Postmaster | 446,000 | [6] 512,000 | 512,000 | 512,000 | 512,000 |
| Committee employees (standing roll) | 3,755,000 | 3,800,000 | 3,800,000 | 3,800,000 | 3,800,000 |
| Special and minority employees (several items) | 387,195 | [7] 416,365 | 416,365 | 416,365 | 416,365 |
| Official reporters of debates | 254,770 | 254,770 | 254,770 | 254,770 | 254,770 |
| Official reporters to committees | 256,950 | 256,950 | 256,950 | 256,950 | 256,950 |
| Committee on Appropriations (investigations) | 700,000 | 700,000 | 700,000 | 700,000 | 700,000 |
| Office of the Legislative Counsel | 284,530 | [8] 296,860 | 295,000 | 295,000 | 295,000 |
| Total, salaries, officers and employees | 9,862,920 | 10,799,200 | 10,695,160 | 10,695,160 | 10,695,160 |
| MEMBERS' CLERK HIRE | | | | | |
| Clerk hire | 24,700,000 | 30,500,000 | 28,500,000 | 28,500,000 | 28,500,000 |
| CONTINGENT EXPENSES OF THE HOUSE | | | | | |
| Furniture | 340,000 | 340,000 | 140,000 | 140,000 | 140,000 |
| Miscellaneous items | 3,817,000 | 4,123,000 | 4,123,000 | 4,123,000 | 4,123,000 |
| Reporting hearings | 223,000 | 223,000 | 223,000 | 223,000 | 223,000 |
| Special and select committees | 4,540,500 | 4,525,000 | 4,500,000 | 4,500,000 | 4,500,000 |
| Office of the Coordinator of Information | 136,290 | 136,250 | 136,000 | 136,000 | 136,000 |
| Telegraph and telephone | 2,400,000 | 2,400,000 | 2,400,000 | 2,400,000 | 2,400,000 |
| Stationery (revolving fund) | 1,046,400 | 1,046,400 | 1,046,400 | 1,046,400 | 1,046,400 |
| Attending physician's office | 16,545 | 18,545 | 20,045 | 20,045 | 20,045 |
| Postage stamp allowances | 228,550 | 228,550 | 228,550 | 228,550 | 228,550 |
| Folding documents | 276,300 | 270,000 | | | |
| Revision of laws | 24,865 | 27,000 | 27,000 | 27,000 | 27,000 |
| Speaker's automobile | 12,200 | 12,200 | 12,200 | 12,200 | 12,200 |
| Majority leader's automobile | 12,200 | 12,200 | 12,200 | 12,200 | 12,200 |
| Minority leader's automobile | 12,200 | 12,200 | 12,200 | 12,200 | 12,200 |
| New edition, United States Code | 150,000 | | | | |
| New edition, District of Columbia Code | 100,000 | | | | |
| Payment to widows and heirs of deceased Members | 45,000 | | | | |
| Total, contingent expenses | 13,381,050 | 13,374,345 | 12,880,595 | 12,880,595 | 12,880,595 |
| Total, House of Representatives | 60,525,470 | 69,012,520 | 66,414,730 | 66,414,730 | 66,414,730 |

**See footnotes at end of table.**

*Legislative Appropriation Act, 1966*—Continued

COMPARATIVE STATEMENT OF THE APPROPRIATIONS FOR 1965 AND THE BUDGET ESTIMATES FOR 1966 AND AMOUNTS RECOMMENDED IN THE BILL—Continued

| Item | Appropriations, 1965 | Budget estimates, 1966 | Version of bill | | Conference |
|---|---|---|---|---|---|
| | | | House | Senate | |
| JOINT ITEMS | | | | | |
| Joint Committee on Reduction of Nonessential Federal Expenditures | $34,665 | $35,165 | $35,165 | $35,165 | $35,165 |
| CONTINGENT EXPENSES OF THE SENATE | | | | | |
| Joint Economic Committee | 265,080 | 265,510 | 360,000 | 360,000 | 360,000 |
| Joint Committee on Atomic Energy | 347,510 | 347,940 | 347,000 | 347,000 | 347,000 |
| Joint Committee on Printing | 150,845 | 151,275 | 151,000 | 151,000 | 151,000 |
| Joint Committee on Inaugural Ceremonies of 1965 | 265,000 | | | | |
| CONTINGENT EXPENSES OF THE HOUSE | | | | | |
| Joint Committee on Internal Revenue Taxation | 390,000 | 390,000 | 390,000 | 390,000 | 390,000 |
| Joint Committee on Immigration and Nationality Policy | 24,100 | 120,300 | 120,000 | 24,100 | 24,100 |
| Joint Committee on Defense Production | 80,000 | 80,000 | 80,000 | 80,000 | 80,000 |
| CAPITOL POLICE | | | | | |
| General expenses | 36,700 | 50,000 | 50,000 | 50,000 | 50,000 |
| Capitol Police Board | 461,166 | 604,600 | 604,600 | 728,000 | 809,000 |
| EDUCATION OF PAGES | | | | | |
| Expenses | 85,712 | 85,712 | 85,712 | 85,712 | 85,712 |
| OFFICIAL MAIL COSTS | | | | | |
| Expenses | 4,723,000 | [9] 6,512,000 | 6,512,000 | 6,512,000 | 6,512,000 |
| STATEMENTS OF APPROPRIATION | | | | | |
| Preparation | 13,000 | 13,000 | 13,000 | 13,000 | 13,000 |
| Total, joint items | 6,876,778 | 8,655,502 | 8,748,477 | 8,775,977 | 8,856,977 |
| ARCHITECT OF THE CAPITOL | | | | | |
| Salaries, Office of the Architect | 547,800 | 600,400 | 587,600 | 570,070 | 587,600 |
| Contingent expenses | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 |
| Capitol buildings | [10] 1,764,300 | 1,640,000 | 1,640,000 | 1,640,000 | 1,640,000 |
| Restoration of Old Senate and Old Supreme Court Chambers | | 700,000 | | 700,000 | |
| Extension of the Capitol | 125,000 | | | | |
| Capitol Grounds | 740,000 | 638,000 | 638,000 | 638,000 | 638,000 |
| Senate Office Buildings | 2,464,500 | 2,468,700 | | 2,458,700 | 2,458,700 |
| Senate garage | 52,800 | 53,800 | | 53,800 | 53,800 |
| House Office Buildings | 3,230,000 | 4,090,000 | 3,807,000 | 3,807,000 | 3,807,000 |
| Acquisition of property, construction, and equipment, additional House Office Building (liquidation cash) | 8,000,000 | [11] 12,500,000 | 12,500,000 | 12,500,000 | 12,500,000 |
| Capitol Power Plant | 2,665,000 | 2,752,000 | 2,752,000 | 2,752,000 | 2,752,000 |
| Library Buildings and Grounds: | | | | | |
| Structural and mechanical care | 2,382,200 | 879,000 | 879,000 | 879,000 | 879,000 |
| Furniture and furnishings | 220,000 | 274,000 | 274,000 | 274,000 | 274,000 |
| Total, Architect of the Capitol | 22,241,600 | 26,645,900 | 23,127,600 | 26,322,570 | 25,640,100 |
| BOTANIC GARDEN | | | | | |
| Salaries and expenses | 500,000 | 467,000 | 467,000 | 467,000 | 467,000 |
| LIBRARY OF CONGRESS | | | | | |
| Salaries and expenses | [12] 11,001,800 | 11,955,000 | [13] 11,663,000 | [13] 11,772,000 | 11,738,000 |
| Copyright Office, salaries and expenses | 1,914,200 | 2,021,000 | 2,021,000 | 2,021,000 | 2,021,000 |
| Legislative Reference Service, salaries and expenses | 2,412,800 | 2,524,000 | 2,524,000 | 2,492,000 | 2,524,000 |
| Distribution of catalog cards, salaries and expenses | 3,810,100 | 4,103,000 | 4,035,000 | 4,035,000 | 4,035,000 |
| Books for the general collection | 670,000 | 800,000 | 760,000 | 800,000 | 780,000 |
| Books for the Law Library | 110,000 | 125,000 | 120,000 | 125,000 | 125,000 |
| Books for the blind, salaries and expenses | 2,458,600 | 2,675,000 | 2,675,000 | 2,675,000 | 2,675,000 |
| Organizing and microfilming the papers of the President, salaries and expenses | 112,800 | 112,800 | 112,800 | 112,800 | 112,800 |
| Preservation of early American motion pictures | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 |
| Collection and distribution of library materials (special foreign currency program): | | | | | |
| Payments in Treasury-owned foreign currencies | 1,417,000 | 2,102,000 | 1,417,000 | 1,900,000 | 1,694,000 |
| U.S. dollars | 124,500 | 177,000 | 124,500 | 168,300 | 150,900 |
| Total, Library of Congress | 24,081,800 | 26,644,800 | 25,502,300 | 26,151,100 | 25,905,700 |
| GOVERNMENT PRINTING OFFICE | | | | | |
| Printing and binding | 18,000,000 | 20,500,000 | 20,500,000 | 20,500,000 | 20,500,000 |
| Office of Superintendent of Documents, salaries and expenses | 5,562,000 | 5,289,000 | 5,829,000 | 5,829,000 | 5,829,000 |
| Acquisition of site and construction of buildings | 2,500,000 | [14] 49,640,000 | | | |
| Revolving fund | [15] | [15] | [15] | [15] | [15] |
| Total, Government Printing Office | 26,062,000 | 75,969,000 | 26,329,000 | 26,329,000 | 26,329,000 |
| Grand total | 175,122,218 | 243,261,617 | 150,289,107 | 190,840,167 | 189,993,297 |

[1] Includes increase of $1,600 in H. Doc. 162.
[2] Includes increase of $2,500 in H. Doc. 162.
[3] Includes increase of $249,180 in H. Doc. 162.
[4] Includes increase of $11,500 in H. Doc. 162.
[5] Includes increase of $339,200 in H. Doc. 162.
[6] Includes increase of $50,450 in H. Doc. 162.
[7] Includes increase of $6,400 in H. Doc. 162.
[8] Includes increase of $1,500 in H. Doc. 162
[9] Includes increase of $475,000 in H. Doc. 162.
[10] And reappropriation estimated at $66,000.
[11] Includes increase of $5,200,000 in H. Doc. 179.
[12] And $168,000 by transfer from National Science Foundation (of which $18,000 was for retransfer to the card service appropriation).
[13] And $174,600 by transfer from National Science Foundation (of which $18,000 is for retransfer to the card service appropriation).
[14] Includes increase of $4,853,000 in H. Doc. 162.
[15] Minor language only.

## ACQUISITION OF LANDS AND MAINTENANCE OF GOLDEN SPIKE NATIONAL HISTORIC SITE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 26) to authorize the Secretary of the Interior to acquire lands for, and to develop, operate, and maintain, the Golden Spike National Historic Site, which was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior shall acquire on behalf of the United States by gift, purchase, condemnation, or otherwise,

such lands and interest in land, together with any improvements thereon, as the Secretary may deem necessary for the purpose of establishing a national historic site commemorating the completion of the first transcontinental railroad across the United States on the site described on a map entitled "Proposed Golden Spike National Historic Site, Utah", prepared by the National Park Service, Southwest Region, dated February 1963. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the area depicted on such drawing, and in exchange therefor he may convey to the grantor of such property any federally owned property in the State of Utah under his jurisdiction which he classifies as suitable for exchange or other disposal. The properties so exchanged shall be of approximately equal value, but the Secretary may accept cash from, or pay cash to, the grantor in order to equalize the values of the properties exchanged.

SEC. 2. (a) The property acquired under the provisions of the first section of this Act shall be designated as the "Golden Spike National Historic Site" and shall be set aside as a public national memorial. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop such historic site, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 525), as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), as amended.

(b) In order to provide for the proper development and maintenance of such national historic site, the Secretary of the Interior is authorized to construct and maintain therein such markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

SEC. 3. There are hereby authorized to be appropriated such sums, but not more than $1,168,000, as may be necessary for the acquisition of land and interests in land and for the development of the Golden Spike National Historic Site pursuant to this Act.

Mr. MOSS. Mr. President, bills have been introduced in previous sessions of Congress to place the Golden Spike National Historic Site in Federal ownership and provide for a development program. None have received serious consideration, however, until my introduction of S. 26 this session.

My thanks go to the Senate Committee on Interior and Insular Affairs, under the chairmanship of Senator JACKSON, and the Subcommittee on Parks and Recreation, under the chairmanship of Senator BIBLE, for the prompt and sympathetic consideration this bill has received.

Added impetus was given to the project by the new State administration in Utah, and the legislature which met early this year. Governor Rampton proposed, and the legislature approved, the creation of a Golden Spike Centennial Commission. Thus, for the first time, a major effort to improve the area is being made by the State.

Passage of this bill will mean that the expanded historic site will be ready for the celebration in 1969 of the hundredth anniversary of the driving of the golden spike itself—the event which completed the construction of America's first transcontinental railroad.

Working together, the National Park Service and the Golden Spike Centennial Commission will provide the setting and arrange the program for a fitting celebration of this historic event.

Mr. President, I move that the Senate concur in the House amendment.

Mr. DIRKSEN. Mr. President, the distinguished Senator from Utah [Mr. BENNETT] was eager to be present when this amendment was taken up. I know he made a special effort to be alerted to the fact that when it was called up he would be summoned. He had been assured that there would be no more votes this evening and therefore had left the Chamber. The RECORD should so note. Insofar as I know, he concurs in the motion of the Senator from Utah [Mr. Moss].

Mr. MOSS. Mr. President, it is my understanding that Senator BENNETT concurs. I have been waiting until the third reading of the pending bill, the bill dealing with home rule for the District of Columbia, was had and therefore it has become late in the day.

Mr. MANSFIELD. Mr. President, I had asked the Senator from Utah [Mr. Moss] to withhold consideration of this matter until after the third reading of the District of Columbia home rule bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. Moss].

The motion was agreed to.

## DISTRICT OF COLUMBIA CHARTER ACT

The Senate resumed the consideration of the bill (S. 1118) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

Mr. BREWSTER. Mr. President, I should like to speak very briefly on the pending bill.

I am pleased to join with the chairman of the Committee on the District of Columbia and also with my colleague the Senator from Maryland [Mr. TYDINGS] is cosponsoring the bill to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia.

As President Johnson pointed out recently in a special message on home rule for the District of Columbia, self government for the District would not be an innovation. Until 1871, the people of the District had local self government as the Founding Fathers had originally intended.

We in Maryland are particularly interested in the welfare of the District of Columbia. It constitutes the central city for hundreds of thousands of Marylanders who live in Montgomery and Prince Georges Counties. Many of the problems in the metropolitan area, such as those of transportation, water supply, and sewerage, must be resolved through intergovernmental cooperation on the local level. These problems of the District do not honor the District line. Many of the most pressing ones cross the District line. I refer also to interstate compacts on the Potomac River. Many other problems, such as traffic and crime, affect our State of Maryland, the State of Virginia and the District.

A responsible self government within the District would help solve the problem of intergovernmental responsibility and relationship. It seems to me that the pending measure strikes an exact balance between the local and national interests.

Under this bill the elected local officials would be responsible for the day-to-day activities of local self-government, which is a basic privilege of all American citizens. However, ultimate legislative authority over the Nation's Capital will be retained by the Congress. This is as it should be.

I would like to pay particular attention to that section of the bill providing an annual Federal payment to the District.

This regular annual payment is based on a specific formula which is spelled out in the legislation. This approach is a sound one—first, because it recognizes the unique character of the District of Columbia with its vast areas of nontaxable Federal property and second, because it will contribute to a sound budgetary process.

Mr. President, I commend particularly the chairman of the Committee on the District of Columbia for seizing once again the initiative in bringing this measure, which will mean responsible and viable self-government to the District of Columbia, to the attention of the Senate and this Congress.

Mr. MILLER. Mr. President, I deeply regret that this particular home rule bill for the District of Columbia has been made so unsound that I cannot in good conscience support it.

It is a shame that the long-sought objective of a reasonable degree of home rule for the citizens of our Nation's Capital City has been spoiled by the ruthless and cynical power displayed on the floor of the Senate in the rejection of amendments designed to make this bill into a reasonable, sound, and model piece of legislation.

As a result of the defeat of these amendments, we are now presented with a bill which requires partisan elections for members of the city council. In my judgment, partisan elections have no place in the government of our Nation's Capital City. If anything, such elections can work to the detriment of the city and its people. If, for example, the city council is preponderately Democratic and the Congress is preponderately Republican, or vice versa, friction is almost sure to develop—friction which would never occur if the city council was nonpartisan. No one has presented any evidence showing how partisan elections could possibly benefit our Capital City.

This thoughtlessness has been compounded by rejection of an amendment making elections held under the provisions of the bill, or political management of political campaigns in connection

therewith, subject to section 9(a) of the act entitled "An act to prevent pernicious political activities," more familiarly known as the Hatch Act. Section 9(a) reads as follows:

It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

This law applies to our Federal Government employees. Why should it not apply to the city council and their employees?

If this bill had been appropriately amended, it could have been supported by every Member of the Senate. And it would have had a good chance for action in the House. The failure to accept these amendments now places the bill in very questionable status as far as the House is concerned. It is too bad that reasonable home rule for the people of the District must continue to be delayed because the proponents cannot resist the temptation to overreach beyond the bounds of good sense and the demands of good government.

I thank the Senator from West Virginia.

Mr. HARTKE. Mr. President, at every previous opportunity since my coming to the Senate, I have lent my vote and my voice to the principle of home rule for the city of Washington.

The District of Columbia Committee of the Senate has, once more, reported a bill designed to give the residents of this Capital city a chance to run many of their own affairs. The arguments used against this measure are the same as those used previously against others in which I had a hand in drafting and reporting.

All Senators are well familiar with the legalistic and emotional arguments used by opponents of home rule. Questions have been raised about adequacy of tax rates, ability of citizens to govern themselves and the question of Federal payments in lieu of taxes.

Basically, the question is simple: Should some 850,000 Americans be told they cannot govern themselves?

The city of Washington must depend upon Congress for every minute detail of the law, using this body and its sister body as a City Council. None of us is able to devote the time and energy to this task without sacrifice of other attention to other legislation.

I served 6 years on the District Committee, and have thus learned first-hand the immense amount of detail that must be given to governing this city. With the legislative load being carried by the Congress these days, we cannot give the proper attention to government of the District of Columbia, if this should, indeed, be a function of ours.

We, who pride ourselves in our democratic processes and institutions, must hang our heads in shame. No other nation in the world denies the citizens of its Capital City the basic right of home rule.

The fact that the city of Washington itself is stripped of much of its land for Federal buildings and foreign embassies does deny tax base to a great city while imposing additional duties for the police and other agencies of that city. Thus, the Federal Government owes regular payments in lieu of taxes to the city government and should pay them promptly.

The city, too, has obligations to the Federal Government as its chief industry. These must be discharged with efficiency and dispatch. There should be adequate assurance of this.

But neither of these conditions can be used as an excuse to deny home rule.

Some years ago, that portion of the District of Columbia lying south of the Potomac was ceded back to the Commonwealth of Virginia and is now known as Arlington County. Should these people be denied local self-government?

NASA, the Department of Defense, the Atomic Energy Commission, the Bureau of Standards, and other agencies have been moved outside the boundaries of the city of Washington. Others will be in the near future. Does their presence in Maryland and Virginia mean we should deny home rule to citizens of the communities to which they have been moved?

There are those in the Congress who have raised questions of civic responsibility among the citizens of Washington. These were effectively answered last November when Washingtonians for the first time voted for President and Vice President.

The results accruing from the passage of the 24th amendment were as should have been expected. The election in Washington was well run. A large percentage of the permanent residents registered and voted.

Indeed, the mood of the country for the right to vote may be measured by the speed with which this amendment was adopted by the States.

We have engaged in long and bitter argument this year about protection of voting rights for all Americans in all our States. The basic issue in passage of this measure by both Senate and House was how best to insure that no one be denied through subterfuge his unalienable right to cast his ballot in local, State, and national elections—a right denied to many because of their color.

There should now be no argument about extension of this fundamental right to the citizens of Washington. The right to vote for local officials should be restored to the residents of our Capital City—notwithstanding the fact that a majority of them are Negroes and not because most of them are Negroes. Rather, the right to vote is too precious to deny any American—especially in his home community.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an editorial broadcast by station WANE at Fort Wayne, Ind.

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

HOME RULE IN DISTRICT OF COLUMBIA

Thousands of vacationers, some from our own area, will visit the Nation's Capital this summer. They will feel some patriotic pride when they view the majestic Capitol dome, the stately White House with its big expanse of green lawn, the awe-inspiring Lincoln Memorial and the grandeur of the Washington Monument. But if they leave the beaten path, they will also be able to see some of the worst slums in America. They will see dilapidated business districts and dirty streets and they can hear stories of street violence.

In Washington as in other cities, responsible citizens groups are working in various ways for better schools, better housing, more health services, better law enforcement. But in contrast to other cities, the citizens of Washington, D.C. have no public officials who are directly accountable to them. The District of Columbia is controlled by Congress and administered by congressional committees and federally appointed commissions. What District citizens think or say has little impact in the absence of a municipal government. They do pay taxes to help support their city. In fact, about 90 percent of government costs come from a general fund which is maintained by local taxation. But while they do enjoy taxation, they do not enjoy representation.

Contrary to popular misinformation, this has not always been the case. It has been true only since the latter part of the 19th century. It need not remain the case, for a simple act of government can provide the citizens of Washington with local self-government.

The Senate has passed bills granting home rule to the District of Columbia five times since 1948. But the House of Representatives has never had a chance to vote on such measures because they have remained bottled up in the House District Committee.

Action in the House depends to a large degree on whether citizens in other parts of the country let their representatives know how they feel about self-government for the Nation's Capital City.

We suggest that in the furor over voting rights in the South, Americans pay some heed to the voting and citizenship rights of nearly 800,000 people in the District of Columbia.

Mr. BYRD of West Virginia. Mr. President, home rule for the District of Columbia is a highly controversial issue in the Nation's Capital today. The subject is not new. In reality, it may be said to be as old as the District itself. In modern times, however, the resurgence of interest in home rule and the drive to establish a form of self-government for Washington constitute a post-World War II development.

Central to the issue are two basic facts. On the one hand, District residents, although citizens of the United States, do not elect a single local official. On the other hand, there is the paramount interest of the Federal Government in the governing of the District arising from the very palpable reason that Washington is the Capital of the United States.

Viewed historically, the role of home rule for the District of Columbia is divided into two periods of almost equal

length. Throughout the first period, beginning in 1802 and continuing for almost three-quarters of a century, District residents lived under varying degrees of self-government. Then came the political and financial crises of the 1870's and this privilege was taken away by Congress. The commission form, now in effect and substantially unchanged through the years, was installed during that period.

The political history of the District of Columbia government actually began before the District was created. It is rooted in section 8 of article I of the Constitution of the United States, which gives to Congress the exclusive legislative power in all cases over the area chosen as the site of the Federal Government.

When the Constitution was drafted in 1787, the location of the District had not yet been determined. In 1788 and 1789, the States of Maryland and Virginia, respectively, ceded sections of their own lands on either side of the Potomac River, and, by an act of July 16, 1790, Congress accepted the newly acquired territory "for the permanent seat of the Government of the United States." This law further authorized commissioners, appointed by the President, to survey and define precisely the boundaries of the District and to provide suitable buildings for the housing of the National Government. In 1800, President John Adams took up residence in Georgetown, and Government personnel and records were moved from Philadelphia to the District. In November of 1800, Congress met for the first time in the north wing of the Capitol, that being the only part then completed. In 1801, legislation was enacted designating the District territory on the Virginia side of the Potomac as the County of Alexandria and that on the Maryland side as the County of Washington. A circuit court was established, and the 1801 legislation provided for the appointment of judicial and law enforcement officers and certain other public officials. The legislation also provided that the State laws in effect in the ceded areas should continue to prevail.

The first real government for the District was created by the act of May 3, 1802. This government applied only to the city of Washington, inasmuch as other units of government were functioning in the District of Columbia at this time. For example, Georgetown and Alexandria continued to operate as independent cities with their own charters.

Under the 1802 statute, Washington was governed by a city council and a mayor. The city council consisted of 12 members elected by the eligible voters. The 12 members then chose from their own ranks 5 persons to serve in the second chamber, while the remaining 7 made up the first chamber. The mayor was appointed on an annual basis by the President. In 1812, legislation was passed making fundamental changes in the city government. The original 2-chamber council was replaced by an 8-member Board of Aldermen elected for 2 years and a 12-member Board of Common Council elected for 1 year. The mayor was no longer appointed by the President, but was elected annually by a majority vote of the aldermen and common council members.

Legislation was enacted in 1820 providing for the election of a mayor for a 2-year term by the vote of the people, who continued to elect the Board of Aldermen and the Common Council.

This basic form of government remained in effect without important change for more than 50 years, until the 1870's. The intervening years, however, were not wholly uneventful politically. For example, when the Whigs elected a mayor in 1840, a political quarrel developed with the Democratic Congress, and the city charter was placed in jeopardy. The corporate privileges of the District banks actually were suspended. Georgetown sought to be receded to Maryland, but the Maryland Legislature was not interested in taking on further financial burdens. The people on the Virginia side of the Potomac, however, were successful in bringing about retrocession of this area to Virginia, and, in 1846, Congress agreed to retrocession, and a presidential proclamation made retrocession effective, thus reducing the geographical area of the District from 100 square miles to the 68 square miles (approximately), which it today occupies.

The legislative actions of the 1870's, which deprived the District of Columbia of home rule and changed the fundamental character of its government, are of considerable importance to an understanding of the issue today. In 1871, Congress created a municipal corporation of the entire District, repealing thereby the separate charters of Washington and Georgetown and merging these communities. An entirely new government, territorial in form, was established, the office of mayor was abolished, and, in its place, there was a Governor appointed by the President for a 4-year term with senatorial consent. A four-member board of public works was created, its membership being appointed by the President. A two-chamber legislative assembly was made up of an 11-member Council and a 22-member House of Delegates, the former being appointed by the President, and the latter being elected by the people. The voters also chose a delegate to the House of Representatives who served on the District of Columbia Committee, but who could not vote.

This government lasted about 3 years. An act of June 20, 1874, placed the governing of the District in the hands of three commissioners appointed by the President and all elective offices were abolished. This was avowedly a temporary government, inasmuch as the act which established it provided for its termination by calling for a joint congressional committee to study and consider a permanent form of government for the District. This permanent government was created by the act of June 11, 1878, the organic law under which the District is governed today. The District was made a municipal corporation, and the administration of its affairs was the responsibility of three Commissioners chosen by the President and approved by the Senate.

Ergo, for the first 70-odd years of its history, the District of Columbia experienced some measure of home rule. In the 1870's, Congress took away this self-government and has not since restored any element of it.

It is essential to an understanding of the home rule story in Washington to ask why Congress acted as it did almost a century ago with regard to the District of Columbia government. There were several factors, among which were the rapid population growth of the city after the Civil War; the desire to transform Washington into a city of beauty, dignity, and attractiveness befitting the Nation's Capital; a serious and immediate need for greatly improved and expanded public works and services; racial problems; political differences; and financial difficulties.

It is to this last-named factor—financial difficulties—that I wish to direct emphasis at this point.

The acute stage of the crisis leading to the loss of home rule in the District of Columbia began under the administration of Mayor Sayles J. Bowen. Although property taxes had been raised considerably, money was lacking for basic and essential improvements which would have been possible only through the assistance of Congress. Local politicians were competing among themselves for favors, and, finally, it was revealed that the mayor had made payments to contractors in anticipation of tax collections.

James Whyte, writing in the Washington Star of May 11, 1958, stated:

> There was great dissatisfaction among the teachers, laborers, and other city employees, many of whom had not been paid for months. The city treasury was so empty that on one occasion the furniture in the mayor's office was seized because of the corporation's failure to pay a small bill.

The financial position of the District of Columbia in the early 1870's became very serious. The city's indebtedness more than doubled from 1867 to 1871, the debt having risen from $1,308,000 to $2,966,000, a per capita increase of roughly $14 to $27.

Whyte, in his book "The Uncivil War," states:

> When Emery [Bowen's successor] took over the city government the treasury was empty, and the amount of floating debt still to be determined * * * policemen and schoolteachers, as well as corporation laborers, had not been paid in months. Emery suggested on June 27 settling the claims of the corporation by issuing certificates of indebtedness for all taxes payable in 1870, 1871, and 1872, the last two classes of which would bear 6 percent interest. An immediate loan of $150,000 was necessary to pay the back salaries of teachers and District officials. In September, he was forced to raise the property tax rate from $1.40 to $1.80.

Under the territorial government, President Grant named Henry D. Cooke to the governorship, and Alexander Shepherd was appointed to the Board of Public Works. Shepherd quickly became the

leading force on the Board, and it is reported that at 135 of 149 meetings recorded in the minutes of the Board, Shepherd was the only member present.

In September 1873, Cooke resigned as Governor, in the face of impending financial disaster, and Shepherd was appointed by President Grant to succeed Cooke. The financial panic that struck resulted in charges being made by irate property owners against the Board of Public Works, and a joint congressional committee investigated and charged the Board with numerous irregularities, including poor financial management, bad administration, and extensive waste. The territorial government was declared a complete failure, and the joint congressional committee recommended that it be replaced temporarily by three Commissioners. Legislation instituting the commission form of government was passed on June 20, 1874, shortly after the committee had urged it, and, during the next 4 years, various forms of government were considered but the commission form was made permanent by the law of June 11, 1878.

The ultimate decision, therefore, to retain the commission form of government was based in considerable measure upon, among other things, the necessity for keeping the District on a sound financial basis, and the experience of the 1870's is not, as I have said, without relevance to the home rule question today.

I favor the commission form of government for Washington, and I, therefore, shall vote against the proposed legislation before us. I recognize the appealing arguments advanced by home rule advocates, and I share with them the belief that, under normal rules of American government, all qualified citizens—and I emphasize the term "qualified citizens"—should be allowed to vote. I go even further to say that it is desirous that all qualified citizens not only be permitted to vote. They also have a duty to vote and should fulfill that duty to vote. I regret that it is often difficult to persuade qualified citizens to go to the polls and fulfill this duty of citizenship. But Washington is a city sui generis. The fact that it is the Nation's Capital gives it a unique status, and the normal principles of local self-government do not, therefore, apply. The overriding Federal interest in the District is everywhere conceded, and this interest would be compromised and diluted by home rule. The seat of the National Government and the District of Columbia are one and the same and inseparable, and to superimpose a home rule government on Washington would be artificial and a continuing source of friction.

Were this not the Federal Capital, the situation would be otherwise, and we would all join in supporting the principle of self-government. But the District of Columbia is impacted with Federal Government. The Federal Government asserts pressures and responsibilities on the District of Columbia that no other U.S. city has experienced. For example, about 43 percent of the city, by area, is in Federal title, and about 37 percent by value. It is almost as if every other building in the city were owned by the U.S. Government. A landlord of that size asserts quite a bit of influence whether or not he consciously exercises it. Moreover, the Federal Government is the city's chief industry. The people employed in Washington by the Federal Government equal one-third of the city's population. Of course, many Federal employees live in the suburbs, but much of their money finds its way into the District, as does much money from other Federal sources. For example, Federal grant-in-aid moneys poured into the District at the rate of $57 million in fiscal year 1964, $87 million in fiscal year 1965, and are estimated to amount to $107 million during fiscal year 1966. This is in addition to the Federal payment, authorized at $50 million annually, and concerning which $43 million has been appropriated for fiscal year 1966.

City-Federal relations work both ways, of course. The city, for instance, provides police under many circumstances for various governmental activities, such as the guarding of the President during his travels in the city. The Federal Government, on the other hand, provides many of the city's celebrities and, thus, stimulates most of the area's social life and conversation and news. The historical sites, museums, memorials, and Federal governmental activities attract over 9 million tourists to the District of Columbia annually, and these tourists spend on an average of approximately $50 each. Not only do they bring good business to the business establishments of the District of Columbia; they also contribute several million dollars in tax revenues. Hence, Washington has closer financial connections to the Federal Government than has any other major city. Against this historical and circumstantial background I base my opposition to the pending bill, and my opposition is largely for two reasons:

First. The bill would remove the District's financial and budgetary matters from the jurisdiction and review of the Senate and House Appropriations Committees, and

Second. This being the Federal city, a city sui generis, it should remain under Federal control, as at present.

As to the first of these reasons, home rule, as envisioned in the legislation before us, would remove the operation of the city's finances from annual congressional scrutiny and would, therefore, increase the possibility that the errors of yesterday would be repeated tomorrow. I am afraid that home rule would introduce machine politics, a stranger to this city's administration under commission government. Machine politics, which thrives on the problems of cities, would probably, in turn, introduce its handmaiden, graft, also a stranger, by and large, to the commission form of government in the District of Columbia. The District of Columbia already has its financial problems, but under the pending legislation, I do not believe it would be long before its financial difficulties would be compounded manifold. Having served as the chairman of the Senate Subcommittee on District of Columbia Appropriations, I know, as perhaps no other Member of this body knows, the ineffable pressures which can be brought to bear in behalf of programs, various and sundry, sound and unsound, from groups which appear to be oblivious to the important question as to how the money will be raised or from where it will come. Often those who clamor the loudest for expensive programs are those who pay little or no taxes to support the present governmental functions and who would pay little or no taxes in support of the programs espoused. Yet, these same individuals who are a part of or who are represented by some of the pressure groups, while bearing little or none of the tax burdens necessary for the support of the spending programs espoused, would be allowed to vote for city officials under the pending legislation.

One can readily envision therefore, the multitudinous wild spending programs which would be urged upon luckless heads of the city government for whom resistence to such programs would mean sure defeat at the next election. As chairman of the Senate Appropriations Subcommittee on the District of Columbia, I have been the target of more abuse and scurrilous editorials than has any other Member of this body in recent years. I merely make reference to this today to say that elected officials can expect the same kind of vilification, vituperation, and abuse if they choose to oppose spending programs which will be promoted by groups which think little or nothing of the cost. In my own case, I brought down the wrath of pressure groups and some segments of the press because I sought to bring about the removal of ineligibles from the welfare caseloads and because I opposed what I am convinced would have been simply another relief program in the District of Columbia. I seriously doubt that such a welfare investigation would have been launched in this city if the pending legislation had been law. Moreover, I have no doubt that the relief program which has failed to receive approval of the Congress for 4 consecutive years would have been implemented if the pending legislation had been law, because the pressure groups which most vociferously pressed for that program had apparently closed their eyes to the ineluctable day of financial reckoning. Now, I realize that these groups have many fine, well-intentioned persons in their memberships, but the importance of counting the cost was long ago recognized by Jesus in the parable wherein He said:

> For which of you intending to build a tower, sitteth not down first, and counteth the cost, whether he have sufficient to finish it?

Of course, one can point to the fact that all other cities throughout the land have their budgetary problems at times, and, yet, their citizens vote and propose spending programs. This overlooks the fact

that the city of Washington has no industry and, because of its geographical limitations, no prospects for the future development of an industrial tax base. Many of its individual taxpayers have fled the city and the exodus is continuing, the vacuum being filled by low-income, and often unemployed, illiterate, unskilled, nontaxpaying people. Moreover, the argument overlooks the fact that this is the one city of all cities in which the elected District officials, under the pending legislation, could, by their decisions and actions in determining the amounts of real and personal property taxes lost to the District based upon assessed values and rates of tax on federally owned properties, decide and control the amount of Federal appropriations which would be made annually in the form of a Federal payment. I favor larger Federal payments than have been provided, but under this bill, the Appropriations Committees of the House and Senate would exercise no review of the spending programs of the District, programs which would affect the rate of property assessments and the size of the Federal payments. The Federal payment, in other words, made up of the tax dollars collected from citizens throughout the country, would be determined, as to its amount, by the elected city officials of the District of Columbia government, without any exercise of control or review by congressional appropriations committees. Indirectly, this would amount to the levying of a tax on all citizens by the city government of the District of Columbia.

All cities have their fiscal problems, but I maintain that a city council and mayor elected by the people of Washington, D.C., should not have the unique privilege of determining the amount of and exercising full control over the Federal moneys which will be appropriated toward the operation and administration of the Federal city, without the Appropriations Committees of the Congress having any opportunity to study the financial aspects of programs and activities proposed from time to time and no opportunity to scrutinize the efficiency and wisdom with which moneys are spent in support thereof.

The Federal payment, under the pending legislation, would be automatic, based upon the formula set forth in the bill, and is estimated to amount to $71 million by 1970.

I am also advised that the city's aggregate debt, including debt owed to the U.S. Treasury, can reach a limit of $586 million by 1970, a figure so high, in my judgment, that it would be difficult, if not impossible, to make full repayments under it.

Moreover, there is the very real possibility that a future Congress would legislate to reduce the amount of Federal payment to the District. Supporters of the legislation before us may not consider this to be a serious possibility, but the present Congress cannot bind succeeding Congresses, and should elected city officials be of a different political faith from that of the majority in Congress on some future day, one may very well see my prognostications materialize.

So, as to the financial aspects of the legislation before us, it is my sincere and considered opinion that the Congress will make a grave mistake if it enacts legislation which takes from the Appropriations Committees of the two Houses all authority, supervision, and jurisdiction over the spending programs of the Federal city and which delegates to elected city fathers the authority to what really amounts to the appropriation of Federal moneys, in the form of a Federal payment, for the operation and administration of the city's government.

Secondly, as I indicated earlier, I am opposed to this bill because I believe that, this being the Federal city, it should remain under complete Federal control. I have already stated that 9 million tourists from all over the country visit this city annually, and the number is increasing. These citizens visit the Federal city because it is the Nation's Capital, and all citizens should be encouraged to visit the Capital at some time during their lives. While they are here, they should have the protection of a police department that is not demoralized and under the control of city officials who would be influenced by pressure groups which have, in the past, raised charges of police brutality when the charges could not be substantiated. Moreover, time after time, in recent months, we have read press accounts of citizens who have walked away from the scene of a crime without giving any assistance whatsoever to the victim and who have not shown the good judgment and upright civic responsibility to even notify the police.

Mr. President, the Washington Evening Star on June 27, 1965, published an article by Miriam Ottenberg, entitled "How Area Residents Can Reduce Burglary." I read an extract therefrom:

> Last week on Capitol Hill, for instance, burglars struck the same house twice within 24 hours. They were seen hauling away a stereo set during the day. Late that night, they were heard dragging out a heavy object which turned out to be a 12-foot refrigerator. Although the owner was known to be absent and police would have had plenty of time to catch the burglars with the refrigerator, nobody called police.

Mr. President, I ask unanimous consent to have this article printed at this point in the RECORD.

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

TIPS FROM POLICE—HOW AREA RESIDENTS CAN REDUCE BURGLARY

(By Miriam Ottenberg)

Every homeowner and housewife can help reduce the vast number of housebreakings in the Washington area by following certain procedures to make them the eyes and ears of the police.

That is the consensus of ranking police officials trying to cope with housebreakings already running well ahead of last year's Washington record of a burglary every 56 minutes.

They base their urgent appeal for public cooperation on these fatcors:

Washington police are now solving less than a third of the housebreakings for lack of evidence. They recover less than 10 percent of the housebreaking loot.

Without an accurate description of the burglar or a timely call to police, detectives don't know where to start hunting. As long as they're stymied, the burglars are free to ply their trade.

BURGLARIES DOWN IN AREA

Burglaries have decreased, however, in the sections of the seventh and eighth precincts where neighbors have banded together to watch out for suspicious strangers and to alert police. Apparently the word is out among professional burglars to shun areas protected by the well-publicized "chain of watching eyes."

Although this neighborly mutual help pays dividends in fewer burglaries, police in other parts of the city cite case after case where housebreakers could have been trapped if a neighbor had bothered to call police.

Last week on Capitol Hill, for instance, burglars struck the same house twice within 24 hours. They were seen hauling away a stereo set during the day. Late that night, they were heard dragging out a heavy object which turned out to be a 12-foot refrigerator. Although the owner was known to be absent and police would have had plenty of time to catch the burglars with the refrigerator, nobody called police.

SUSPICIOUS SITUATIONS

Police analysis of the methods of operation of the typical housebreaker shows when a householder's suspicions should be aroused and what action should be taken.

1. If a stranger knocks at your front door and asks for Mr. Smith or wants to sell you a magazine subscription or offers to trim your lawn, take the time to jot down this information: When he called, what he wore, his race, approximate age and what he said.

It takes only 30 seconds to scribble a note like this: "At 2:05 p.m., a white man about 48, poorly dressed, green overalls, came to the front door and asked if he could cut the grass."

Your visitor probably had a legitimate mission but he could have been knocking on your door to see if the coast was clear for housebreaking. Your note would be a memory refresher if police later asked you if a stranger had come to your door that afternoon—possibly the man who looted a house down the street.

ODD-JOB SEEKERS SUSPECT

2. If somebody you've never seen before comes up on your back porch and says he's a friend of your maid or asks if he can do odd jobs for you, don't hesitate. Call the police.

In suburban areas particularly, would-be housebreakers start at the back of the house where they're more apt to be screened by shrubbery. If nobody answers the back door knock, the burglar can go to work.

Usually, handymen are known in a neighborhood. If you don't recognize this odd-job seeker or never heard of his friend the maid, the police want to know his identity. Don't think police are annoyed by such calls. Your call might solve a housebreaking or prevent one.

3. If you live in a section where few cars are parked on the street during the day, make a note of the strange car in front of the house next door. The color and make of the car are helpful but what police need most is the license number and the home State.

4. If you see a stranger at your neighbor's front door, watch him for a few minutes. In Washington, burglars enter most often by the front door. If he goes in the house, do not assume he has been admitted. He can jimmy a lock in less than a minute. Call the police or at least make a note.

5. If he emerges a short time later with a bulging suitcase or a television set, do not

assume he is a visiting relative or a television repairman. Some crooks take only cash and guns. Others, however, also take jewelry, clothing, and any appliance they can carry.

6. Do not be misled by a taxicab coming to pick up the stranger. Some burglars calmly call a cab to haul away the loot after they finish burglarizing the house.

7. If your see anything out of the ordinary, any situation that does not fit, do not ignore it. The stranger walking down the alley may be looking for an open garage door, from which to use the rear entrance to a house. The stranger leaning against a lamppost across the street could be a lookout man for his confederate inside the house. Most burglars operate in teams. Jot down what you see or call the police. Your house could be the burglar's next target.

APARTMENTS HIT MOST OFTEN

Nowadays, apartments are entered much more frequently than private homes, but so far this year, more than 850 residences in Washington have been the target of housebreakers.

The FBI's Uniform Crime Reports reflect that its sheer illusion to think the suburbs around Washington are free of housebreakers. The rate of housebreakings is going up much more sharply in surrounding Maryland and Virginia than in the District.

The housebreaking rate in the District increased by one and a half times between 1958 and 1964. But FBI compilation of police figures shows that the housebreaking rate tripled in Montgomery County, quadrupled in Prince Georges County, doubled in Arlington, and tripled in Fairfax. Only Alexandria showed a less sharp increase.

In the suburbs as in the city, police can use the help of householders to fight the housebreakers.

Mr. BYRD of West Virginia. Mr. President, this is but one of many stories which I could cite for the RECORD to indicate, as I have already stated, a laxity, a great unwillingness, and reluctance on the part of the citizens of the community to go to the aid of a victim, or to report incidents to the police or to offer themselves as witnesses to a crime.

The circumstances being what they are, I am confident that control of the police department by elected city officials in the District of Columbia would result in a demoralization of the police department, and diminish protection for the citizens, both white and Negro, of the District, and for the millions of Americans who annually visit this great city as sightseers and tourists. Additionally, the people of the country have to come to the District of Columbia to conduct much of their business. Lawyers must appear in courts and Federal agencies in this city, physicians and scientists attend research activities, conventions meet here, diplomats and representatives of foreign governments come here and live here, the presence of Governors and other States officials is required here from time to time, and the presence of Senators and Representatives and their families and staffs is also required here. If we are to provide police protection—uncontrolled by machine politics and uninfluenced by pressure groups—to the millions of Americans and to people from other countries who come to this city, the police department in the District of Columbia must not be placed under the control of elected city officials as would be the case if the bill before us were enacted into law.

I could develop my thesis further, but I shall not do so except to say, in closing, that this legislation, which provides for the popular election of a Board of Education, would, in my opinion, very likely result in the downgrading of education in the District of Columbia. One has only to recall the recent and continuing attacks on the track system to fully understand that the enactment of this bill would inevitably result in the domination of the educational programs within the District of Columbia by pressure groups which, in many instances, appear to be guided by emotions rather than by experience, training, and a full consideration and knowledge of the facts involved.

I certainly want to pay my tribute to the distinguished chairman of the District of Columbia Committee, the able and congenial senior Senator from the State of Nevada. I do not envy his task, but I do have a very high regard for the service which he always performs in his difficult assignment. I did not seek the chairmanship which I now hold, and I am sure that he has not sought the chairmanship which is now his, but we both view these assignments as responsibilities and duties which we, as Senators, must carry, along with many other responsibilities equally onerous. I hold only the highest personal esteem for the Senator from Nevada, who has made a very fine presentation in behalf of the bill. I share many of the thoughts and viewpoints that have been expressed by him and others who support the bill, but I have reached a different conclusion. I know that the Committee on the District of Columbia has toiled long and patiently in the development of this legislation, and I have waged no battle against the bill, but I believe that the viewpoint which I have expressed today in opposition to the legislation, albeit not a popular viewpoint, is one which carries with it the weight of difficult experience gained over a period of 5 years in dealing with some of the toughest financial problems of the District of Columbia. I, therefore, felt that I should express this viewpoint, hoping, indeed, that my comments might be of some benefit to my colleagues in this body and in the other body. I recognize that many of the citizens of the District of Columbia will differ with me, and I probably will be criticized by some, as I have been criticized a thousand times in the past. Nevertheless, I have stated my deep and honest convictions on the subject of home rule. I believe I am right in my opposition to this bill and justified in the reasons I have expressed. I shall, as I have stated, vote against it on final passage, realizing that this body will pass the bill. I love this Capital of our country, as we all love it, but I do not believe that the enactment of this measure will be in its best interests or in the best interests of the people of the area and the Nation.

I yield the floor.

## ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum——

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. PROXMIRE. Yes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized without the Senator from Wisconsin losing the right to the floor.

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

## ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. First, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 11 tomorrow morning.

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

## THE SITUATION IN VIETNAM

Mr. MANSFIELD. Mr. President, the situation in Viet Nam, in the words of President Johnson, Secretary McNamara and others, is likely to get worse before it gets better. What the Secretary will report to the President as a result of his week in Viet Nam is, of course, not known; but it appears that the groundwork has been laid for a further intensification of the military effort in Viet Nam. Obviously, if this continues the American presence is going to assume the predominant role in that conflict.

There is talk of a reserve call up, extended enlistments, added defense appropriations and the like. It is even anticipated on our side that the war may go on for 4 or 5 or even 10 years and Ho Chi Minh, President of North Viet Nam, has stated in the last day or so that he is prepared for a war of 20 years duration.

It is interesting to note and not surprising that what is occurring in Viet Nam is now being called "an American war" by one columnist and another columnist states that in South Viet Nam: "It is real war there at last."

The President has gone down many tracks in an effort to enter into "unconditional discussions" to pave the way for negotiations which might end the hostilities in Viet Nam. He has met with silence or rebuffs at every turn. U Thant has endeavored in a quiet way to use the facilities of the United Nations. A proposed Commonwealth Group which would go to Moscow, Peking, Hanoi and Washington has been advocated and rebuffed. A representative of the British Government has gone to Hanoi. Mr. Mr. Harriman has gone to Moscow; all with no success.

It is my understanding that in the immediate past Ho Chi Minh has extended an invitation to President Nkrumah of Ghana to come to Hanoi but instead of Mr. Nkrumah going, he is sending Ghana's High Commissioner in London. A glimmer but only a glimmer of hope may come out of this meeting.

It is of interest, I think, to the American people to note the comments of General Nguyen Cao Ky, the present premier of South Viet Nam—one of a long line—in a recent TV program with Walter Cronkite. I do not have the complete

copy of the interview but I am inserting at the conclusion of my remarks an article by one of the most competent foreign policy analysts in the nation, Mr. R. H. Shackford of the Washington Daily News.

Mr. President, I ask unanimous consent that that be allowed.

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

(See exhibit 1.)

Mr. MANSFIELD. It does not make very reassuring reading. And if there is any complacency on the part of any American, it ought to be dispelled by an exposure to Premier Ky's comments.

What I have stated are grim facts. What the situation in Viet Nam confronts us with, however, is a grim fact. It is better to face up to this problem than to ignore it in the belief that it will wash away at the end of the Monsoons. The time for wishful thinking is past; the time for accepting the reality is now. Indeed it has been time for quite awhile. We are in, not for a summer of pain and difficulty but for an ordeal of indefinite duration and increasing sacrifice which will persist until the problem can be resolved at the Conference table.

Our policies so far have been mostly in the nature of holding operations, except for forays of our bombers over Viet Nam. The air raids have apparently failed to stop the infiltration of regular and irregular North Vietnamese units into South Viet Nam but instead, in my opinion, have hardened the position of the government and the people of the North and increased their commitment to this war. As evidence thereof, the estimates of the number of active armed Viet Cong has risen sharply since the beginning of the year, despite their reported severe losses.

As the war in Viet Nam increases in tempo, we should keep in mind the possibilities of Communist pressure against us in other parts of Asia and perhaps other parts of the world. I have in mind the uneasy truce which exists in Korea; the possibility of operations against Thailand and Laos and elsewhere.

At the moment the Soviet Union is furnishing a certain amount of assistance. The Chinese are providing some material aid to North Viet Nam although to the best of our knowledge no Chinese personnel have as yet entered the conflict. But if the war continues to escalate, Peking, Moscow and Hanoi will continue to be drawn more closely together despite any ideological or other differences which at the present time may exist.

As I see it, the chief beneficiary of what is going on in Southeast Asia at the present time is Mainland China. The Chinese are benefiting from events there at little cost and with little sweat. Chinese governments have long been adept at exercising the virtue of patience which they have in abundance. They can wait and wait and wait for events to develop to their interest.

During the past 10 or 11 years I have as one Senator, made a number of suggestions to our government as to what might or might not be done to stabilize the situation in South Viet Nam, in all Viet Nam, and also in Cambodia and Laos. The possibilities of further initiatives for peace become slimmer by the day, even as the alternatives become more restricted by the hour.

I would like to suggest once again, therefore, that the co-chairmen of the Geneva Conference of 1961, that is the Soviet Union and Great Britain, jointly reconvene the conference for the purpose of discussing the affairs of Laos, Cambodia, South Viet Nam and North Viet Nam to the end that all reasonable and honorable possibilities of peace and integrated economic reconstruction and development in the area may be investigated.

If it is not possible to call a conference covering all of the nations of Indochina, then I would suggest again that the two co-chairmen reconvene the Geneva Conference along the lines requested by Prince Norodom Sihanouk for the purpose of considering ways and means by which the Geneva signatories may at least guarantee Cambodia's independence and territorial integrity and this matter only. If Cambodia can be insulated from the growing conflict, that, in itself, would be a highly significant achievement for peace in Indo-China and Southeast Asia.

But I must say in all frankness, at this time, that a conference based on the consideration of the entire question and called by the co-chairmen would appear to me to be a more desirable alternative. I want to be clear, however, that if such a conference is not possible or feasible at this time, then I believe it is still desirable that a conference on Cambodia alone under the authority of the co-chairmen of the Geneva Conference of 1961 should be called.

There has long been a desire for such a conference on the part of Prince Sihanouk. He made his position on this question very clear some weeks ago in a letter to the New York Times and I ask unanimous consent that its text may be included at the end of my remarks.

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

(See exhibit No. 2.)

Mr. MANSFIELD. Mr. President, today, there are reports on the news ticker that Prince Souvanna Phouma of Laos has urged Britain to arrange a reconvening of the Geneva conference. In this connection I ask unanimous consent that the report referred to also be printed at the end of my remarks.

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

(See exhibit 3.)

Mr. MANSFIELD. Mr. President, finally, I would suggest that if there is reluctance or reservations or inabilities on the part of one of the cochairmen of the Geneva grouping of 1961, then in view of the gravity of the situation, the other would appear to me to be eminently justified in issuing the call for a reconvening of the conference on its own. The Geneva agreement of 1961 clearly provides for consultations when there are difficulties. It would, therefore, be entirely in order, in the light of the great difficulties at this time, for any participating nation, and particularly, one of the cochairmen to issue the call. I do not see how any State which recognizes the urgent necessity for peace and has eyes to see where the present course in Viet Nam is tending, can refuse to heed to call for a meeting of this kind. But in any event, there would still be some opportunity for the others to make a contribution to the restoration of peace if the conference is convened.

Perhaps the hour is late, but the old saying "better late than never" applies here and it applies with the greatest of force.

I thank the distinguished Senator from Wisconsin [Mr. PROXMIRE] for his patience and consideration in yielding to me.

EXHIBIT 1

[From the Washington (D.C.) Daily News, July 20, 1965]

GENERAL KY WANTS TO "REORGANIZE THE REAR": WINNING VIETNAM WAR IS GOING TO BE GI'S JOB

(By R. H. Shackford)

It is becoming more obvious each day that if the war in Vietnam is to be won—or even brought to a stalemate—American GI's are going to have to do the bulk of the job.

Each day brings further evidence that the South Vietnamese are in a bad way, militarily and politically. The unthinkable of a few months ago—Vietnam becoming an American war—is now routinely accepted here.

South Vietnamese Premier Gen. Nguyen Cao Ky has virtually admitted that the Americans will have to play a bigger and bigger role in the war if it is to go on.

He is the same man who talks with bravado about "liberating" North Vietnam while conceding that he cannot "liberate" the south.

General Ky is the flamboyant, high living chief of the Vietnamese Air Force who, for a month, has been the latest of a long line of unsuccessful Premiers.

He appeared over the weekend on a nationwide U.S. television show and gave some disturbing information about the status of his country.

First, General Ky conceded that the people of South Vietnam are "indifferent" about the war. Many, he admitted, will not participate in the war effort because they are disgusted with the continuous changes in government in Saigon and, thus, have no confidence in any government.

Second, he promised more confusion among the Vietnamese military and government hierarchy by promising another thorough purge of both.

This would be the umpteenth "purge" in the last 2 years—the Vietcong gaining ground on each one.

Third, more American GI's are needed, he said, so that the bulk of the South Vietnamese Army could "reorganize the rear." He suggested that U.S. troops hold "the perimeter"—apparently meaning do the fighting against the Vietcong.

The Ky TV interview was broadcast in the United States while Defense Secretary Robert McNamara was in Vietnam, receiving appeals from General Ky and U.S. military officials there for more American ground forces.

Mr. McNamara's Saigon trip appeared primarily to be a well-staged operation for preparing the American people for more bad news—because the decision to send more American troops to Vietnam was made long before Mr. McNamara left the United States last week.

The United States now has more than 75,000 uniformed men in Vietnam, plus another 20,000 off the shores of that country with the 7th Fleet.

The Joint Chiefs of Staff are understood to have recommended that the United States plan to have 179,000 men on the ground in Vietnam by the end of the year.

General Ky came closer to disclosing the dire outlook in Vietnam than any U.S. official.

President Johnson has said the situation will get worse before it gets better. But no U.S. official has even hinted, as General Ky did, that the war is so close to becoming overwhelmingly an American war.

The Vietnamese manpower situation long has been deficient. For years there have been brave promises of major recruiting and conscripting—but each campaign has fallen short of goals.

The South Vietnamese Military Establishment usually is said to total 550,000 men. Less frequently it is explained that only 250,000 of those are Regular Army soldiers, the rest being various paramilitary units ranging all the way down to policemen.

The "numbers game" on the Vietcong goes on. Last week they were said to have 65,000 regulars, supported by 80,000 to 100,000 irregulars or part-time guerrillas.

U.S. officials claim that the rate of infiltration from the north, including Regular North Vietnamese Army units, has increased rapidly in recent months. Major "search and kill" operations, however, have failed so far to flush any large enemy groups for combat in the jungles.

In justifying the huge increase of U.S. ground forces in Vietnam and the plans for more, the United States emphasizes primarily the larger numbers invading from the north.

General Ky was the first to indicate—however indirectly—that another major reason for needing more GI's is the disintegration in the south.

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EXHIBIT 2

SIHANOUK DISCUSSES CAMBODIAN CONFERENCE

To the EDITOR:

In your May 6 editorial (internal edition May 7) you analyze the reasons which impelled Cambodia to sever diplomatic relations with the United States.

You write that this decision stemmed from my convictions that I could avoid vassalage to China, by paying occasional "political tribute." A little further you say that I try to avoid Chinese interference in my country by making concessions to China in foreign affairs.

You attribute to me sentiments that are not at all mine, and thus you create an unfortunate confusion in the minds of your readers.

Last month I wrote in the monthly review Kambuja published in Pnompenh. I have never had the slightest illusion on the fate that awaits me at the hands of the Communists, as well as that which is reserved for my government, after having removed from our region the influence and especially the presence of the free world, and the United States in particular.

In an editorial which will appear shortly in this same review, I concede again that after the disappearance of the United States from our region and the victory of the Communist camp, I myself and the people's Socialist community that I have created would inevitably disappear from the scene.

I know the Chinese well enough to understand that they cannot be bought and that it is perfectly useless to bend before them, or to play their game occasionally in the hope of extracting some ulterior advantage. If I acted thus, I would be despised, and rightly so, by the Chinese people, who would not alter their plans one iota so far as my country is concerned.

But there is one thing that you Americans seem incapable of understanding. And that is that Cambodia has broken off with the United States of America not because it is a "pawn of Peiping," as you write, but for reasons of dignity and national honor that we have * * * placed on Cambodia, you display obvious spite in saying that the fault is mine and that because I allow myself to by "maneuvered by Peiping," the meeting may not take place.

As for the prospect of an international conference taking place on Cambodia, you let it be known that the fault lies with me because I allow myself "to be run by Peiping," that the meeting will not take place.

But then you immediately point out that this conference was intended "in part to provide a way for exploratory conversations on Vietnam." And this is repeated and emulated by all press of the free world. We Cambodians have come to the conclusion that the neutrality of Cambodia and our territorial integrity do not concern you at all and that this conference is simply, in your eyes, a good way to sound out the ultimate intentions of the Vietnamese and the Chinese in regard to South Vietnam and that you will link our problem to that of Vietnam, by refusing to give any guarantee whatever to Cambodia if the Communists remain intransigent on Vietnam.

The People's Republic of China, the Soviet Union, and the Democratic Republic of Vietnam have stated clearly their determination not to accept the government of Saigon as partner in an international meeting.

We, ourselves, are well aware that the government of Saigon has lost control of almost four-fifths of the Vietnamese border with Cambodia, and we are also aware of the fact that Saigon persists in claiming the coastal Khmères Islands, while the National Liberation Front of South Vietnam and Hanoi acknowledge our ownership.

Nevertheless—and in an effort to arrive at a solution in such a difficult context—I advised the British Prime Minister Harold Wilson, who had sent me on May 11 an urgent message, that Cambodia would accept the conference on two conditions:

First of all, that the conference should concern itself with the Cambodian problem to the exclusion of the Vietnamese or Laotian problem. Then, that the interested powers: Great Britain, U.S.S.R., the United States, France, and the People's Republic of China, should agree in advance on a solution which would satisfy all, on the problem of the representation of South Vietnam.

I pointed out to Mr. Wilson that there were four possibilities: (1) that South Vietnam should not be represented at the conference; (2) or should be represented by the National Liberation Front; (3) or be represented by the Government of Saigon; (4) or finally be represented bilaterally: one seat to the NLF, which is supported by the Socialist camp, and another seat to the Government of Saigon, which is backed by the free world.

I informed the British Prime Minister that Cambodia stands ready in advance to accept whatever solution regarding the representation of South Vietnam would be mutually approved by the great powers of the East and the West.

This will prove to you, I hope, that we are not the puppets of Peiping and that we do not put "spokes in any wheels" in order to defeat a project that the United States has put so long on "ice" and which now they discover has so many merits.

NORODOM SIHANOUK,
*Head of State of Cambodia.*

PNOMPENH, *May 16, 1965.*

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EXHIBIT 3

LONDON.—Premier Prince Souvanna Phouma of Laos urged Prime Minister Harold Wilson today to help arrange new international talks on Indochina to negotiate for peace in Vietnam.

The neutralist Laotian leader, here on a 2-day official visit, met Wilson and other British Ministers at lunch in 10 Downing Street.

Diplomats reported Souvanna stressed that so long as the Vietnam war goes on the security of nearby Laos and Cambodia will remain in jeopardy.

North Vietnamese supply lines to the Vietcong in the south run through Laotian territory controlled by the Red-led Pathet Lao. This has attracted U.S. bomber attacks on Laotian territory bordering South Vietnam.

Informants said Souvanna, noting the failure of all efforts to date to bring about a Vietnam peace parley, suggested the British and Soviet cochairmen reconvene the 1954 Geneva Conference on Indochina. This dealt with Vietnam, Cambodia, and Laos in separate settlements. Souvanna, who conferred in Paris yesterday with President Charles de Gaulle, claimed French backing for his idea.

Wilson and Foreign Secretary Michael Stewart were sympathetic to Souvanna's suggestion but were doubtful whether it would prove to be effective, the sources said.

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## DEAN RUSK, A GREAT SECRETARY OF STATE

Mr. PROXMIRE. Mr. President, at a White House press conference a few days ago, President Johnson was asked whether he contemplated a change in the office of Secretary of State. He replied:

> None whatever. I think you do a great damage and great disservice to one of the most able and most competent and most dedicated men I have ever known, Secretary Rusk. He sits to my right in the Cabinet room. He ranks first in the Cabinet and he ranks first with me.

This was an apt way of calling attention to the fact that we have as our present Secretary of State a man of rare ability, dedication, and character who brings true distinction to that highest of offices within our Cabinet.

The position now occupied by Dean Rusk is perhaps the most demanding next to the Presidency itself. As the study by the Subcommittee on National Security Staffing and Operations—chaired by the able Senator from Washington [Mr. JACKSON]—phrased it:

> A Secretary of State's duties are extremely heavy.

That study, part of the fine series on administration of national security, identified a number of responsibilities of the Secretary of State. Dean Rusk merits high marks for his performance in all of them.

The study calls attention to the Secretary's role as senior personal adviser to the President, both in private talks and at working sessions of the President's inner councils.

The President has often indicated how much he values Dean Rusk's advice in the innermost foreign policy councils of our Government. And understandably so, for our present Secretary brings to that responsibility a wealth of experience and training.

He was a brilliant student and, I am told, a very able basketball player, when, as a young man, he attended Davidson College in North Carolina. He attended Oxford University as a Rhodes Scholar and while there gave promise of his future profession by writing an essay

which won the Cecil Peace Prize, an important university award. After a short period of college teaching he served with great distinction during World War II, primarily in the area of Burma, which gave him firsthand knowledge of a part of the world that has taken on increasing importance during his years as Secretary.

He joined the State Department after the war and rose rapidly to positions of high responsibility. In 1946–47 he served as Special Assistant to the Secretary of War, and in 1947, at the request of Secretary of State George C. Marshall, rejoined the Department of State as Director of the Office of Special Political Affairs, which later became the Office of United Nations Affairs. In 1949 he became the first Assistant Secretary for United Nations Affairs. In May 1949 he was appointed Deputy Under Secretary of State, and in March 1950 Assistant Secretary for Far Eastern Affairs.

Many of us who are relatively new in Washington lose sight of the fact that Dean Rusk gained this superb and firsthand experience in the State Department years ago, at a time when the State Department was operating under considerable stress.

The Jackson subcommittee study also notes the important role of the Secretary of State as "our ranking diplomat in dealing with foreign governments. As such he stands at the intersection of affairs: advocate of American policies to other governments, and official channel of suggestions and protests about American policies from other governments."

Dean Rusk excels as our ranking diplomat. As Secretary of State he has represented the United States at meetings of the NATO, SEATO, CENTO, and ANZUS treaty organizations, participated in meetings of the Organization of American States and the United States-Japan and United States-Canadian Economic Committees, and signed the limited nuclear test ban treaty in Moscow. He has met with the Foreign Ministers of nearly all of the 113 members of the United Nations. He accompanied President Kennedy on several of his official visits abroad and has participated in a number of President Johnson's meetings with foreign government leaders.

Dean Rusk's schedule each day is evidence of the workload associated with his role of ranking diplomat. A succession of Ambassadors, Foreign Ministers, and other dignitaries from other countries come to see him. The Secretary must prepare himself for each meeting, familiarizing himself with the problems of the country involved, reviewing the recent record of relations between that country and ourselves, and briefing himself on what the other country is apt to want from us—and we from them.

These are not simply ceremonial visits, but hard, working sessions, often filled with hard bargaining and exchanges that affect the foreign policy of our country and others. It is a measure of Dean Rusk's skill and poise, to say nothing of his hard work of preparation, that during the years of his stewardship of our foreign policy his meetings with Foreign Ministers and Ambassadors have been a quiet but unmistakable source of strength for American policies. He has won the respect of his counterparts in a wide range of countries, a respect that has survived disagreements by some countries with the policies he represents and expresses to them. His skill at quiet diplomacy has served our interests well.

The Jackson subcommittee study also calls attention to the Secretary's role as an "administration spokesman on American foreign policy to the Congress, to the country, and abroad."

This is a responsibility to which Dean Rusk brings an eloquent voice.

In speeches and informal statements, he has presented our policies and the principles in words that speak with clarity, vigor, and wisdom. There is no room for misunderstanding when Dean Rusk speaks. He has described our commitments in the kind of simple language that plain men can understand. As in these words from a statement during his first year as Secretary:

> It is not for us to fear the great winds of change that are blowing today. They are the winds we have long known and sailed with, the winds which have carried man on his unending journey, the winds of freedom.
>
> We don't have to argue with people in other parts of the world about what we are really after and what they are really after. Have you ever been able to find anyone who would rather be ignorant than educated? Or hungry than fed? Or sick than healthy? Or gagged instead of free to speak his mind? Or shut up behind a wall or barbed wire instead of free to move about? Or who relished the knock on the door at midnight which means terror?
>
> These simple ideas I have been writing about are the great power of the human spirit. Because they are central to our purposes, America at her best is admired and trusted; and America is at her best when she is true to the commitments we made to ourselves and to history in the Declaration of Independence. These are the ideas and ideals which give us allies, spoken or silent, among men and women in every corner of the earth. They are part of the unfinished business which is a part of our story. This is the basis of our confidence; this is the scope of our task.
>
> The revolution of freedom, which we have so proudly nurtured and fought for in the past and to which we pledge today, as in 1776, "our Lives, our Fortunes and our sacred Honor," is the true, enduring revolution, because it springs from the deepest, most persistent aspirations of men. History says this revolution will not fail.

Or these sentences from a speech to the National Press Club:

> Let us start from where we ourselves are and what we in this country should like to achieve in our relations with the rest of the world. Since World War II we have had more than one so-called great debate about foreign policy. Actually, the greatest debate of all occurred during that war, and the most eloquent voice was the war itself. Before the fighting was over we had concluded as a nation that we must throw ourselves into the building of a decent world order in which such conflagrations could not occur.
>
> The nature of that world order was set forth succinctly in the Charter of the United Nations, a charter backed by an overwhelming majority of the Senate and supported by an overwhelming majority of the Nation. It called for a community of independent nations, each free to work out of its own institutions as it saw fit but cooperating effectively and loyally with other nations on matters of common interest and concern. The inevitable disputes were to be settled by peaceful means; and let us not forget that the charter supposed that the tried processes of negotiation, mediation and adjudication were to be preferred over violent or fruitless debate. But parties in serious dispute were to seek the help of the broader international community in order that disinterested judgments could be brought to bear upon sensitive or inflamed issues.

Or these opening thoughts from a speech at the University of Tennessee:

> We live in an era when tremendous, often conflicting, forces are pressing for change. Among these is the force of scientific knowledge, expanding in a progression of endless and breathtaking momentum. We are learning at one and the same time the secrets of the more abundant life and of a more immediate destruction. For the first time in human history there is the possibility that the world can provide adequate resources to feed, house, and educate its people and to maintain their health and welfare. Yet this same science has brought about a radical change in the destructive potential of military weapons—with the power of offensive nuclear weapons for the present far outstripping the defensive.

Or this concluding thought from a speech to the American Historical Association:

> Perhaps it is a profession of faith to believe that the human story continues to show the power and majesty of the notion of political freedom. But the historian can find the evidence, and many have done so. The future historian will assess what we in our generation are doing to write new chapters in that story and how we emerge from this climactic period in which we sense we now live. Our commitments are deeply rooted in our own history, a history which links us in aspiration to the great body of mankind. If we move ahead with these shared commitments, we shall not lack company, for men at their best are builders of free commonwealths and a peaceful world community.

The Jackson subcommittee study also calls attention to the Secretary's fundamental role as head of the State Department and Foreign Service and notes that "he is 'Mr. Coordinator'—the superintendent, for the President, of most major activities affecting our relations with other countries."

In other words the Secretary of State is the general manager of our foreign policy, the executive responsible for making things work, for translating ideas into action and making sure the right people are at the right places at the right times to carry out our policies.

Dean Rusk brings great skill and experience to this responsibility as well. During his earlier period of service in the State Department he rose to the position of Deputy Under Secretary, traditionally the highest ranking career post. This gave him a solid grounding in the workings of the Department, and how they fit into the rest of the U.S. Government's operations in the foreign policy field. His expert handling of his own tasks as Secretary promptly won the respect of the professionals in the State Department.

This too has been a source of strength in operating the Department. Rarely in our history have the Department and Foreign Service been held in such high esteem. This is in large part due to Dean Rusk's expert hand at the helm.

What a record Dean Rusk has had. Let us consider that the first time since Stalin began the Communist expansionist policy, the West has stopped them cold in their tracks.

His policy of firmness and decisive action has blunted determined Communist expansionist efforts in Africa, Berlin, Latin America, and the Far East.

Many of his decisions during the Kennedy and Johnson administrations have been difficult, some of them have been dangerous and not a few of them have been unpopular.

But even those who have been critical of some of his policies have recognized the great ability and integrity of the man who took the major part in framing these policies.

Dean Rusk owed much of his early advancement to George C. Marshall, one of the greatest figures of modern American history. It is credit to this great man's memory that he so early discerned the remarkable qualities that are now at the service of our Nation in the position of Secretary of State.

I believe that for his quiet competence, his selfless dedication to duty, and for the eloquence of his language and thought Dean Rusk fully merits comparison to the greatness of George C. Marshall.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from Wisconsin in what he has said about Secretary of State, Mr. Rusk. I, too, admire him for his skill, for his courage, for his understanding, and for his sense of tolerance.

I compliment and commend the distinguished Senator from Wisconsin on the remarks he has made, because he has been speaking about a man who has served his country well, who is an outstanding public official, and a man who understands people as well as needs, and of whom we are all proud.

Mr. PROXMIRE. I thank the distinguished majority leader. As a member of the Foreign Relations Committee and as the majority leader of the Senate, I believe his words should have very great weight with the country, particularly in this regard.

## CHAPLAIN HARRIS' INSPIRING PRAYERS PRAISED BY UKRAINIAN QUARTERLY

Mr. PROXMIRE. Mr. President, I am sure Senators will agree that the daily prayers offered in this Chamber by Rev. Frederick Brown Harris have provided both inspiration and challenge to us all.

The aptness, eloquence, and profound insight of the Reverend Harris' daily offering has consoled us in moments of suffering, uplifted us in periods of doubt and anxiety, restrained us from excesses during heated debate, and saved us from indulgent complacency.

A compilation of the Reverend Harris' prayers during the 87th and 88th Congresses has been published by the Government Printing Office, thus making available to the general public the offerings which have proven such an inspiration to us all.

An excellent review of "Prayers" was written for the summer edition of the Ukrainian Quarterly by Dr. Lev E. Dobriansky, professor of economics at Georgetown University.

I ask unanimous consent to insert Dr. Dobriansky's review in the RECORD.

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

PRAYERS

Offered by the Chaplain, Rev. Frederick Brown Harris. U.S. Government Printing Office, Washington, 1964, 313 pages.

This work is no ordinary book of inspirational prayers whose messages may or may not have pointed relevance to the dominant issues and problems of our time. It would be a grave mistake, indeed, to view it as such and thus deprive oneself of the rich and unusual opportunity of being intellectually enthralled by a unique combination of talents. Each prayer carries its inspirational value, to be sure, but this is magnificently blended with an overpowering elegance of style, a clear lucidity of penetrating thought, and a profound expression of innermost convictions and principles. It is not without solid and good reason that Dr. Frederick Brown Harris, is the Chaplain of the U.S. Senate, in reality the custodian or brotherly keeper of the souls of men in whose hands the destiny of this Nation largely rests.

For a full and appreciative understanding of the tremendous role played by Dr. Harris in our national affairs one must know the man himself. Through his weekly newspaper column the affable clergyman interprets many current developments in the light of theological and philosophical truths. He is constantly and acutely attuned to the throb and tenor of our outstanding problems. With genuine simplicity and humility his writings penetrate the essential core of the problem and demonstrate the numerous applications of faith and spiritual strength in its eventual solution. As many know, his knowledge of the captive nations and Shevchenko well exceeds the scope displayed by those whose official obligations require a bit more. In his foreword to the book, President Johnson pays fitting tribute to the man and his works when he says "Dr. Harris is a man who has enriched my life as he has enriched the lives of all who have listened to him."

Senator MIKE MANSFIELD, the Democratic majority leader, and Senator EVERETT MCKINLEY DIRKSEN, the Republican minority leader, also furnish their eloquent forewords to this valuable compilation of prayers. Senator DIRKSEN by no means overstates the case when he points out, "I know this volume will bring an equal hope and assurance to many people everywhere." If others in the Senate were offered this same opportunity to express themselves, the book would unquestionably contain 98 additional forewords of glowing tribute. As it is, its size is impressive, including prayers delivered in the 87th and 88th Congresses or covering the period of 1961–64. Published by the U.S. Government Printing Office, the work was made possible by the passage of Senate Resolution 365.

Interweaving the complex questions of our day with the perennial teachings of the Christian tradition, the eloquent prayers offered here touch upon almost every conceivable subject of pressing importance. Freedom, interdependence, peace, bridges of understanding, materialism, patriotism, personal rights, captive nations, and numerous other subjects of current discussion are objects of deep insight and reflection in these prayerful messages. On patriotism, a prayer given on January 30, 1961, declares "We are grateful for the patriotism and fidelity of those honored by the Nation, who have stood as watchmen on the ramparts of our Republic in the perilous years through which we have been called to pass; statesmen who have given of their best and now, in the procession of history, step aside as the tumult and the shouting dies, and the captains and the kings depart" (p. 8).

Concerning the Communist conspiracy, Dr. Harris stresses in a prayer delivered on March 16, 1961, "In this dear land of our love and prayer, may we close our national ranks in a new unity, as sinister powers without Thee in awe plot to destroy the birthright of our liberty of worship, and of speech, and the sanctity of the individual" (p. 17). In a message the following month he extends this theme in these words: "We are conscious that it is a world where tyrants still deal in fetters and chains as they attempt to shackle the free spirits of men made in Thy image. We praise Thee for the multitude in every land with whom we are joined, who cherish freedom of body and mind more than life itself" (p. 22). At the end of this prayer, the chaplain emphasizes "In all our striving to defend the truth, preserve in us the grace of self-criticism, so that the living faith of the dead may not become the dead faith of the living."

In every sense of the word the author of these moving phrases is a clerical freedom fighter, whose deep-seated convictions on national and personal freedom are brilliantly reflected throughout the whole compilation of prayers. Just read these lines from a prayer offered on May 15, 1961: "In this day of global conflict for the bodies and minds of man we pray that Thou wilt purge and cleanse our own hearts that we may be found worthy to march with the armies of emancipation which bring both liberty and release from the want and woe which beset so many millions of Thy children and grind them into the dust of poverty" (p. 28). In another message on June 7, 1961, the author continues, "Unworthy though we are, Thou hast made us keepers for our day of the holy torch of freedom the Founding Fathers kindled with their lives" (p. 34).

Bridges of understanding and friendship also figure highly in the spiritual messages which are uttered almost every legislative day by the versatile Senate Chaplain. A prayer given on July 12, 1961, urges that "As this day, in this shrine of freedom, Western and Eastern hands are clasped in enduring friendship, and in mutual allegiance to the liberty and dignity of the individual under all skies, may there be strengthened and expanded bridges of understanding and cooperation which shall tie together in a resistless crusade peoples and lands, one in heart, though they be half a world away" (p. 45).

The theme of hope resounds in all of these prayers. "Grant that our hearts may be shrines of prayer," he prays, "and our free Nation a bulwark for the oppressed, a flaming beacon of hope whose beams shall battle the darkness in all the world" (p. 66). Such God-filled hope is indispensable for ultimate victory in the type of war we are engaged. Dr. Harris knows this all too well when in his supplication he avers, "Thou hast called Thy servants here who represent the choices and will of a free people to be servants of the Nation in a tense and tortured time, when the earth is plowed with violence, when brave freedom fighters have been met and temporarily subdued by the bayonets and walls of tyrants, and when wars and rumors of war vex the world" (p. 68).

Captive Nations Week couldn't be more properly initiated annually than with these prayerful words: "At the beginning of this yearly week set aside by this free land and sponsored by our national leaders, we would this day join in our supplications with those who pray from sea to sea for those whose

sovereignty and culture and treasured traditions, whose individual dignity and self-determination, which are Thy endowment, are being trampled into the dust of servitude by the cruel might of oppressors who hold not Thee in awe" (p. 108). This long prayer, given on July 16, 1962, ends with the Biblical quote, "I am come to bring deliverance to the captives." A similar prayer on July 15, 1963, at the beginning of "this week of national remembrance," speaks of "the moaning of the captives and their wail, 'How long, O Lord, how long?' and we here vow never for expediency's sake to stifle Thy stern demand: 'Let my people go' " (p. 178).

As a permanent part of our Nation's history, these prayers register not only the faith and convictions of a great spiritual leader but also the throbbing conscience of a free people. This book is a valuable collection that every American should study in the quiet of his individual conscience.

LEV E. DOBRIANSKY,
*Professor of Economics,*
*Georgetown University.*

## TIME RIPE FOR 18-YEAR VOTE

Mr. PROXMIRE. Mr. President, there has been much interest in recent years, both in the Congress and the Nation, in various proposals to lower the voting age. Most of these proposals would have lowered the voting age to 18. We have only a few hours ago voted to provide eligibility for voting at age 18 in the District of Columbia.

There are many reasons for the steady growth of interest in lowering the voting age, but the primary one is that the military draft age was lowered to 18 during World War II and thousands of American youth from 18 to 21 have served our country during that war and the Korean conflict. Today, thousands more are serving in Vietnam and other parts of the world.

I have favored lowering the voting age to 18 for many years. As a member of the Wisconsin State Assembly in 1950, I introduced legislation to accomplish this.

Early this year, President Johnson supported lowering the voting age. A proposal to lower the age requirement for voting from 21 to 18 is pending in the Constitutional Amendment Subcommittee of the Senate Judiciary Committee.

The question, "Should the Voting Age Be Lowered to 18?" was the topic for the eighth annual essay competition for Wisconsin high school senoirs.

The competition and the $1,000 scholarship offered as first prize were won by a Milwaukee youth, John E. Martin, of 2853 North Summit Avenue, a senior at St. John Cathedral High School. In his excellent essay, Mr. Martin argues his own case eloquently. I ask unanimous consent to insert Mr. Martin's essay into the RECORD.

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

SHOULD THE VOTING AGE BE LOWERED TO AGE 18?

(By John E. Martin)

(NOTE: Winning essay, Thorp Finance Foundation, eighth annual competition.)

The right to vote is perhaps one of the most cherished rights of this democracy. The fact that this right has been upheld is probably because the American voter is a mature voter, who takes this duty seriously. This need for earnest concern in politics was no doubt taken into consideration by the leaders of this country when they drew up the Constitution in 1781. They bestowed the right to vote on the male, adult citizen of this country, and although suffrage has given women the rights to vote, it hasn't changed the need for adult thinking.

In this country's youth, a boy emerged from puberty to adulthood when he could carry a gun and march off to war. Today the laws have changed; a boy is an adult when he reaches 21. On the other hand, our draft laws say that a boy of 18 can go out and defend his country. This doesn't seem like good military procedure—sending boys to do a man's job. During World War II and the Korean conflict, thousands of boys died defending what they knew was right; they died fighting for American rights that were being endangered. It seems ironic that these young men should be giving their lives for a right which they didn't even possess.

Voting is a great privilege; it has to be taken seriously in order to achieve the high political ideals for which this country has strived. People who support the 21-year minimum voting age suggest that "this 18-year-old isn't mature enough to vote," that "he is given to rash decisions and immaturity." Yet a person who is rash and immature at 18 in many instances will still be rash and immature at 21. A young adult doesn't wake up on his 21st birthday bursting with mature concepts and logical answers to his problems, because mature thinking does not come with birthdays, but by responsibility.

The late teens are the most telling years of a young person's life. During these late adolescent years a person forms his ideals and approaches problems in an adult manner. Along with these ideals comes an eagerness to be responsible. Many people in their late teens have a very idealistic and avid interest in politics. If they see their desires and goals mirrored in a political candidate, they will wholeheartedly back him. Such political support was especially shown in the presidential campaign of 1964, when numerous youth groups zealously supported their candidate. This fact is even more evident when it was noted that both candidates took time to address these youth groups at universities throughout the country, although most of the audience was under voting age.

The acknowledgment of the teenager as a future voter shows that some people recognize the maturity that many older teens possess. If, then, this maturity and level-headed judgment are found in a person 18 years old, and if the teens have and are still willing to prove themselves adult, adult rights should be granted them by lowering the voting age to 18.

## THE PLOT TO STRANGLE ALASKA

Mr. GRUENING. Mr. President, in the May issue of the Atlantic Monthly an article by Paul Brooks entitled "The Plot To Drown Alaska," contained one of the attacks on the Rampart Dam project which is a part of a far-flung organized campaign to discredit that worthwhile and important hydroelectric project which has been under study by the Corps of Engineers for the last 4 years. The study is now nearly completed.

I requested space from the editor of the Atlantic Monthly to reply to this article and was permitted 3,000 words, which was somewhat less than half the length of Mr. Brooks' article. I entitled my article "The Plot To Strangle Alaska," and it appeared in the July issue. To my surprise the editor allowed Mr. Brooks a further rebuttal, and I felt it necessary to insist that I be able to refute his wholly incorrect interpretations of what I had said.

He began his reply by saying:

I am happy to see that Senator GRUENING does not question any of the facts of my article. He questions only the conclusions that I draw from them: conclusions that I regret to say still seem inescapable.

I have sent a reply to the Atlantic Monthly, which they expect to print in part but not in full. Therefore, I feel it necessary, in the interest of fair play, and of giving the opposing viewpoint an equal opportunity to be seen at least by some of the public, to place my reply in the CONGRESSIONAL RECORD, Mr. Brooks' article has already been printed in the RECORD; hence there is no point to my having it reprinted.

I therefore ask unanimous consent that my article entitled "The Plot To Strangle Alaska," Mr. Brooks' rebuttal, and my letter to the editor of The Atlantic Monthly be printed at this point in my remarks.

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

THE PLOT TO STRANGLE ALASKA

(By ERNEST GRUENING)

(NOTE.—Speaking from long devotion to Alaska and with high aspirations for its future, ERNEST GRUENING, Alaska's Governor from 1939 to 1953, and its Senator since it became a State, argues in favor of the proposed Rampart Canyon Dam, which Paul Brooks attacked in his article, "The Plot To Drown Alaska," in the May Atlantic.)

With Paul Brooks' aspiration to preserve the wonderful wilderness values, the fabulous scenic and other natural resources of Alaska, I am in complete sympathy, as my writings and utterances have long attested. When his "Alaska: Last Frontier" appeared in the September 1962 Atlantic, I inserted it in the CONGRESSIONAL RECORD for September 7, 1962, with the eulogistic comments I felt it deserved. To those who are Alaskans by deliberate choice, as I am, this priceless natural heritage, unequaled anywhere under the flag, with it togetherness of high mountains and sea, virgin forests, fjords, waterfalls, riotous flora, abundant wildlife—these, and the frontier friendliness of the people—proves irresistibly alluring.

Perhaps at this point I should qualify myself as a conservationist, and a fervent one. When I came to Alaska as Governor in 1939, I found that there was a bounty on the bald eagle. The fishermen's fear of its predation on salmon was reflected in this legislative bounty act. In my first message to the biennial legislature (1941), I urged its repeal, and on my third try, in 1945, I succeeded, securing thereafter that noble bird's protection. In the U.S. Senate I have strongly supported the wilderness bill and the impressive galaxy of national seashores and parks created by the 87th and 88th Congresses. I am a cosponsor of the wild rivers bill.

Where I differ with some of my fellow conservationists that in their zeal for the preservation of every feathered, furred, or scaled creature, they sometimes overlook the requirements of people. Man, too, requires a habitat, and unless it has an economy that will enable him to subsist, it is not a viable one. Let me amplify by saying, by way of example, that we should preserve moose (or any other wildlife) for its own sake, but so that man may continue to see moose, photograph moose, hunt moose, always in per-

petual supply. Wise utilization, not mere preservation, is the essence of sane conservation.

Rampart Canyon Dam, I believe, is an important, desirable, and needed project and does not merit the active opposition which has been mobilized against it. The alternatives mentioned by its opponents do not remotely meet Alaska's needs. Rampart would bring in the wide diversity of industries which only its low-cost power can attract. In the controversy over Rampart, Mr. Brooks has swallowed the whole extremist-conservationist line; we have been hearing these exact figures, the very same laments and alarms, from the same sources which successfully indoctrinated him.

Mr. Brooks is quite correct in reporting that Alaska has economic problems, that gold mining and fisheries have been on the downgrade, that "the defense boom has tapered off." In short, Alaska needs a statewide economy to support its present and growing population.

To put Rampart in its proper perspective in relation to Alaska's overshadowing problem, some history is pertinent. Twenty-five years ago, Alaska, with a population of 72,225, was getting along comfortably with its two economic props: fisheries, principally salmon, and mining, principally gold.

World War II measures (order L–208 of the War Production Board) compelled the Nation's gold miners to shut down their operation, a restriction not adopted by any other of our allied nations engaged in gold mining; and thereafter Federal action compelled the industry—the only instance in our free enterprise economy—to hold to a price established in 1934 and to sell only to the Federal Government. With the rising costs of labor and equipment, these restrictions make continued operation impossible.

In 1940 under a government reorganization, the Bureau of Commercial Fisheries of the Department of Commerce was merged with the Biological Survey of the Department of Agriculture and transferred to the Interior Department as the Fish and Wildlife Service. Ira N. Gabrielson, who had headed the Biological Survey, became the new agency's director. It had complete control of the management of Alaska's fisheries and wildlife. As a result of the colonialist imposition wrought by Alaska's absentee-owned canning interests and their political power in Washington, the Organic Act of 1912 deprived Alaska—alone among the earlier territories—of the right to manage its own natural resources.

Mr. Gabrielson, though a nationally known conservationist, proved ill equipped for his Alaskan responsibility. An ornithologist, not an ichthyologist, he permitted the principal Alaskan resource and the Nation's greatest fishery resource, the Pacific salmon, to decline steadily. He disregarded the unceasing protests and remedial recommendations of Alaskans, who despairingly watched the salmon, and the dependent livelihood of the coastal communities, shrink steadily. From an annual pack of some 7 million cases production dropped in the 6 years of Gabrielson's incumbency to half that quantity, a decline continued under the sequent management of Albert Day, Gabrielson's assistant, so that in the last year of Federal control, 1959, the pack reached the lowest point in 60 years, some 1,600,000 cases. Meanwhile, in neighboring British Columbia, the same resource, though far less abundant, was adequately conserved.

As Ira N. Gabrielson is the principal factor in Alaska's plight and problem, past, present, and future, it is necessary to follow his activities further. One of his first acts as director of the Fish and Wildlife Service was to persuade Interior's Secretary Harold L. Ickes to withdraw 2 million acres, approximately two-thirds of the Kenai Peninsula not occupied by the Chugach National Forest, to establish the Kenai National Moose Range. Alaskans were denied a hearing. The figures indicated a moose population of 4,000, or 500 acres for each bull, cow, or calf. But along the thin fringe of land left for human habitat, between the Moose Range and the sea, only 160 acres were permitted to the homesteader with wife and children.

With gold mining nearing extinction and the fisheries disappearing—both the result of action by a distant Federal Government—Alaskans in 1957 sought a remedy in oil, which, it was believed, underlay the Kenai Peninsula, and invited some of the leading oil companies to begin exploration.

The proposal was savagely fought by the Wildlife Management Institute, whose director, since his retirement from the public service, was none other than Ira Gabrielson. The institute's bulletins unsparingly denounced the Alaskans—including me—who denied the institute's allegations that oil exploration would destroy the moose. Opposition was likewise voiced on the same grounds by the National Wildlife Federation. Those of us with a concern for Alaska's economic welfare knew that the incidental timber clearing would enhance, not diminish, the moose herd. One conservation society, the Isaak Walton League, dissented from its fellows, and, after much hesitation, Secretary of the Interior Fred Seaton opened up a little less than half of the range to oil exploration. The result has been over sixty producing wells, three vast gasfields, extensive filings throughout Alaska, an oil refinery, an investment of over $300 million, and substantial revenues to the State. In short, the oil strikes saved Alaska from bankruptcy, a disaster which the extremist conservationists would have wrought had they prevailed.

As for the moose, they have multiplied and spread all over Alaska, becoming a problem in the Matanuska Valley, where they are eating the farmers' crops. They have reached Barrow at Alaska's northern tip and Kotzebue on Bering Strait. In fact, according to the knowledgeable Jim Brooks, head of the game division of the State department of fish and game, they are now too numerous. So the hunting season has been lengthened, and cows as well as bulls may be taken.

Though oil proved a lifesaver, Alaska still needed a Statewide economy. For although under the wise management of the State department of fish and game the salmon runs are being slowly rebuilt, and in the 4 years of State control have more than doubled, reaching 3.5 million cases in 1964, the population of Alaska has more than tripled since 1940, and is now estimated at 250,000.

The logical economic prop to which Alaskans could turn was hydro, of which only one-quarter of 1 percent of Alaska's potential is harnessed. As in the exclusion of Alaska under territorialism from the Federal highway aid, so in much else: while the older States had extensive hydro development, the only Federal project in Alaska is the 300,000 kilowatt installation at Lake Eklutna, which supplies electricity for Anchorage and a nearby REA cooperative.

The Rampart site on the Yukon in the geographical center of Alaska was long known as a great potential power site, probably the greatest under the American flag, with an installed capacity of 5 million kilowatts, two and a half times that of Grand Coulee. Rampart was estimated to generate electricity at the bus bar at 2 mills, which would at the time of its completion be the lowest cost power on the North American Continent.

In my first term in the Senate in 1959, I sought, and the Public Works Committee, of which I am a member, approved a $100,000 authorization for the beginning of studies by the Corps of Engineers, U.S. Army. These inevitably must precede any attempt at authorization of such a project—engineering studies, marketability studies, fish and wildlife studies, and so forth. The studies included one let by the Corps to the Development and Resources Corp. of New York, nationally and internationally known hydro consultants. The firm was headed by David Lilienthal and others who organized and directed the Tennessee Valley Authority in its earlier days—probably the oustanding authorities in their field. They found that not only would all of Rampart's power be spoken for within Alaska as soon as generated, but that the demand would by 1990 exceed Rampart's capacity and require a whole river development.

While the studies were proceeding routinely, out of the blue came a condemnatory blast by Ira Gabrielson, which ushered in a nationwide campaign against Rampart. Conservation societies' bulletins inveighed against it and solicited funds to fight it. State fish and game commissioners were pressed to pass resolutions against it, and some did. Outdoor and sports magazines sprouted articles such as Paul Brooks' newspaper editorials repeated the message, all parading the same facts. Fish and wildlife officials proclaimed their opposition in public addresses.

So it was scarcely a surprise that the Fish and Wildlife Service's report, issued in April 1964, rehearsed, with amplification, the same chorus. The report echoes its concern for the already superabundant moose. Of course, it is conceivable that these intelligent mammals would not wait 18 years till rising lake waters submerged them but would amble out into Alaska's remaining 576,000 square miles. The small furbearers would probably do likewise. There is no certainty that the salmon—never before deemed important—would be destroyed. Indeed, the report expresses the belief that "a portion of the run could be perpetuated." However, in its place, or in addition to it, a great freshwater fishery—commercial and sport, of lake trout, whitefish, and such other species as a truly creative and resourceful agency personnel could implant in the great lake—would far exceed the present "subsistence fishery," as the Wildlife report characterizes it. As for the birds, there is ample duck nesting ground in the vast swamps of northern, central, and western Alaska.

"Last, but certainly not least," Mr. Brooks worries about the people who live along the river. "Seven villages in the Flats would be drowned," he writes. Part of the campaign against Rampart is a persistent effort to convince the Indian inhabitants that Rampart would uproot them and worsen their fate. Representatives of the opposition have prepared a letter for distribution to the Congress signed by the village residents protesting against Rampart which repeats all the Fish and Wildlife allegations in words not utterable by these natives.

No informed person can sincerely contend that these allegations of injury to the river dwellers if Rampart is built are valid. (Let me say, in passing, that as Governor I sponsored and secured the antidiscrimination legislation needed to protect Alaskan Indians and Eskimos against their previous exclusion from various public places.)

Most of these villages exist on a bare subsistence economy supplemented by relief. Their children do not have a future such as every American child should rightfully expect. Rampart would benefit these villagers more than any other group of Alaskans. It would furnish ample varied employment: in the clearing of the timber from the area to be flooded and its processing in sawmill and manufacturing, in the guiding, boating, and fishing on the lake. Mr. Brooks complains that "no technical training program has been established for the native people." Quite right, and regrettably so. Neither Federal nor State funds have been sufficiently available, and President Johnson's antipoverty program is in its infancy. Rampart

should and will supply the funds for the necessary training, but hardly before it has been authorized and the resulting work prospects are foreseeable.

In the relocated villages, at a location of the villagers' choice—either on the edge of the lake or on the river somewhere below the dam—because of the resulting flood control they will be free from the periodic flooding and will have better homes, better community facilities, a decent human habitat, and a livelihood which they have never enjoyed. Mr. Brooks probably does not know that no fewer than 20 native villages have moved voluntarily from their aboriginal location to secure a better environment.

The slanted and biased sensationalism of the Atlantic's presentation and the corresponding unjustified editorial verdict that Rampart is "an ill-conceived project" reflect little credit on the objectivity of Mr. Brooks and of his editor. The announcement in the April issue of the article "The Plot To Drown Alaska" shows a photograph of a cow moose swimming. The implication is, clearly that the moose is drowning. There is of course no "plot," and Mr. Brooks is unable to cite any evidence that the approach to the Rampart project differs from that which preceded the Tennessee Valley Authority, Boulder Dam, Grand Coulee, or any of the Nation's other great hydro projects. To create a lake which will occupy less than 2 percent of Alaska's 586,000 square miles is scarcely "drowning." Mr. Brooks should know that the cost of these hydro projects is repayable, both principal and interest, from the revenues of the generated electric current. If there is indeed a plot, it is a "plot to strangle Alaska" economically.

What is needed, and is so lacking in Mr. Brooks' last Atlantic article and in the attitude of Rampart's bitter end opponents, is a sense of proportion between benefits and possible losses. It is pertinent to note that Alaska has done well in the preservation of values that Mr. Brooks and I cherish. Our three superb national parks, Katmai, Glacier Bay, and Mount McKinley, approximate one third of the total national park area in the rest of the Nation. Each is different, and I rejoice in them. Even more striking is the fact that Alaska's wildlife ranges and refuges occupy an area more than double those of all the other 49 States, while our national forest area is the largest of any State. But the Yukon Flats—a mammoth swamp—from the standpoint of human habitability is about as worthless and useless an area as can be found in the path of any hydroelectric development. Scenically it is zero. In fact, it is one of the few really ugly areas in a land prodigal with sensational beauty. I believe that the great lake which would cover the flats would make a rare manmade improvement. But in the view of Mr. Brooks and his mentors, its present animal life renders it sacrosanct. The better opportunities for the residents of that area and of all Alaska are of no concern to them. The need and striving of a brave and gallant segment of the American people who have had to face unparalleled obstacles of both natural and manmade origin to work out their destiny are merely sneered at and traduced.

There is the true issue between us conservationists.

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PAUL BROOKS REPLIES

I am happy to see that Senator GRUENING does not question any of the facts in my article. He questions only the conclusions that I draw from them: conclusions that, I regret to say, still seem to me inescapable.

I have no reason to doubt the Senator's appreciation of the wilderness values of the area with which he has been so long and so loyally associated, nor his claim to be a fervent conservationist—though some of his statements show less than complete understanding of what conservation is all about. His account of the decline of the salmon fishery, his attack on Ira N. Gabrielson, and his story of the Kenai National Moose Range are interesting but irrelevant. The question is simple: Would or would not Rampart Dam benefit Alaska and the United States as a whole?

Such points as the Senator does raise about Rampart and its critics have already been answered in my article. Though I do not happen to agree with him that no wildlife is worth preserving for its own sake, this is not the issue. It is not a matter of people versus wildlife. Wildlife is itself a vital part of the State economy. Hydropower may be another part. As I have stated, it is available elsewhere with minimum destruction of natural resources and without invading the rights or destroying the way of life of any native inhabitants.

Nowhere does the Senator even attempt to prove that Rampart Dam will accomplish any of the specific things claimed for it by it promoters—other, of course, than spending Federal money. There is no proof that it will attract the aluminum or any other industry to Alaska. The price of electricity of two mills at the bus bar assumes full-capacity use, which in this case is extremely unlikely, for reasons I have given. Glorying in "the largest hydro project in the free world," the Senator fails to mention that less spectacular projects may be not only less costly but more efficient.

A few points need clarification: (1) it is not a question of moose or ducks drowning, but of the destruction of their habitat, (2) equivalent habitat does not exist in Alaska's "remaining 576,000 square miles," (3) experts agree that the salmon run would be destroyed above the dam, (4) the timber in the flooded area cannot be economically marketed, (5) any mineral resources in the area would be lost forever, (6) the recreational values of the lake would be minimal, (7) the sale of the electric current will not pay for the dam unless there is a market for the current. As the report from the leading industrial consultants, Arthur D. Little, Inc., makes clear, Rampart would "produce a quantity of power many times the ability of present Alaskan industry, commerce and population to absorb."

Those of us who question the wisdom of Rampart Dam are not trying to strangle Alaska. We are trying to preserve the very values on which its future depends.

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JUNE 30, 1965.

Mr. EDWARD WEEKS,
*Editor, The Atlantic Monthly,*
*Boston Mass.*

DEAR MR. WEEKS: Since the July Atlantic granted Paul Brooks a reply to my rebuttal: "The Plot To Strangle Alaska," to his twice as long article in the May issue entitled: "The Plot To Drown Alaska," I feel, in fairness, I should be given an equally displayed refutation because his reply is completely at variance with my presentation of my views.

Brooks starts by saying: "I am happy to see that Senator GRUENING does not question any of the facts in my article. He questions only the conclusions that I draw from them, conclusions that I regret to say seem to me inescapable."

On the contrary, I do question—indeed challenge—not merely "any of the facts" in Paul Brooks' article but virtually all of them.

I challenge his statement that the Rampart Dam and the reservoir would destroy most of the wildlife. On the contrary, I believe that with an imaginative and creative agency working for enhancement, not only would existing fauna not be destroyed, but new ones added. This great lake behind the dam, like other man-made lakes will breed trout, whitefish, and other valuable fisheries. The dislocated feathered and furred animals will find ample habitat in Alaska's vastness.

I challenge his statement that the account of the depletion of the salmon fishery under Ira Gabrielson's management and the story of the moose range are irrelevant. They are highly relevant because Gabrielson, who led off the attack on Rampart, stimulated the campaign against it, has set the tone and cited the case for the opposition, proved himself a complete failure when it came to conservation of the great Alaskan resource entrusted to him—the Pacific salmon—as well as a completely false prophet, when, in opposing oil drilling on the Kenai National Moose Range, he and his organization prophesied death and destruction of the moose, which, instead, multiplied. This is pertinent because it demonstrates on the record that the extremist conservationists opposing Rampart have been proved wrong both in the execution of their conservation function and in their forecasts. Hence, their gloomy predictions about the destruction of the wildlife if Rampart is built can be discredited on the basis of their past performance.

I challenge Brooks' statement that electricity is equally available elsewhere in Alaska. It is decidedly not at prices that will do what low-cost power can do, as it has done in Norway—namely, attract vital industries. Only lack of space prevented my describing that nation's achievements in securing them. They include nitrate and phosphate fertilizer production, magnesium from salt water, aluminum, petrochemical products, and much else.

I challenge his repeated allegation that Rampart is "spending Federal money." He should know that these hydro projects are repayable in principal and interest from the revenue generated by the sale of power.

I challenge his statement that the electric current will not pay for the dam, which he bases on the out-of-date Little report, which did not even deal with electric power except incidentally, but neglects the far more knowledgeable report by true experts and specialists in this field, namely, the Development and Resources Corporation, headed by David Lilienthal and the late Gordon Clapp, who are the outstanding authorities in the world.

I challenge his statement that the timber in the flooded area cannot be economically marketed. On the contrary, there is a very substantial market for it in the Orient.

I would point out that experience with manmade lakes elsewhere has demonstrated not merely enhancement of wildlife values but of scenic beauty, and among the voluminous testimony to that effect is the recent illustrated publication by the Department of the Interior entitled "Lake Powell—Jewel of the Colorado," which contains a eulogistic endorsement by Secretary Udall, whose credentials as a conservationist can scarcely be challenged.

In his foreward he says: "President and Mrs. Johnson have challenged us with an exciting new concept of conservation: Creation of new beauty to amplify the beauty which is our heritage as well as creation of more places for outdoor recreation. In this magnificent lake we have made such accomplishments."

While I do not claim that the lake back of the Rampart Dam will be surrounded by such beautiful scenery as at Lake Powell, since this whole area involved unfortunately is without scenic value now or potentially, the analogy is otherwise valid, and this brochure displays, on its first page, a poem by Gordon Michelle which reads:

"Dear God, did You cast down
Two hundred miles of canyon
And mark: 'For poets only'?
Multitudes hunger
For a lake in the sun."

To sum up, I challenge virtually every fact and every implication in Brooks' presentation and refutation, including the ridiculous assumption that a reservoir occupying 2 percent of Alaska's area is a "plot to drown Alaska"; and reassert my conviction that nothing of value need be destroyed by the Rampart Dam; that on the contrary, human habitat, especially that of the resident Indians, and indeed of all Alaskans, will be enhanced; and that Rampart is a needed, wholly desirable and worthy project whose benefits would far exceed the fancied losses if those were truly endangered.

Cordially yours,

ERNEST GRUENING,
*U.S. Senator.*

## ADDRESS BY WARREN DORN, SUPERVISOR FROM THE COUNTY OF LOS ANGELES, CALIF.

Mr. MURPHY. Mr. President, 2 weeks ago I had the pleasure to join the Vice President in addressing the 30th Annual Conference of the National Association of Counties in San Diego, Calif.

It was a pleasure and honor to be host to our distinguished Vice President in my home State. It was also an honor to participate in the vital and important discussions of local, State, and Federal government conducted by the National Association of Counties.

One of the top speakers and one of the most stimulating was Warren Dorn, supervisor from the county of Los Angeles. Mr. Dorn's remarks were drawn from years of dedicated and exceptionally able service to southern California.

I ask unanimous consent, Mr. President, that Mr. Dorn's remarks be made a part of the permanent RECORD.

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

### COUNTY LEADERSHIP IN SOLVING HUMAN PROBLEMS

(By Warren M. Dorn, supervisor, county of Los Angeles)

My fellow leaders of America's county governments, thank you for giving me this opportunity to join these distinguished colleagues on the platform to keynote the opening session of this human problems congress, the 30th annual conference of the National Association of Counties. The theme recognizes the changes taking place in the domestic problems of this Nation, as ever larger majorities of the people live in our metropolitan areas. The conference program includes workshops covering many of such urban intensified human problems. Housing, air and water pollution, waste disposal, public health, mental health, the war on poverty, civil rights, crime and delinquency, highway safety, and community planning and beautification.

Today we hear much about massive Federal programs to improve life for every American through the solution of these very problems. We realistically accept the fact that these problems are the joint concern and responsibility of the Federal, State and local jurisdictions. The result has been the countless partnership programs now in operation and the many new ones on the horizon.

All of these promise an improved life for every American. But, if this commendable goal is reached only through a shift to Washington of power and influence over our daily lives, then I am confident that I speak for all of us in local government when I say we want no part of such massive Federal intrusion.

The fundamental challenge confronting counties is to assert ourselves in matters that concern us. We must speak out against any unhappy arrangements that sap our vitality. We will accept State and Federal sponsorship only when such action demonstrates deep respect for our cherished principles of home rule.

In the partnership programs, decisionmaking must be shared, administration must be cooperative, and financing must fully recognize the ability to pay at each level of Government. Policies, administration, and financing terms cannot merely be at the will of some numerical majority in the legislature of any one level of Government. All the problems discussed at this conference have been and are fundamentally within the traditional orbit of county jurisdiction. In dealing with these problems, we use most of our employees, spend the most public funds, and get the most headaches. With the magnitude of this involvement, the voice of county government must be paramount.

We in county government enthusiastically support the four major concepts in the white paper approved by our association board of directors just a few months ago—charting out the role of counties as partners with other levels of government in solving these basic human problems.

These four concepts were: (1) a review of Federal, State and local finances to provide long-range solutions to the present imbalance, it being a fact that counties cannot participate fully in the solution of domestic problems without the necessary revenue sources; (2) that all national partnership programs have advisory bodies of State and local officials, so that local officials can participate in the administrative decisionmaking; (3) suggest that the President officially designate a White House appointee as a contact for county officials, so that county participation in national programs can be strengthened and made more meaningful; and (4) that our association meet with the council of State governments to develop suggested State legislation to strengthen county home rule and improve communication ties with State officials, it being recognized in many areas that State constitutions and statutes severely handicap progressive county government.

With these goals there can be no equivocation. Our challenge is to implement these goals. Counties must have a voice in the decisionmaking action as that action relates to county government in the partnership programs. We have the problems, we have the programs, we know the need—as it differs from community to community. We have the talent, the ability, and the desire to do the job. We don't have the revenue sources. What makes these programs costly, oftentimes controversial, and always a headache to every elected official in this room is that we have little or no voice in either the program content or the rules and regulations mandated from State and Federal bosses. We cannot administer, we can't innovate, we can't adjust to the community needs. We can't economize. We live in a straightjacket of Federal and State red-tape—a straightjacket of rules we didn't write, can't change—and sometimes can't even discuss. We are required to spend money we don't have for things we don't need.

In my own county, the biggest headache is the massive welfare program. State administrative controls are so numerous and binding that the amount of local discretion is almost nil. Printed instructions for a single welfare worker weigh 105 pounds and stand 5 feet 2 inches high. Here they are. A shocking monument to bureaucratic inefficiency and waste. Each social worker's equipment weighs more than the equipment of a combat infantry soldier, battle ready. This is where the war on poverty should begin.

More than 2 years ago a blue ribbon commission was appointed in California to make a study of the State department of social welfare. Of major concern to the commission was the staggering proliferation of manuals, guides and regulations you see here. To date, not one of the reforms proposed by this commission has gone into effect. Their simplification alone could eliminate 300 employees in our county department. Once again, social workers could be caseworkers and not clerks—and clerks could at least be clerks, not robots.

We recognize that we must be held accountable for administering the program, but excessive bureaucratic controls can be self-defeating. Administrative machinery grinds to a halt like automobiles piled up on an overcrowded freeway. We must not spend the precious little money we have on such useless, meaningless effort—money that could otherwise directly contribute to the solution of human problems.

In addition to our participating in administrative decision and rulemaking in these partnership programs, we face the continuing specter of State legislature failures to give us the tools to do the job. Many State constitutional and statutory provisions affecting county government structure, powers and financing are of the 19th century vintage—totally inadequate for mid 20th century problems. Counties live in an era of the legal lag. If we fail to meet our problems, it is not by lack of leadership nor by default. To rationalize the power shift to State and Federal Governments for these reasons is totally false. We have not abdicated our responsibility or our desire to perform—rather, we are literally and physically unable to perform because of the status quo lethargy of the State capitol and the overeager fingers of Washington bureaucratic control.

It is true that, throughout our Nation, aroused county and other local officials are making some headway in reform legislation at the State capitals. In these partnership programs we don't want to be known as the "give me" unit. We want to be the "use me" unit. This we could be if State capitals will wipe out the restrictions that now render us ineffective. All we need from the Federal and State governments is the policy, and technical assistance. We will do the job—if they will only let us. Counties need broad grants of home rule. We want the right to do anything and everything necessary to solve the human problems in our communities. We need the right to cooperate with any other jurisdiction at any time on mutual problems. We resent having to battle for these fundamental rights and powers one by one, year by year from reluctant and uncooperative State capitols.

Perhaps an even more critical factor affecting county ability to effectively participate in the solving of human problems is the inadequate financing sources available at the local level.

The limited tax and revenue base permitted to county government has produced a budget squeeze unparalleled in county history. The property tax, the biggest single source of our revenue, has reached a practical ceiling.

We can assume certain fiscal obligations in the Federal-State-local partnership program. Historically, however, in view of our limited tax base, counties have never been viewed as the underwriter of such programs. Their financing is not our primary role—rather, we are the action partner. Unfortunately we now find ourselves becoming more and more substantial fiscal partners. I say that this trend must be reversed.

The money of our own local citizens should be collected and retained at the local level where the problems are, or should be returned back to that level without uncalled

for restrictions, and deletions ordered by State and Federal bureaucrats.

It is pure fantasy to expect county government to assume additional financial burdens for the solving of these human problems—without property tax reform legislated at the State and Federal levels.

A case in point is the new war on poverty program—starting off at a 90 percent Federal-10 percent local financing arrangement. Later it drops to 50–50 percent. No amount of fiscal magic will produce 50 percent in my county. If this program is to continue and attain its national objective for a greater society, it had better stay 90–10 percent. It is unrealistic to expect the program to continue on any other basis.

My county is now facing the tightest budget squeeze in its history. Anticipating the problem, we developed months ago a comprehensive revenue program to present to the 1965 session of our California Legislature, which just adjourned. It was a well thought out program including new tax revenue source which we, locally, would assume the burden of imposing, adjustments in fees to be collected for personal services rendered, and to update State subventions and grants long in need of adjustment because of rising costs in State-county partnership programs. We entered this session with a $75 million program—all to relieve the property taxpayer—we came out with $775,000—a measly 1 percent of what we asked for: and these two bills are still on the Governor's desk for his approval or his veto. Since the property taxpayer has reached the limit of his burden, failure of our revenue reform program at the State capitol has caused a curtailment in many vital human problem action programs.

It is a foregone conclusion that the activation of the county's proper role in solving our human problems requires vast financial adjustments. Our challenge is to continue the frustrating task of getting them. We want the ability to collect and pay our fair share. It gets a little sickening to always be crying for Federal and State handouts. "A kept society can never be a great society."

My primary purpose this morning has been to motivate county leadership to achieve the remedies we need to make us effective partners in the partnership programs, and to diligently pursue our efforts at the State level to give counties the organizational and financial powers to meet the problems we face. The record shows that county leadership is ready to continue and expand its role in the solving of human problems. We cannot fail, for the very strength of our Nation and the welfare of our people, depends on the strength of our county government since it is the government closest to the people and therefore most responsive to their needs.

I have great confidence that you, the Nation's responsible county officials, will guarantee this urgently needed local government leadership. With such leadership, there is no power on earth that can stay our progress toward resolving humanities' problems of today and tomorrow. It was Emerson who said, "A civilization is not remembered by the size of its census, its cities, nor its crops, but by the kind of man it produces." Our civilization with great cooperative, action programs with full and proper participation by our Federal, State, and local government, directed at solving human problems shall sustain our unequaled American heritage and provide hope and inspiration to all peoples throughout the world.

## CAPTIVE NATIONS WEEK

Mr. MURPHY. Mr. President, I am proud to join with the President of the United States and with the American people in observing annual Captive Nations Week during the week of July 18–24.

It is indeed fitting and proper that we recognize the plight of the 120 million people who are being forced to live under the dictatorial hand of Communist tyranny. By passing Public Law 86–90 in 1959, the Congress expressed its recognition of the need for freedom throughout the world, and the third week in July was set aside for appropriate recognition of Captive Nations Week.

I have consistently urged since coming to the Senate that the Congress act to call upon the United Nations to force the Soviet Union to end its enslavement of the Baltic and Eastern European States. I am confident the Congress will take such action, for I believe the Congress has a responsibility to do everything within its power to implement freedom and to keep hope alive.

I trust that our U.S. citizens, as well as others of foreign birth in our country, whose home nations are under Communist domination, will be patient with us. They may be assured that our Government is very deeply concerned with their problems and with the problems of their nations, and I, for one, look eagerly forward to the day when the observance of Captive Nations Week will no longer be necessary because freedom will reign throughout the world.

## DUKE POWER CO. CASE PENDING BEFORE THE FEDERAL POWER COMMISSION

Mr. THURMOND. Mr. President, on June 30, July 7, and July 14, I placed in the CONGRESSIONAL RECORD editorials, resolutions, and other materials indicating the stanch opposition of the overwhelming majority of people in South Carolina to the action by the Secretary of Interior on June 21. On June 21, Mr. Stewart Udall filed before the Federal Power Commission a petition of intervention opposing an application by Duke Power Co. for a license to construct a $700 million power generating complex in Pickens and Oconee Counties in South Carolina. By the way, this area has been designated by the administration as a poverty area under the Appalachia redevelopment impetus.

Since I presented the last material for insertion in the RECORD, Mr. President, Mr. Udall has indicated that he will restudy the matter and therefore he will evidently reconsider his petition of intervention before the FPC.

I am pleased that Mr. Udall is reconsidering. To help insure him of the reaction in South Carolina—which I am sure had a tremendous influence on the President of the United States and thus Mr. Udall—I offer for inclusion in the RECORD today many more editorials, resolutions, and other materials condemning Mr. Udall's action. I also offer an editorial commenting on Mr. Udall's decision to reconsider and also a statement by me commenting on this latest development.

I therefore ask unanimous consent, Mr. President, to have the following material printed in the RECORD: An editorial from the Kinston, N.C., Free Press, dated June 26, 1965; a letter to Mr. Udall from the mayor of the city of Easley, S.C., Mr. B. L. Hendricks, Jr.; an editorial from the Charlotte, N.C., News, dated July 12, 1965, and entitled "The Public Interest Issue"; an editorial from the Abbeville, S.C., Press & Banner, dated June 30, 1965, and entitled "The Cause Is Finally Out in the Open"; an editorial from the Albermarle, N.C., Stanly News & Press, dated June 29, 1965, and entitled "Government versus Duke Power"; an editorial from the Carthage, N.C., Moore County News, dated July 1, 1965, and entitled "More of the Big Takeover"; an editorial from the Charlotte, N.C., News, dated July 7, 1965, and entitled "Bad Public Policy"; an editorial from the Durham, N.C., Sun, dated July 10, 1965, and entitled "Was the Senator Really Surprised"; an editorial from the Gastonia, N.C., Gazette, dated July 8, 1965, and entitled "Mr. Udall's 'Beliefs' "; an editorial from the Gastonia, N.C., Gazette, dated June 25, 1965, and entitled "Really, Big Brother, We'd Rather Do It"; an article from the Charlotte, N.C., News, dated July 9, 1965, and entitled "Udall Asked To End Duke Opposition"; an editorial from the Greenwood, S.C., Index Journal, dated July 8, 1965, and entitled "Not Competition"; an editorial from the Greer, S.C., Citizen, dated June 30, 1965, and entitled "A Step Toward Socialism"; an editorial from the Hendersonville, N.C., Times News, dated July 7, 1965, and entitled "Udall Argument Not Convincing"; an editorial from the Laurens, S.C., Advertiser, dated June 30, 1965, and entitled "Another Muzzle by Uncle Sam"; an editorial from the Richmond, Va., News-Leader, dated July 8, 1965, and entitled "Udall's Grab for Power"; an editorial from the Rock Hill, S.C., Evening Herald, dated July 5, 1965, and entitled "Unwanted Interference"; an editorial from the Rocky Mount, N.C., Telegram, dated June 27, 1965, and entitled "Free Enterprise Threatened"; an editorial from the Shelby, N.C., Daily Star, dated July 7, 1965, and entitled "Fallacious Intervention Position"; an editorial from the Spartanburg, S.C., Journal, dated July 8, 1965, and entitled "Udall Needs To Be Drawn Out"; an editorial comment from the Spartanburg Journal as printed in the Greenwood, S.C., Index Journal, dated July 7, 1965, and entitled "Comment"; an editorial from the Statesville, N.C., Record & Landmark, dated June 25, 1965; an editorial from the Westminster, S.C., News, dated July 1, 1965, and entitled "Duke Plans Are Hampered"; an editorial which was broadcast over Station WLOS–TV in Greenville, S.C.; an article from the News & Courier of Charleston, S.C., dated July 15, 1965, and entitled "Upstate Officials Ready To Fight for $700 Million Power Project"; an editorial from the Greenville, S.C., News dated July 15, 1965, and entitled "Udall Out on Socialistic Limb"; an editorial from the Greenville News, entitled "Skirmish Won in a Big War"; an article from the State of Columbia, S.C., dated July 16, 1965, and entitled "White House Pressure on Secretary Hinted in Duke Case: L.B.J. Reported Opposed to Udall Interven-

tion"; and a statement by me dated July 17, 1965.

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

[From the Kinston (N.C.) Free Press, June 26, 1965]

We are not surprised that Duke Power Co., and Secretary of the Interior Stewart Udall have clashed over the utility firm's proposal to erect a $700 million generating complex in northwest South Carolina. It is a matter that should be reviewed without prejudice by the Federal Power Commission, however, because private utilities are taxpayers—not taxeaters—to coin a phrase from the Great Society promoters in Washington.

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CITY OF EASLEY,
*Easley, S.C., July 14, 1965.*

Re FECP No. 2503.

The Honorable the SECRETARY OF INTERIOR,
*Washington, D.C.*

SIR: We of the city government of this relatively small city, yet the largest city in Pickens County, are vitally concerned about the future of the proposed Duke Power Keowe-Toxaway project, but we are more concerned about the petition filed by your Department in opposition to this project. We, along with everyone in this area, shared with great pride this announcement by Duke Power Co. We were proud that we had, what we consider a local company, with the foresight and financial ability to undertake a project of this magnitude. At the time of this announcement we did not anticipate any problem in them securing a permit from the Federal Power Commission, and certainly least of all, we did not expect any opposition from a department of the Federal Government. We expect, and we endorse, the Federal Government developing areas such as this where it is not financially feasible for private enterprise to develop, but to deny private enterprise the opportunity to develop an area like this, seems to be a turn in a direction completely different from that which has made this country great.

The people of this area, and I am sure the people across this great land of ours, would greatly oppose this type action by our Federal Government; not because of this one project, but because it would violate the very principles that have made this country and this Government of ours the greatest.

At the present time we are included in the Appalachia depressed area, and we would question this classification at present time; however, if the Federal Government adopts a policy of denying private enterprise the permission to expand and develop as they deem necessary, then in short order we may rightly be classified as a depressed area. To declare an area depressed for the purpose of getting some funds in that area to spur the economy, and then to deny private enterprise the right to develop a project which would mean so much to the economy of this area, certainly does not indicate any consistency in policy. If the Corps of Engineers are desperate for a project, then may we suggest that they be utilized in another depressed area, and let this area thrive with a private enterprise project.

From the many factors involved in this situation, we certainly hope your Department will see fit to reconsider this project, and we trust you may find it possible to withdraw your opposition.

Sincerely yours,

B. L. HENDRICKS, Jr., *Mayor.*

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[From the Charlotte (N.C.) News, July 12, 1965]

THE PUBLIC INTEREST ISSUE

The remarkable thing about Secretary of the Interior Udall's attempt to thwart the Duke Power Co.'s Keowee-Toxaway power project is the absence of the familiar public interest issue.

Dispute between public and private power in the past have tended to be marked by Government contentions that the public interest would be frustrated in some way—or that public resources would be despoiled—by private enterprise. Not so, in this case. Nothing in Secretary Udall's intervention document challenges the Duke Power proposal on these grounds.

The fact is that the Keowee-Toxaway project is so plainly in the public interest that an attempted refutation would merely underscore the weakness of Mr. Udall's case. Keowee-Toxaway adds flood control, soil conservation, municipal water supply, public recreation, and wilderness preservation features to the generation of power. The Government's Trotters Shoals project that Mr. Udall supports—and that officials and the Legislature of South Carolina oppose—would supply only power.

What, then, is Mr. Udall's case for blocking Keowee-Toxaway? Apart from his gratuitous finding that Duke Power won't need the additional power it is willing to invest $700 million to get, Mr. Udall's case comes down to this: He thinks that the Flood Control Act of 1944 binds the Federal Power Commission to follow a rigid order of construction of projects in the Savannah River Basin. He thinks that this means that Trotters Shoals must be built first. Duke Power's proposal thus becomes contrary to basic policy adopted by Congress in the Flood Control Act of 1944.

There is considerable question about whether Mr. Udall is reading the Flood Control Act of 1944 as the courts will read it. He is depending upon certain language in a Supreme Court decision of 1953 in which Justice Frankfurter, speaking for the majority, wrote that Congress had apparently made a decision "on such questions as the location of projects, the purposes they are to serve, their approximate size, and the desirable order of construction."

But we must go to the substance of that decision to see how the court interpreted the entire act and, even more interestingly, how Oscar Chapman, a predecessor of Mr. Udall's, had construed it. The Court decided by a 7 to 2 margin that the Federal Power Commission had the authority to grant the Virginia Electric & Power Co. a license to construct a generating station at Roanoke Rapids. In so doing, the Court demolished the Government contention that Congress had withdrawn all sites mentioned in the Flood Control Act of 1944 from use by private enterprise.

Through the Secretary of the Interior the Federal Government was arguing in this case that Congress had stripped its agent, the Federal Power Commission, of any choice as to who would develop these 11 national power sites. Now a decade later another Secretary of the Interior is arguing that if the act didn't say that the Government had to develop all of the sites, it did say they had to be developed in a specific order. Thus, Mr. Udall contends, the FPC has no choice but to turn down the Duke Power proposal.

The Udall view runs counter to the evidence of history in power legislation. The FPC has been charged with the responsibility of seeing that power generation does not infringe on the public interest—that our rivers are not befouled and our natural resources are not squandered. At the same time, the FPC has the duty to grant licenses for private construction of hydraulic projects with appropriate safeguards to this interest.

Government's role in all this should remain that of the public agent capable of policing the efforts of private enterprise and willing and able to uphold the public interest by supplying power in areas where private enterprise will not or cannot perform.

This is a vital role, but it is a far cry from the one that Government has begun to visualize for itself of late. It is possible to suspect that behind Mr. Udall's insistence that Congress has tied the FPC's hands is the desire of big government to preempt the business of power generation.

We see little evidence that Congress intended to read private enterprise out of power development in the wholesale way presumed by Government spokesmen, most recently Mr. Udall.

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[From the Abbeville (S.C.) Press & Banner, June 30, 1965]

THE CAUSE IS FINALLY OUT IN THE OPEN

The intervention of the Department of Interior under the name of Secretary Stewart L. Udall to the plan of Duke Power Co. to build its Keowee-Toxaway project in Pickens and Oconee Counties comes as a surprise. It brings into clear focus a fact long clear to many—the intent of the Federal Government today to completely socialize the power industry.

The only real surprise in the method of attack is that in making the move in this manner all doubt as to the intentions of the present administration is taken from behind the shroud in which it has been cloaked for lo these many years and laid naked before the people of this Nation. This one act pictures to a better degree than would a novel of a million words the depth to which we have permitted ourselves to become enmeshed in the slime of socialism.

It is now in the open—the cold war in which we have been involved within this Nation is now in the open and even a child can now see where we are headed.

If the Government can stifle the growth of this one great image of free enterprise, and thereby eventually place this one company at the mercy of the whims of bureaucrats, the day of privately owned power companies will be nearly gone. The squeeze can be added a little at a time, and gradually the Federal Government will take over the many satisfied customers of the company.

Perhaps those who have refused to admit the ultimate goal of the Federal Government until this time can now see the very real danger. Perhaps those who have permitted themselves to be brainwashed as to the ideals of free enterprise should be attuned to the effect Government ownership will have upon their individual pocketbooks.

This one proposed project of Duke Power Co. would result in payment by Duke Power of $20 million each year in State and local taxes, and $24 million each year to the Federal Government in Federal taxes. Think, then, how many, many millions of dollars in taxes the loss of just the Duke Power Co. to socialism would mean to the States of North and South Carolina and to the Federal Government.

Money to operate State and Federal Government must be had. The cost of operating both is increasing each year. If you destroy taxpayers such as the Duke Power Co., then where is all the money coming from? The answer to that is easy. The money is going to be raised by taking more and more from the small taxpayer—and that just happens to be each individual reader of this paper and every other individual in this Nation.

The day of pussyfooting by the bureaucrats and professional politicians (as opposed to the statesmen who are truly representatives of the people) is over. The declaration of intent to socialize has been sounded loud and clear. If this declaration is disregarded by the American people, the day of the complete socialization of this Nation is immediately upon us. Within one or two decades the truly American way of life—a life of guaranteed freedoms—will be a thing

relegated to history. Children of this Nation will read of the "dark ages" in the history of the United States of America, when this Nation produced great men and when this Nation attained the position of the greatest Nation on the face of the earth.

But these people of the future will not be able to appreciate what has been lost, they will not know the joys of freedom, they will not understand why this Nation fought bloody wars in an attempt to retain its freedom. They will not understand why men went into Korea, Vietnam, Africa, etc., to attempt to block the spread of an idealism as old as man and which has been proven over and over again to be disastrous to the individual.

Citizens of a captive nation can never understand these things, and persons who have never experienced living standards on a par with those found only in these United States even today can never realize what has been lost to them.

If ever a marathon of letters should fall upon our Congress, it is now. The final battle for real freedom is shaping up right now, and we are not being unduly pessimistic when we say it now appears Duke Power and the people of this Nation are losing the battle.

Even though we lose, the transition will not be immediate. We will have an indeterminate number of years of freedom remaining, but look at the heritage we establish for those who will follow us. It should give each of us a feeling of failure and guilt. We can say it was not by our hand that these things were lost, but is it not by our hand that they are lost when we do nothing to prevent the loss?

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[From the Albemarle (N.C.) Stanley News & Press, June 29, 1965]

GOVERNMENT VERSUS DUKE POWER

Duke Power Co. announced sometime ago plans for the expenditure of $700 million in construction of generating facilities in northern South Carolina.

Last week word came out of Washington that the Federal Government, through Secretary of Interior Stewart L. Udall, plans to intervene with the Federal Power Commission to block this project.

The intervention indicates that the Government wants to build generating facilities of its own in this area.

Previously, the Tri-State Committee, representing electric cooperatives in Georgia and the Carolinas, has filed an intervention document with FPC.

Thus the issues are being joined. The question is whether free, taxpaying, commerical enterprise shall be allowed to continue to grow, or whether it shall be stymied by a government which is determined to eventually socialize the power industry.

Secretary Udall claimed in his massage to the Federal Power Commission that Duke will not need the proposed generating facilities, and that it can supply its needs from Federal power projects. In other words, he would, under existing laws, make Duke dependent upon Government sources. Co-ops and municipalities have first call on federally produced power.

Duke's President W. B. McGuire said, "To the best of my knowledge this is the first time that the Secretary of the Interior or any other officer of the Federal Government has ever suggested that he knows more about our future power requirements than we do.

"It is also the first time, to my knowledge, that any agency of the Federal Government has ever taken the position that we should not build our own generating plants, but should buy our hydroelectric power from Federal Government plants."

The Government is planning construction of a hydro plant at Trotter's Shoals, below the one which Duke hopes to build. South Carolina officials have opposed the Federal project and prefer the Duke plan.

Indeed, it is a sad day for private enterprise when the Federal Government seeks to supercede the normal functions of business which are handled by private investment and financing. We cannot expect to continue our private, personal enterprise economic system if we array the forces of the Federal Government on the side of its destruction.

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[From the Carthage (N.C.), Moore County News, July 1, 1965]

MORE OF THE BIG TAKEOVER

The latest chapter in America's march toward totalitarianism it seems, is going to be written in South Carolina. According to a news article published last week, Secretary of the Interior Stewart Udall is trying to block a Duke Power Co. proposal to build a $700 million electric generating complex in northwest South Carolina, in Pickens and Oconee counties, and has taken it upon himself to state that Duke Power Co. would have no need for the power that would be produced by their own project.

The action on Udall's part drew sharp comment from the president of Duke Power Co., and ought to bring even sharper comment from the Nation's taxpayers, even, or perhaps more so, from those who will not benefit directly, than from those directly affected in South Carolina. What seems to be upsetting the Secretary is the fact that the Federal Government has another power boondoggle of its own which it would rather force on the taxpayers in the form of a Trotters Shoals project, which Udall is currently recommending for approval during this session of Congress. Duke, he said, would have no need for their power plant, because sufficient power would be available through a 2 million kilowatt steam plant below Hartwell, concomitant with the Trotters Shoals authorization.

In effect, the Secretary is saying that Duke Power Co. should make itself dependent upon the Federal Government for supplying the future requirements of Duke's customers.

Both the South Carolina Governor and the South Carolina Legislature are said to have expressed firm opposition to the Federal Government's Trotters Shoals plant, and for very understandable reasons. Duke's project would generate some $20 million anually in State and local taxes, and around $24 million in Federal taxes, the other one, none.

We are firmly convinced that the Federal Government should step in where private industry cannot or will not provide services. But in this case, its intervention is totally uncalled for. It seeks to saddle the taxpayers of the entire country with a project that will cost rather than provide. When one considers not only the tax revenue that will be directly generated, but that which will be indirectly generated through dividend payments to Duke Power shareholders over the years to come, Udall's "intervention" is only further proof of his, and by association, the present administration's desire to kill that which has made this country great, the free enterprise system. We join our fellow South Carolinians and the officers of Duke Power Co. in the hope that the people of this country will not allow Udall and company to sneak this one over on us.

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[From the Charlotte (N.C.) News, July 7, 1965]

BAD PUBLIC POLICY

Secretary of the Interior Udall plainly believes he has a legal ace in the hole in his opposition to Duke Power Co.'s Keeowee-Toxaway project. But what of the public interest? How will the public interest be served by Mr. Udall's intervention?

The legislative history of the appropriate sections of the Federal Power Act make clear its design as a stimulus to the private development of hydroelectric sites. The Federal role in power development is reserved to Congress and establishes as Congress adviser the Federal Power Commission—not the Department of the Interior.

It is to the FPC that Duke has applied for permission to build Keeowee-Toxaway, a huge, $700 million power complex in northwestern South Carolina. The project would meet power needs anticipated by the company in the next decade. It would provide soil conservation, municipal water supplies, flood control, and public recreation—the latter centering on a new lake with a 75-mile shoreline and hiking, riding trails, picnicking, camping, hunting and fishing. It would also supply millions of dollars of taxation annually to South Carolina—whose officials suport the project fully—and to the Federal Government.

It is in the face of this kind of public interest that Mr. Udall's objections fly. He makes bold to tell Duke's officials that they will not need the new power they say they will need. This ripe piece of presumption he bases on the ability of a Government project at Trotters Shoals to supply Duke's needs.

It is necessary to observe here that Trotters Shoals is opposed both by governing officials and the Legislature of South Carolina, that it has not been authorized and may never be authorized by Congress, and that even if it were built it could not guarantee to meet Duke Power's needs. Its first commitment as a Federal project would be to the cooperatives it would supply with cheap electricity and to municipalities.

These facts would seem to us to be sufficient to give the Duke Power venture all the support it needs. But it is necessary to ask the larger question as well: Why is there any doubt in anyone's minds about the right of private enterprise to venture a project that so plainly conforms with the public interest?

The answer lies in a serious erosion of the principle, bound up in the Federal Power Act, that Government should supply power only to fill unmet needs. Mr. Udall would in effect create a need for the Trotters Shoals project by blocking Duke Power's project. His opposition to the Duke project is based on fear that the need for Trotters Shoals will be lessened if Duke Power goes ahead with its plans.

That is what makes his talk about stimulating "competition" fall so flat. By blocking Duke Power's project and building Trotters Shoals, the Government would be directly benefiting only the power cooperatives which would have first call on cheap electricity. What has this to do with genuine competition?

Whether Mr. Udall can succeed in frustrating the Duke project remains to be seen. But even if it turns out that he has the heavier legal guns on his side, it will not justify his intervention. It will not make good public policy out of what is palpably bad public policy.

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[From the Durham (N.C.) Sun]

WAS THE SENATOR REALLY SURPRISED?

Interior Secretary Stewart Udall is "a Socialist at heart" in the opinion of South Carolina Senator STROM THURMOND.

THURMOND was upbraiding Udall in a speech on the floor of the U.S. Senate for Udall's opposition to the proposed $700 million Duke Power Co. power project in two South Carolina counties and a western North Carolina county.

Secretary Udall favors a Federal power development on the Savannah River—the Trotters Shoals project—over the Duke Power proposal.

We have been under the impression for some time that socialism is no stranger to the Government in Washington. Surely Senator THURMOND must be just as aware of the thinking trends in the U.S. Capital. The Udall position should have come as no great surprise. We doubt that it did. But, it afforded the Senator from South Carolina an opportunity to get something off his chest.

As for the question the Senator posed in his speech concerning "How long President Johnson can keep such a man in his Cabinet," the answer would not seem to be too complicated.

President Johnson, who himself has shown a marked affinity for increased Federal power and controls, is unlikely to retain in his Cabinet anyone who does not go along with his own views. Conversely, he is likely to retain Cabinet members who act in accordance with his own views and wishes.

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[From the Gastonia (N.C.) Gazette, July 8, 1965]

MR. UDALL'S "BELIEFS"

It is quite apparent that Interior Secretary Stewart Udall plans to stick by his original announcement to fight Duke Power's proposed $700 million project in northwestern South Carolina and southwestern North Carolina.

He came through loud and clear on the TV panel show "Meet the Press" Sunday. That is, he was loud and clear on TV; but his argument was as loud and clear as a wad of mud.

Somebody posed this question:

"In its petition to the FPC, the Duke Power Co. said that its project there would generate $18 million annually in State and local taxes and $24 million annually in Federal taxes. How can you justify a course of action that would deny the affected people and localities these benefits?

And his answer:

"Well, I would say this, because I have met with both recently. There are rural electric co-ops and municipalities that own their own power systems that believe that the Federal project will confer benefits on them that will be just as great, and really what is needed in this region of the country—the same thing we have in other parts of the United States—is a little competition between public power and private power. This is really needed."

Really?

It is, possibly, if you're the Interior Secretary talking, and you want to see your domain grow and you don't give a hoot about the private enterprise tax dollars that will roll into the State and Federal Treasuries as a consequence of private capital doing the building.

Now, Mr. Udall says he believes that the Federal project would concur benefits.

Duke power has set its plans down in black and white. It has stated what it will spend, and it has stated what will be the tax "take" on State and National levels.

Duke has taken the scientific approach; Udall has come forth with some suppositions.

If he has anything to offer, let him show it. Otherwise, he should keep his beliefs to himself until somebody calls for them.

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[From the Gastonia (N.C.) Gazette, June 25, 1965]

REALLY, BIG BROTHER, WE'D RATHER DO IT

Just leave it to big brother, and he'll take care of all your problems.

Secretary of the Interior Stewart Udall's intervening in Duke Power's proposed $700 million electric generating complex in South Carolina is an outstanding example of how far the Federal Government will go to put the bind around private enterprise.

Duke has applied for a license to build the Keowee-Toxaway projects in Pickens and Oconee Counties by 1971. "The projects will be needed," said Duke President W. B. McGuire, "to satisfy the needs of customers.

Now, along comes Secretary Udall with a typical bureaucratic intervention. He asked the Federal Power Commission, which must consider Duke's requests, that he be allowed to participate in any hearing held on the subject.

He said that Duke "has no need for the hydropower that could be produced by the project in 1971," because it can be met by the Government's Trotters Shoals project, which Udall currently is recommending for approval during this session of Congress.

Udall's petition, filed Monday, is the second indication of opposition to the huge Duke Power project. The Tristate Committee, representing electric cooperatives in Georgia and the Carolinas, filed an intervention with the Federal Power Commission March 20.

It is easy to read the handwriting on the wall. Udall, as Secretary of the Interior, has broad responsibilities in the area of land use and water development. The more Federal power projects he can get through Congress, the more feathers he will wear in his cap.

And as long as there is a possibility of spreading the rural co-op word—which isn't rural any more—you will find electric cooperatives like the Tri-State Committee saying that the Federal Government knows how to do it best.

Facts and figures don't quite prove this to be true, however.

It is difficult to understand why a governmental agency would try to hamstring private efforts, using private capital, taking private risks to build a giant generating plant that would be of incalculable value to the people in that area.

One has only to remember the book, "Atlas Shrugged," by Ayn Rand to find the answer. In this amazing look into the future of this country, she pointed out vividly just how the Federal Government is moving into private enterprise sectors, how, through pressures here and laws there, the free economy idea is being subjugated to the "interest of the public good," which, in most cases, is simply the interest of the bureaucratic hierarchy.

Duke's president said a mouthful when he stated: "It is the first time to my knowledge that any agency of the Federal Government has ever taken the position that we should not build our own generating plants, but should buy our hydroelectric power from Federal Government plants."

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[From the Charlotte (N.C.) News, July 9, 1965]

UDALL ASKED TO END DUKE OPPOSITION

COLUMBIA.—Governor Robert McNair said today he has requested Secretary of the Interior Stewart L. Udall to withdraw his opposition to a proposed Duke Power Co. power project development in South Carolina's Pickens and Oconee Counties.

And, the Governor said, he also has asked President Johnson to request Udall to withdraw his opposition.

Udall has filed an intervenor's protest against Federal Power Commission approval for the Duke proposal, on which Duke says it ultimately would spend $700 million.

In his letter to Udall, McNair said in part that "If Duke Power Co. feels that it is economically feasible to make this investment, I fail to see how the Government can offer opposition. This project would mean some $18 million in State and local taxes and some $24 million annually in Federal taxes."

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[From the Greenwood (S.C.) Index Journal, July 8, 1965]

NOT COMPETITION

Secretary of Interior Stewart L. Udall has a closed mind on the proposed Duke Power Co. project in Oconee and Pickens Counties, U.S. Senator DONALD RUSSELL says. He reached this conclusion after reading a transcript of a Sunday TV interview in which Udall explained his position.

After reading press accounts which contained some of the transcript we have been unable to tell just what Udall was trying to say. He seemed to be making the point that competition is needed in the power field between Government and private projects. But if one of the competitors is going to set the rules such as how much power Duke needs and where it is going to get it, the element of competition has gone.

It would seem that while no good purpose would probably have come of the conference, there would have been no harm in sitting down with the Secretary of the Interior and explaining in some detail just what it means to South Carolina. Mr. Udall showed some lack of understanding and some lack of information on the project that Senator RUSSELL, Congressmen DORN and ASHMORE and the Senator from the two counties might have supplied.

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[From the Greer (S.C.) Citizen, June 30, 1965]

A STEP TOWARD SOCIALISM

The Federal Government of the United States of America last week moved one more step closer to socialism with the blockage of independent business action of the Duke Power Co.'s proposed power complex in northwest South Carolina. Secretary of the Interior Stewart L. Udall filed the necessary papers of intervention with the Federal Power Commission protesting Duke's application for a license for the Keowee-Toxaway project in Pickens and Oconee Counties.

We have watched with dismay the Federal takeover of individual rights and now we must stand by and watch the subsidizing of our businesses by the Federal Government. Castro did this in Cuba when that country went to communism. Can we be far behind when we see our Federal Government destroying private enterprise and taking more and more power away from our individual States?

Who's losing in this game? You, the people of America, you the individual citizen—you are being robbed of your rights and you are doing nothing about it. You are accepting as inevitable the Federal takeover, the Federal Government handouts, without realizing that each Federal dollar received is a sellout of rights.

Duke Power Co., proposed to building a $700 million electric generating complex. W. B. McGuire, president of Duke Power, said last week following Udall's actions, that "to the best of my knowledge this is the first time that the Secretary of the Interior, or any other officer of the Federal Government has ever suggested that he knows more about our future power requirements than we do. It also is the first time, to my knowledge, that any agency of the Federal Government has ever taken the position that we should not build our own generating plants, but should buy our hydroelectric power from Federal Government plants."

This is the second intervention of the proposed Duke Power project. The Tri-States Committee, representing electric cooperatives in Georgia, South Carolina and North Carolina, filed an intervention last March 20. The Department of the Interior contends that Duke's power for the future needs could be supplied by the Government's proposed steamplant at Trotter Shoals and other projects, and by Duke's proposed steamplant at Middleton Shoals on the Savannah River.

In a further statement, Mr. McGuire declared, "the Secretary of Interior in saying, in effect, that Duke Power Co. should make

itself dependent upon the Federal customers," and this would make "the will of the Federal Government even more broadly imposed upon the people of the State."

This is just one more big giant step in the Federal Government's takeover of rights from the States, businesses and individuals. How much farther are we going to allow the devouring monster of centralization to travel before we stop it? It's up to us, while we are yet free to speak.

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[From the Hendersonville (N.C.) Times News, July 7, 1965]

UDALL ARGUMENT NOT CONVINCING

In offering the opinion the other day that a new department for urban affairs was not needed we said that what was needed was some better method of coordination of the many Federal policies and programs which frequently appear to be at cross purposes.

There appears to be at least an element of this in the intervention of Interior Secretary Stewart Udall in the application of Duke Power Co. to build an electric complex in northwestern South Carolina with some small extension into Transylvania County in this State.

Primarily affected in the Duke plans are the South Carolina counties of Pickens and Oconee, which, if we understand correctly, are included in the Appalachia development plans approved by Congress. In other words, the Federal Government finds it necessary to appropriate public money and to urge private capital to invest in the Appalachian area because the people of this area suffer from fewer economic opportunities than the remainder of the country.

Along comes Duke Power Co., a privately owned privately managed and tax paying utility with the proposal to spend some $700 million in a part of this area. The project would not only develop electric power but it would provide facilities which would increase the recreational potential and thus add to the general economy. But then comes Mr. Udall, who hails from the State of Utah and who probably has about as much first hand information on Oconee and Pickens Counties as we have about his native State, with an objection to the granting of a license to Duke.

Here we have one agency of the Government advocating one set of policies and another agency objecting. And, as is usually the case in these examples of cross purposes, the agency objecting does so because it believes some surrender of its authority is involved.

There is another example of this cross-purpose business in this case. The Federal Government, or some agency of the Government, has been urging private power companies to project their needs as far forward as 1980 and to plan now for meeting power requirements of that date. This is what Duke Power is undertaking to do in the Keowee-Toxaway project, but again Mr. Udall intervenes and gives it as his opinion that Duke will not have the need for this power potential, not by 1980 but by 1972.

Mr. Udall probably came closer to his real reason for intervening when he contended that, in any event, Duke could acquire all the power it would need from Federal sources.

We are inclined to agree with the statement by Duke Power President W. B. McGuire that "to the best of my knowledge this is the first time the Secretary of Interior or any other officer of the Federal Government has ever suggested that he knows more about our future power requirements that we do" and that it is also the "first time any agency of the Federal Government has ever taken the position that we should not build our own generating plants but should buy our hydro-electric power from Federal Government plants."

This, President McGuire said, would make Duke Power dependent upon the Federal Government for supplying the future power requirements of Duke customers in spite of the fact that Duke's contract to buy Federal power is limited to the excess not used by preference customers (cooperatives) and that even this agreement was limited to five years by the Secretary of the Interior.

Apparently, if Mr. Udall has his way, private power companies would not be permitted to anticipate and plan for future growth but would wait until there was an actual demand and then buy from the Federal Government—provided, of course, it was convenient for the Government to sell at that particular time.

This, as anyone familiar with business development knows, is not the way it works. Industrial and other development moves where it can be served from existing facilities.

It seems to be fairly obvious that Mr. Udall's real reason for opposing the license is that successful intervention will be but one more step in putting the Federal Government in the power business at the expense of privately owned, tax-paying companies. The Secretary's arguments aren't very convincing.

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[From the Laurens (S.C.) Advertiser, June 30, 1965]

ANOTHER MUZZLE BY UNCLE SAM

We never cease to be amazed at some of the stands taken by the present—and preceding—administration in Washington, including the diabolical decisions made by the U.S. Supreme Court which, we concede, is not the creation of the executive and legislative branches of the Federal Government but has proved to be a rubberstamp for most of its socialistic wishes in recent years.

Now we hear the usually quiet voice of Secretary of the Interior Stewart Udall raised mightily in opposition to private enterprise. We agree with the label of "incredible" which Senator STROM THURMOND and other State Congressmen applied to Udall's opposition to Duke Power Co.'s proposed $700 million power complex in northwest South Carolina. It is another example of the Federal Government's continual grabbing for a greater stranglehold on the operations of private business. It sounds like another familiar tune in the repertoire of "the super state" envisioned by Karl Marx and others of his stripe.

How in the world the Secretary of the Interior or any other Government official could possibly know more about the future electrical power requirements of Duke or any other private power company is beyond our ken. Udall's position is that Duke could buy additional power from the U.S. Government's proposed Trotters Shoals hydroelectric plant on the Savannah River.

We become more and more convinced that L.B.J. and his colleagues, blowing the horn for the Great Society, are gradually—sometimes rapidly—but surely becoming the tools of the insidious Red machine which seeks ultimately to dominate the earth. Even if unknowingly, they are speaking and acting almost daily as spokesmen for communism, trampling or curtailing the democratic rights and privileges of freemen and private enterprise, espousing the cause of those who militantly and defiantly clamor, almost unrestrained at times, for unearned so-called rights for minority groups, and interposing the heavy hand of Government control wherever an opportunity presents itself.

We think it's high time the people ordered their Government—and that means Secretary Udall—to encourage, not stifle, free enterprise and to heed the voice of the majority who still believe in democracy and freedom. After all, this country was founded on majority rule, was it not?

[From the Richmond (Va.) News-Leader, July 8, 1965]

UDALL'S GRAB FOR POWER

Once again, Secretary of the Interior Stewart Udall has gotten himself in hot water over a hydroelectric power project, this time a proposed complex in South Carolina. Duke Power Co. has petitioned the Federal Power Commission for a license to build a $700 million complex on the Keowee and Toxaway Rivers in South Carolina, in order to meet projected power needs 5 years hence, when Duke must double its output. The company already owns the land on which the project would be constructed, in two counties declared depressed under the Appalachian Area Redevelopment Act. Duke's project would create a number of new jobs, and, when completed, would pay about $20 million annually in local and State taxes and about $24 million a year in Federal taxes.

But then Secretary Udall filed a petition of intervention with the FPC on behalf of the Department of the Interior. Duke, says Mr. Udall, "has no need for the power that could be produced by the project in 1971," because the company's requirements could be filled by the purchase of power from the $90 million Federal Trotter Shoals project on the Savannah River currently being considered by Congress. One Duke official remarked that this was the first time that a Federal official had suggested that he knew more about Duke's future needs than Duke did. It also is the first time that a Federal official openly has demanded that private power companies rely on federally generated power rather than on their own facilities.

Moreover, no assurance exists that Congress will approve the Trotter Shoals proposal, which has been rejected repeatedly in previous years. The Federal project is being vigorously opposed by State and local groups in South Carolina, although Duke's proposed complex has received enthusiastic statewide support. The Trotter Shoals project would take 23,000 acres of tax-producing land off the tax rolls; it also would flood 14 industrial sites.

The reason for Mr. Udall's opposition is not hard to find. If Duke receives the necessary approval from the FPC and builds its hydroelectric facilities, there will be no need for the proposed Federal project on the Savannah, and Mr. Udall would have one less dam under his thumb. The dispute now rests in the hands of the FPC, which will make the final decision. However, even with current trends heavily in favor of federalization whenever possible, it's difficult to understand how the FPC could decide other than in Duke's favor, and dismiss Secretary Udall's petition as nothing more than another bureaucratic grab for power.

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[From the Rock Hill (S.C.) Evening Herald, July 5, 1965]

OTHER FOLKS SAY: UNWANTED INTERFERENCE

Secretary of the Interior Stewart Udall opposes Duke Power Co.'s plans for a $700 million power and recreation complex in northwestern South Carolina and part of North Carolina.

Reason: Duke's project would interfere with the orderly development of the Savannah River.

This means that the Government prefers its own proposed $90-million Trotters Shoal Dam to the private enterprise project of Duke Power Co.

Ostensibly, Trotters Shoal is a flood control project, since the Government has no authority to construct dams for the production of electricity.

Though flood control is cited as the reason for Trotters Shoal, Army Engineers assign more than 90 percent of the justification to electric power.

The economic facts favor Duke.

The completed project would pay $24 million in taxes annually to the United States, $14 million per year to South Carolina, and an additional $6 million to Pickens and Oconee Counties.

Federal taxes paid by Duke would pay for the Trotters Shoal project in 4 years.

The Duke plant would provide the flood control necessary and meet all the power needs.

Secretary Udall assumes that only the Government can provide for orderly development of the Savannah River. The logical meaning is that he intends for the Government to nationalize development of the river in the name of flood control but in reality to obtain Government monopoly of the river's power potential.

U.S. Representative BRYAN DORN, a strong champion of private development, says that Udall has now openly revealed "his design to control the water and power resources of the Savannah Valley."

Senator THURMOND sees it conforming to the Government's efforts to "stifle our free enterprise system."

As Governor, Senator RUSSELL supported the Duke project. He has reiterated that support as Senator.

This seems a clear case of unwarranted and uneconomic Government interference where private enterprise is fully competent to do the job without cost to the taxpayer and with a promised $44 million tax plum to boot.—Florence Morning News.

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[From the Rocky Mount (N.C.) Telegram, June 27, 1965]

FREE ENTERPRISE THREATENED

Senator STROM THURMOND has thrown the spotlight on a classic example of Federal interference with private enterprise, interference which is based on no solid reason and really offers no valid excuse.

Duke Power Co. has proposed to build a $700 million power project in South Carolina that would encompass three counties. For years Duke Power has been embarked on an expansion program, a program resulting only from long-range planning and close study of future needs in the South. This new proposed project was based on long-range future needs.

Now it seems that Stewart Udall doesn't like this project. Stewart Udall is Secretary of the Interior, and an ardent advocate of Federal power projects. So he has moved to choke off this free enterprise expansion plan.

What are the grounds for such a move? Apparently he feels he needs none. Senator THURMOND has told Udall such opposition is incredible. He reminded Udall in a telegram that the three counties involved in the project have been included in the administration's Appalachia and antipoverty programs.

"This project will cost the taxpayers nothing," pointed out THURMOND, "but rather will provide $18 million annually in State and local receipts and another $24 million for the National Government. In addition it would greatly help an area officially declared depressed by the Johnson poverty czars.

Udall's petition to intervene before the Federal Power Commission to oppose the Duke project is inconsistent with the two administration programs to fight poverty. It does seem to conform, however, to the administration's efforts to stiffle our free enterprise system.

How can Udall possibly know better than Duke Power Co. what the power needs of that company will be in the 1970s and on into the future? Duke has exercised cautious and sound judgment in planning for the future and in selecting this particular site in South Carolina where there is no question of any competing Federal power project.

Why should not Duke Power be permitted to risk a $700 million investment to develop a location where the Federal Government (and Udall) has not even proposed a Federal project which offers any advantages in power development, navigation, flood control, or recreational facilities?

Udall's opposition to the Duke project is an acknowledgment by Udall that a Federal dam at Trotters Shoals on the Savannah River is not needed for power. What it boils down to, simply, is that Udall is opposed to private power company operations and would, if permitted, stiffle any improvements and expansion by private power companies, regardless of the needs of the area, or in spite of the fact that such private activities would not be interfering with Federal projects.

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[From the Shelby (N.C.) Daily Star, July 7, 1965]

FALLACIOUS INTERVENTION POSITION

Interior Secretary Stewart L. Udall's attempted monkey-wrench work on Duke Power Co.'s Keowee-Toxaway power project is terrifyingly ridiculous.

Fallacious from the word go is his straightfaced contention that what this section of the country really needs "is a little competition between public power and private power. This is really needed."

That's pure, unadulterated hogwash.

Udall's asinine assessment of the southern situation is tantamount to arguing that what this section of the country really needs is compulsory unionism (through repeal of section 14(b) of Taft-Hartley) to assure economic progress. Yet the fantastic industrial and overall economic progress realized in this area in the past decade is as vigorous, or more so, than gains made anywhere in the Nation.

The Secretary should know that competition in the market place is a keystone of the American economic system. But, traditionally, it has not been the Federal Government's function to provide that competition. The Federal Power Commission does have legitimate regulatory functions.

Equally as fallacious is the Udall argument—cast upon the waters during a Sunday "Meet the Press" interview on television—that Federal power projects generate as many benefits to an area as private power. This is not borne out by the experience of some areas adjacent to such as the Clark Hill project on the Savannah River between South Carolina and Georgia.

That reservoir certainly has not been a magnet to new industry. Impounded water certainly has not been made available to non-Federal interests free of charge as has been the Duke policy at each of its hydroelectric facilities. Tax revenue benefits certainly have not accrued to the State, local, or Federal treasuries.

The Government has not found it easy, through its Southeastern Power Administration, to market the power it has available. When the SPA's sale activities were much in the news in early 1964 a South Carolina newspaper reported: "Only five South Carolina towns * * * chose to sign the contracts from a number of eligible municipalities variously listed from 10 to 17. In North Carolina, the percentage was even less. Only 3 of 20 eligible towns (Shelby was on the eligibility list but declined) entered the contracts. But across the Savannah River in Georgia, 49 of 50 eligible towns signed contracts with the Government."

Although Georgia has consistently been more prone to embrace this sort of thing, the project at issue—Keowee-Toxaway—involves primarily South Carolina. And official bodies from the legislature down to and including the town boards of Seneca, Salem, Liberty, Clemson, Easley, Pickens, and Walhalla have endorsed the project.

Udall and company would be hard-pressed to match benefits statistics with Duke Power. Aside from contributing greatly to the industrialization of the two Carolinas, Duke Power offers residential customers an average rate which is 20 percent below the national average. Those customers use power at an average rate which is 41.8 percent above the national level. Last December 1, Duke filed a request for its 16th rate reduction, 4 of which were made in the last 4 years.

While projects of the type envisioned by Udall eat heavily into the public till, Duke Power contributes. The company reports having paid $540 million in Federal, State, and local taxes in the past 20 years. Taxes paid at all levels in 1963 amounted to 24 cents of each dollar of revenue.

If Udall's recently filed petition of intervention proves anything at all, it is that one of the things this section of the country really needs is less ill-conceived intervention by the likes of the Secretary of the Interior.

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[From the Spartanburg (S.C.) Journal, July 8, 1965]

UDALL NEEDS TO BE DRAWN OUT

Secretary of the Interior Udall is either misinformed about the nature of the Duke Power development in the headwaters of the Savannah River in northwestern South Carolina and southwestern North Carolina or he is trying to launch a public power policy far ahead of anything ever approved by the Congress or suggested by an administration.

The now cancelled South Carolina conference with Udall could have been benefical in helping to pin down Udall's position.

The Duke development in the Savannah headwaters will in no way interfer with the existing Hartwell and Clark's Hill public power dams or the proposed Trotters Shoals. Just the opposite would be true. The Duke dams would help to stabilize the river flow, impound excess waters in flood periods and release these to maintain a normal stream flow in drought periods.

Specifications for Trotters Shoals have already been altered to make the big public power dam and a Duke stream plant compatible.

Now if Udall wants to force Duke to buy power from Government hydro projects, as has been reported, then he is opening up an entire new field which at this time lacks authorization. The quicker this is established the better.

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[From the Greenwood (S.C.) Index Journal, July 7, 1965]

COMMENT

Udall's suggestion that Duke's power needs can be met through the proposed Government Trotters Shoals Dam on Savannah River is not enough. In fact it is impertinent that a Government agency should presume to tell a private power company how to run its business.

Trotters Shoals should be built if needed. But it has no connection with and should not be linked with the plans of a private company. Udall's interest should be confined to whether or not Duke's plans conflict with Hartwell, Clark's Hill, and the proposed Trotters Shoals and there has been no evidence that it does.

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[From the Statesville (N.C.) Record and Landmark, June 25, 1965]

Wrong direction—Interior Secretary Stewart Udall has intervened with the Federal Power Commission in an effort to block Duke Power Co.'s plans to develop a $700 million generating complex in northwest South Carolina.

And here again, it seems to us, the Federal Government is moving in exactly the wrong direction. Instead of trying to get deeper

into the power business, it ought to be trying to return the projects it now owns to the free enterprise system.

In trying to block a private power company from spending its own money in developing the natural resources of its own area, Udall is taking the position that the Government can do it better through the use of tax funds.

Not only that. He is saying that the Government knows what is best for Duke Power Co. He declares at one point in his petition that Duke "has no need for the hydropower that could be produced by the project in 1971"; and at another place he says Duke "has no need for steam electric power from a plant located on the Keowee Reservoir about 1972 or later."

Why? Because he is asking Congress for funds to develop the Trotters Shoals project, which could supply Duke with all the hydro and steam power it needs. In other words, Duke officials should not be allowed to anticipate their own needs if the Government can do it for them.

Thus, our Government moves deeper and deeper into the power generating business in competition with private power. Not only that, it is getting deeper and deeper into housing and urban affairs and, pretty soon, will be taking a hand in mass transportation.

These businesses are being nationalized through the back door at the very time when other countries, notably West Germany, are moving in the other direction.

At the end of World War II, West Germany found itself in possession of many businesses and industries which had been seized or developed during the reign of the Nazis. These included everything from power firms to automobile plants.

Ludwig Erhard, who guided West Germany's economic destiny for 14 years before becoming Chancellor, began to search for ways to get the ownership of these industries back into the hands of the people. In this, he had the ardent support of Hermann Lindrath, who had become Minister of federally owned property.

As a first step, it was decided to offer shares in PREUSSAG, a coal-oil-mineral combine employing 20,000 persons and doing a $200 million business, to the public.

"We anticipated 60,000 buyers," Lindrath said. "More than 200,000 signed immediately the lists were opened."

The first offering was so successful that a second was made, with like results. Finally, the Government ended up owning less than 25 percent of the total shares.

Under the terms of the public sale, the stock was made available to employees or others earning less than $4,000; and no one could hold more than one one-hundredth of the total.

Then the government decided to sell shares in the Volkswagen works, the biggest automobile producing firm in Europe. And here again the Government underestimated. More than 1,500,000 persons signed up for shares.

This summer the Government will sell shares in VERBA, a Government-owned coal and power firm doing an annual business of $112 million. And others will follow.

"True freedom," Lindrath said, in discussing the program, "is unthinkable without property. The possibility to dispose over personal property in its various forms assures the individual greater security and greater independence of the vagaries of life than the Federal Constitution is capable of doing. And it provides the basis for a special tie to and responsibility for the state and society."

Debating the issue in parliament, Werner Dollinger, who succeeded Lindrath, said:

"Public moneys, whether they come from the Federal, State or municipal budgets, are always tax moneys. To use tax moneys to fill the capital need of a federally owned undertaking means nothing less than to make the citizen poorer while making the state richer and more powerful.

"Without personal, freely disposable property, the preservation of our personal freedom against collectivism is in the long run not possible.

"Above all, we believe a man who owns something thinks differently from a man who does not. A man thinks and reacts with more responsibility when a decision involves his own property."

Oh, well. We are too busy building the Great Society to worry with such details as individual responsibility.

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[From the Westminister (S.C.) News, July 1, 1965]

DUKE PLANS ARE HAMPERED

It would seem that the Secretary of Interior has gone out of his way to oppose Duke Power Co.'s plans for developing on the Keowee and Seneca Rivers.

Recently announced opposition to the proposal by the Secretary seems to not be in keeping with the best interest of most people.

Duke has announced plans for building power generation facilities and will pay both State and Federal taxes in sizable amounts. In addition, if this project is approved, a tax bonanza for Oconee would be forthcoming. This, we assure you, is needed for our schools and other county needs.

Just exactly why the Secretary of the Interior has taken this position is not clear. Thus far, he has not given any substantial reason for this action.

We, along with others, have been led to believe that facilities at Trotters shoals, near Anderson, had been working out satisfactorily and in the best interests of both Duke and Government plans.

Now, the Secretary suggests that Duke purchase its power from the proposed Trotter Shoals Dam. Duke has contended this will not meet the ultimate needs of the growing Piedmont.

While we have believed all the while there is a need for both public and private development of power facilities, we do not hold the opinion that either should dominate the other.

We personally feel that Duke's proposal for a $700 million power complex in Pickens and Oconee is in keeping with the best interests of both the public and private enterprise.

We cannot, at this point, understand the Secretary's position. It is our sincere hope that reason will prevail in this situation, and that the best interests of all the people will be held above political dealing. Certainly every citizen of Oconee County should be greatly interested in whether or not this proposal is approved for construction. And there would be nothing wrong in letting officials in Washington know exactly how we feel concerning it.

This project can make a big difference in developing our potential—not only in South Carolina, but the entire Southeast.

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WLOS–TV BROADCAST, JUNE 28, 1965

It seems incredible, but it's true. The Federal Government is attempting to block a $700 million private development in Oconee, Pickens, and Transylvania Counties.

Duke Power Co. has applied to the Federal Power Commission for a license to construct a giant steam and hydroelectric facility in northwest South Carolina. But the project promises benefits far beyond abundant power.

Duke Power has acquired almost 156 square miles of land.

Its holdings are wild, remote, and breathtakingly beautiful. Four bold streams cascade down from the highlands of North Carolina. Below, in South Carolina, the water would be captured in two huge lakes. Their surface area would total 28 square miles. Their shorelines would stretch for 300 miles. The lakes would be open to the public for fishing, boating, and swimming. Land around them would be leased to private developers for campgrounds, picnic areas, golf courses, dude ranches, tourist accommodations, and marinas. Areas of high scenic value, such as Whitewater Falls, would be preserved.

The recreational value of Duke's proposal staggers the imagination. So, too, do the economic benefits. Duke's investment of $700 million could be expected to generate an investment of $2 billion in new industrial enterprises. Employment opportunities would skyrocket.

In taxes alone, the completed complex would pay $24 million annually to the United States, $14 million a year to South Carolina, and $6 million a year to Oconee and Pickens Counties. Yet, the Department of Interior has moved to block all this. It has even failed to offer a single counterproposal.

Stopping this madness will not be easy. The most effective way to expose public sentiment is at a public hearing. But the Power Commission hearings will be held in Washington. Not many persons can take the time, nor afford the cost of traveling that far. Therefore, we recommend a series of petitions, signed by persons living in and near the proposed Duke Power development, protesting Federal attempts to halt the project. To this end, we urge the chambers of commerce in Pickens, Oconee, Transylvania, and neighboring counties, to get together and initiate the circulation of such petitions. Let's aim for at least 50,000 signatures.

We still hold to the old-fashioned theory that ours is a government of the people, for the people, and by the people. In our opinion, it's time that some men in Washington were reminded of that and made to respect it.

Let's stack up these petitions of protest on the Power Commission's desk in Washington. And let's get the Duke proposal underway.

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[From the Charleston (S.C.) News & Courier, July 15, 1965]

UPSTATE OFFICIALS READY TO FIGHT FOR $700 MILLION POWER PROJECT—UDALL HAS LOST OTHER SKIRMISHES

(By Hugh E. Gibson)

SENECA.—Cautious optimism and determination to fight, if necessary, are the prevailing moods here as Oconee and Pickens County leaders await the Federal Power Commission's verdict on the $700 million Keowee-Toxaway power project.

The optimism stems from confidence in the Commission's fairness and in the commonsense logic of licensing the Duke Power Co., to go ahead with the massive project that will span both Oconee and Pickens.

Bolstering these hopes is the fact that Interior Secretary Stewart L. Udall, who is opposing the project, has always drawn a blank in his efforts to promote public power over private power.

Oconee Senator Marshall J. Parker points out that Udall attempted to block the Kerr Dam in North Carolina, only to have the U.S. Supreme Court turn a deaf ear.

Pickens Senator Earle E. Morris, Jr., says Udall has lost two or three such battles since he came to the Cabinet. The senator hints, without going into specifics, that developments in Washington now are shaping toward another defeat for the Secretary.

"I am very hopeful and I feel Duke Power Co. ultimately will get this license," Morris says, "I just can't believe the Federal Power Commission * * * with the facts before them, will not grant this license."

If necessary, however, Duke Power should take its case all the way to the U.S. Supreme

Court, Morris declared. "And I'd back them all the way if I were a lawyer," he added.

Parker also expressed faith in the fairness of the Commission. "I have every confidence that the Federal Power Commission will make a just ruling," he said. "However, it will involve a lot of delay unless something is done by the President to get Udall to withdraw his objections. He ought to fire him."

The tall ex-marine said he planned to go to Washington "when the time is right" and seek an audience with the President to make a personal plea for White House action.

Meanwhile, both Senators were keeping in close touch with developments through South Carolina's congressional delegation and Duke officials.

"They have all been very cooperative," both legislators agreed.

The pair also expressed appreciation and satisfaction with the support coming from private citizens, business leaders and civic clubs throughout the State. Parker said a deluge of letters and telegrams have descended on both Udall and the White House.

The support is being generated by a realization that Keowee-Toxaway is the "biggest thing that ever happened in South Carolina," Parker says. It would, he says, be the world's largest generating complex when completed some 10 to 15 years hence.

Duke plans call for three dams in the Keowee Valley and a pump storage reservoir in the edge of the towering Blue Ridge Mountains. Power thus generated would serve Duke's customers across the upper third of the State and the resulting lakes in scenic Oconee and Pickens would make the region a vacation paradise for fishing, swimming, boating, and other water sports.

TAXPAYMENTS

Oconee and Pickens would share annual taxpayment from Duke estimated at about $6 million. South Carolina's share would be even larger—about $16 million annually.

The bonanza would be welcome to the county governments, offer some hope of local tax relief, and provide much-needed funds for improving recreational, educational, and similar programs.

Morris sees the project as creating jobs which would keep his county's young people at home, an "investment in the future" of incalculable value in this respect alone.

NEW INDUSTRY

The jobs would largely come with the advent of new industries, drawn here by the prospect of plentiful water and cheap electricity.

Both Parker and Morris report an unprecedented rash of industrial prospects since Duke unveiled its plans. Most of the inquiries coming to Pickens are directly related to Keowee-Toxaway, Morris says.

But these rosy prospects would vanish like smoke if Duke fails to win its license and both senators candidly concede this could happen. They see it as a national confrontation of the public versus private power interests with the issue far transcending their two counties or even South Carolina.

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[From the Greenville (S.C.) News]

UDALL OUT ON SOCIALISTIC LIMB

It was quite obvious from the time the contents of his petition of intervention were made public that the opposition of Secretary of the Interior Stewart Udall to the Duke Power Co.'s proposed Keowee-Toxaway project was out of step with the public interest.

Stripped of legalese and extraneous arguments, it was apparent from discussions and developments which reached a peak a week ago that Udall's main purpose was to prevent private, taxpaying enterprise from developing the headwaters of the Savannah River basin with investor funds.

Instead, he said, the power potential should be developed at the public expense and under socialistic state ownership. Duke, if it were allowed to stay in business, or could continue to operate under such conditions, would have to buy its power from such uncompleted Federal projects as Trotters Shoals, for which not even feasibility studies are yet complete.

Udall, the leftist politician, set himself up as knowing more about the power requirements of this region, present and future, than the men who have spent their lives trying to keep up with the demand which has been growing by leaps and bounds.

Knowing that only bold, long-range planning and expensive building could meet these needs, Duke proposed to spend some $700 million in hydroelectric, steam, and perhaps nuclear facilities over the next 20 years.

Even if it were desirable the power needs of this region couldn't possibly be met by Federal projects at the rate they have been built and at their generating capacity.

If Mr. Udall had a leg to stand on, it was his claim that the Duke project was incompatible with the plan of the Army Corps of Engineers for the development of the Savannah River Basin. It is the engineers, not the officials of the Department of the Interior, who study the interstate rivers and make recommendations to Congress and the administrative agencies concerned.

The Federal Power Commission decides how the available power sites can best be developed. And the best way usually is by private enterprise.

In the light of this, it has been revealed within the last few days that Mr. Udall, besides being out of step with the public interest, also is out of step with his fellow bureaucrats.

Washington reporters of the Greenville News last Thursday discovered a report of the Army Corps of Engineers approving the Duke project, subject to conditions having to do with water management, pollution, and the like.

Duke had already anticipated these conditions and had met them in its planning, for they are a matter of commonsense and common and statutory law. Duke engineers have lived and worked with them throughout their careers.

The report knocked the props out from under Mr. Udall's arguments against Keowee-Toxaway, except his obvious desire to destroy private enterprise and extend the authority of the Federal Government to the ultimate.

Stewart Udall is left way out on his socialistic limb.

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[From the Greenville (S.C.) News]

SKIRMISH WON IN A BIG WAR

Riding, like so many political "surfers," the crest of the biggest and strongest wave of public opinion we have yet seen generated over such an issue, South Carolina's public officials have won a major skirmish in the battle against bureaucratic nationalization or socialization of the power industry.

But their success in getting favorable White House reaction and agreement from Interior Secretary Udall to reconsider his petition of intervention against the Duke Power Co.'s vast Keowee-Toxaway project in Pickens and Oconee Counties is not the end of the battle.

And the war is far from over.

Secretary Udall, obviously under great pressure, has merely agreed to review the situation. In his letter to Senator DONALD RUSSELL stating the plan for a factfinding study, the Secretary reiterated the position taken in the petition that his Department was determined to see that development of the Savannah Basin took place in an orderly manner.

To him and other advocates of publicly financed, federally subsidized power, this means Government construction of dams on every suitable site and bureaucratic control of the production and distribution of electric energy.

Secretary Udall can gracefully withdraw his objections as filed before the Federal Power Commission, which has regulatory authority over private power operations but not over Federal dams and electric cooperatives. These have reached, with Federal money, from rural areas into urban areas and have gone from purchase and distribution to the construction of steam-generating plants.

We are inclined to regard as a more serious threat to Duke's application for an FPC license to build on the Keowee and Toxaway Rivers, high up on the headwaters which feed the Savannah, the petition of intervention filed by the Tri-State Power Committee, a combination of cooperatives in the Carolinas and Georgia.

Like Udall and the Department of the Interior, these people, who soon found they did not speak for all of the cooperatives—at least not all in this State—based their opposition on grounds that the Federal Government should develop the Savannah's potential "in the public interest."

Like Udall also, they betrayed their real motives when they interfered in a project which does not lie on an interstate river and which could only remotely affect downriver development.

But unlike Mr. Udall, they are not merely one Cabinet officer with one governmental department and its several subsidiary agencies. They are the leaders of one of the most powerful, far-reaching and ruthless lobbies in the country.

They work in the Capitol in Washington, in the offices of the Senators and Representatives and in the legislative halls and administrative departments of the State capitals. They publish magazines and advertise with public funds.

They borrow the money from the Federal Government at rates below those paid by the Government itself and build facilities, on which they pay only token taxes, to compete with private companies which borrow at the going rate in the private money markets and pay the usual local corporate property and State and Federal income taxes.

And their taxpayer-subsidized advertising programs are on as big a scale as those of the private companies, which cannot charge off similar advertising as an operating cost for tax purposes.

It is these people, not the Department of the Interior, which have held up congressional approval of Duke's $300 million Middleton Shoals steamplant on the Savannah and forced its postponement. It was these people who said they had intervened merely to obtain a hearing for the public, when their petition revealed clearly that their purpose was to kill Keowee-Toxaway.

So, it is time that the towering wrath and righteous indignation that the public has shown over this fantastic outrage against its best interests be turned against its other foes also.

Duke is convinced to the extent that it is willing to invest a billion dollars of its stockholders' funds in Middleton Shoals and Keowee-Toxaway that this region will need the power they can produce by the time they are in production.

So are we. We are further convinced that the proposed Federal projects can't meet it, and that the deadening hand of bureaucracy on the supply of electricity will inhibit, not enhance economic development.

The history of public power over the last 35 years shows that clearly. Growth has been far more rapid in areas served by taxpaying, stockholder owned firms which give

each other more than adequate "competition."

When it was speculated back in January that there might be opposition, then unidentified, to the Duke plans, the tightlipped Senator Marshall Parker in Oconee County said through clenched teeth, "Woe be unto anyone who tries to stop this project."

So be it.

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[From the Columbia (S.C.) State, July 16, 1965]

WHITE HOUSE PRESSURE ON SECRETARY HINTED IN DUKE CASE—L.B.J. REPORTED OPPOSED TO UDALL INTERVENTION

WASHINGTON.—Interior Secretary Stewart Udall's official intervention against a proposed Duke Power Co. development in South Carolina is viewed as a blunder by President Johnson, according to a source close to the administration.

And the Secretary may be under White House pressure to withdraw his opposition later this summer when the dispute simmers down, it was reported.

According to inside information, Udall filed the petition for intervention in an FPC hearing on the Duke project on his own volition. The President reportedly was irked over the move, which touched off an angry protest by South Carolina leaders here and in the State.

The Chief Executive, so the story goes, felt that the Interior Department caused an unnecessary controversy by stepping into the case.

And, the word on Capitol Hill is that Udall is getting his knuckles rapped over the issue.

Duke Power is seeking a license from the FPC to permit the development of a huge power generating complex in Oconee and Pickens Counties. The hearing has not yet been scheduled.

Udall publicly challenged the proposal, declaring that it was unnecessary and that the private firm could purchase its future power from proposed Federal dams on the Savannah River.

Meanwhile, a House Public Works Subcommittee is scheduled to meet July 25, reportedly to discuss authorizations for public power projects.

And Members of the South Carolina House delegation point out that the controversial Trotters Shoals project may come up for discussion then. The proposed Savannah River dam is now under consideration by the Budget Bureau after it was favorably recommended by the Corps of Engineers.

The possibility of the matter being raised may have been behind the cancellation by Representative W. J. BRYAN DORN of a speaking engagement in Formosa. The Congressman was scheduled to address a rally at the invitation of the Nationalist Chinese Government on July 20 during the observance of Captive Nations Week there.

DORN officially said pressing legislative business prevented his going.

The lawmaker is a member of the Public Works, Rivers and Harbors Subcommittee which would be faced with the authorization for Trotter Shoals.

Meanwhile, there is some speculation here that the proposal may be quietly held up by the Budget Bureau because of the controversy surrounding it. It is bound to encounter bitter opposition if released this session, some point out.

The Budget Bureau officially reports that the matter is "under study."

DORN is strongly against the Federal power plan because he contends it would flood valuable industrial sites. But Georgia's Senators RICHARD RUSSELL and HERMAN TALMADGE and Representative PHIL LANDRUM favor the development.

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STATEMENT BY SENATOR STROM THURMOND, REPUBLICAN, OF SOUTH CAROLINA, ON UDALL'S LATEST ACTION ON DUKE POWER CO. CASE PENDING BEFORE FPC

I am very pleased at what has been indicated as a reversal of a flatfooted stand by Interior Secretary Stewart Udall in the Duke Power Co. case pending before the Federal Power Commission. I have stated that if Mr. Udall's opposition was to be changed that it would be forced by the President's political sensitivity. Mr. Udall's decision to reconsider his blunder of judgment and politics was forced through the President by the tremendous reaction of South Carolina news media, public officials, civic groups, and citizens at the grassroots level. This reaction generated more heat than the proposed Duke power generating complex in Oconee and Pickens Counties could have produced upon completion and attracted nationwide attention.

This should serve to encourage all South Carolinians—and indeed, all Americans—as to the power of public opinion when it is crystallized and presented in such an overwhelming manner.

I hope that the backup which has been forced in this case will not serve to influence any future decisions of a political nature which may have to be made on Duke's proposed low dam at Middleton Shoals on the Savannah and the Federal Government's proposed high dam at Trotters Shoals on the Savannah. Congressman DORN has charged that Mr. Udall's opposition to the Duke project in Oconee and Pickens Counties was calculated to force withdrawal of opposition to the Trotters Shoals project, which Mr. Udall favors so strongly. Each of the two proposed projects on the Savannah—the Duke low dam to generate steam power and the Government's high dam to generate hydroelectric power—should be judged on their own merits.

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## ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. PROXMIRE. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 57 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Thursday, July 22, 1965, at 11 o'clock a.m.

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## CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 1965:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Dr. Albert H. Moseman, of New York, to be Assistant Administrator for Technical Cooperation and Research Agency for International Development.

U.S. INFORMATION AGENCY

Leonard H. Marks, of the District of Columbia, to be Director of the U.S. Information Agency.

DEPARTMENT OF STATE

David M. Bane, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

Edward Clark, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States to Australia.

George J. Feldman, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malta..

Parker T. Hart, of Illinois, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkey.

John D. Jernegan, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

David D. Newsom, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Libya.

Hugh H. Smythe, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Robert M. White, of Connecticut, to be Administrator, Environmental Science Services Administration.

H. Arnold Karo, of Nebraska, to be Deputy Administrator, Environmental Science Services Administration, and to have the rank, pay, and allowances of a vice admiral while holding such office.

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# EXTENSIONS OF REMARKS

## Fortieth Anniversary of Yivo

EXTENSION OF REMARKS

OF

**HON. JOHN BRADEMAS**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1965*

Mr. BRADEMAS. Mr. Speaker, this year the Yivo Institute for Jewish Research celebrates its 40th anniversary. This unique institute was founded in 1925 in Vilna, Poland, as an academy for the study of all aspects of Jewish cultural life in eastern Europe. By 1939, the Yivo Institute had published important books of historical, sociological, linguistic, literary, and economic studies of eastern European Jewry. Its periodical publication, the Yivo Bleter, attracted worldwide attention, and Yivo was able to establish branch organizations in many cities throughout the world.

With the destruction of eastern European Jewry by the Nazis, Yivo's headquarters moved to New York City, where it has been located for the last 25 years. Today, Yivo conducts research into the past and present social, economic, and cultural life of Jews the world over. It is recognized as the world center for the study of the history and development of the Yiddish language and of Yiddish literature. It maintains a library of more than 300,000 volumes and a collection of over 2 million individual items document-