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Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

SENATE

TUESDAY, AUGUST 10, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. William F. Hammond, of the First Baptist Church, New Castle, Pa., offered the following prayer:

To Thee, dear Father, we lift our hearts in adoration and praise. We praise Thee for Thou art our sovereign Lord. We thank Thee that Thou hast declared that righteousness exalteth a nation: but sin is a reproach to any people. We thank Thee that it is of Thy mercies that we are not consumed, because Thy compassions fail not. They are new every morning: great is Thy faithfulness, O Lord, our God.

We thank Thee for the country in which we live. We thank Thee for the authorities of our beloved land for we recognize them to be ordained of Thee to accomplish Thy will and purpose.

Thou hast taught us to pray for them. So we beseech Thee for our President, his Cabinet, and for each Member of the Senate and House of Representatives that Thou mayest guide them. In all their problems, deliberations, and decisions give them adequate wisdom.

At the same time we pray for Thy blessing and guidance upon each one in his personal life and home.

O Lord, please raise up more of Thy people to pray for those who rule over us. These are tremendous days and we recognize our need of Thee.

In the name of Christ Jesus our Lord. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, August 6, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 5, 1965:

S. 510. An act to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes.

On August 6, 1965:

S. 1321. An act to amend section 501(e) of title 16 of the District of Columbia Code relating to bond requirements in connection with attachment before judgment; and

S. 1564. An act to enforce the 15th amendment to the Constitution of the United States, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8370) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1966, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITTEN, Mr. NATCHER, Mr. HULL, Mr. MORRIS, Mr. MAHON, Mr. MICHEL, Mr. LANGEN, and Mr. Bow were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 24. An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes;

S. 893. An act to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska;

H.R. 4346. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies;

H.R. 4714. An act to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein; and

H.R. 8439. An act to authorize certain construction at military installations, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

SUBCOMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Public Roads of the Public Works Committee was authorized to meet during the session of the Senate today.

MEMORIAL

The ACTING PRESIDENT pro tempore laid before the Senate a telegram in the nature of a memorial, signed by Fannie B. McCoy, of Asheville, N.C., remonstrating against the enactment of legislation to establish a Department of Housing and Urban Development, and for other purposes, which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

S. 2150. A bill to discontinue or modify certain requirements of law (Rept. No. 545).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 343. A bill for the relief of Paride Marchesan (Rept. No. 552);

S. 505. A bill for the relief of Darlyne Marie Cecile Fisher Every (Rept. No. 553);

S. 1397. A bill for the relief of Vasileos Koutsougeanopoulos (Rept. No. 554);

S. 1647. A bill for the relief of Kim Sung Jin (Rept. No. 555);

S. 1651. A bill for the relief of Dr. Augustine Y. M. Yao (Rept. No. 556);

S. 1678. A bill for the relief of Guillermo Macalintal Madrigal (Rept. No. 557);

S. 1736. A bill for the relief of Jennifer Ellen Johnson Mojdara (Rept. No. 558);

S. 1775. A bill for the relief of Erich Gansmuller (Rept. No. 559); and

S. 1919. A bill for the relief of Laura MacArthur Goditiabois-Deacon (Rept. No. 560).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment.

S. 322. A bill for the relief of Choy-Sim Mah (Rept. No. 561);

S. 782. A bill for the relief of Anna Ungvari (Rept. No. 562); and

S. 1748. A bill for the relief of Virgilio Acosta-Martinez (Rept. No. 563).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.J. Res. 431. Joint resolution extending the duration of copyright protection in certain cases (Rept. No. 548).

By Mr. McCLELLAN, from the Committee on the Judiciary, with an amendment:

H.R. 5280. An act to provide for exemptions from the antitrust laws to assist in safeguarding the balance of payments position of the United States (Rept. No. 549).

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

H.R. 3329. An act to incorporate the Youth Councils on Civic Affairs, and for other purposes (Rept. No. 550).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 100. Joint resolution to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week" (Rept. No. 546).

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.R. 8639. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1966, and for other purposes (Rept. No. 547).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

S.J. Res. 32. Joint resolution to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omission of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952 (Rept. No. 564).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

S. 788. A bill to designate the Veterans' Administration hospital being constructed in the District of Columbia as the Melvin J. Maas Memorial Hospital (Rept. No. 565);

H.R. 206. An act to provide a realistic cost-of-living increase in rates of subsistence allowances paid to disabled veterans pursuing vocational rehabilitation training (Rept. No. 566); and

H.R. 208. An act to amend chapter 31 of title 38, United States Code, to extend to seriously disabled veterans the same liberalization of time limits for pursuing vocational rehabilitation training as was authorized for blinded veterans by Public Law 87–591, and to clarify the language of the law relating to the limiting of periods for pursuing such training (Rept. No. 567).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 227. An act to amend title 38 of the United States Code to entitle the children of certain veterans who served in the Armed Forces prior to September 16, 1940, to benefit under the war orphans educational assistance program (Rept. No. 568).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

H.R. 205. An act to amend chapter 35 of title 38 of the United States Code in order to increase the educational assistance allowances payable under the war orphans' educational assistance program, and for other purposes (Rept. No. 569).

FAVORING SUSPENSION OF DEPORTATION OF CERTAIN ALIENS—REPORT OF A COMMITTEE (S. REPT. NO. 551)

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 49) favoring the suspension of deportation of certain aliens, and submitted a report thereon; which report was ordered to be printed, and the concurrent resolution placed on the calendar, as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

[redacted], Pilch, Jan.
[redacted], Placzkiewicz, Stanley James.
[redacted], Hoy, Hom Fook.
[redacted], Ninomiya, Issaku.
[redacted], Palumbo, John.
[redacted], Rieger, Ferenz.
[redacted], Rosen, Morris.
[redacted], Tomczak, Michael.
[redacted], Bohun, Sil.
[redacted], Gricus, Franciskus.
[redacted], Jiminez-Gomez, Rafael.
[redacted], Kong, Dunn Chong.
[redacted], Louie, King Fong.
[redacted], Mejia-Cortes, Anacleto.
[redacted], Rosenberg, Ben.
[redacted], Wong, Wing Art.
[redacted], Lubin, Irving.
[redacted], Sanchez-Monroy, Jose.
[redacted], de la Trinidad-Berroteran, Jesus.
[redacted], Vargas-Barrera, Pedro.
[redacted], Altman, Nathan.
[redacted], Bach, Harry.
[redacted], Goon, Phillip Que.
[redacted], Som, Tom.
[redacted] Arroyo-Olague, Pedro.
[redacted], Cornez, Edward A.
[redacted], Pulido-Hernandez, Julio.
[redacted], Sobona, Karl.
[redacted], Suey, Fun Jung.
[redacted], Vda De Delgado, Antonia Rios.
[redacted], Pospasil, Rose Antoinette.
[redacted], Remenyfy, Alajas Aladar.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

John W. Gardner, of New York, to be Secretary of Health, Education, and Welfare; and

W. True Davis, Jr., of Missouri, to be an Assistant Secretary of the Treasury.

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

Abe Fortas, of Tennessee, to be an Associate Justice of the Supreme Court of the United States;

Oliver Gasch, of the District of Columbia, to be U.S. district judge for the District of Columbia;

Luther B. Eubanks, of Oklahoma, to be U.S. district judge for the western district of Oklahoma;

Robert E. Maxwell, of West Virginia, to be U.S. district judge for the northern district of West Virginia;

William R. Collinson, of Missouri, to be U.S. district judge for the eastern and western districts of Missouri;

Elmo B. Hunter, of Missouri, to be U.S. district judge for the western district of Missouri;

David M. Satz, Jr., of New Jersey, to be U.S. attorney for the district of New Jersey;

Sylvan A. Jeppesen, of Idaho, to be U.S. attorney for the district of Idaho;

Doyle W. Foreman, of Oklahoma, to be U.S. marshal for the northern district of Oklahoma; and

Forrest F. Walker, of Virginia, to be U.S. marshal for the eastern district of Virginia.

By Mr. McCLELLAN, from the Committee on the Judiciary:

Oren Harris, of Arkansas, to be U.S. district judge for the eastern and western districts of Arkansas.

By Mr. SCOTT, from the Committee on the Judiciary:

Frank W. Cotner, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania.

By Mr. JAVITS, from the Committee on the Judiciary:

William L. Taylor, of New York, to be staff director for the Commission on Civil Rights.

By Mr. BURDICK, from the Committee on the Judiciary:

Thurgood Marshall, of New York, to be Solicitor General of the United States;

William B. Bryant, of the District of Columbia, to be U.S. district judge for the District of Columbia;

John O. Garaas, of North Dakota, to be U.S. attorney for the district of North Dakota; and

Anson J. Anderson, of North Dakota, to be U.S. marshal for the district of North Dakota.

By Mr. KENNEDY of Massachusetts, from the Committee on the Judiciary:

Robert F. Morey, of Massachusetts, to be U.S. marshal for the district of Massachusetts.

CONSULAR CONVENTION WITH THE SOVIET UNION—MINORITY AND INDIVIDUAL VIEWS—PART 2 OF EXECUTIVE REPORT NO. 4

Mr. LAUSCHE. Mr. President, under authority of the order of the Senate of August 4, 1965, as in executive session, I ask unanimous consent that the individual views of the senior Senator from Connecticut [Mr. DODD], in which he explains his opposition to the Consular Convention with the Soviet Union be printed in conjunction with the minority views of myself, the senior Senator from Iowa [Mr. HICKENLOOPER], the senior Senator from South Dakota [Mr. MUNDT], and the senior Senator from Kansas [Mr. CARLSON].

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

BILLS INTRODUCED

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

By Mr. SMATHERS:

S. 2376. A bill for the relief of Dr. Mario Presman; and

S. 2377. A bill for the relief of Dr. Cesar A. Mena; to the Committee on the Judiciary.

By Mr. McCLELLAN (by request):

S. 2378. A bill to amend section 202(b) of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

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

By Mr. MURPHY:

S. 2379. A bill for the relief of Parvaneh (nee Taheri) Sobhani; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2380. A bill for the relief of Christos Kiriakopoulos; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2381: A bill to amend the Universal Military Training and Service Act of 1951, as amended; to the Committee on Armed Services.

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

By Mr. RANDOLPH:

S. 2382. A bill for the relief of Wong Sai Choi; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2383. A bill for the relief of Leocadio Pascua;

S. 2384. A bill for the relief of Perfecta Cabella Calpito;

S. 2385. A bill for the relief of Mrs. Ritsuko Takemura;

S. 2386. A bill for the relief of Mrs. Mor Yan Park; and

S. 2387. A bill for the relief of Mrs. Shima Kato; to the Committee on the Judiciary.

By Mr. McINTYRE (for himself and Mr. COTTON):

S. 2388. A bill to exempt from prohibitions against the use of the mails for lottery purposes matter deposited by or addressed to a State agency conducting a tax-exempt sweepstakes, and for other purposes; to the Committee on Post Office and Civil Service.

CONCURRENT RESOLUTIONS

TO AUTHORIZE PLACEMENT TEMPORARILY IN THE ROTUNDA OF THE CAPITOL THE STATUE OF THE LATE SENATOR DENNIS CHAVEZ

Mr. ANDERSON submitted the following concurrent resolution (S. Con. Res. 46); which, under the rule, was referred to the Committee on Rules and Administration:

S. CON. RES. 46

Resolved by the Senate (the House of Representatives concurring), That the Senator Dennis Chavez Statuary Hall Commission is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late Dennis Chavez, of New Mexico, and to hold ceremonies in the rotunda on said occasion, and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

TO AUTHORIZE THE ACCEPTANCE BY CONGRESS OF THE STATUE OF THE LATE SENATOR DENNIS CHAVEZ

Mr. ANDERSON submitted the following concurrent resolution (S. Con. Res. 47); which, under the rule, was referred to the Committee on Rules and Administration:

S. CON. RES. 47

Resolved by the Senate (the House of Representatives concurring), That the statue of the late Dennis Chavez, presented by the State of New Mexico, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for his historic renown and distinguished civic services; and be it further

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of New Mexico.

TO PRINT AS A SENATE DOCUMENT THE PROCEEDINGS OF THE PRESENTATION, DEDICATION, AND ACCEPTANCE BY CONGRESS OF THE STATUE OF THE LATE SENATOR DENNIS CHAVEZ

Mr. ANDERSON submitted the following concurrent resolution (S. Con. Res. 48); which, under the rule, was referred to the Committee on Rules and Administration:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That the proceedings at the presentation, dedication, and acceptance of the statue of Dennis Chavez, to be presented by the State of New Mexico in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

SEC. 2. There shall be printed five thousand additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which one hundred copies shall be for the use of the Senate and two thousand eight hundred copies shall be for the use of the Members of the Senate from the State of New Mexico, and five hundred copies shall be for for the use of the House of Representatives and one thousand six hundreds copies shall be for the use of the Members of the House of Representatives from the State of New Mexico.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 49) favoring the suspension of deportation of certain aliens; which was placed on the calendar.

(See the above concurrent resolution printed in full when reported by Mr. EASTLAND, which appears under the heading "Reports of Committees.")

AMENDMENT OF SECTION 202(b) OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to take over the care and handling of excess real and related personal property until a determination is made as to its use or disposal. This bill is introduced at the request of the Administrator of General Services, as a part of the legislative program of the General Services Administration for 1965.

The Administrator reported to the committee that enactment of the bill will make possible economies in its operation by increased sales returns and better utilization of excess property throughout the Government. It is also contended that by permitting the General Services Administration to be responsible for care and handling such property will free the holding agency from such requirement and permit wider distribution of such property.

I ask unanimous consent that a letter addressed to the President of the Senate, dated July 14, 1965, from the Administrator of General Services which sets forth additional justification and background on the proposed legislation, be printed in the RECORD at this point, as a part of my remarks.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2378) to amend section 202(b) of the Federal Property and Administrative Services Act of 1949, introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter presented by Mr. McCLELLAN is as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., July 14, 1965.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of legislation to amend section 202(b) of the Federal Property and Administrative Services Act of 1949.

This proposed legislation is part of the legislative program of the General Services Administration for 1965.

Section 203(b) of the Federal Property Act provides that the care and handling of surplus property, pending its disposition, may be performed by the General Services Administration or, when so determined by the Administrator of General Services, by the executive agency in possession thereof or by any other executive agency consenting thereto. However, under section 202(b) each executive agency is responsible for the care and handling of its own excess property and there is no authority in General Services Administration for the care and handling of excess property held by other executive agencies.

The enclosed draft bill would provide such authority by amending section 202(b) of the Federal Property Act to provide that, when so determined by the Administrator, the care and handling of excess real and related personal property may be performed by General Services Administration.

This legislation is desirable because it will enable the care and handling of excess property under the control of other executive agencies by General Services Administration in those instances where the Administrator determines, upon the basis of contemplated plans for the future use or disposition of such properties, that economies will result.

These economies may be reflected in terms of increased sales return directly attributable to assuring that maintenance levels are commensurate with the potential uses of the properties and their consequent value. In other instances this same action will be reflected in decreased protection and maintenance costs. Engineering decisions made with current professional knowledge by the Government's property management and disposal experts will avoid uneconomic expenditures for protection and maintenance. Still other instances have occurred where another Federal agency had a foreseeable need for excess property but was unable for some period of time to obtain authorization for the transfer of the property. In such instances the property sometimes remained in an excess category for a longer period of time than the reporting agency willingly performed normal or more substantial protection and maintenance as may have been

desirable. We believe it to be more appropriate in such instances that performance of protection and maintenance commensurate with proposed use of the property be a responsibility of GSA. A determination by the Administrator that such action is in the best interests of the Government would be a necessary prerequisite to assumption by GSA of the care and handling responsibility from the reporting agency.

In addition, the proposed arrangement will enable those agencies which determine that properties are no longer required by them for the performance of their program responsibilities to discontinue devotion of agency resources to nonprogram related functions. Any unexpended protection and maintenance funds appropriated to the owning agency prior to assumption of protection and maintenance responsibility by GSA would be transferred to GSA in those instances where the Administrator determines that GSA should assume such responsibility.

The proposed revision of section 202(b)(4) is a technical amendment for purposes of clarifying its language to conform to administrative interpretation.

The financial effect of the enactment of this measure cannot be estimated at this time.

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

Sincerely yours,

LAWSON B. KNOTT, Jr.,
Administrator,

(Enclosure.)

S. 2378

A bill to amend section 202(b) of the Federal Property and Administrative Services Act of 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(b) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 384, as amended (40 U.S.C. 483(b)), is hereby amended to read as follows:

"(b) Each executive agency shall (1) maintain adequate inventory controls and accountability systems for the property under its control, (2) continuously survey property under its control to determine which is excess property, and promptly report such property to the Administrator, (3) perform the care and handling of excess property, provided, however, that when so determined by the Administrator, care and handling of excess real and related personal property may be performed by General Services Administration, and (4) transfer excess property or dispose of surplus property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator."

MUTILATION OR DESTRUCTION OF DRAFT CARDS SHOULD BE A CRIMINAL OFFENSE

Mr. THURMOND. Mr. President, recently the public and officials of our country have been appalled by reports of mass public burnings of draft registration cards. It is not fitting for our country to permit such conduct while our people are giving their lives in combat with the enemy.

The law now makes it a criminal offense to forge or alter a draft registration card. Certainly it should be just as serious an offense to mutilate or destroy a draft card.

Last week, the chairman of the Armed Services Committee in the House of Representatives introduced a bill to make the mutilation or destruction of a draft card a criminal offense. In order that this matter may be expedited in the Senate, I send to the desk a similar bill and ask that it be appropriately referred. It is my hope that hearings will be held promptly and expeditiously on this proposal.

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

The bill (S. 2381) to amend the Universal Military Training and Service Act of 1951, introduced by Mr. THURMOND, was received, read twice by its title, and referred to the Committee on Armed Services.

LOAN SERVICE OF EDUCATIONAL MEDIA FOR THE DEAF—AMENDMENT

AMENDMENT NO. 375

Mr. MURPHY. Mr. President, I send to the desk, for appropriate reference, for myself, the Senator from New York [Mr. JAVITS], and the Senator from Rhode Island [Mr. PELL], an amendment to S. 2232.

My amendment would enact into law a recommendation by the Advisory Committee on the Education of the Deaf contained in its February 11, 1965, report to the Secretary of Health, Education, and Welfare. This recommendation to create a continuing National Advisory Committee on Education of the Deaf is as follows:

That a continuing national advisory committee on the education of the deaf be appointed by the Secretary of Health, Education, and Welfare. The committee's responsibilities should include: (a) stimulating the development of a system for gathering information on a periodic basis in order to make it possible to assess progress and identify problems in the education of the deaf; (b) identifying emerging needs and suggesting innovations that give promise of improving the educational prospects of deaf individuals; (c) suggesting promising areas of inquiry to give direction to the research effort of the Federal Government in education of the deaf; and (d) advising the Secretary on desirable emphases and priorities among programs.

The committee should include representatives of the disciplines involved, of educators both of the deaf and hearing, and of the deaf themselves. Representation should not be institutional; rather, individuals should be selected on the basis of their abilities to make constructive contributions in such a forum.

Most importantly, the committee should be expected to make creative contributions. It should not be permitted to become purely a watchdog of conventional programs.

The National Advisory Committee on the Deaf to be created by my amendment consists of 12 persons appointed on a staggered-term basis by the Secretary of Health, Education, and Welfare. The Committee's findings and recommendations shall also be transmitted to the Congress.

As I indicated, my amendment has its genesis in a recommendation of the Advisory Committee on the Education of the Deaf. This Advisory Committee was established by virtue of the HEW appropriation bill, Public Law 88–136, which was signed into law on October 11, 1963. However, it was not until March 1964 that the advisory group was appointed. Indicative of the bipartisan nature of the Advisory Committee is the fact that its chairman, Dr. Homer D. Babbidge, Jr., the distinguished president of the University of Connecticut, was an Eisenhower administration official in the Office of Education.

The Senate Committee on Labor and Public Welfare, in its May 25, 1965, report on the National Technical Institute for the Deaf Act—Senate Report No. 245—expressed the hope "that the Secretary of Health, Education, and Welfare will soon be in a position to make available his analysis of the Advisory Committee's report, and to include with his analysis a summary of the administrative actions to be taken and legislative proposals to be supported in the general area covered by the 'Report on Education of the Deaf.' "

It is now 6 months since the Advisory Committee submitted its report and almost 3 months since the Senate Committee on Labor and Public Welfare urged action on it by the Secretary of Health, Education, and Welfare. Impatience on the part of the Congress to get moving on these programs which could directly affect between 200,000 and 250,000 deaf Americans is understandable. My amendment is designed to set into forward motion this desired action which has too long been—and which continues to be—delayed.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 375) was referred to the Committee on Labor and Public Welfare.

TWO-YEAR EXTENSION OF INTEREST EQUALIZATION TAX—AMENDMENT

AMENDMENT NO. 376

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 4750) to provide a 2-year extension of the interest equalization tax, and for other purposes, which was ordered to lie on the table and to be printed.

ESTABLISHMENT OF A DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—AMENDMENTS

AMENDMENT NO. 377

Mr. DIRKSEN (for Mr. MILLER) submitted amendments, intended to be proposed by Mr. MILLER, to the bill (S. 1599) to establish a Department of Housing and Urban Development, and for other purposes, which were ordered to lie on the table and to be printed.

SCENIC DEVELOPMENT AND ROAD BEAUTIFICATION OF THE FEDERAL-AID HIGHWAY SYSTEMS—AMENDMENTS

AMENDMENT NO. 378

Mr. INOUYE. Mr. President, as we consider legislation to control outdoor advertising on our Nation's highways, I want to acquaint my fellow Members of

the Senate with the inspiring achievements in this area by a group of women in Hawaii who banded together a half-century ago to preserve and enhance the natural beauty of Hawaii.

They called themselves the Outdoor Circle and one of their early projects, undertaken in 1913, was to rid the city of Honolulu of billboard advertising. Even in those years, ugly billboards disfigured many of Hawaii's natural beauty sites, including the famed slopes of Diamond Head.

The battle was long and arduous and continued over a 14-year period. The women of the Outdoor Circle finally came up with an ingenious solution to the problem—they raised enough funds to purchase the local billboard company. Once they owned the business, they promptly scrapped it.

But there were soon other companies interested in erecting billboards in Hawaii and by 1927, the Outdoor Circle realized the need for legislative controls. A bill controlling the erection of billboards promptly passed both houses of the territorial legislature and was signed into law by the Governor.

Why were the women of the Outdoor Circle so effective? Their only real weapon was public opinion but they were able to marshal overwhelming support from those who cherished the natural beauty of the islands.

Today the absence of billboards and community opposition to them in Hawaii is a long-accepted tradition and custom.

Through the years, with the cooperation of civic-minded citizens, businessmen, local newspapers, and responsive government officials, the continuing vigilance of the Outdoor Circle has been rewarded with the attainment of its first goals—the preservation and enhancement of the natural beauty of Hawaii.

Further efforts by this organization led to a Honolulu sign-control ordinance and today all counties in Hawaii have similar ordinances governing the size, placement, and contruction of signs relating to business conducted on the premises.

Recently, the Outdoor Circle appealed to Gov. John A. Burns to update the existing statutes relating to outdoor advertising. An administration bill was introduced in both houses of the legislature and this resulted in the first statewide law governing outdoor advertising and one which established the principle that advertising be related exclusively to business conducted on the premises.

The Outdoor Circle is largely responsible for the development of a beautiful park system in Honolulu. It opened the first children's playground in the city, employed the first city tree trimmer, and for many years maintained a nursery which produced thousands of trees for plantings throughout the city.

Today the Outdoor Circle is concerned by the wording of S. 2084, which will soon come before this body. The key question is whether the proposed section (d) of the bill would permit billboards to be erected along Federal-aid highways in Hawaii in spite of a Hawaii State law (Act 233, Hawaii Session Laws, 1955) which prohibits commercial billboards. Section (d) reads:

(d) Notwithstanding any provision of this section, signs, displays and devices may be erected and maintained within areas adjacent to the Interstate System and the primary system which are zoned industrial or commercial under authority of State law, or which are not zoned under authority of State law, but are used predominantly for industrial or commercial activities, as determined in accordance with national standards to be established by the Secretary.

Mr. President, I do not believe that this proposal would be construed as permitting billboards even where State law prohibits them because the obvious intent of the law is to restrict billboards and not to permit them where otherwise prohibited by State law.

But I do believe an amendment is in order, similar to one proposed by the California Roadside Council, to clarify this point. If this amendment is not added, I fear the possibility that billboard owners could argue that they are entitled to erect signs along Federal highways no matter what the State law provides. I do not think that the Congress wants to intentionally allow billboards where prohibited by State law.

At this time, therefore, I offer the following amendment to S. 2084 and respectfully request its consideration.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 378) was referred to the Committee on Public Works.

AMENDMENT NO. 379

Mr. FONG submitted an amendment, intended to be proposed by him, to Senate bill 2084, supra, which was referred to the Committee on Public Works and ordered to be printed.

INCREASED PAY FOR MEMBERS OF THE UNIFORMED SERVICES—AMENDMENT

AMENDMENT NO. 380

Mr. NELSON submitted an amendment, intended to be proposed by him, to the bill (H.R. 9075) to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, which was ordered to lie on the table and to be printed.

PRINTING OF INTERIM REPORT ON CRUTCHO CREEK, OKLA. (S. DOC. NO. 47)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated June 30, 1965, from the Acting Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on an interim report on Crutcho Creek, Okla., in partial response to a resolution of the Committee on Commerce, U.S. Senate.

I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

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

ADDITIONAL COSPONSORS OF BILLS, CONCURRENT RESOLUTION, AND AMENDMENT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the names of the Senator from New Jersey [Mr. WILLIAMS] and the Senator from Idaho [Mr. CHURCH] be added as cosponsors to S. 2282.

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

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that the name of the Senator from New Jersey [Mr. WILLIAMS] may be added as a cosponsor to amendment No. 339 to S. 1702.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that the names of the Senator from Maryland [Mr. BREWSTER] and the Senator from Kansas [Mr. PEARSON] be added as cosponsors at the next printing of S. 2305, the domestic travel bill.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the senior Senator from Washington [Mr. MAGNUSON], the senior Senator from New York [Mr. JAVITS], the junior Senator from Washington [Mr. JACKSON], the junior Senator from Minnesota [Mr. MONDALE], and the senior Senator from Indiana [Mr. HARTKE] be listed as cosponsors of Senate Concurrent Resolution 43 authorizing the printing as a Senate document of all floor remarks by Members of Congress in tribute to the late Adlai E. Stevenson, and that their names be listed among the sponsors at its next printing.

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

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of July 26 1965:

S. 2331. A bill to provide for repair by the District of Columbia, at the expense of the owner, of buildings violating the District of Columbia housing regulations, and to make tenants evicted from unsafe and insanitary buildings in the District of Columbia eligible for relocation payments: Mr. DOUGLAS and Mr. KENNEDY of New York.

Authority of July 29, 1965:

S. 2345. A bill to amend the Government Employees' Training Act so as to extend certain benefits thereunder to officers and employees of the Senate and House of Representatives: Mr. FONG, Mr. INOUYE, Mr. KUCHEL, Mr. LONG of Missouri, Mr. METCALF, Mr. MOSS, Mr. NELSON, Mr. SCOTT, Mr. TOWER, and Mr. YARBOROUGH.

NOTICE OF PUBLIC HEARINGS ON FEDERAL SALARY LEGISLATION

Mr. MONRONEY. Mr. President, as chairman of the Committee on Post Office and Civil Service, I wish to announce that the committee will commence public hearings on Federal salary legislation

on Monday, August 16, at 2 p.m. in room 6202 of the New Senate Office Building.

Scheduled to testify on Monday are Mr. John W. Macy, Jr., Chairman of the U.S. Civil Service Commission, and the Director of the Bureau of the Budget or his deputy.

Future hearings will be announced at a later date. Anyone wishing to testify should arrange to do so by calling the committee staff at 225-5451.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

John E. Maguire, Sr., of Florida, to be U.S. marshal, middle district of Florida, term of 4 years—reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 17, 1965, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATION OF ANTHONY J. CELEBREZZE, OF OHIO, TO BE U.S. CIRCUIT JUDGE, SIXTH CIRCUIT

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, August 17, 1965, at 10:30 a.m., in room 2228 New Senate Office Building, on the nomination of Anthony J. Celebrezze, of Ohio, to be U.S. circuit judge, sixth circuit, vice Lester L. Cecil, retired.

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.

NOTICE OF HEARING ON NOMINATION OF EDWARD M. McENTEE, OF RHODE ISLAND, TO BE U.S. CIRCUIT JUDGE, FIRST CIRCUIT

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, August 17, 1965, at 10:30 a.m., in room 2228 New Senate Office Building, on the nomination of Edward M. McEntee, of Rhode Island, to be U.S. circuit judge, first circuit, vice Peter Woodbury, retired.

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 BILLS PRESENTED

The Secretary of the Senate reported that on today, August 10, 1965, he presented to the President of the United States the following enrolled bills:

S. 24. An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes; and

S. 893. An act to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

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 amendment of the House to the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 959. An act to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia;

H.R. 1778. An act to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended;

H.R. 3864. An act for the incorporation of the Merchant Marine War Veterans Association;

H.R. 5597. An act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia;

H.R. 8058. An act to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947;

H.R. 8466. An act to amend the Fire and Casualty Act to provide for the licensing and regulation of insurance premium finance companies in the District of Columbia;

H.R. 9918. An act to amend the Fire and Casualty Act and the Motor Vehicle Safety Responsibility Act of the District of Columbia;

H.R. 9985. An act to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons;

H.R. 10274. An act to amend the act of October 13, 1964, to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia; and

H.R. 10304. An act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children.

HOUSE BILLS REFERRED

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

H.R. 959. An act to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia;

H.R. 1778. An act to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended;

H.R. 5597. An act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia;

H.R. 8058. An act to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947;

H.R. 8466. An act to amend the Fire and Casualty Act to provide for the licensing and regulation of insurance premium finance companies in the District of Columbia;

H.R. 9918. An act to amend the Fire and Casualty Act and the Motor Vehicle Safety Responsibility Act of the District of Columbia;

H.R. 9985. An act to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons;

H.R. 10274. An act to amend the act of October 13, 1964, to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia; and

H.R. 10304. An act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children; to the Committee on the District of Columbia.

H.R. 3864. An act for the incorporation of the Merchant Marine War Veterans Association; to the Committee on the Judiciary.

WALTER FRANCIS FARRELL, DISTINGUISHED CITIZEN OF RHODE ISLAND

Mr. PASTORE. Mr. President, Walter Francis Farrell, distinguished citizen of Rhode Island, passed away Friday, August 6, 1965, at the age of 77 years.

It is the glory of democracy that popular government can command—without remuneration—the best brains of civil life to advise in difficult areas demanding highest skill and judgment.

Especially in its fiscal needs, its policies of taxation and expenditure, the average State and its Governor leans heavily on the banking community.

I say this both as preamble and as part of my eulogy of the late Walter F. Farrell of Providence, R.I., preeminent banker, dedicated counselor in State and municipal finance, community leader, and community servant.

As one of the Rhode Island Governors who drew upon the genius of Walter Farrell, I speak the common gratitude of our people. As a personal friend through all these years I speak of the warm humanity of the man.

As an object lesson of worthy ambition to lift one's self to the heights—and yet always to find time for public service in causes of compassion and patriotism, the life story of Walter Farrell will be a memory to inspire—as it inspired all privileged to know him and his career.

If I record them here—and I shall ask unanimous consent that they may be here recorded—it is not to glorify one who is beyond praise. It is rather as a challenge—this chart of one man's life of service.

It is a challenge to youth that one's future can be fashioned by one's will, one's ambition, one's determination, and that such future can be sweetened by dedication to community service.

It is a challenge to the already successful man—that life is at its richest and

fullest only when shared beyond self as the good neighbor, the good citizen, the good American.

So I make the mere recital of one man's life and labors in this half century that so many of us have shared. If it seems long, it is the measure of a full life, and each line his its own lesson. It is the newsman's view of a newsworthy life recorded in the Providence Evening Bulletin of August 7, 1965.

I ask unanimous consent that the 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:

W. F. FARRELL, RETIRED BANK OFFICIAL, DIES

Walter Francis Farrell, retired chairman of the board of the Industrial National Bank and an authority on municipal finance, died last night at the Hattie Ide Chaffee Home, East Providence. He was 77 years old.

Mr. Farrell had held a multitude of posts in the financial world during his banking career of a half century.

He rose from a clerk in the old Union Trust Co. in 1913 at the age of 25 to become president in 1927 of what was then the third largest bank in the State. Then only 38 years old, he was the youngest bank president in Rhode Island at that time.

When the Union Trust merged in 1951 with the Providence National Bank, Mr Farrell became president of the combination—the Providence Union National Bank & Trust Co. Three years later, when the Providence Union National was consolidated with the former Industrial Trust Co., Mr. Farrell became chairman of the board of the merged Industrial National Bank.

He retired as board chairman in January 1957, but continued as a director and member of the executive committee.

In his phenomenal rise in banking, his eminence as a fiscal adviser to numerous city and State agencies and his active creation of many large corporations, Mr. Farrell was largely self-taught.

He was born in Central Falls, May 11, 1888, the son of John E. and Caroline (Hale) Farrell, and with only a public school education he began his business career as an estimator for a construction firm. In 1912 he married Margaret L. McArdle and the next year became a clerk in the Union Trust Co.

There his rise was meteoric—assistant secretary shortly after he joined the bank, secretary in 1918, vice president in 1919, a director in 1923 and president in 1927.

Banking associates ascribed Mr. Farrell's rapid advancement to his eagerness to learn every facet of finance as he encountered it, his insistence upon perfection of factual detail and long hours of applications, belying the cliché of banker's hours. Until he was well into his 60's, he still worked Saturdays and most Sundays.

As an expert on municipal finance, he had served at various times as fiscal advisor to city and State governmental agencies. These included the Providence Sinking Fund Commission, the State board of sinking fund commissioners from 1927 to 1947, the public assistance reserve fund, the Governor's fiscal study commission, the advisory commission to the Rhode Island Development Council, the State committee on postwar problems in 1943, and a Governor's commission to study losses and recovery problems after the 1955 Blackstone Valley floods.

He was incorporator in 1957 and vice president of the University of Rhode Island Foundation, vice president of the Rhode Island Public Expenditures Council in 1943, financial advisor to the Providence Charter Revision Commission in 1936, chairman of the United Fund in 1944, vice president of the Providence United War Fund in World War II, treasurer of the Rhode Island Infantile Paralysis Foundation, executive board member of the Providence Community Fund, one of three trustees for the Rhode Island Tercentenary Jubilee in 1936, and a director of the Providence Governmental Research Bureau and of the Rhode Island Medical Society Physicians Service.

He had been president of the Rhode Island Bankers Association, an executive committee member of the American Bankers Association and a district members of the National Voluntary Credit Restraint Committee.

Among Mr. Farrell's corporate directorships were the Speidel Corp., Outlet Co., United Public Markets, Inc., Paulis Silk Co., Inc., of Pawtucket; the former Franklin Process Co., and its South Carolina and Tennessee units, and Pawtucket Times Publishing Co.

Mr. Farrell was appointed a member of the board of trustees of State colleges in 1955 and resigned in 1959. He was awarded the honorary degree of doctor of laws by the University of Rhode Island in January 1960.

Mr. Farrell was a member of the Turk's Head Club, University Club, Rhode Island Country Club, and Bankers of America. His home was at 560 Cole Avenue, Providence.

MICHAEL REUSS: BATTLER FOR RIGHTS AND EQUAL OPPORTUNITY

Mr. PROXMIRE. Mr. President, the son of Representative HENRY REUSS, of the Fifth District of Wisconsin, has recently been through some mighty trying experiences.

He went to Mississippi this summer to help teach Mississippi youngsters; to teach them how to read and write and what rights they now have under the civil rights bills we passed last year and this year.

Mike Reuss is quite a boy. He was an athlete and an excellent scholar at St. Albans School. He has been a guest at our home for dinner. We found him a quiet, well-mannered boy, courteous, thoughtful, a model of good behavior.

He is now a sophomore at Stanford University, and there is no question that he has as bright a future as any young American could have. Mike could have done whatever he wished with his summer vacation.

But he made a choice that is a great credit to him and to those of his generation who, with him, decided to take the risks and suffer the hot, rough work of teaching Negro children in Mississippi.

He was arrested for peaceful, nonviolent demonstration and spent some 10 days in jail several weeks ago. Then only last week he was arrested again for the same kind of protest. While he was being searched, the searching officer died of a heart attack, and for an incredible few hours Mike Reuss was charged with manslaughter.

He was of course cleared and freed. Then his lawyer and some of his associates were assaulted with shotgun fire in a little hut in retribution shortly after he was freed.

The Reuss case is big copy all over America and, of course, it is sensational copy in Mississippi. Considering everything, the continued presence of this remarkable young man in Mississippi is highly dangerous.

Yet he has decided to stay to continue his quiet work with children who need help in learning to read and write. And his father, Representative HENRY REUSS, has given his full assent.

Mr. President, this is a rare and welcome act of courage by both father and son. I proudly salute Representative HENRY REUSS, Mike Reuss, and the wonderful Reuss family. Their quiet, dignified, but persevering conduct in this regrettable matter has been a great credit to our State and our country.

I ask unanimous consent that an editorial in this morning's Washington Post paying tribute to Mike Reuss be printed in the RECORD at this point.

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

BY VALOR AND ARMS

Young Michael Reuss' adventures as a civil rights worker trying to help Negroes vote in Mississippi make the State sound like a part of the Congo. He was arrested for taking part in a protest demonstration and then charged with manslaughter after a highway patrol investigator died of an apparent heart attack while searching him. He was released when his father, Congressman HENRY S. REUSS, of Wisconsin, flew to his support. Then a house where his lawyer and some companion civil rights workers took shelter was made the target of a succession of shotgun blasts early Sunday morning. Respect for human life appears to be at about as low an ebb as respect for the law in Mississippi these days.

Representative REUSS, who flew to Mississippi from economic discussions in England as soon as he heard of his son's arrest, made it clear that his trip was not intended "to procure special treatment for him. I am sure he will want to take his chances along with other civil rights workers." The sentiment does honor alike to father and son; but one can hardly escape anxiety regarding the chances of civil rights workers in Mississippi these days.

Mississippians ought to recognize the sentiment which sent Michael Reuss to their State and which prompts him to remain there in spite of peril. It is a sentiment which has ennobled the history of Mississippi as it has ennobled the history of the Nation of which Mississippi is a part. It has its roots in a sense of responsibility for one's fellow men—the indispensable condition of democracy—and in an unwillingness to be pushed around or to see other people pushed around. Mississippians ought to understand this. The motto of their State is: "By Valor and Arms." Michael Reuss is helping to carry that motto into effect for them.

U.S. SOLDIER CAN DO THE JOB IN VIETNAM

Mr. PROXMIRE. Mr. President, a common illusion in this country is that the American soldier just is not up to the tough, guerrilla jungle fighting required in South Vietnam.

In a surprising and mighty encouraging article in this respect, Jack Raymond, the crack Pentagon correspondent of the New York Times, puts this stereotype to rest.

Mr. Raymond recently returned from a trip to Vietnam in which he had the chance to see the job the GI's and the Vietcong are doing out there. His conclusions on the vigorous way American troops are standing up could mean a great deal.

In spite of all the immensely powerful and sophisticated military developments of recent years, it is still true that in

war—especially this kind of guerrilla war, much depends on the courage, strength, intelligence, and discipline of the individual fighting man.

Considering all that has been written about the softening effects of American life, and the alleged disinterest or downright hostility toward our efforts by some American critics, this article makes reassuring reading.

I ask unanimous consent that the article entitled "When GI Joe Meets Ol' Charlie" be printed at this point in the RECORD.

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

WHEN GI JOE MEETS OL' CHARLIE

(By Jack Raymond)

SAIGON.—"Mostly it's listening," the young Marine Corps corporal said. "You hold yourself stock-still in the jungle and you can't see much. It's dark and there's only trees and brush thick with vines.

"But you listen. Any sound that's out of the ordinary means something. Even insect noises change. Dogs in the village make telltale noises, barking or yowling when something attracts their attention and they can help or hurt you, depending on who's doing the moving. A man can't move through the jungle without making some kind of noise or provoking some bug or animal to make it for him. Americans make noise in the jungle—but so do the Vietnamese. Ol' Charlie, too."

Cpl. D. G. Williams, 19, of Winchester, Ky., wiry and boyfaced even after 2½ years in the Marine Corps, sat with some of his comrades of 1st Battalion, 3d Marines in a tent on the side of a hill near Danang and told how it was to fight "Ol' Charlie," the Vietcong, in the jungle.

He told about it with the air of a man born to it, a modern Bomba the Jungle Boy. But all up and down the confused battlefronts in South Vietnam he and other American jungle warriors emphasized that nobody is a born jungle fighter—not the Americans, nor the Vietnamese, including the Vietcong.

It takes training, equipment, good health and stamina, leadership and motivation—and experience. Inevitably the question arises whether American soldiers have a capacity for jungle fighting, since many of them—in greater numbers than seemed likely only a year ago—will be called upon to cope with the jungle as the U.S. commitment in South Vietnam changes over from a supporting to a leading combatant role.

The question does not apply so much to the troops that are here now, in the vanguard of that commitment. Most of the Special Forces, paratroopers, marines, and many others who do not belong to elite outfits have been specially trained and have been acquitting themselves with distinction.

The question does apply to the tens and perhaps hundreds of thousands of American troops expected to join them in this tropical war. It concerns the adequacy of their training, equipment, and physical well-being, for as one veteran sergeant here said, "This place is no longer a laboratory for battle or a training ground for the next war. The next war is now."

The question is not posed with any suggestion of strong doubt, but only in recollection of tragic situations that developed early in World War II when men were rushed to stem the Japanese in southeast Asia and the South Pacific. In the panic atmosphere that followed Pearl Harbor entire units were shipped to do tropical battle with a minimum of training and inadequate indoctrination for special conditions of climate, weather, and terrain—and it cost lives.

Nevertheless, Americans did accustom themselves to jungle fighting. They defeated the enemy in the tropics as elsewhere, but only after initial defeats and an unnecessary toll in malaria, foot ailments, skin diseases, diarrhea, heat exhaustion, and hepatitis—not to mention such relatively modest afflictions as snake and mosquito bites.

Conditions in South Vietnam are probably not as severe as in the Philippines, Burma, and New Guinea a quarter-century ago, but time may have served to exaggerate past sufferings and existing trials may make less of an impact.

In any case, not all of South Vietnam is jungle, although a third is covered by some form of wild vegetation. In the delta region of the south the distinctive features are marshy rice fields and mangrove swamps. The southern tip, Caumau Peninsula, is dense jungle and for the time being has been hopelessly abandoned to the Vietcong.

The narrow coastal plain that curves along the China Sea is hot enough—at least over 90° most of the time—and rainy and muggy when the monsoon shifts from the highlands to the west. Marshlands lie up against the white sand beaches.

In the central highlands, where heavy fighting is taking place, there are large stands of bamboo and hardwood trees. The rolling terrain rises to 3,000 feet above sea level and some of the mountains are as high as 7,000 feet. Much of the highlands region is considered good tank-fighting country when it is dry—but it is wet now in the summer monsoon season of incessant rain and low-hanging depressing gray clouds. The ground is soft underfoot.

There are wild animals in Vietnam—elephants, tigers, and leopards as well as smaller game, including wildcats. Monkeys are found in the coastal forests. Crocodiles thrive in the delta region. There is much talk of snakes—cobras and such—but they are rarely seen.

Despite this rather forbidding prospect for the troops that are due here, the experience of those who already are serving in Vietnam is somewhat encouraging. For they have shown that an American can perform well in jungle heat and rain, and can adapt himself quickly to the terrain, as anywhere else.

For one thing the troops sent here have been well-trained volunteers. They have had rigorous training in jungle warfare or other types of hardy combat and for the most part have completed special warfare training courses at Fort Bragg or Ranger courses at Fort Benning or have had a regular diet of tough training on Okinawa or Hawaii.

Moreover, they are keeping up with their training here. For example, members of the 173d Airborne Brigade, when not combing awesome jungles of zone D on combat operations, have been practicing parachute jumping.

The emphasis on training has paid off, a high-ranking officer in Saigon said, especially since American forces have taken a more active role in the fighting. In the American officer's view, the South Vietnamese are "often timid and slow, even when we put good equipment in their hands.

"Our officers and junior officers in these outfits here know their men, know how quickly they respond to orders and how they'll react to surprise. That's as important in the jungle as it is anywhere else."

Another officer's experience is also revealing. "I've found that I can go twice as far and twice as hard as most of the South Vietnamese," Col. Bruce Jones, 47-year-old adviser in the embattled Quangngai area, told an interviewer. An Army man for 25 years, Colonel Jones is a heavy-set, lumbering six-footer from Sheffield, Pa. His aides say he shows none of the weariness under the heat and strain of war in the tropics indicated by South Vietnamese half his age.

"Most of these men are small in stature and come from families that could not afford much in the way of adequate diet," he said. "Even with afternoon rests many of them cannot keep going for more than 4 days, and you know many Americans can work every day."

Others who have lived and fought with the South Vietnamese military forces make similar observations, although they are reluctant to draw invidious comparisons. "There's just a big difference between a 105-pound Asian and a 150- to 160-pound American," a general at headquarters in Saigon pointed out.

An experienced Army sergeant who has just come off 6 months' steady duty in combat operation with a South Vietnamese outfit said:

"Somehow it seems they take longer getting started in the morning. They rise and wash and dress and have breakfast as though they had all day. They just take their time, maybe 45 minutes altogether. When we Americans might be ready in 15 to 20 minutes.

"Well, suppose we go out on patrol that morning. They'll start off smartly like any good soldiers, rifles at ready and reconnaissance men in proper places, but if it's a hot day we find they are far more vulnerable to heat than average Americans. By midmorning they seem to need a break. Most Americans judge whether we need a break by what the situation is—whether there are Vietcong in the area or whether it might be better to go somewhere else, but the Vietnamese are more prone to time themselves.

"We both find it easy to skip lunch. You don't want to eat much in hot, humid weather. But if we do quit for a bite or a rest in the middle of the day the Asians customarily want to take a siesta. The American may lie down but in a few minutes he will be indulging in a bit of horseplay, whereas the Asian will simply lie down and even try for a snooze.

"If we get into a fight the Asians can be quite heroic but unlike Americans they are inclined to let the Vietcong break off. Americans would like to chase after the Vietcong but South Vietnamese are just as likely to suggest it's useless.

"The difference in stamina really shows up on the way back, when we have reached the farthest point on patrol—maybe we have been out a day, maybe four. On the way back, the Vietnamese will begin rushing, eager to get back to base. They'll start snaking through the jungle instead of combing it. Weariness begins to show in their faces and bearing. Rifles that they held so smartly at the ready when we set out they now hold limply and sometimes—and this is dangerous in case of ambush—sometimes they sling their rifles over their shoulder.

"Much of the difference is due not only to stamina but to training and discipline. If we have had adversities—if the weather's been bad, or we have had a tangle with Vietcong—the Vietnamese patrol unit is likely to start questioning whether completion of the mission is necessary and try to cut it short. The average American noncom would be ashamed, even afraid, to report he did not carry out the mission, but these people are fully prepared to do so and explain why.

"Of course, these are generalizations. As you can imagine, many South Vietnamese have proved tough and not all Americans by any means are great jungle fighters. But by and large the old adage prevails—a good big man can outdo a good little man."

"It is a question of motivation," Capt. Larry F. Spargo, 34-year-old Special Forces officer from Twin Falls, Idaho, said, enunciating the views of many Americans. "Our troops come here for 6 months, a year, maybe 18 months if they extend and want to stay with their outfit, but these fellows [the Viet-

namese] have been fighting since the French were here. They're weary."

But certainly the question arises whether the Vietcong is not tired as well, since he has been fighting for a long time, too. And attached to that question is another: whether this wily master of ambush is really a master of jungle warfare.

The answer to the latter question is a resounding "no" from American forces here. "Vietcong successes are, for the most part, a reflection of the nature of the war rather than a reflection of any innate superiority as a jungle fighter," Maj. Thomas M. Henry, operations officer for the 5th Special Forces, pointed out. "The guerrilla has time to conserve his energy. He sets the stage for battle."

The Vietcong, of course, have well-trained forces increasingly well-equipped. Their unit leadership seems to be quite adequate, despite recent reports of lowered morale due to American aerial bombing and strafing.

As such experts as Major Henry and Captain Spargo point out, the Vietcong troops can bide their time, rehearse their troops, rest them and exercise them with a single ambush or assault in mind. The Vietcong can wait weeks—perhaps months—for a single ambush if they think it profitable and thus do not tax the energies of the men. Meanwhile, the South Vietnamese and Americans are expending energy serching for them. On the other hand, the Vietcong also have their weaknesses.

"Don't overrate the enemy," urged Capt. George Squilace, a 36-year-old marine from New York City. The Asian, and that includes the Vietcong in particular, is bothered by the heat and the jungle as much as we are—maybe worse.

"He is racked by the same ills and does not often have adequate medicine. We have been fighting them and capturing them. They make plently of mistakes."

"We meet them on the trails," Staff Sgt. Dean Towne, 32, of Fallbrook, Calif., said. "And we move faster—we shoot faster than they do. And we find they leave sloppy trails, too—cigarette butts, fish traps and other signs of their presence.

"And they don't like to go out in the rain, either, and now they're finding out we go on night patrols and we don't meet them so often."

The American Forces seem to be satisfied with their equipment, particularly the Army jungle boot, which is made of leatherbound canvas, has a one-piece heel and sole (so the heel won't rip off) and two holes near the arch to let the water drain out after a mush through swamps and stream. Similarly other items of equipment, such as the poncho that also is used as a bed covering—the bed may be made of twigs and other underbrush—and the light cotton battle fatigues, are comfortable in hot or cool weather. Indeed, marines who arrived here with bulkier clothing, including bulletproof liners for blouses, have abandoned these for the Army's battle uniform.

The troops like their weapons. The paratroopers especially like the light M–16 rifle. The marines are satisfied with the M–1 and both the Army men and marines have found the shotgun valuable in jungle areas. They feel the heavy equipment, the M–113 personnel carrier, and the amphibious monsters are a help rather than a hindrance.

It is true that the personnel carriers and other military vehicles can be a nuisance in the paddies and jungles but they are still better than marching long stretches or carrying goods on human backs. In fact, the American soldier on patrol, with the exception of the food and radio equipment he carries, travels as light as his Asian counterpart. Furthermore, heavy as C-rations may be, they are less bulky than the rice pots carried by the Asians. As for the radio equipment, that is indispensable; no squad moves out on patrol without a set that can be used to contact home base or friendly aircraft overhead.

In sum, it is not a question of whether Americans are loaded down, as compared with the Asians. This is a war in which the guerrilla's advantage lies in deciding where a battle will take place. He prepares for it in secret. When he attacks he, too, has plenty of weapons and supplies. But in between he carries neither weapons nor extra supplies. He hides simply by being one of the population. Where and how he maintains his stocks has been his secret.

What is significant is not that the Americans have been hampered by equipment but that they have been able to position so much of it to support the patrols. For instance, members of the Third Marine Regiment, commanded by Col. Ed. Wheeler, of Port Chester, N.Y., have found the "Tipsy" especially valuable. This is the nickname for the ANTPS–21 (Army-Navy tactical personnel surveillance). It is a radar device effective at 20,000 meters and Colonel Wheeler's men have been using it to ambush the Vietcong ambushers.

Certainly the role of the helicopter in jungle warfare, as conducted by Americans, cannot be overlooked. Not only is the chopper used to deliver troops to patrol sites, to spray the area with rockets and machinegun bullets when the Vietcong is suspected in the vicinity, it is marvelous for the rescue of men in a tight spot.

Air Force Capt. William Y. Duggan, 30, of Austin, Tex., had reason to appreciate an Army helicopter when he was downed offshore 60 miles south of Saigon. He swam to a beach, walked in circles, even walked backward, and crawled around to confuse the Vietcong with false tracks, he later related. Then he dug a hole and covered himself only moments before Vietcong who had seen the plane go down came looking for him. They went away. Forty-five minutes later Duggan heard a helicopter. He got out of the hole, fired a flare, and the helicopter came down and rescued him.

Still another wonderful innovation in modern war in the tropics is the air-conditioning of at least one or two rooms in buildings at base camps. The number of outposts so equipped should not be exaggerated, but enough of them, their air conditioners powered by mobile generators, can be found in some startlingly remote places. And on many air bases where fliers and ground crews are constantly exposed to sun and heat there are air-conditioned trailers and clubrooms to help make life livable.

And neither rain nor clouds nor heat nor Vietcong seem able to stay the couriers of cold beer and fresh cigarettes—"to help make a man a better junglefighter," said one officer, winking broadly. Then he added seriously: "Do not draw hasty conclusions. We overran some Vietcong villages the other day and found one of their command posts stacked with cold beer and cigarettes, too. Morale is important." Also high on the list of morale boosters is mail from home. Most letters take only 4 or 5 days from the States.

As for food, the soldiers say they even like their field rations. Gone is the old K ration. The C ration, which can be hot or cold, seems to be flavorful—"especially when the taste is killed with the cheese ration," one soldier observed more for the sake of a joke than an argument.

"The rations are good and nutritious," Captain Spargo told an interviewer who visited his detachment at Phucovinh. Spargo, who is married and has three children, has been serving and fighting with a South Vietnamese detachment in jungles south of Saigon near Dongxoai, which was the scene of bloody battle last June. "But we often just eat the rice and fish of the men we are with in order to avoid envy," he said.

"And the mosquito repellent is important, too," Specialist 5 Michael Bingo, 22, of Rochester, N.Y., chimed in. "But I'll let you in on a secret," he continued. "You start sweating and get a little raunchy and the mosquitoes stop bothering you. In fact, even leeches begin to leave you alone."

All seem to agree that salt tablets taken regularly were important to the well-being of a man exerting himself in the jungle.

Apparently well equipped with material things for war in the tropics, the American soldier has personal, physical, and mental postures that also must be considered. Here again, unit training counts. But there is more to it than that.

"The average American is a pretty healthy, vigorous individual and he will think for himself," Major Henry pointed out. "The training is important because it makes the average soldier realize all he can do, even in the toughest circumstances." As an illustration he told the story of an American sergeant who was captured by Vietcong.

The Vietcong leader, overjoyed that he had netted an American along with South Vietnamese prisoners, began haranguing the sergeant. He worked himself into such a state that he turned to one of his men, who was holding the sergeant's own carbine, ordered, "Shoot him" and stalked off.

But the sergeant remembered there was no ammunition in the weapon, having fired the last bullet during the battle, so as soon as the Vietcong leader had gone the sergeant turned the other way and ran off into the jungle. He had almost disappeared before other Vietcong soldiers realized the appointed executioner was powerless and fired after the fleeing prisoner.

"The sergeant caught a slug in his bottom but that only assured he would run faster and get away," Major Henry related.

Ordinary Army training, as compared with that of elite outfits such as Special Forces, Marine Corps, and certain paratroopers, does not normally focus on hardships of war in the tropics. Before troops are committed to battle in South Vietnam they should have at least 2 months' training in individual and unit techniques for operating in the steaming heat of the jungles and wet, dismal marshes of ricefields.

While most American units get some of this training, most U.S. Armed Forces are still geared to cope with the Soviet Union as the primary potential enemy and Europe as the primary battleground. But it is in the less advanced areas of the world—Asia, Africa, Latin America—where the Communist policy of so-called wars of national liberation is inviting American military responses these days.

Knowing how to build a bed off the ground, to cook without making too much smoke, to keep clean, to make one's way through the jungle with or without compass, to shoot quickly and elude ambushers will spell the difference between life and death, victory and defeat in this new war.

The troops who are here have learned to use their salt tablets, conserve their energies, interpret the sounds of the squeaking lizards and shrieking birds, and burn the leeches off their bodies.

They have learned not to fear the dark but to take advantage of it.

They have learned that small units, 10 men, with a trustworthy leader are the key battle formations of the jungle.

They have learned to eat sparingly, walk lightly, and improvise swiftly when caught in inevitable ambush.

Many of these lessons they acquired here by experience, the most effective teacher. But principles of jungle warfare must be learned in advance. The American can take it in the tropics. But he must be adequately prepared if he is to dish it out victoriously in combat.

TRIBUTE TO LAWRENCE O'BRIEN

Mr. MANSFIELD. Mr. President, last week an excellent column by Mr. Joseph Kraft entitled "Applause for Dr. O'Brien" appeared in the Washington Post. I believe that Larry O'Brien has been the most valued member of the White House staff in its relations with the Congress as a whole, and more especially with the Senate.

His understanding and his political judgment are of the highest. His contributions toward easing the way for proposed legislation are well understood by all. He is universally recognized as a great political scientist—and I mean that term in its best sense. He has contributed much to the passage of legislation wanted by the administrations of Presidents Kennedy and Johnson. He has formed many solid and sound friendships with Members of the Congress on both sides of the aisle. He has worked with us on a basis of trust, tolerance, and understanding.

I ask unanimous consent that excerpts from the column to which I referred by Mr. Kraft be printed in the RECORD.

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

APPLAUSE FOR DR. O'BRIEN

(By Joseph Kraft)

* * * * *

The old system is now dead, and nothing proves it better than an obscure procedural vote taken in the House last week. It involved the new 21-day rule which makes it possible to call measures on to the floor if they have been bottled up for more than 3 weeks in the Rules Committee.

The measure at stake was repeal of a provision—14(b)—of the Taft-Hartley Law which authorized States to outlaw the closed shop.

* * * * *

Credit for this great change is normally given to the President because of his long experience with the Congress, and because of the great majorities he swept in with him last fall. And certainly no one would deny or disparage the President's role.

But the strategist of the change, the man who planned it 5 years ago, and who has worked it out day by day ever since, is the President's special assistant for congressional relations, Lawrence O'Brien. While all the political assistants all over the country were writing that hate was the normal state of relations between White House and Hill, O'Brien was already beginning to develop the possibilities of cooperation.

His chief innovation was to set up in the White House a small staff charged entirely with responsibility for congressional relations. The staff was organized along the lines of the various regional and interest groups in the Senate and House. It coordinated the congressional efforts of all Government agencies. It was in constant touch with the congressional leadership. "We don't even take a headcount," one of the leaders once said, "without O'Brien."

A first gain was a far more intimate working relationship between the administration and the little-known but extremely powerful giants in the House. As a supreme example, consider the case of the 1964 tax cut and the chairman of the Ways and Means Committee, WILBUR MILLS.

The administration, way back in 1962, proposed the tax cut to stimulate the economy; it was afraid that tying tax reform to the bill would kill the whole measure. MILLS, for his part, wanted a tax reform bill with a little cut added to smooth the way for reform.

Very slowly, month by month * * * the administration nursed MILLS along to its point of view. The bill that finally emerged from his committee, and that he steered through the House was almost all cut and no reform—just what Dr. O'Brien ordered.

A second gain was that the White House was in touch not only with the congressional leadership, but also with the backbenchers. The 16 Agriculture Committee Democrats who supported 14(b), for example, were not the committee leaders. On the contrary, the six who opposed the administration on 14(b) were precisely the senior members of the committee.

O'Brien is at last getting some public recognition for his achievement. Indeed, the President and his friends are showering him with compliments. An educated guess is that Mr. Johnson would like him to stick around in the White House job.

A good hunch is that O'Brien will leave to reenter Massachusetts politics. If nothing else the time is ripe for leavetaking. A way, a permanent way I believe, to promote cooperation between the Executive and the Congress has been worked out.

From now on * * * the big problem—the second phase of the Johnson administration and the true opportunity for the Republicans—will turn on the matter of applying effectively the measures that are already on the books.

DISASSEMBLEMENT OF MALAYSIAN FEDERATION

Mr. MANSFIELD. Mr. President, it is most unfortunate that the Malaysian Federation which was launched with so much hope so short a time ago is now being disassembled. The principal difficulties apparently involve the heritage of suspicion and mistrust between Singapore Chinese and Malayans. But there have also been other strains from the beginning of the Federation in the relationships of the indigenous peoples of Brunei, Sarawak, and North Borneo and the mainland Malaysians which have been exploited by Indonesia. It is not possible at this time to determine whether the present breakup will extend to these other areas as well as Singapore.

This Nation has had very satisfactory treatment of its limited commercial and other interests both in Malaya and in Singapore. It has not been involved in the political difficulties of either place in any way and discretion would certainly indicate that we ought to seek by every means—including and especially complete noninvolvement in the present political difficulties—to maintain these relations.

What eventually emerges in the way of relationships in the Malaysian region is the primary responsibility of the political leaders of Kuala Lumpur and Singapore, and those in the outlying island-components. Both the Tinko Abdul Rahman in the former city and Premier Lee Kuan Yew in Singapore are men of exceptional ability and it is to be hoped that they will be able to work through the present difficulties to a new and satisfactory association. To the extent that any outside nation is involved intimately in this situation, however, that nation is not the United States. In our own interests as well as in the interests of the people of the Malaysian region, the back seat is the place for us. That is not to say that we do not have a shared concern with other nations in the peace and development of the region. It does mean that to meet that concern and to safeguard our legitimate interests is by striving to do less rather than more in this serious political crisis.

I should like to call to the attention of the Senate an extract from a report of Senators BOGGS, PELL, former Senator Smith of Massachusetts and myself which was submitted to the Committee on Foreign Relations in February 1963, after completion of a mission to southeast Asia which was undertaken at the request of the late President John Fitzgerald Kennedy. This extract deals with the situation which existed in Malaya in the fall of 1962, a time which coincided with the beginning of the Malaysian Federation. The report reads as follows:

The same general principle of strict noninvolvement which is indicated as a sound basis for U.S. policies on Burma would appear also to apply to the emerging Malaysian Federation of Malaya, Singapore, Brunei, Sarawak, and North Borneo. There has been, as noted, a serious outbreak of violence in Brunei in connection with this transition. Moreover, since a number of groups, conscious of racial or tribal separativeness, will have to be joined in the Federation, other inner resistances may well develop. There are also international repercussions with respect to the proposed Federation. Already a serious strain has developed in Malayan-Indonesian relations and there have been disagreements between the United Kingdom and the Philippines.

Regardless of what may develop, it would seem to be desirable for the United States to make every effort to continue to maintain the position of noninvolved cordiality which has characterized our relations with Malaya since that nation achieved independence in 1957. There are United States-Malayan commercial ties, mainly involving raw materials which are of great value to both countries. A U.S. Peace Corps unit is now functioning in Malaya. But there is no aid mission in the usual form. Nor does there exist any rationale for such a mission from the United States to the emergent Malaysian Federation. There are already substantial supplies of modern skills and capital available in Malaya, in Singapore, and elsewhere in the proposed Federation. What might be needed in addition can surely be drawn from other nations of the British Commonwealth, notably from the United Kingdom which retains an immensely important economic position in all parts of the proposed Federation. To be sure, there may be developmental undertakings in the region of tangible and mutual benefit to participants and the United States might find advantage in joining in such undertakings. But in Malaya or in an emergent of Malaysia there can be no justification for the kind of one-sided aid involvement which has appeared elsewhere in southeast Asia. Nor can there be any point in direct involvement in the political complications which are developing in connection with the formation of the Federation. To the extent that these complications may involve nonregional nations, they would appear to involve, in the first instance, the Commonwealth nations and beyond it, the United Nations. If there is any responsibility at all devolving on the United States in this situation, it is a derivative responsibility arising from our membership in the United Nations and it should be discharged solely in our capacity as one nation among many in that body.

AMERICA'S CONCERNS

Mr. McGOVERN. Mr. President, the Louis Harris survey of what Americans are thinking, which we all follow closely during election periods, contained material Monday in which all of us who have been elected to office should be very interested.

Mr. Harris has done a survey of public concern over social and economic problems with very revealing results.

He found that 84 percent of Americans often or sometimes worry about fellow Americans who are hungry, 77 percent have been concerned about adequacy of medical care, 69 percent have worried about neglect of older citizens.

Next in the scale of concerns was the fact that the United States has food surpluses—and they would be far larger except for our production control programs—while people abroad are starving.

Two out of three Americans worry, in effect, about the adequacy of our food-for-peace program. There is no indication, of course, that the other third oppose food for peace. They simply have not worried about it as have the other two-thirds of our citizens.

It should be a matter of great satisfaction to the Members of this Congress that we have enacted legislation on poverty, medicare, improved care for the aged, civil rights, and other major concerns of citizens reflected by the Harris poll, that we have provided for a continuation of present levels of foreign food assistance and that there is pending legislation to strengthen our world food aid program.

It is my sincere hope that before this session of Congress adjourns, that if there is not time to enact a major world food and nutrition program and it must go over until next year, we will at least provide for the supplementation of present Public Law 480 provisions with proteins, vitamins, and minerals necessary to improve the nutrition of those whom we are assisting, and especially the children who, in a few years, will be determining the sort of government and the sort of society their now underdeveloped homelands will have.

I ask unanimous consent, Mr. President, to put the Harris survey of August 9, as it appeared in the Washington Post, in the RECORD.

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

THE HARRIS SURVEY: AFFLUENT AMERICANS STILL CONCERNED

(By Louis Harris)

Fears that material prosperity might make Americans complacent or insensitive about humanitarian problems appear to be unfounded.

To the contrary, there is a clear and urgent sense of social conscience in this country that goes well beyond self-interest. The old concept of the national interest as a collection of many diverse self-interests is being replaced by concern for the general quality of American life.

A recently completed survey shows, for example, a high level of national concern that people may go hungry or receive inadequate medical care, and that we are neglecting the needs of older people. What is more, the most affluent sectors of the population have the most concern about growing food surpluses in this country when others in the world are starving, about the pollution of rivers and streams, and about the rights of minority groups.

Americans, generally, while still responding to those conditions of life that affect them most directly, express concern over a number of problems that are not exclusively personal. A carefully drawn national cross section of the people was asked to express its reactions to a list of statements about shortcomings in our country: "As an American, have you often, sometimes, or hardly ever felt bad because":

National concern

[In percent]

	Feel concern	
	Often, sometimes	Hardly ever
Some people in United States still go hungry	84	16
Some people can't get proper medical care in United States because of money	77	23
Older people have been neglected	69	31
United States has food surpluses when people abroad are starving	66	34
Some people in big cities still live in slums	66	34
Way Negroes have been treated in United States	64	36
Way American Indians have been treated	52	48
Way some Jews have been treated in United States	45	55
Pollution of rivers and streams	43	57
Way some Catholics have been treated in United States	14	86
U.S. strictness in limiting immigration	11	89

A majority of the public expresses at least some concern on 6 of these 11 situations. Two-thirds or more say they feel bad about conditions that have been the subject of intense political debate—medical care, old-age assistance, urban housing, and Negro civil rights. The fact that the treatment of American Indians evokes more concern than the rights of Jews and Catholics is partly the result of feelings that discrimination against the latter has waned in recent times. Bars against immigration, as previous Harris surveys have indicated, simply do not touch the American conscience deeply.

The relative weights of self-interest and conscience begin to emerge when the same areas of concern are analyzed according to income groups.

The statement that there are still hungry people in this most abundant and affluent of societies, for example, concerns more than 80 percent of all income groups. But the twin issues of insufficient medical care and neglect of older people are of much higher concern to those who have economic needs in these areas.

Concern by income

[In percent]

	Under $5,000	$5,000 to $9,000	Over $10,000
People in United States still hungry	82	83	86
Lack of medical care due to money	84	79	69
Way older people have been neglected	72	70	59
Food surpluses here when others starve	49	66	76
City people still in slums	60	67	70
Way Negroes have been treated	54	64	74
Way American Indians have been treated	35	53	66
Way Jews have been treated	40	45	50
Pollution of rivers and streams	36	43	50
Way Catholics have been treated	23	12	11
U.S. limits on immigration	12	10	11

It is significant that those with the highest incomes show the highest overall sensitivity to the problems that plague our society. The lower income groups, on the other hand, concentrate their concerns much more on those issues where their economic problems are most pressing. The well-to-do in our society, one might say, can afford a nagging conscience about the quality of American life.

Among Negro, Jewish, and Catholic minorities in the survey, concern for minority groups was double that among the population as a whole. Nonetheless, the survey also recorded the fact that more Jews are concerned about the way Negroes are treated than about anti-Jewish discrimination. More Catholics are concerned about the treatment of Jews than about anti-Catholic sentiment.

YOUNG AMERICANS FOR FREEDOM AND U.S. FOREIGN POLICY

Mr. TOWER. Mr. President, on April 20, 1965, the Firestone Tire & Rubber Co. announced the abandonment of negotiations with the government of Communist Rumania for the construction of a $50 million synthetic rubber plant in that Soviet bloc nation. These negotiations had the approval of the State Department and, as announced last week by Presidential Press Secretary Bill Moyers, the support of President Johnson himself.

The negotiations by Firestone were dropped largely because of the actions of the national conservative youth group Young Americans for Freedom, which mounted an extensive national campaign to inform the American people of the dangerous implications of a U.S. company selling to a Communist country an entire rubber factory which would be of great military and strategic value.

As a member of the National Advisory Board of Young Americans for Freedom, I am proud to support the remarks made in the Senate on July 26 by the distinguished Senator from South Carolina [Mr. THURMOND]. In his speech the senior Senator from South Carolina, who is also a member of the YAF Advisory Board, pointed out that this highly responsible young conservative group has been commended by former Presidents Herbert Hoover and Dwight Eisenhower and by such national figures as former Vice President Richard Nixon; Senator SPESSARD HOLLAND, of Florida; Senator MIKE MANSFIELD, of Montana; and a host of Members of the Senate and House of Representatives. I, too, would like to join in commending Young Americans for Freedom for the great service they have done for America, especially at this critical time when our armed forces are locked in combat with communism in Vietnam.

I ask unanimous consent to insert in the RECORD at this point materials which explain the activities of Young Americans for Freedom with regard to the Firestone negotiations including, an article from Human Events, an editorial from the Chicago Tribune of July 28, 1965, a column by William F. Buckley, Jr., from the Washington Daily News of July 29, 1965, and a column by John Chamberlain from the Washington Post of August 3, 1965. I also ask unanimous consent to include a statement made by

Young Americans for Freedom in response to a request by the President that the State Department investigate the reasons behind the collapse of the Firestone-Rumanian negotiations.

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

[From Human Events, Washington Report]

BIG CONSERVATIVE WIN

Lyndon Johnson is in the White House, the Americans for Democratic Action have a Vice President and liberals outnumber conservatives in Congress by a good majority. But conservatives throughout the country have just scored a stunning upset victory over these liberal elements who have been pushing America into selling its technical know-how to Communist countries.

The victory came unexpectedly when Firestone Tire & Rubber Co. of Akron, Ohio, curtly announced on April 20 that it had "terminated negotiations for a contract to design and equip a synthetic rubber plant in Rumania." The action was startling, considering Rumania's strong desire to trade with Firestone and considering the State Department's active encouragement of the $40 million deal.

Firestone refused to amplify its short announcement in any way, but businessmen in the tire industry say they know one reason the company ended the Rumanian affair: an avalanche of adverse public criticism.

Firestone offices in Akron remain stonily silent on the subject, but insiders report the company began to back away from the deal after receiving thousands of irate letters. Businessmen estimate the rubber firm lost millions of dollars because angry consumers and dealers started a boycott.

How the public pressure mounted against Firestone and how the company tried to combat it makes fascinating reading. What stirred up the initial storm was an article in January by Robert Dietsch, a Scripps-Howard reporter, detailing the story of the Firestone negotiations with Rumania. When this was elaborated upon by other newspapers, the attacks against the firm began to step up in furious fashion.

Letters sent to Firestone showed the American people boiling mad over this plan to increase trade with a Communist country while American soldiers were dying in Vietnam. In addition, the public realized the synthetic rubber was of obvious military value.

Moreover, Firestone began to be hurt financially as its chief competitor, Goodyear, started to pickup some of Firestone's long-standing customers. The American public, in fact, had begun to buy from Goodyear when that company had earlier publicly refused to trade with Rumania, remarking in its house organ, the Wingfoot Clan. "Even to a dedicated profit-making organization, some things are more important than dollars."

Finally, Firestone ran into a buzz-saw: the nationwide conservative youth group, Young Americans for Freedom. The Philadelphia chapter of YAF, headed by John LaMothe, began to create all sorts of trouble for the Firestone Co.

"After reading in Human Events about the Firestone Tire & Rubber Co.'s plan to build a synthetic rubber plant in Communist Rumania," writes Philadelphia YAF Treasurer David K. Walter, "the Philadelphia County Chapter of Young Americans for Freedom launched a drive to force Firestone to reconsider and withdraw these plans.

"Letters sent to the office of the president produced unsatisfactory replies. Philadelphia YAF then organized picketing of Firestone stores in the Philadelphia area." Picket signs appeared paraphrasing Firestone's slogan: "When Red wheels are rolling, the name is known as Firestone?"

The Philadelphia campaign soon became national, with YAF demonstrations in Los Angeles, Cleveland and cities on the east coast.

Firestone began to feel the heat. To quell the rising public passions against its Red-trade deal, the company attempted to counterattack:

The firm sent Bernard W. Frazier, its eastern public relations manager, down from New York to call off the YAF pickets in Philadelphia. Frazier made similar trips to other YAF chapters along the east coast. While Frazier attempted to "smooth things over," his remarks only infuriated YAF. At a meeting of Pennsylvania YAF at Harrisburg on March 27, Frazier argued that Firestone was only trying to build "bridges to the east." At one time he coyly avoided saying who would own the rubber plant, but finally admitted it would be completely owned by Rumania. Furthermore, he did not deny that Rumanian slave labor would be used in constructing and manning the plant.

Firestone representatives also tried to discredit Goodyear by repeating a statement picked up on the television program "CBS Reports" that Goodyear tires had been found on Chinese Communist vehicles. Goodyear, however, showed YAF that in the trade deals overseas it requires the purchasing companies to sign a statement saying that Goodyear goods will not be transshipped to Communist countries. If the Communists wind up with Goodyear tires, it is through no intent of Goodyear.

Firestone motivated into action BILL AYRES, a moderate Republican Congressman from Akron, where Firestone is located. Representative AYRES defended Firestone's trade deal with Red Rumania and reportedly put pressure on certain groups to stop their anti-Firestone activities.

Firestone, whose executives normally put up money for Republican candidates, also tried to pressure House Republicans into calling off "the conservative" picketing of the company. When YAF Executive Director Dave Jones received word about this pressure through a prominent Senator, he said: "You tell them a $10 million check to YAF couldn't get us to call it off."

In the end, however, it was Firestone that caved in. What many feel was the coup de grace was YAF's planned demonstration at the famous Indianapolis 500 auto race on May 31. Thousands of people from all over the country usually attend this sports classic and the publicity impact would have been enormous. YAF had planned to set up an Indianapolis office called the Committee Against Slave Labor to focus attention on the fact that forced labor would help build the Firestone plant. YAF was in the process of hiring a plant to haul a banner over the Indianapolis speedway stadium denouncing the deal and had planned to saturate the stadium with a half-million pamphlets sharply criticizing Firestone.

Firestone officials, however, got wind of the plan shortly after it was drawn up. Within days, the company threw in the towel, announcing its negotiations with the Rumanians had ended.

On April 22, YAF received a postvictory note: a letter to Dave Jones from Firestone's Bernard Frazier. The note announced the termination of the Firestone deal and asked YAF to bring "public attention" to it.

The Firestone story is bound to have national impact. It shows what can be accomplished by conservatives in the face of strong counterpressure. And it most certainly will have an effect on American businesses that desire to do business-as-usual behind the Iron Curtain. There are reportedly some 40 American firms dickering with Communist countries at the present time over deals similar to the Firestone-Rumanian one. But they had better be on their guard. YAF is planning to call attention to every one of them.

[From the Chicago (Ill.) Tribune, July 28, 1965]

FULBRIGHT DEPLORES

Senator J. WILLIAM FULBRIGHT, chairman of the Foreign Relations Committee, has kept his record clean. His record is that of always being wrong. Now he deplores as a foreign policy defeat something which most Americans would regard as just the reverse—the collapse of a deal to outfit Communist Rumania with a strategic installation for the manufacture of synthetic rubber.

FULBRIGHT says that the refusal of the U.S. rubber industry to go through with the deal means that "the United States failed the test" of "building bridges" to the Communist bloc. The Johnson administration has been trying to encourage more trade with Iron Curtain countries.

As a consequence of FULBRIGHT'S complaint, the State Department has been ordered by the White House to see if the $50 million Rumanian deal can be salvaged. The Presidential Press Secretary, Bill D. Moyers, said that the Government had considered the deal to be in "the national interest." From that it is to be inferred that it is in the national interest to provide the Communists with the means of turning out heavy duty tires suitable for aircraft and military vehicles and to make good Soviet bloc deficiencies in this field.

Either of two American companies could have had the Rumanian contract. The Goodyear Tire & Rubber Co. refused to sell a synthetic rubber plant to the Communists even though, as it noted, "the State Department had sanctioned such traffic." It said that "you can't put a price tag on freedom" and that it felt the dangers far outweighed the benefits in the proposed deal.

Goodyear pointed out that, with American know-how, Rumania could play the role of an international agitator and disrupt the market for natural rubber from Malaysia, Liberia, and other underdeveloped countries. "The Communists," the company observed, "are not governed by marketing conditions in setting their prices, and in the past have, in fact, used cut-rate prices as an economic club."

Goodyear further stated: "The State Department, in commenting on the situation, has said that the Rumanians have assured the United States that they won't divulge to other Communist nations the polyisoprene secrets they purchase from us. With due respect for the State Department's belief in the Rumanians' promise, Goodyear would prefer not to entrust its production secrets to the Communists."

With Goodyear out of the picture, the deal was dangled before Firestone Tire & Rubber Co., but, according to FULBRIGHT, after showing an original interest, Firestone also broke off negotiations. FULBRIGHT charged that competitive pressures entered into this decision, and that an extremist and vigilante group propagandized against the deal. He identified this organization as Young Americans for Freedom, which is so extremist that it was condemned 2 years ago by former President Eisenhower.

Senator THURMOND, of South Carolina, replying to FULBRIGHT, said the real extremists are "those who would surrender, accommodate, and compromise with communism at this critical juncture in the free world's fight for freedom." Pointing out that the Rumanian Communist Party Congress, meeting with representatives of Russia and Red China, had just denounced American "acts of open war" in Vietnam, THURMOND said FULBRIGHT was condemning all those who

speak out to let the country know how they feel about questions of foreign policy.

Senator THURMOND recalled that Senator FULBRIGHT's last attempt at muzzling the military was all too successful. "Does he now want to muzzle the entire Nation?" THURMOND asked. That is a good question.

[From the Washington, (D.C.) Daily News, July 29, 1965]

BUSINESS AS USUAL

(By William F. Buckley, Jr.)

Senator WILLIAM FULBRIGHT, trying to make the point that private individuals and agencies sometimes get in the way of "official" foreign policy, has classified the Young Americans for Freedom as an "extremist political organization."

The Senator's complaint concerns the cancellation by the Firestone Tire Co. of the deal with Rumania to build there a synthetic rubber plant worth about $40 million. The Young Americans for Freedom acted on the assumption that surely if it is laudable to picket Woolworth's in Alabama for declining to serve hot dogs to human beings merely because they are Negro, it is laudable to picket commerce with a government that declines to let human beings out of jail and torture chambers merely because they believe in freedom.

Anyway, the pressure of YAF combined with opportunistic pressures by Firestone's competitor, the Goodyear Co., caused Firestone last spring to back out of the deal. Rumania and Senator FULBRIGHT are furious.

Senator FULBRIGHT's larger point—that individual agencies should not get in the way of American foreign policy—is not uninteresting, although it tends surely to reflect the latently totalitarian instincts of those who denounce in such immoderate language others who disagree with them.

Until the day comes when the Government of the United States owns all the corporations in America, it is the corporations' business, not the Government's, whether to trade with any other nation in the world.

True, as a matter of national policy the Government may clap an embargo: that is an exercise of a negative power relating to the national security. But to do the opposite, to require a corporation to trade with a foreign power, whether that power is friendly or unfriendly, is outside the sovereign authority of free governments. The Government may deny an export license to anyone who desires to ship a cyclotron to Cuba. But the Government may not require a corporation to ship a single stick of chewing to Cuba against its will.

The Young Americans for Freedom was organized in 1960 as more or less the conservative counterpart to the Students for Democratic Action. The group has been governed by a succession of young men and women who have steadfastly eschewed extremism and extremists of any sort.

Their publication, the New Guard—"something called the New Guard," was how Senator FULBRIGHT described the journal that attacked the impending deal with Rumania—is carefully edited and highly responsible. It publishes the work of many students and scholars from around the country. Dozens upon dozens of Congressmen and Senators and professors are associated with its advisory board. All in all, it is about as "extremist" an organization as the chamber of commerce. Partisan yes, extremist no.

It is a continuing source of exasperation to some of our Florentine internationalists that there should continue to reside deep in the American conscience a sense of the moral unfitness of normal commercial and even diplomatic exchanges with governments which flout the elementary laws of civilization, and on top of that, seek to turn every exchange with the West into a means by which to increase their relative power over us, advancing, hopefully, on the day when they will, in the delicate phrase of Khrushchev, "bury us."

For Senator FULBRIGHT these are sentiments to be mocked.

"Goodyear," he wrote, anticipating Firestone's difficulties, "suddenly got religion and grandly refused to traffic with the Red heathen." I do not know, not being Goodyear's confessor, just how suddenly it got religion. But is the term "Red heathen" only suitable for use by the College of the Ozarks?

Senator FULBRIGHT's derisory dismissal of such impulses goes over very well with the longhairs who sit around the fellows' suites in our posher universities, wondering which of the two hegemonies, the Russians' or our own, is the less unbearable. But it does not go over very well, thank God, in most other parts of the United States.

[From the Washington (D.C.) Post, Aug. 3, 1965]

FULBRIGHT THE BULLY

(By John Chamberlain)

If the gods on Olympus are still interested in the antics of the human race, they must be laughing themselves silly over Senator J. WILLIAM FULBRIGHT'S recent fulminations against "the nuisance activity of a minor vigilante group which calls itself Young Americans for Freedom."

This Young Americans for Freedom is an organization whose aims, in the past, have been commended by big people in both political parties. Barry Goldwater and Senator MIKE MANSFIELD have both said nice things about YAF, and so has Ike Eisenhower. The Connecticut chapters of YAF helped roll up a big vote for Democratic Senator TOM DODD last autumn, which proves something about the bipartisan nature of the group. But YAF never in its wildest dreams thought it had the muscle which FULBRIGHT has ascribed to it.

Well, it seems that last spring YAF, the mighty mouse, got after the Firestone Tire & Rubber Co. for its expressed intention to sell a $50-million synthetic rubber plant to Red Rumania. In YAF's corner was the Goodyear Tire & Rubber Co., which had turned down the Rumanians on a proposition similar to that which Firestone was offering the Red satellite.

Both YAF and the Goodyear Co. were motivated by a desire to back up Lyndon Johnson's Far Eastern foreign policy. It was the Goodyear contention that Rumania, as a self-proclaimed friend of Red China, could not be trusted to keep Goodyear and Firestone synthetic rubber manufacturing secrets or patents from being passed along to Peiping, where they could be used to bring about the bankruptcy of Malaysia's natural rubber plantations and thus, indirectly, help Sukarno's Indonesia to undermine the country that is back to back with South Vietnam.

But now, it seems, the administration wants to help "build bridges" to Rumania, and has instructed the State Department's George Ball to look into Senator FULBRIGHT'S charges that the Young Americans for Freedom and the Goodyear Tire & Rubber Co. caused Firestone to call off its Rumanian deal. YAF spokesmen are quite understandably bitter at being caught in the middle as the administration's foreign policy crashes head on into itself while going around the world in two directions.

But this is not the main reason why the gods on Olympus must be laughing. What is really funny about the whole business is that the Young Americans for Freedom were glorying in the fact that their attitude toward business deals with Rumania is precisely that of the AFL–CIO.

In their publication, the New Guard, the YAF boys had specifically pointed this out. They took their cue from the statement on East-West trade made by the AFL–CIO executive council at the Bal Harbour, Fla., convention on March 1, 1965. Specifically objecting to deals with Rumania, the AFL–CIO noted that "Rumania, which is supposed to be turning away from Moscow, has more political prisoners than any other satellite and lends aid and comfort to Peiping."

President Johnson, of course, may have his own subtle reasons for suddenly becoming inconsistent on the subject of a Rumania whose politicos have just renewed their affirmations of friendship with North Vietnam. By asking the State Department to probe FULBRIGHT'S charges about the YAF-Goodyear interference with foreign policy, he could be wigwagging to Kosygin and Brezhnev that a synthetic rubber plant and many other goodies like it might be forthcoming if only Moscow would change its tune on the Vietnamese war. Such wigwagging would be in accord with the recent Averell Harriman "vacation" trip to Moscow.

In case this is the L.B.J. motivation, Young Americans for Freedom and the Goodyear Tire & Rubber Co. have been cast in the role of sacrificial goats. But YAF still wants to know why the AFL–CIO executive council doesn't merit its own share of the goatdom.

YOUNG AMERICANS FOR FREEDOM WELCOMES PRESIDENTIAL INVESTIGATION—PLEDGES NATIONAL CITIZENS CAMPAIGN TO PREVENT RED TRADE DEAL

The national chairman of the 30,000 member conservative youth group, Young Americans for Freedom (YAF), today welcomed the request President Johnson made yesterday for a State Department investigation to determine the reasons why the Firestone Tire & Rubber Co. canceled negotiations to build a synthetic rubber plant in Communist Rumania. The YAF leader also promised a "national citizens campaign" to stop any further deal with the Rumanian Communists.

The YAF Chairman, Robert E. Bauman, said: "Yesterday we were the subject of an unwarranted and intemperate attack in the Senate by Senator FULBRIGHT, of Arkansas. Today Young Americans for Freedom's actions have become the object of a State Department investigation ordered by the President. YAF will cooperate fully with the Government so that they can learn, as we have, just how strongly the average American citizen is opposed to trade with Communist countries which can be used to increase Communist military potential."

Bauman took issue with a statement made yesterday by Presidential Press Secretary Bill Moyers who said that the President approved of such trade with Communist nations. Bauman said: "Our YAF members around the Nation who picketed Firestone for their part in this trade deal did so because they believe that the best business when it comes to strategic trade with Communist countries is no business at all. We cannot believe that President Johnson, who has advocated such a firm stand in Vietnam, would at the same time support a trade policy, with Communists, which directly undercuts U.S. fighting men everywhere.

"When the President is given the full facts about the Firestone-Rumanian negotiations he will find out just how detrimental to the interest of the United States any such rubber plant construction in Rumania could be."

The YAF chairman pointed out that only last week the Rumanian Communist Party Congress, held in Bucharest, had denounced the United States role in Vietnam and pledged their full support to the Communist

Vietcong. Bauman stated: "Our Government, if it supports trade with the Communist Rumania, deserves the strongest possible condemnation by the American people, especially from the wives, parents, and loves ones of all those who have died in Vietnam."

Bauman said: "Young Americans for Freedom is confident that the President and the State Department will find the American people opposed to such trade with Communists. We pledge that we will mount a national citizens campaign to do whatever may be necessary to prevent such aid to communism.

REGISTERING AND VOTING BY COLLEGE STUDENTS

Mr. KENNEDY of New York. Mr. President, I wish to encourage young Americans, particularly those between the ages of 21 and 25, to vote. Even more strongly, I encourage those young Americans now in college who have a special responsibility that accompanies their special opportunity to develop and strengthen their minds and judgments for leadership roles in the years ahead.

Youth is on the march. In each Latin American country, most citizens are under 25. The leaders of many of the fledgling African states are in their thirties. They are going ahead in their own way and in their own time. Youth manned the barricades of East Berlin and of Budapest.

And here at home, as well, youth is questioning—and properly so—the structured conventional wisdom of its teachers and others in places of public responsibility.

The civil rights struggle, to name one area, is an outstanding example of youth on the march. A primary focus of this civil rights struggle is to secure for 19 million Americans, who are Negro, the unimpaired right of access to the polls. Among the major domestic struggles within the Congress since World War II have been those to secure voting rights to all. When young Americans in some areas of the country are braving injury and even death to gain voting rights, then those who, by accident of birth, are not denied the right to vote should use it. Equipped with this, there are many wrongs to right.

We need a return to the politics of public participation, of which voting is an indispensible element along with the sit-ins and teach-ins and the civil liberties activities.

As long as men come together to live, as long as they must learn the Greek ideal—to know at once how to govern and how to be governed—for that long, which is as long as men live, we shall not bring down the curtain on the great drama in which we are privileged to play our parts.

Emerson once said:

God offers to everyone his choice between truth and repose. Take what you please. You cannot have both.

THE CHRONIC FOOD SHORTAGE IN INDIA

Mr. MONDALE. Mr. President, famine is no newcomer to the Republic of India. Her history is filled with years of bad crops, of food shortages, which have meant desperate hunger, often death, for untold millions.

Since gaining her independence almost 20 years ago, India has resolved to free herself from this massive human suffering. We in the United States have rightly pledged increasing support for this objective. And India has taken major strides—her industrial production, for example, has been increasing by about 9 percent a year.

She has also improved her agricultural output, but she has not increased it fast enough to match her growing demands for food, demands brought on particularly by her frightening rate of population increase. Thus it is that India is experiencing a hunger explosion, one which threatens to cancel out all of her gains since independence.

Because of her chronic food shortage, India has just decided to introduce food rationing in her cities, rationing which will limit each man, woman, or child to 12 ounces of wheat or rice a day.

Today India may have little choice but to do this. But we must help her make tomorrow brighter than today. I am convinced, Mr. President, that the United States must do more to help increase food supplies in India, and in other countries caught up in the hunger explosion. We must do this by supporting India's efforts to improve her agriculture, and we must prepare to expand our food-for-peace program. Without such steps by the United States, I fear that the future for countries like India could be even darker than the present.

Mr. President, I ask unanimous consent to place in the RECORD at this point an article by J. Anthony Lukas in Saturday's New York Times, entitled "India Will Ration Grain in Cities."

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

INDIA WILL RATION GRAIN IN CITIES—SETS A 12-OUNCE DAILY LIMIT TO COUNTER SHORTAGES

(By J. Anthony Lukas)

NEW DELHI, August 6.—India decided today to impose food rationing on her city dwellers.

In a major move to meet the country's chronic food shortage, the Government will limit men, women, and children in urban areas to 12 ounces of wheat or rice a day.

Twelve ounces of wheat will make six chappatis, the large slabs of unleavened bread that are the staple of the North Indian diet.

Twelve ounces of rice, covered with boiled vegetables, curd or curry, will provide about two meals in South India.

The national consumption average for food grains is now about 14.4 ounces, according to Government statistics.

The rationing system will put India's city dwellers under more controls than at any time since World War II, when nationwide rationing was in effect.

Initially, the rationing, which is expected to begin in 2 weeks, will affect only the eight cities with more than a million residents and certain highly industrialized areas.

However, it will eventually be extended to 114 other cities with more than 100,000 inhabitants. This will bring a total of 40 million persons, or one-twelfth of the country's population, under the rationing system.

The decision, announced today by Food Minister Chidambara Subramanium, is a triumph for the policies of Mr. Subramanium and Prime Minister Lal Bahadur Shastri.

The two men recommended a similar system last year. It was rejected by most of the country's 16 states.

Today's decision does not reflect any worsening in India's food situation. In fact, the situation is appreciably better this year than last, when serious shortages caused near-famine conditions in many parts of the country.

HARVEST 10 PERCENT BETTER

Although the food-grain harvest this year has been 10 percent better than last year's and the best on record, the Government wants to establish a food distribution system that will work in good years as well as bad.

Despite large-scale irrigation projects, the country's agricultural production is still heavily dependent on the weather. A 2-week delay in the arrival of the southwest monsoon caused some crop damage even this year.

At present, rationing is in force only in Calcutta, the country's second largest city, and in the cities and towns of the State of Kerala. It was also used temporarily last year in the city of Madras.

However, the 16 state Chief Ministers, at a meeting here today, decided to adopt the system as a national policy.

Prime Minister Shastri presided at the meeting. The 5-hour closed-door session, held in the Government auditorium, was also attended by Mr. Subramanium, Gulzari, Lal Nanda, the Home Minister; T. T. Krishnamachari, and Finance Minister; Bali Ram Bhagat, Minister of Planning, and other Government officials.

The decision must now be ratified by the full Cabinet. However, this is considered a formality.

EIGHT CITIES ARE LISTED

The first stage of rationing will apply to the following eight cities, all with more than a million inhabitants—Bombay, Calcutta, New Delhi, Madras, Bangalore, Hyderabad, Ahmedabad and Kanpur.

The next stage will embrace cities with populations over 300,000. The third stage, which the Government hopes to complete within 2 years, will extend the system to cities with more than 100,000 people.

On the basis of the experience during the first 2 years the Government will then decide whether to extend the system to cities with more than 50,000 inhabitants.

The ministers decided today that the ration for manual laborers would be increased by 10 percent.

By limiting consumption by all but manual laborers to 12 ounces, or 2.4 ounces under the national average, the Government hopes to do the following:

Limit consumption in surplus areas and thereby provide more grains for deficit areas.

Cut down on the import of grains, particularly of rice which must be paid for in scarce foreign exchange.

India imports 6 million tons of wheat a year under the U.S. agricultural surplus program. However, such imports are paid for in rupees.

Two million tons of rice are imported every year, chiefly from Thailand and Cambodia, and are paid for in foreign exchange.

PROPOSED REMOVAL OF TARIFF DUTY ON SYNTHETIC DIAMOND ABRASIVE CRYSTALS

Mr. McNAMARA. Mr. President, on behalf of the junior Senator from Michigan [Mr. HART] who is necessarily absent today, I make the following observation with regard to H.R. 7969:

Mr. President, I am very much interested in that section of the Finance Com-

mittee report to accompany H.R. 7969, which pertains to so-called synthetic diamond dust. I say "so-called" because what we are talking about in section 27 of the bill is not what the layman would think of as dust. It would be better recognized as diamond abrasive crystals and is referred to in industry as bort or grit used for grinding wheels, cutting tools, masonry saws, and the like. Industrial diamond bort or grit is very important in industry and is particularly important from the standpoint of being a strategic material, absolutely necessary to our industrial economy and very important in any geared-up war emergency economy as evidenced by the fact that natural diamond has always been in the national stockpile.

Because of its industrial and strategic importance, I believe that the Commerce Department and the Department of Defense will have a definite interest in any proposed removal of the tariff duty on synthetic diamond. At such time as H.R. 7969 is considered by the House and Senate conferees, I trust that the interested Government departments will have been given an opportunity to offer their views on this very important matter.

ECONOMIC PROGRESS IN ALASKA

Mr. GRUENING. Mr. President, an excellent summary of recent developments and economic activity in Alaska is found in the August 16 issue of U.S. News & World Report. It ascribes some of this activity to the earthquake and properly so, but more pertinent would be to ascribe this activity to the coming of statehood 6 years ago and its beneficial consequences.

As a result of statehood, the fisheries, long Alaska's greatest economic resource and depleted almost to the vanishing point under Federal mismanagement while Alaska was a territory, have now experienced a strong comeback under the wiser conservationist policies of the State department of fish and game.

The Statehood Act likewise provided that Alaska should receive 90 percent of the oil royalties since Alaska is not a reclamation State and does not get the benefits of reclamation legislation as do other Western States.

Statehood voided the exclusion of Alaska from the benefits of the Merchant Marine Act of 1920, familiarly known in Alaska as the Jones Act.

Statehood brought the inclusion of Alaska in the Federal-aid highway program, from which it had been totally excluded from 1916 to 1956 and was only partially included in the 3 years preceding statehood.

Whereas prior to statehood 99.2 percent of Alaska's land was in Federal domain, the State is beginning to acquire some of the 103 million acres to which the Statehood Act entitled it.

In addition to that and other beneficial changes wrought by statehood, State agencies are making possible development which was not possible under Federal control.

While much remains to be done and Alaska still suffers and will suffer for some time to come the economic consequences of its 92 years of territorialism, with its discriminations and omissions, it is gratifying to see our State steadily moving into high gear and demonstrating thereby the eternal soundness of that basic American principle of government by consent of the governed, which statehood made possible.

I ask unanimous consent that the article from the U.S. News & World Report of August 16, entitled: "The New Alaska: Ready To Take Off," be printed at the conclusion of my remarks.

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

[From U.S. News & World Report, Aug. 16, 1965]

THE NEW ALASKA: READY TO TAKE OFF

(NOTE.—America's 49th State, a storehouse of resources, has been handicapped by its geographical position and by shortages of people and capital. Now, rebuilding after the 1964 earthquake, Alaska is humming with activity, confident of a bright future.)

ANCHORAGE.—Alaska's big earthquake of 1964, it is now becoming clear, jolted more than the earth.

The Good Friday quake shook up the people of the 49th State, shocked them into action. And, as a result, Alaska for the first time is getting more of what it always needed—people, money, construction and a diversity of jobs.

Fisheries, the State's biggest industry, have made a comeback. Forest products are providing more jobs than ever before. Oil and gas are hotbeds of activity, with new exploration and discovery mounting daily.

Tourist business is at a new peak. Hotels and motels are going up at a rapid rate. Transportation facilities are much improved.

Some problems, particularly the high cost of living, remain. But even this barrier to development is being whittled away, and some prices have come down.

The earthquake claimed 123 lives and caused vast property damage. But, most Alaskans agree, the temblor also set off an economic spurt.

"It got a lot of people to thinking about changing and improving," says an Anchorage real estate man. "We learned how to move materials fast."

REAL BOOM COUNTRY

Disaster aid and loans from the Government have poured $325 million into Alaska since the earthquake. This, with uncounted millions in private investment, is making the State what one Anchorage banker calls "a real boom country."

Kodiak is described by a fisheries official as "the hottest area in Alaska right now." It has three new hotels, one of them a former passenger liner, and new airport facilities.

Anchorage is getting $28 million worth of private and public construction this year. This includes the building of two high-rise hotels and an 11-story bank building.

Other expansion projects in this, Alaska's largest city, include docking and warehousing facilities and three new shopping centers.

People, too, are flocking to Alaska. Says an Anchorage hotel operator: "We were 80 percent filled all winter and haven't had a vacancy since April 1."

For the first time in Alaska's history, growth is on a broad basis, providing new goods and services and a diversity of jobs. There is a steady spread of the tax base once almost wholly dependent on Government spending.

OIL: 30,000 BARRELS A DAY

The oil and gas industry is becoming of increasing importance to Alaska. It is, says C. W. Snedden, Fairbanks publisher, "our biggest economic crutch."

On two occasions, sale of oil and gas leases provided the funds for meeting large deficits in Alaska's budget. The State received $14.5 million last year from royalties and other fees.

Since 1957, when the Discovery well was brought in by Richfield Oil, production has incerased to a rate of 11 million barrels a year. Current output from 62 wells exceeds 30,000 barrels a day.

So far this year, several new oil and gas wells of major size have been brought in, expanding sizably the 460-million-barrel reserve estimated at the start of 1965. Exploration and development spending this year will far exceed the $64.5 million spent in 1964.

New platforms being built over Cook Inlet will, for the first time, permit year-round drilling. Cook Inlet has 8-knot currents, 30-foot shifts in tide levels and temperatures that drop to 50° below zero—probably the most difficult and expensive drilling conditions in the world. Despite this, more than 20 companies have operations in Alaska, and the number is growing.

Alaska recently offered more than 750,000 acres for leasing north of the Arctic Circle, eastward from Point Barrow. Major oil companies have teams in the area and are bringing in equipment for drilling.

Availability of oil and gas has greatly reduced fuel costs in Alaska. For example, the Matanuska Maid Dairy is saving about $3,000 monthly in power costs at its new plant in Anchorage by using gas produced in the State.

HOW JAPAN HELPS

Japan's need for raw materials in increasing amounts is another boon to the expanding Alaskan economy. There has been a steady exchange of trade missions between Japan and Alaska in recent years.

Japan has provided most of the $70 million pumped into development of the Sitka Pulp & Lumber Co., which produces 520 tons of wood pulp a day for Japanese buyers. The same Japanese interests own the Wrangell Lumber Co., which exports a shipload of lumber, mostly spruce, every 40 days. The new Alaska Pacific Lumber Co. at Wrangell, a $4-million operation, is shipping its entire output of lumber to Japan.

Biggest project involving Japan is an agreement under consideration by the Union and Marathon Oil companies to supply the Tokyo Gas Co. with up to 230,000 tons of liquefied methane gas a year from Alaska. This would require investment, including cost of ships, of several hundred million dollars.

"Japan needs practically everything we have," says a State resources official. In 1964, the Japanese took 89 percent of Alaska's exports.

ALASKAN FISH STORY

Fisheries, the traditional resource of Alaska and its No. 1 industry, have made a big comeback under statehood, mostly in the Kodiak area.

Production of king crabs in 1964 was 86.7 million pounds, more than triple the 1960 catch.

The growing importance of the crab catch, an operation that goes on 10 months of the year, lessens the seasonal nature of the fishing industry.

Value of the salmon catch has jumped from $6 million to more than $94 million in the 1950–64 period.

Conservation and management of its fisheries is a constant problem for Alaska, as a growing number of Japanese and Russian catcher and factory ships are busy seining the seas of the northern Pacific.

"Japan is making a shambles of our conservation program," says a Federal fisheries official. "They have been robbing us for years," complains Gov. William Egan.

American fishermen are prohibited from fishing for salmon on the high seas with nets. Only on a limited number of days, depending on quantity and type of runs, are they allowed to fish for salmon at all. But there are no limitations, in use of gear or time of fishing on Japanese and Russian fleets.

Forest products, Alaska's second-biggest industry after fisheries, are a big and growing source of income. In the panhandle of southeast Alaska, a mild, moist climate encourages natural reproduction of cut-over areas within 3 years without planting. There are spruce and hemlock along nearly 1,000 miles of coastline from below Ketchikan to above Kodiak.

Forest-product exports, almost all to Japan, made up 82.5 percent of Alaska's total in 1964.

IRON-ORE DISCOVERY

Other natural resources hold a long-range potential for the future of Alaska, but they will require costly exploration and development.

Pan American Petroleum, a subsidiary of Standard Oil (Indiana), last year discovered iron-ore deposits of an estimated 1 billion tons about 200 miles southeast of Anchorage. Kennecott Copper plans to start drilling a shaft this autumn in an area near Kobuk, a village 50 miles north of the Arctic Circle. One company official's estimate is that Alaska could produce $5 billion worth of minerals a year.

WELCOME TRAVELERS

Tourists are discovering Alaska in increasing numbers. Reconstruction following the earthquake has produced a large number of new hotels and motels—so many that prices are beginning to drop.

Last year, 61,000 airline travelers passed through Anchorage en route between New York and Tokyo.

Tours now are coming to Alaska during 6 to 7 months of the year, instead of only during the 3 summer months. There are more places to stay, more things to do. Much of Alaska is not the ice chest so many have been accustomed to think it is.

Central Alaska, where the bulk of the people live, has temperatures from 75 below zero to 100 above, but can have pleasant weather for months. The southeast has cool summers, and winter temperatures not much below the range of Vancouver, British Columbia.

BETTER TRANSPORTATION

Improved transportation has been the big breakthrough for Alaska. Train ferries, barges carrying railroad cars and an improved State ferry system have increased the frequency of service and have lowered rates over a wide area of Alaska.

A Fairbanks grocer says shipping costs on canned goods are down 22 percent for van-load shipments. Trucks from Seattle reach Anchorage and Fairbanks in 80 hours. The Anchorage city dock in 1964 handled 159,000 tons of cargo, compared with 39,000 tons in 1961.

Studies are underway for paving the Alcan Highway, which runs 1,221 miles through Canada from Dawson Creek, B.C., and 302 miles through Alaska to Fairbanks. Only short stretches of this route are paved now. Cost of the improvements would be about $175 million, and the big question is who should pay what share.

Alaska is the only one of the 50 States with a homesteading program. But, says one would be-pioneer who tried it and sold out: "It's a terrible trap. It costs so much time, money, and effort to clear the land of trees, stumps, and rocks, and then it takes 3 years just to dry out the land to plant things."

The Federal Government holds about 98 percent of Alaska's land. Over the next 25 years, the State can select 102,550,000 acres—an area the size of California and Connecticut combined—for sale by auction, plus some additional land for special purposes. Appraisals run from about $5 to $2,000 an acre.

Land is sold for 10 percent down and 9 years to pay the balance at 5 percent interest, with a limitation of 640 acres. Leasing of land is not limited.

FROST PROBLEM

The big problem, once land is cleared, is that there are only about 100 frost-free days in farming areas. Most crops cannot be grown. Those that are suitable, such as cabbage and lettuce, all mature at the same time, creating harvesting and marketing problems. Alaska produces only about 7 percent of the food it consumes.

There are only some 400 farms in the entire State. About 70 of these are dairy farms, most with fewer than 50 acres. One food distributor who buys from farmers says: "Trying to farm in Alaska is a sad joke."

POWER FOR INDUSTRY

Power from the Yukon River is seen by many as the key to Alaska's future. Three dams would produce about 10 million kilowatts of power, half at the proposed Rampart site, 90 miles northwest of Fairbanks.

"Since agriculture is not possible in Alaska," says U.S. Senator ERNEST GRUENING, a Democrat, "we need industry, and Rampart will attract that. Rampart is the most important single force in developing Alaska." Mr. GRUENING predicts a population increase of 70,000 to 140,000 if the Rampart power project—still only envisioned—is built.

The cost of a Rampart dam, power facilities, and transmission lines to the U.S. border would be in excess of $2 billion. Low-cost power, say proponents of the project, would more than offset high-cost labor, and would attract industry.

Construction work and filling the reservoir would take 20 to 25 years. Studies of the project have been made by the U.S. Army Engineers and the Bureau of Reclamation. These are before the Department of the Interior for recommendations.

Opposition to the Rampart project centers on its high cost, on the possibility that nuclear power will be available sooner and at lower cost, and on the prospect of damage to wildlife by the lake to be formed behind the proposed dam. This lake would cover 10,500 square miles—larger than Lake Erie.

The area to be flooded is inhabited by about 2,000 people and hundreds of thousands of ducks and other wildfowl and animals. A survey by the Fish and Wildlife Service found that "nowhere in the history of water development in North America have the fish and wildlife losses expected to result from such a project been so overwhelming."

HUCKSTERS GALORE?

Obstacles other than agriculture and uncertain power resources must be overcome, most officials agree. Chief among these is a vicious circle of high wages and high prices. One retailer, who has trouble keeping a staff, states: "The whole 49th State is filled with hucksters who are wild for a buck."

The price-wage spiral was set off by Alaska's distance from labor, supplies, and services. Military construction set the pace for the economy. Contractors have had to accept the labor rates asked, says one builder who put up hundreds of housing units in Anchorage.

A double standard of wages developed, one for construction, the other for regular work. A carpenter paid $5.17 an hour for construction would be paid only $3.50 an hour for maintenance work at a lumber mill. A highly skilled sawyer in a lumber mill gets $4.86 an hour, compared with $5.13 for the lowest-paid construction worker.

A building-supplies dealer in Fairbanks pays his salesmen $1,025 a month straight salary. In Fairbanks, too, a bartender gets $35 for each 8-hour shift. Still, many young people are leaving Alaska, contending that "you can hardly keep a family on what you make," because of high prices.

"GUTS AND MONEY"

Still, "For those with imagination, drive, a bit of guts and some money, Alaska holds an adventuresome future," says a Juneau resident who likes hunting and fishing.

Those without special aptitudes may find it difficult, warns Edmund Orbeck, a labor leader in Fairbanks. "Unless outsiders have a job already lined up, they shouldn't come," he adds. "Anyone who does is looking for trouble." Unions give precedence to Alaska residents.

Food prices have been coming down, especially since the advent of chain supermarkets. Shopping for items that are sale priced, says one housewife, brings prices to about the same level as in Seattle, except for milk, which costs from 83 to 97 cents a half gallon. Most clothing prices run about the same as in "the outside."

High cost of housing remains the principal bottleneck to lower living costs. Even a modest house goes for $25,000 and up. The newest apartment building in Anchorage asks $425 a month for a two-bedroom apartment. A one-room efficiency brings $140 a month.

Rising taxes and the growing costs of local and State government services concern many Alaskans. If it weren't for the huge sums poured in by the Federal Government—$500 million in the last 12 months—their financial problems would be overwhelming.

A NEW UTOPIA?

When Alaska achieved statehood on January 3, 1959, optimistic Alaskans felt they had a chance to build "a utopian society." In the next few years, beset by problems of building a State government, many regretted the shift from territorial status.

Now, after 6½ years, visitors hear few laments. More and more Alaskans are sure that the 1964 earthquake was the takeoff date for the advancement of a new and successful society.

VIETNAM—THE NEED FOR MAINTAINING A STRONG U.S. MERCHANT MARINE

Mr. BREWSTER. Mr. President, the Vietnam crisis has graphically illustrated again the need for maintaining a strong U.S. merchant marine.

I have spoken before about the supply requirements of a modern army, which necessitated the use of 600 cargo ships for logistic support of our troops in Korea.

There is another critical use for American vessels, however, and that is for troop transport. Although Secretary of Defense McNamara said 4 years ago that all future troop transport would be by air, last week the entire 1st Cavalry Division, with 400 helicopters and all of its supplies, embarked for Vietnam—by ship.

Helen Delich Bentley, the maritime editor of the Baltimore Sun, reported on this embarkation and other possible requirements for use of the merchant marine in the Vietnam war effort. I believe that Mrs. Bentley's article is a valuable reminder of the increasing strategic importance of a strong American merchant fleet.

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

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

FIRST CAVALRY TO GO BY SEA—DIVISION TO EMBARK SOON FOR VIET WAR

(By Helen Delich Bentley)

WASHINGTON, August 3.—The 1st Cavalry (Airmobile) Division, its 400 helicopters and all of its support supplies, will be sent to Vietnam by sea with embarkation of the troops to begin next week.

Only a "limited number of advance personnel" will make the 6,000-mile trip by air.

President Johnson last week announced that he ordered the 1st Cavalry Division "immediately" to the Vietnam front. It will be the first full division on the battle scene, a Department of Defense spokesman said tonight. There are units of divisions but no full division there, he added.

PORTS NAMED

The first units of the 1st Cavalry Division, stationed at Fort Benning, Ga., will be embarked on the ports of Charleston, S.C., and Savannah, Ga., aboard at least two of the six troop transports that are being removed from their normal Atlantic operation to enter Vietnam service.

Loading of the helicopters will also take place next week aboard the Navy aircraft carrier *Boxer* in Mayport, the naval base adjacent to Jacksonville, Fla., and aboard Military Sea Transportation Service aircraft ferries at Mobile, Ala.

Aircraft engineering personnel will accompany the craft loaded on each of the vessels. In addition, some 35 to 40 "formerly strikebound" freighters have been chartered by the MSTS to pick up the support equipment needed for the 1st Cavalry Division and the units already in Vietnam.

TO GET SUPPLIES

Those loading for the division will pick up their supplies at East and Gulf seaports also beginning next week, it was said.

The six troop transports are capable of handling an entire division of 15,000 men by a simple conversion which requires about 24 hours of work by the ship's crew. It is referred to as "immediate emergency berthing" and enables the crew to make necessary changes to the cabins and troop quarters that will permit them to at least double their normal capacity when carrying military personnel.

COUP FOR SHIPPERS

The fact that the first major movement of troops being sent to the Asian battlefront is going by sea rather than air is considered a major coup for the shipping industry which has been waging an uphill campaign emphasizing the continuing need for passenger ships as well as cargo vessels for defense purposes.

More than 4 years ago, Robert S. McNamara, Secretary of Defense, told a congressional committee that there was no further need to build or subsidize American-flag passenger ships because all troop movements in the future would go by air.

A year later at the height of the Cuban missile crisis, the Defense Department had alerted the owners of American-flag passenger liners to stand by for their employment if troops were to be sent to the nearby Caribbean island.

The SS *United States*, which has been immobilized by a seamen's strike since June, is capable of transporting an entire division with all of its equipment after only 1 week of conversion work to transform her from a luxurious Atlantic liner to a troop transport.

TWO HUNDRED THOUSAND TRANSPORTED

The six troop transports which are being removed from their regular Atlantic service ferried 200,000 military personnel and their dependents between Europe and the United States last year. They are all operated by the Military Sea Transportation Service.

Should it become necessary to provide more space in each of these transports, they will have to be sent to shipyards so additional decks can be welded in their holds.

Then the capacity of each again will be doubled.

In addition to the 35 to 40 strikebound freighters, 15 additional cargo ships have been taken out of the reserve fleets and are being reactivated in private shipyards for participation in the Vietnam crisis.

The 1st Cavalry Division with the "Airmobile" inserted in the middle of its name is described as being "a new organization with a very large group of helicopters" and a "fast moving, light outfit."

ROGER BLOUGH EXPLAINS STEEL COMPETITION—HITS FOREIGN DUMPING

Mr. SCOTT. Mr. President, it is important that the United States, as a nation dedicated to the free enterprise system under which our economy has grown and flourished, not lose sight of the need to preserve the chief ingredient of this development—spirited but fair competition. Many of the laws to which our domestic producers are subject are dedicated to this end. Yet only the basic Antidumping Act of 1921 is available to insure that foreign producers, while protecting the price levels in their home markets, do not use U.S. markets as a dumping ground for their surpluses.

On this score, I noted with particular interest the "Letter to the Editor" from Roger M. Blough, chairman of the United States Steel Corp., which appeared in the May issue of Nation's Business. In it he outlined the many-faceted nature of present-day competition in steel, and cited the danger of continued pricing of imports at dumping levels. He pointed out:

> Competitors should compete under comparable pricing laws. If they do, there should be no objection to foreign steel competition.

Mr. President, this is the underlying approach of our continuing efforts to amend the U.S. Antidumping Act. It is basic to the support given S. 2045 by Senator HARTKE, the principal Democratic sponsor, and me, as the principal Republican cosponsor. The same holds true for many of our colleagues in Congress, including the 30 other Senate cosponsors of S. 2045, the 1965 Antidumping Act Amendment. As we consider its aims to make the U.S. law a fairer, more effective antidumping measure, let us keep in mind the consequences of dumping which interferes unfairly with this competitive mechanism that we have so long nourished.

I heartily invite my colleagues' attention to Mr. Blough's statement in the belief that its lucid analysis will be of benefit to discussions of the nature of the dumping problem and the threat of its growth with which many of our American industries, as well as American labor, are faced.

Mr. President, I ask unanimous consent that Mr. Blough's letter be printed in the RECORD.

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

UNITED STATES STEEL CHAIRMAN EXPLAINS COMPETITION

To the EDITOR:

To compete successfully in today's dynamic and ever-changing marketplace, it is not enough to produce a usable quality product. A company, to survive in today's competitive arena, must arm itself with every modern weapon available to it and, at the same time, have in reserve the most imaginative and resourceful minds in its field, probing and searching the unknown for the answers to its customers' present and future demands.

In the case of the steel companies, competition has meant a long succession of innovation, of intense struggle for markets. Yesterday's facts are not the facts of today, and today's facts are not those of tomorrow. For, as in other industries, the steel industry's customers, markets, marketing, materials, finance, technology, management, economics, and the labor force are ever in flux, ever changing.

In the competitive free enterprise system, market prices result from prices sought by the sellers and prices that buyers are willing to pay. For while a producer is free to seek whatever prices he thinks are attainable, the market always has the final word.

Steel, for example, sells at thousands of prices inasmuch as it is available in literally thousands of shapes, sizes, strengths, finishes, and chemical compositions. For the most part, steel products are tailormade to individual customer specifications. Steel prices frequently differ by region; they are not static; they fluctuate. To be sure, prices for particular products tend to converge under competition. But actual prices of steel products often vary among producers and from published prices.

Competition in steel, as in most industries, is worldwide. For practically all of the first six decades of the 20th century, the U.S. economy was a net exporter of steel mill products. Starting with 1959 and in every year since, imports have exceeded exports. Much of the imported steel has been sold at prices substantially below those prevailing in the country of origin and in the U.S.A. This practice of selling in export markets at prices below those prevailing in the exporting country, when accompanied by injury or threat of injury to the industry of the importing country, is regarded as "dumping" and is condemned by most nations. And although prohibited by the signatory countries to the General Agreement on Tariffs and Trade and by Federal law, such pricing of imports continues.

International trade is vital. No country today is self-sufficient, and every country benefits by buying and selling in world markets. But competitors should compete under comparable pricing laws. If they do, there should be no objection to foreign steel competition.

Steel is indeed a highly competitive business. It is subject to the many varied price and cost factors that confront all competitive industry. Interference with this competitive mechanism can only result in reduced benefits for the consumer and the investor, reduced job opportunities for the worker, and reduced economic growth for the Nation.

ROGER M. BLOUGH,
Chairman, Board of Directors,
United States Steel Corp.

NEW YORK.

FIVE YEARS AS A NATION: THE IVORY COAST

Mr. HARTKE. Mr. President, Saturday, August 7, was the national independence day for the Republic of Ivory Coast. This new nation under the able leadership of President Felix Houphouet-Boigny has earnestly undertaken its international responsibilities as a sovereign state. Six weeks after her independence in 1960, the Ivory Coast was admitted to the United Nations and was later elected to a seat on the Security Council for the term beginning January 1964. Within Africa the Ivory Coast commands great respect, for President Houphouet-Boigny since his early career in preindependence days has been a dynamic and devoted leader for regional cooperation on the African continent, maintaining that the only true road to African solidarity is through step-by-step economic and political cooperation with recognition of the principle of nonintervention in the internal affairs of sister African states.

To this nation which shuns involvement in cold war issues yet remains a friend of the West the United States has provided modest economic aid, supporting the Ivory Coast's program of rapid, orderly economic development. With an economy already more diversified than any other in west Africa, the Ivory Coast has undertaken to increase public expenditure and encourage greater private investment in the growing industrial sector, looking forward to 1970 as the terminal date for foreign assistance needs.

Mr. President, it has long been the belief of Americans that a people's interests are best served and the potentialities for liberty most promoted through self-determination of political and economic policy. It is this belief, inextricably bound up with our own heritage, that causes us to take pride in the achievements of such newly independent nations as the Republic of Ivory Coast. I know that many Americans join with me in saluting the people of the Ivory Coast as they celebrate their national independence.

THE CHALLENGE OF CIVIL RIGHTS

Mr. MONDALE. Mr. President, on Sunday night, August 8, 1965, I had the privilege of attending the Alpha Phi Alpha Fraternity Convention in Chicago, Ill. In an address to the convention, Vice President HUBERT H. HUMPHREY brought to our attention in meaningful fashion the real challenge facing the human rights movement in the United States. He emphasized that although we have created an adequate body of legislation for equal legal rights, we must begin to create a climate of equal respect in which the capacities of all men, whether Negro or white, for creativity and the pursuit of excellence may flourish and grow.

We should remember that the law, in addition to being a coercive force, must function as well as a teacher. By directing the actions of the citizen, it must produce a change in attitude. Without a change in public attitude, all the legislation in the world cannot guarantee racial equality. Up to now, we have accomplished the legal abolition of the practices of segregation, and we have obtained a grudging tolerance, a lowering of formal legal barriers, a removal of "white only" signs from drinking fountains, school doors, and waiting rooms. We must do more than achieve minimum compliance with the law, motivated more by the fear of jails than by an honest request for one's fellow man. While this is necessary and worthy of our first efforts, it is merely an initial goal.

Beyond this lies the true meaning of "integration." Beyond this lies acceptance—acceptance of every fellow citizen as a man with heart and mind, body and soul. This goal may remain unreached when every lunch counter in the Nation has dropped its formal barriers to Negro entry. It may remain unreached when every Negro is allowed the full and equal right to vote and participate in the political process of his State and city. It may, as well, remain unreached when the last Negro has stepped off the sidewalk and tipped his hat to the passing white man. But we must begin now to reach the day when we have a nation in which every man is accepted at his own worth.

Mr. President, I call the attention of the U.S. Senate to this remarkable speech, and ask unanimous consent that it be printed in the RECORD at this point.

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

REMARKS BY VICE PRESIDENT HUBERT HUMPHREY, CONVENTION, ALPHA PHI ALPHA FRATERNITY, CHICAGO, AUGUST 9, 1965

It is an honor and a pleasure to be back with Alpha Phi Alpha tonight. In 1948, I spoke before your annual convention at Atlantic City.

At that time you were concerned with awakening Negroes to the potentialities of full citizenship and fine education, with providing money through scholarships and loans to the talented who could benefit most from advanced learning, and with fighting legal battles to strike down discriminatory barriers.

At that time I was about to first enter the U.S. Senate.

At that time this country was slowly becoming aware of the critical social issue of the postwar period—the full entrance of the Negro into American society.

Tonight, 17 years later, we have come a long way.

We have seen legalized prejudice and discrimination stricken from the statute books of America.

Many people of courage and dedication, with black skins and with white, have risked—and sometimes lost—their lives in assaulting the barriers of legalized discrimination.

The dignity and the compassion—the manifestation of true fraternal love—which has characterized these efforts is a source of pride to all Americans.

With the series of Supreme Court decisions culminating in the historic *Brown* v. *Board of Education* case in 1954—and with the sequence of congressional actions leading to the Civil Rights Act of 1964 and the Voting Rights Act of 1965—this initial phase of the civil struggle is now drawing to a close.

Much remains to be done until these decisions of our Government are fully implemented—and, as the President's civil rights coordinator, I can report to you tonight that determined efforts are being made within the Federal structure.

But now the American people have been called to answer another, more challenging question: Do we have the imagination, the commitment, and compassion to construct a society which gives full meaning to the phrase "full citizenship," where every citizen has an equal opportunity in fact—not just in law?

For the first time in history, this Nation possesses the intellectual strength and the economic resources to create the conditions in which every American can be a full partner in the enterprise of democracy.

We possess the knowledge and the wealth. But do we also possess the determination and the will to complete this task?

To be sure, a number of Negroes have overcome great handicaps and are able to compete on equal terms with other citizens. Indeed, all the men of Alpha—represented by such men as Thurgood Marshall, Whitney Young, Martin Luther King, John Johnson, and Judge Perry B. Jackson, Judge Sidney A. Jones, and Judge L. Howard Bennett—are notable representatives of the American Negro community today capable of both producing and enjoying the benefits of American society.

We know of the encouraging increase of Negro enrollment in college and in professional schools, of the rising income level among Negroes, of more challenging and responsible jobs available to Negroes, and of the declining rate of school dropouts among Negroes as compared to the population in general.

We know that Negro Americans are succeeding despite the handicaps of prejudice, of closed doors, of limited or nonexistent educational opportunities, and of the deep psychological wound of being a Negro in a period where this usually meant second-class citizenship and back-of-the-bus treatment.

But despite the advances of this Negro minority, we know also the pathos of countless citizens in this country. These people are almost a nation unto themselves—an underdeveloped country of urban ghettos and rural slums whose inhabitants are only dimly aware of the advances in civil rights and are only rarely touched by them.

President Johnson spoke about the stark dimensions of this other America in his Howard University address. He pointed to the uprooted, the unemployed, and the dispossessed. He pointed to staggering problems of unemployment, of disease, of illiteracy, of income, of infant mortality, of family disintegration, and of housing.

It is for this other America, living under a dark cloud of discrimination and prejudice, that we must now bend our efforts. We must realize that although our laws are more just than before, true justice remains, for many, a distant and unrealized promise.

Our task now is to meet the challenge of this second phase of the Negro's struggle—to secure economic and social justice—to secure self-sufficiency and self-respect.

We must give fulfillment to the promise of our laws and our words. For hollow phrases can only leave a bitter taste in the mouths of those who speak them and deep and abiding despair among those who hear them.

As we enter this phase of the Negro's struggle, two general problems must be isolated and confronted: problems of substance and problems of spirit.

We know that the problems of substance are complex and interwoven. We cannot identify a single aspect of the Negro's life and try to deal with it alone.

We cannot emphasize just the need for more jobs, or better housing, or improved education.

More jobs cannot come without better education.

Better education depends upon stable families and neighborhoods.

These in turn require better housing and health facilities. And better housing and health facilities call for better jobs.

These are all related problems which must be confronted together.

We must also face the problem of spirit which plagues the Negro. We must understand that generations of prejudice, deprivation, and subservience have induced in Negroes the debilitating qualities of profound despair, apathy, indifference, and distrust.

What can we expect when hope is resolutely crushed from the young, when there are no jobs even for the educated, and no homes in good neighborhoods even for the hard-working?

Our task is both delicate and vital.

We must try to replace attitudes of unimportance and inferiority with the qualities of self-respect and self-confidence. For progress will come not only with liberation from discrimination in housing, education, and jobs, but also with liberation of the spirit.

We must teach men to exercise their uniquely human capacities: the potentiality for creativity and the incentive to pursue excellence. We must create a climate of equal rights and equal respect in which these capacities may flourish. For only then will the majority of Negroes approach the goal that is critical in their fight—the goal of self-sufficiency and self-respect.

In this new, more difficult, and less dramatic campaign, no single problem will be more important than education.

I do not have to tell the members of Alpha that education is the keystone in the arch of freedom. Surely, if we are to help the disadvantaged help themselves, we must help them learn. We must marshal courage and determination and halt the tragic waste of our human resources.

We must make sure that the laws prohibiting school segregation are properly enforced. The U.S. Office of Education and the Department of Justice are today working diligently to eliminate segregation in those schools receiving Federal financial assistance.

And, in this regard, let me offer some plain talk:

We must understand that a school district cannot escape the constitutional mandate to desegregate merely by rejecting all Federal financial aid. Those districts which violate constitutional requirements will be subject to desegregation suits brought by the Department of Justice.

The choice for such districts is simply this: to continue receiving Federal aid and desegrate or to sacrifice Federal aid and desegregate anyway.

But we must go far beyond enforcement.

It should not be a matter of forcing people to do what is right. No. We must demonstrate clearly—to all Americans—that all Americans will benefit by better education for those who have been left behind.

We must also demonstrate clearly—to those who most need it, to those who have been forced to exist in the shadows of our society—that education is the way to lift themselves to something better.

Through the Elementary and Secondary Education Act, the Economic Opportunity Act, the vocational education amendments, and the Manpower Training and Development Act, this Congress and this administration have tried to create tools to help achieve this.

Now the President has called for a new Teaching Professions Act which would create a National Teachers Corps to provide outstanding teachers with a sense of mission to serve in both urban and rural slums.

Those who enlist in the corps will be sent to schools that most teachers regard as bad assignments—where children tend to be undisciplined, poorly dressed, and too often poorly taught as well.

Here is the chance to dispel forever the myth that children from deprived areas are unable to learn.

Here is the chance to prove that children—regardless of their immediate environment—respond to determined and creative efforts to illuminate their lives.

Our schools can rescue millions of Negro youngsters caught in the downward spiral of second-rate education, functional illiteracy, delinquency, despondency, and despair.

Our schools can help demolish the slums and ghettos themselves.

For each child is an adventure into tomorrow—a chance to break the old pattern and make it new.

We have the chance through education to transform decayed and decaying neighborhoods into places where people can live and work in health and safety.

The tools which the Federal Government has provided to assist in this process of education, and in the broader struggle against the problems of substance and spirit, rely on the initiative of our States and localities.

They demand, too, the intellectual and, in some cases, the financial resources of the private sector. Indeed, cooperation must be the keynote of our efforts—cooperation between public and private, between local, State, and national, between all concerned parties.

The Government is making new commitments in an attempt to arrest the pattern of social and economic disintegration. In November, a White House Conference on Civil Rights will bring national attention even more clearly to these great tasks.

But our Government's willingness to carry much of the burden will be of no avail unless concerned nongovernmental groups, such as Alpha Phi Alpha, give us enthusiastic support.

Charles Spurgeon Johnson, a distinguished member of this fraternity and one of the Nation's most eminent social scientists, stated it well when addressing college-educated Negro men and women.

"The compelling urgency is to move with haste from race relations to human relations. * * * The issue of the rights of the Negro minority, as with all other racial and cultural minorities in the Nation, is at this moment of history an urgent and imperative one of freedom and democracy within the Nation-State."

No longer can we concentrate solely on the most promising of the Negro young. We must meet the challenge of broad programs with broad action to help children of all classes, especially those oppressed by poverty.

Only when we have given our minds and our hearts and our will to the quest for equal opportunity will we be equal to our responsibility.

Only when the other nation of Americans can fully contribute to and share in the fruits of our progress will these Americans truly be citizens of this land.

Only then will we fulfill America's promise for all mankind: That free men, working together, can create a society of both opportunity and justice.

DEVELOPMENT OF MEDICARE LEGISLATION

Mr. MONDALE. Mr. President, on Thursday, August 5, 1965, the President of the United States, Lyndon B. Johnson, went to Independence, Mo., to sign the Social Security Amendments of 1965.

This trip was a warm gesture of gratitude and recognition to Harry S. Truman who as President in 1948 pioneered in the area of medicare legislation. This historic signing took place in the presence of another man who has played a singularly important role in the fight for a health-care law—the Vice President of the United States, HUBERT H. HUMPHREY.

It is indeed appropriate that the Vice President's name appears on the law in his capacity as President of the Senate. It is, indeed, appropriate that he witnessed the successful culmination of nearly 20 years of effort to bring greater security and well-being to our senior citizens.

As Senator from Minnesota, HUBERT H. HUMPHREY either sponsored alone or was a cosponsor of a medicare bill in every Congress in which he served covering the years 1949–64. During the 1st session of the 81st Congress in 1949 the Senator from Minnesota joined in sponsoring S. 1679 which included a comprehensive health-care plan. Again in the 82d, 83d, 84th, 85th, 86th, 87th, and 88th Congresses, the Senator from Minnesota continued the struggle on this vital program.

When he introduced S. 1511 on February 3, 1959, during the 86th Congress, Senator HUMPHREY set forth the moral and ethical arguments in favor of medicare under the social security system:

> One of the most important and pressing social problems which we face today is finding means to insure a life of dignity and decency for our older Americans. We in this great and wealthy country have a social and moral obligation to provide adequate means whereby the elderly may enjoy a decent standard of living and may be free of constant anxiety over what will happen in time of serious illness.

Surely these words expressed the feelings of millions of American citizens whose support this year finally transformed medicare from legislation into law.

Mr. President, our Vice President played a truly pioneering role in the development of medicare legislation. Today I rise to thank him and pay tribute to him. I am confident that few laws passed by the Congress in recent years brought him more personal satisfaction.

I ask unanimous consent that a summary of each of the 14 medicare bills Senator HUMPHREY sponsored during his tenure in the Senate be printed at this point in the RECORD. This record will stand as public testimony to his vision and contribution to assuring that America's elderly citizens have full opportunity for a life of health and dignity in their later years.

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

MEDICARE BILLS SPONSORED OR COSPONSORED BY SENATOR HUBERT H. HUMPHREY, 1949–64

THE 81ST CONGRESS, 1ST SESSION

S. 1679. Messrs. Thomas of Utah, Murray, Wagner, PEPPER, Chaney, Taylor, McGrath, and HUMPHREY. April 25, 1949 (Labor and Public Welfare):

National Health Insurance and Public Health Act: Declares the purpose of Congress is to relieve the shortage of qualified personnel in the health professions, to expand medical research, to aid in construction of more hospital facilities, to expand child health and maternal care, and to establish

a prepaid personal health insurance plan to be paid for by the people in proportion to their income.

Medicare provisions of the bill were included in title VII which provides for prepaid personal health service benefits, which shall include: medical, dental, home-nursing, hospital, and auxiliary services (laboratory services, X-ray, radium, physiotherapy, optometrists and chiropodists, expensive drugs, and eyeglasses).

A patient shall have free choice to select the person he desires to render personal health services if the practitioner, medical group or hospital consents. The management of a participating hospital shall not be subject to control.

Any person who (1) has received at least $150 during the first 4 of the last 6 calendar quarters preceding the benefit year; or not less than $50 in wages in each of 6 calendar quarters during the first 12 of the last 14 calendar quarters preceding the benefit year (exclusive of a total disability of 6 months); (2) is entitled to an old age and survivors' insurance benefit or to a civil service retirement annuity; (3) is a dependent of a person eligible under (1) or (2), ante is eligible for benefits.

Individuals not automatically insured, including persons who are eligible for public assistance, may be covered through premiums paid on their behalf by public agencies. Federal grants to the States under the Social Security Act are made available for this purpose [amending U.S.C. 42: 303(a), 306, 403 (a), 406, 1003(a), 1006].

THE 82D CONGRESS, 2D SESSION

S. 2705. Messrs. Lehman, Murray, MAGNUSON and HUMPHREY. February 21, 1952 (Finance): Social Security Act Amendments of 1952 (included among other provisions, the following provisions closely relate to the concept of medicare):

Establishes a program of cash sickness benefits for workers who (1) are unable to perform their most recent or customary work by reasonable illness, injury or impairment, (2) are not entitled to old-age and survivors or disability benefits, (3) have filed for the benefits, (4) served a waiting period of 1 week before filing, (5) have been paid wages in at least two quarters of the base period and received wages totaling not less than $130 in the quarter of the base period in which the total of their wages was the highest, and (6) worked for a qualifying period of 1 year. The basic weekly benefit for an unmarried worker ranges from $8 to $30, and for a family with three or more dependents, from $9 to $45, depending upon the amount of wages in the quarter of highest earnings in the base year. The maximum of cash sickness benefits that may be received shall not exceed 26 times the weekly benefit amount.

S. 3001. Messrs. Murray and HUMPHREY. April 10, 1952 (Finance):

Old Age and Survivors' Hospitalization Insurance Act: Provides that any person eligible for old age and survivors insurance shall be entitled to receive hospital benefits equal to 60 calendar days in any year. Agreements shall be made by the Government with hospitals (except tuberculosis or mental) for reimbursement of expenses to the hospitals for treatment granted. Hospitalization is defined to include all services ordinarily given a patient by a hospital, and semiprivate room accommodations. If the patient chooses other accommodations or receives other services, he shall be liable personally. Entry into a hospital under this act shall be conditioned on certification by a physician that hospitalization is necessary. No information concerning a patient may be made public by any hospital signing an agreement under this act. Any such services received under these provisions by a person who is entitled to workman's compensation shall be reimbursed to the Old Age and Survivors Insurance Trust Fund out of any such compensation received. The provisions of this act shall be administered insofar as practicable through State agencies. Whenever any State does not make, or continue in effect, a satisfactory agreement with the Administrator, he shall deal directly with private nonprofit organizations exempt from Federal income taxation which are already operating voluntary insurance plans of this type. Other technical regulations.

THE 83D CONGRESS, 1ST SESSION

S. 1966. Messrs. Murray, HUMPHREY, and Lehman. May 25, 1953 (Finance):

Old-Age and Survivors' Hospitalization Insurance Act: Provides that any person eligible for old-age and survivors' insurance shall be entitled to receive hospital benefits equal to 60 calendar days in any year. Agreements shall be made by the Government with hospitals (except tuberculosis or mental) for reimbursement of expenses to the hospitals for treatment granted. Hospitalization is defined to include all services ordinarily given a patient by a hospital, and semiprivate room accommodations. Gives free choice of hospital by patient. If the patient chooses other accommodations or receives other services, he shall be liable personally. Entry into a hospital under this act shall be conditioned on certification by a physician that hospitalization is necessary. No information concerning a patient may be made public by any hospital signing an agreement under this act. Any such services received under these provisions by a person who is entitled to workman's compensation shall be reimbursed to the Old-Age and Survivors' Insurance Trust Fund out of any such compensation received. The provisions of this Act shall be administered insofar as practicable through State agencies. Whenever any State does not make, or continue in effect, a satisfactory agreement with the Administrator, he shall deal directly with private nonprofit organizations exempt from Federal income taxation which are already operating voluntary insurance plans of this type. Provides such benefits for farmers and noninsured aged individuals who have reached 65 years of age. Other technical regulations.

S. 2660. Messrs. Lehman, Murray, JACKSON, HUMPHREY, Kennedy, DOUGLAS, Green, MORSE, PASTORE, Neely, and MAGNUSON. July 1, 1953 (Finance): Social Security Amendments of 1953 (included among other provisions the below provisions related to the medicare concept):

Provides for cash sickness benefits for a person who is temporarily disabled by illness, injury or other impairment, who is not entitled to old-age and survivors' insurance, has had a waiting week of 7 consecutive days, has filed an application therefor and has performed no services for cash remuneration during such period. Sets up a schedule of payments hereunder based on highest average quarterly wages and adjusted to provide for dependents which schedule runs from $8 per week for wages averaging $130 per quarter where there are no dependents to $9 per week on the same base where there are three dependents, up to $30 per week on a wage base of $834 more per quarter where there are no dependents to $45 per week on the same base for three or more dependents.

Deems an individual insured for purposes of cash sickness benefits if he has been a wage earner for a four calendar quarter base period, and has received wages in at least two of such quarters in an amount totaling not less than $130 in his highest wage-earning quarter. Precludes receipt of other benefits under old-age and survivors' insurance or workmen's compensation while receiving cash sickness benefits.

THE 85TH CONGRESS, 1ST SESSION

S. 1209. Messrs. DOUGLAS, McNAMARA, Green, Bush, HUMPHREY, YOUNG, Ives, Kennedy, DIRKSEN, NEUBERGER, MORSE, COTTON, JAVITS, Bridges, JACKSON, MAGNUSON, SALTONSTALL, Langer, and Potter. February 14, 1957 (Finance): Sets forth a new formula whereby States may receive Federal funds for medical care programs under the public assistance provisions of the Social Security Act. Permits a State to receive in Federal matching funds what it could get under the present act if it chose to hold its medical payments to $6 and increase its cash payments so as to maximize the Federal contribution.

THE 85TH CONGRESS, 2D SESSION

S. 3646. Mr. HUMPHREY, April 21, 1958 (Finance):

Social security amendments: Provides insurance against the cost of hospital, nursing home, and surgical care to all potentially eligible for old-age and survivors' benefits, whether or not cash benefits have been applied for and are being received. Payments may be made for hospital services furnished an individual for 60 days of hospitalization in a 12-month period or for hospitalization in a nursing home for 120 days in a 12-month period less the period of actual hospitalization.

Patients are free to choose the hospital or nursing home to be attended, or the surgeon performing surgical services, providing the surgeon is certified by the American Board of Surgery or is a member of the American College of Surgeons.

Permits hospitals and nursing homes to enter into agreements for payment from the Federal old-age and survivors' insurance trust fund for the cost of hospital or nursing home services furnished to individuals being treated under the provisions of this act provided such are duly licensed by the State in which located.

THE 86TH CONGRESS, 1ST SESSION

S. 1151. Mr. HUMPHREY, February 23, 1959 (Finance):

Social Security Amendments of 1959: Provides insurance against the cost of hospital, nursing home, and surgical care to all potentially eligible for old-age and survivors' benefits, whether or not cash benefits have been applied for and are being received. Payments may be made for hospital services furnished an individual for 60 days of hospitalization in a 12-month period or for hospitalization in a nursng home for 120 days in a 12-month period less the period of actual hospitalization.

Patients are free to choose the hospital or nursing home to be attended, or the surgeon performing surgical services, providing the surgeon is certified by the American Board of Surgery or is a member of the American College of Surgeons.

Permits hospitals and nursing homes to enter into agreements for payment from the Federal old-age and survivors' insurance trust fund for the cost of hospital or nursing home services furnished to individuals being treated under the provisions of this act provided such are duly licensed by the State in which located.

Excludes the medical and hospital benefits from persons who are eligible to receive workmen's compensation.

Excludes these medical and hospital benefits from persons covered by workmen's compensation laws, unless equitable reimbursement to the Federal old-age and survivors' insurance fund for the payments hereunder with respect to such services have been made or assured pursuant to agreements or working arrangements negotiated between the Secretary and the appropriate public agency.

In administering the provisions of this act the Secretary shall consult with a National Advisory Health Council, created by this act.

Permits the Secretary to utilize the services of private nonprofit organizations which provide hospital, nursing home, or surgical services.

THE 86TH CONGRESS, 2D SESSION

S. 3503. Messrs. MCNAMARA, Kennedy, CLARK, RANDOLPH, SYMINGTON, HUMPHREY, WILLIAMS of New Jersey, MAGNUSON, MCGEE, YOUNG of Ohio, DOUGLAS, GRUENING, Long of Hawaii, Murray, HART, MORSE, Hennings, JACKSON, and PASTORE, May 6, 1960 (Finance):

Retired Persons Medical Insurance Act: Provides that every individual who has attained retirement age, is retired, and is eligible to receive old-age and survivors' benefits, shall be eligible to receive medical insurance benefits. Authorizes payments for hospital services, nursing home services, diagnostic outpatient services, and very expensive drugs. Sets forth limitations on benefit payments, defines the types of services for which medical benefits will be paid. Requires the Secretary of Health, Education, and Welfare to publish a list of providers of such health services which meet prescribed standards and which have filed agreements to make no charge to or on account of eligible individuals for services hereunder. Excludes mental or tuberculosis hospitals from such list. Authorizes the Secretary to pay each provider of health services for services actually rendered. Preserves free choice of services by the patient.

Creates a National Medical Insurance Benefits Advisory Council to assist in the formulation of policy and promulgation of regulations hereunder, authorizes the Secretary to use the services of private nonprofit tax-exempt organizations skilled in dealing with hospitals in matters relating to hospitalization and payment therefor. Empowers the Secretary to make all necessary rules and regulations hereunder.

Creates a Federal medical insurance trust fund on the books of the Treasury. Provides for transfer of funds thereto.

Provides medical benefits for the retired aged who are not eligible for benefits under the foregoing, if they are residents of the United States. Imposes numerous increases in social security taxes.

THE 87TH CONGRESS, 1ST SESSION

S. 909. Messrs. ANDERSON, DOUGLAS, HARTKE, MCCARTHY, HUMPHREY, JACKSON, Long of Hawaii, RANDOLPH, Engle, MAGNUSON, PELL, BURDICK, Mrs. NEUBERGER, Messrs. MORSE, LONG of Missouri, Moss, and PASTORE; February 13, 1961 (Finance):

Health Insurance Benefits Act: Adds title XVI, Health Insurance Benefits for the Aged, to the Social Security Act.

Disavows Federal interference with the supervision or control over the practice of medicine or the manner in which medical services are provided, or over the selection, tenure, or compensation of any officer or employee of any hospital, skilled nursing facility, or home health agency, or supervision or control over the administration or operation of any such hospital, facility or agency.

Grants persons entitled to have payments made under this act free choice as to the inpatient hospital services, skilled nursing home services, home health services, or outpatient hospital diagnostic services from any provider of these services with which an agreement is in effect under this title.

Provides that payment for inpatient hospital services furnished an individual during any benefit period shall be reduced by a deduction of $20, or, if greater, $10 multiplied by the number of days, not exceeding 9, for which he received such services during such period. Provides that payment for outpatient hospital diagnostic services furnished an individual in connection with any one diagnostic study shall be reduced by a deduction equal to $20.

Limits payment for services furnished any individual during a benefit period to (1) 90 days inpatient hospital services; or (2) 180 days skilled home nursing services; or (3) 240 home health service visits.

S. 1223. Mr. HUMPHREY; March 7, 1961 (Finance): Specifically allows eligible persons to receive prescription services under the Social Security Administration State programs of medical assistance for the aged.

S. 1225. Mr. HUMPHREY; March 7, 1961 (Finance): Provides that individuals eligible to receive medical assistance to the aged under State programs of the Social Security Administration shall have the freedom of choice of physicians.

THE 88TH CONGRESS, 1ST SESSION

S. 727. Mr. HUMPHREY; February 6, 1963 (Finance): Specifically allows eligible persons to receive prescription services under the Social Security Administration State programs of medical assistance for the aged.

S. 880. Messrs. ANDERSON, HUMPHREY, and others; February 21, 1963 (Finance):

Hospital Insurance Act: Adds title XVII, hospital insurance benefits for the aged, to the Social Security Act. Makes medical care available to persons covered by social security at retirement age, and to persons not covered by social security at age 65.

Disavows Federal interference with the supervision or control over the practice of medicine or the manner in which medical services are provided. Grants persons entitled to benefits free choice as to the inpatient hospital services, skilled nursing home services, home health services, or outpatient hospital diagnostic services from any provider with which an agreement is in effect.

Provides that payment for inpatient hospital services furnished an individual during any benefit period shall be reduced by $20 or, if greater, $10 multiplied by the number of days, not exceeding nine, for which he received services. Provides that payment for outpatient hospital diagnostic services furnished an individual in connection with any one diagnostic study shall be reduced by a deduction equal to $20.

Limits payment for services furnished any individual during a benefit period to (1) 90 days inpatient hospital services; or (2) 180 days skilled home nursing services; or (3) 240 home health service visits.

Requires the Secretary of Health, Education, and Welfare to consult with the Commission on Health Insurance Benefits, appropriate State agencies, and recognized national bodies relative to conditions of participation by providers of services. Authorizes the Secretary, pursuant to agreement, to utilize the services of States agencies to determine compliance by providers of service with conditions of participation.

Establishes a 14 member Health Insurance Benefits Advisory Council for the purpose of advising the Secretary on matters of policy in the administration of this title and in the formulation of regulations.

Creates on the books of the Treasury a Federal health insurance trust fund.

Allows the State or private health insurance companies to supplement the protection provided under this act, and directs the Secretary to consult with appropriate State and public and private organizations to this end.

Amends the Social Security Act and the Internal Revenue Code to reflect increases in the earnings and tax base and tax rate. Makes numerous technical amendments to these acts.

LA FOLLETTE FIGHTS CONSUMER FRAUD IN WISCONSIN

Mr. PROXMIRE. Mr. President, all of us are consumers, and yet somehow the interest of consumers is all but ignored in the Halls of Congress, in the corridors of executive agencies, even in the deliberations of the very regulatory bodies whose only excuse for existence is the protection of the consumer. It is the producer, the seller, the one whose interests are often in contradiction to the consumer who is organized to pass legislation and win favorable interpretation of legislation who usually seems to run this country.

The attorney general of Wisconsin, Bronson La Follette, is one of the rare public officials who recognize the necessity of protection for the consumer and who is ready, willing, able, and in the official position to do something effective about it.

In a recent article in the Midland Cooperator, of Superior, Wis., Attorney General La Follette, explains that consumers are being defrauded daily throughout the country and very little is done about it. Some States have given their attorney generals the authority to act, but many States have failed to do so.

As La Follette writes, fortunately, the legitimate business community in many States supports action of the attorney generals in those few States that have given him the power to act against consumer fraud. But there is a great national vacuum—beckoning to the fast-buck sharpie, the chiseler. There is a failure of lawmakers to protect consumers from direct, deliberate theft—by fraud.

I ask unanimous consent that the article by Attorney General Bronson La Follette from the Midland Cooperator of Superior, Wis., be printed at this point in the RECORD.

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

NEED LAWS TO PROTECT CONSUMERS

(By Bronson C. La Follette, Wisconsin Attorney General)

Consumer fraud is one of the most important problems facing America today. Hundreds of thousands of dollars per year are taken from honest but gullible citizens by unscrupulous dishonest practitioners of consumer fraud. Existing statutes make it a crime in Wisconsin for any one to obtain title to property of another by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud and which does defraud the person to whom it is made.

Every single day of the year hundreds of violations of this statute occur without anything being done about it. My office receives hundreds of complaints a year involving someone being defrauded as a result of a false or fraudulent representation. And last year the Trade Practices Division of the Wisconsin Department of Agriculture processed in excess of 3,000 of such complaints. The schemes range from fraud in the sales of furnaces and vacuums to phony correspondence school courses. The referral sales racket is a common inducement used to market these items.

Unfortunately, even though most of these cases constitute a violation of existing criminal statutes, the remedy of the use of the criminal law is not satisfactory to meet the problem. The district attorney usually is reluctant to prosecute. A criminal case is a tremendously burdensome and time-consuming effort. The burden of proof must be beyond a reasonable doubt. In order to get a good case for prosecution the State permits the defendant to continue in operation so as to build up a good file of complaints against him. Thus, many more

people are allowed to be defrauded so that a good case can be presented. Many times the perpetrators have fled the country or the State before action is taken. If the district attorney can be persuaded to prosecute, which is unusual, in most cases the judge will merely grant the defendant probation since his crime is not one of violence but involves commercial transactions. Usually there is little chance for restitution to the victim; so there is no effective present remedy to protect the general public.

In essence, then, the problem is one of providing citizens who are victims of fraud an adequate remedy. In many States the attorney general, with the grant of necessary legislative power, has provided such a remedy. As the people's lawyer it is the duty and the responsibility of the attorney general to do so. In Illinois, Iowa, Minnesota, California, and several other States legislation has been passed to authorize the attorney general to obtain injunctive relief in consumer fraud cases. Such legislation is a vital weapon to deal with this growing problem.

In Illinois, since the Consumer Fraud Bureau in the attorney general's office was established in 1961, over 15,000 cases have been processed with a collection of over a million dollars on behalf of defrauded citizens of that State. Only a hundred cases had to go to trial. The Illinois attorney general uses his injunctive power to gain conciliation between the complaining party and the seller. The seller then must pledge that he will refrain from engaging in unlawful trade practices in the future. This has proved to be most successful and is the kind of remedy which is needed in all the States, including Wisconsin.

Fortunately, the legitimate business community in these States has supported the attorney general in efforts to gain adequate consumer fraud legislation. The fact that there are hundreds of dishonest operators roaming the countryside in Wisconsin looking for gullible victims represents a direct threat to the honest businessmen competing for the consumer dollar.

The addition of an effective tool of proven value in combating the evils of consumer fraud which already is a crime in Wisconsin is to be welcomed by the legitimate business community in Wisconsin. Such action is also necessary to enable Wisconsin to keep pace with our neighboring States lest all of the con-artists be driven out and into our State.

CHAMPIONSHIP SOUTH CAROLINA AMERICAN LEGION HIGH SCHOOL ADDRESS

Mr. THURMOND. Mr. President, I have come to the conclusion that our young people, by and large, are more concerned today about the future of this country than is the present generation which is holding the reins of government. So many of our young people seem to understand and realize that it is their future which is being mortgaged today by increased deficit spending and it is their freedom which is being threatened today by the steady advance of socialism and communism and the form of totalitarian rule which necessarily accompanies socialism and communism.

I have been particularly impressed with an outstanding address recently delivered by a young South Carolinian who has already been told that he has but a few years left in which to live because of an incurable heart condition. This young man is Richard Johnson, of Nesmith, Williamsburg County, S.C. This year he won the South Carolina championship in the American Legion high school oratorical contest for addresses based on the Constitution of the United States. His talk is entitled "The Heritage We Must Defend" and summarizes in a relatively few words the crux of the threat which the forces of freedom face in our country today and throughout the world.

Mr. President, I ask unanimous consent that Richard Johnson's award-winning address, which was reprinted in the Columbia Record of Columbia, S.C., on July 31, 1965, be printed in the RECORD at the conclusion of these remarks. I commend it to the reading of all Members of Congress and all readers of the CONGRESSIONAL RECORD.

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

THE HERITAGE WE MUST DEFEND

(NOTE.—"The Heritage We Must Defend" is the address delivered by 18-year-old Richard Johnson to win the 1965 South Carolina championship in the American Legion high school oratorical contest for orations based on the Constitution of the United States. Dick is from Nesmith and is a rising senior at Indiantown High School in Williamsburg County. This was his third year of competition. He was runnerup last year. Suffering from an incurable heart condition of which he is aware, he has a life expectancy of only 22 to 23 years. He intends to enter next year's contest with little hope of collecting the full 4-year scholarship that goes to the national winner.)

(By Richard Johnson)

Man was born to be free, born to the power to rule himself, born to the great liberty of spirit that freedom brings.

But few men have ever seen the realization of this inborn right. For many centuries men permitted themselves to be ruled by others, even losing the ability to influence the power that governed them. But still there continued that one burning desire, that one unquenchable hope that no amount of tyranny can suppress: freedom.

Men's desire for freedom caused them to work toward attaining it, and finally two great democracies of the past, Greece and Rome, brought this long-deserved right to a few men. And such a freedom this was. Greece had the greatest and purest form of democracy that the world has ever known. The early Romans formed a system of representative government that was the forerunner and model for our own American democracy. In Greece and Rome, the long-sought freedom was finally achieved. It seemed as if man had at last secured his God-given right.

However, those democracies disappeared—suddenly, and silently, because there was no great war in which an opposing nation overran these democracies and swept away their freedoms. There was no great conquest, no great economic or social collapse. Yet, so swiftly the liberties of those great nations were scattered to the winds. What happened to cause this, and, more importantly, what lesson can we learn from it?

Our forefathers knew tyranny, but they, too, had a desire to gain their freedom. They took a great gamble and won it, beginning the great American story. And then, through the Constitution of the United States, they secured this freedom for their descendants in generations to come. It was, and is, a freedom unparalleled in all history. Some men have known a greater democratic system, but none have ever seen a greater and more abundant measure of freedom than exists in America. With this freedom, we have marched forward through the annals of man and have become the greatest nation on earth. Ours is a land where we worship as we please, where we write and speak and think as we please. Ours is a land where criticizing the Government is not a punishable offense as it is in many other countries, but a common, accepted exercise of our rights under the Constitution. In America, there is that undefinable something that makes the soul nobler, and pushes one on to greater and greater heights. For these reasons, this freedom is precious to us all, and it is precious also because we realize that so many men have fought and sacrificed and died to hand it on to us.

However, every good story has a villain, and America's is no exception. There is a force within us that seeks to destroy America as we know it, a force that is pressing on to erase the work of so many men and centuries. This force is socialism, and with it, communism. Think of every good and noble thing we know; think of all the freedoms we enjoy. Then imagine a life without them, and you have the kind of existence that the Socialists and Communists would press upon us. They would destroy man's initiative by taking away his right to work for himself. They would so closely regulate man that he would become nothing more than a machine, existing solely to serve the state. He would be responsible for his every action to the state. He would endure an existence that would have no meaning or purpose at all. We would be the masses, the tools of a power whose ultimate aim is repudiation of belief in God and individual responsibility.

But in America's story, the "hero" does not have to win. We can lose to the forces of socialism. Just as the democracies of Greece and Rome fell, so can our democracy, if we do not learn well the lesson of why they fell. For in those great democracies, it was the people themselves who handed away their freedoms. They became lax, and refused to keep up the spirit that had made them great. Under the soothing voices of politicians who promised "something for nothing" they continuously voted their individual responsibility to the government, thus creating a creeping and steadily growing welfare state. They became so immoral, so degenerate, and so lacking of strong fiber that they were powerless to stop the tide they had started. Their government was then transformed from the role of servant of the people to that of master of the people.

This is the lesson we must learn to keep our America free: That is the people who bargain away their freedoms, and not the government that takes them away.

If our democracy is to endure, we must be stronger than the Greeks and Romans. Where they gave way, we must stand up. As they voted away responsibility to achieve a false sense of security, we must realize that the greatest security lies in always shouldering our burdens and responsibilities. We must keep our morals and spirit strong and firm, that we may effectively fight freedom's enemy. We must always be on our guard, for ours is a slow and silent, creeping enemy, an enemy that by its slowness and deliberation thinks to catch us off guard. We have a dangerous enemy. It shall not win by capturing towns and cities and rivers, but by taking over our minds. We must be equal to our task. We may rest assured that the Socialists and Communists will not relent in their drive to take away our freedom and to force us into slavery; so we must never relent in our drive to "preserve, protect, and defend" our freedom. We must be as strong as our enemies, and as valiant as the cause for which we fight.

Gentlemen, even as "we the people" have established our freedom, "we the people" must protect it and fight for it. Dedicated Americans, with all the support and resources of our Nation behind them, have fought to protect our freedom in two world wars; we

are now called and challenged to fight America's greatest enemies of socialism and communism. Your generation is challenged to maintain our freedom so that my generation shall have something left on which we may build. No American can afford to shrink from his duty, for by our actions, we shall either secure freedom forever, or plunge it in to the darkest of depths. The challenge calls for greatness. Let us have the spirit to face it.

SOUTH DAKOTA IS HOST TO INTERNATIONAL CONFERENCE OF EXTENSION LEADERS

Mr. MUNDT. Mr. President, under direction of our South Dakota State University in Brookings, S. Dak., our State, from July 22 to August 23, 1965, is playing host to the first international conference of its kind sponsored by the United States for extension leaders throughout the world and all those vitally concerned with rural youth and rural family living everywhere. It is a most unusual and constructive event which rightfully is attracting a great amount of interest both nationally and internationally.

On January 22, in the beautiful Benjamin Franklin Ceremonial Dining Room of our State Department here in Washington, a luncheon was held to welcome these international visitors to this country and to set the stage for the international conference in South Dakota which was soon to follow. As senior Senator from South Dakota and the instigator of the idea which blossomed out into this great conference, I was asked to serve as the presiding officer at this luncheon and to deliver an address of welcome to the visitors from abroad. Scheduled to speak for the U.S. Government were Secretary of State Dean Rusk and the Vice President of the United States, HUBERT H. HUMPHREY. I ask unanimous consent that a copy of the printed program be printed in the RECORD at this point.

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

RECOGNITION LUNCHEON, INTERNATIONAL CONFERENCE OF EXTENSION LEADERS, JULY 22, 1965, 12 NOON, THE BENJAMIN FRANKLIN ROOM, DEPARTMENT OF STATE

PROGRAM

Presiding: The Honorable KARL E. MUNDT, U.S. Senate.

Presentation of the Secretary of State.

Welcoming Remarks: The Honorable Dean Rusk, Secretary of State.

Introduction of the Ambassadors or their representatives.

Presentation of the Vice President of the United States.

Address: The Honorable HUBERT H. HUMPHREY, Vice President of the United States.

Mr. MUNDT. Mr. President, due to a sudden conflict on his schedule, Secretary Rusk was unable to attend and address the luncheon but he sent his able Under Secretary for Economic Affairs, Thomas Mann, to represent him.

I ask unanimous consent, Mr. President, that at this point in the RECORD there may be printed the transcribed report of my address of welcome and the official addresses as presented by Secretary Mann and by Vice President HUMPHREY.

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

REMARKS OF SENATOR KARL MUNDT, REPUBLICAN OF SOUTH DAKOTA, MASTER OF CEREMONIES AT LUNCHEON IN HONOR OF DELEGATIONS ATTENDING THE INTERNATIONAL CONFERENCE OF EXTENSION LEADERS

Honored guests from other countries, welcome to the United States.

Honored guests at the head table, we are happy to have you with us today, and welcome, also, to the many others who have come to share this hour with us.

Since the beginning, the end certainly, of World War I, the world we have lived in has changed, I believe, more than the world has changed from the time of Julius Caesar until the 20th century. We have developed the ability to send machines out through space, to photograph distant planets, to explore the surface of the moon, to reflect sound and pictures around the earth. Yet, in spite of these great technical advances, we still find people in this world who live in cultures reminiscent of the times and places of Moses, Genghis Khan, Gotama Buddah, and of Mohammed.

Many who live under these retrogressive conditions today are people who still try to wrest a living from the land using ancient methods and in many instances long outdated equipment. Consequently they are unable to develop the knowledge required to maintain and preserve the new foods; confronted by a shortage of adequate nutrition, or lacking variety in family diets.

For many others, the opportunities to grasp the advantages of a modern world are still outside their present grasp.

The question is then how can be bring our fellow human beings some needed advances, so that their daily living requirements can be updated to compare favorably with the mechanical and technical and scientific miracles which have developed in this world?

The purpose of this international seminar then, is to find some of these answers to the problems I have mentioned. The idea which burns like a flame before us is to try to help needy humans everywhere.

To enrich the impoverished with new knowledge, to give to many the tools of experience and training with which they can carve out a brighter future for themselves.

This is the great purpose to which this seminar—with all of its participants—is dedicated. Its goal is to help all people in every country, but especially rural people in developing countries to develop the know-how, the programs and the rewarding tools of technical development which will help them develop a better life, those who derive their living from the soil. We aim at sharing with each other all available techniques by which people can help themselves to a better life and a steadily improving standard of living.

I am proud that my home State of South Dakota, one of the great rural States of America, will be host to such an outstanding group of world citizens.

I am gratified that we are moving together toward the goal of greater understanding and the exchange of knowledge among nations—a goal toward which most of the people in this room have worked for many years. I recall some of you being of great assistance as far back as 1947 and 1948 when the 80th Congress approved the Smith-Mundt Act which first included the legislative provisions for these people-to-people programs. The provisions of that act (Public Law 402 of the 80th Cong.) have helped greatly in making this conference possible.

We welcome you as we start working together from many areas of the world, to learn from you and to share with you information which we hope is going to be for the permanent betterment of mankind.

Our first speaker, as your program indicates, is to be our illustrious Secretary of State, Dean Rusk, who has been detained at the White House and notified us shortly before the luncheon that a White House Conference was going to be held through the noon hour and he would be unable to be here personally, and so he has done us a great honor by sending a most competent stand-in to take his place, a man who serves in the State Department as Under Secretary for Economic Affairs, a career diplomat, who has served in many other areas of the world, a man most interested in the kind of programs in which we are going to devote our attention here at this conference because we deal primarily, of course, with economics or be it essentially agriculture economics. It's a real honor for me to introduce then as our first speaker from the executive department, an old friend of mine, the Honorable Tom Mann, Under Secretary for Economic Affairs.

THOMAS MANN (Under Secretary of State for Economic Affairs). Senator MUNDT, Mr. President, your excellency, ladies, and gentlemen, on Mr. Rusk's behalf I want to express his regrets at not being able to be with us today. He was called to the White House on urgent business and, except for that, he would have been here, especially since the subject that we're meeting about today is very close to his heart. In his name, I wish to welcome all of you and especially our honored guests from various lands to this town and to wish you well in the seminar that you will be attending in the State of South Dakota.

You will be talking and studying about a subject in which there is great change and, I think, the greatest promise in our lifetime; mainly, the methods for improving the standards of living of the people who live in rural areas. In the United States in my time, which is longer than I like to admit, we have seen electricity come in this country, to the countryside. We have seen educational opportunities advanced and your rural youth programs launched. We have seen health facilities made available to our rural people for the first time. We have seen seed and fertilizer credit extension services and all the other things that go to make up a complete land reform program which supplements our land distribution program which occurred many decades ago; in fact, beginning with the Revolutionary War in 1776. We have seen roads built and, above all, equal opportunity given to the rural youth to go as high in society and to contribute as much to humanity as their talents would permit. I think there is no more important subject in the world today which has seen so many of its people living on the farm in the time of the population explosion, of dimensions never before known.

Welcome to the United States. I am sure that we will learn from you as you go to South Dakota, and I hope you will see and hear things there about our own experiences that will be helpful to you in your countries. Welcome again to this country and may you feel at home. Thank you very much.

Senator MUNDT. Following Secretary Mann's address it was my privilege to present Vice President HUMPHREY to the luncheon with the following words:

"Since you are soon to be visiting in that great farm State of South Dakota, it is especially appropriate that I can now present to you the Vice President of the United States who himself was born in a little country town not very far from the campus of the State University of South Dakota where you will soon be domiciled. HUBERT HUMPHREY is an old friend friend of mine, an effective friend of agriculture, a sincere and eloquent advocate of better mutual understanding throughout the world. He and I were among the original cosponsors of Public Law 480—the Food for Peace Act—of which you have heard much and which we

both hope can increasingly be used in the promotion of both better living and better international relations. It is indeed a pleasure for me to present to you the Vice President of the United States, HUBERT H. HUMPHREY.

TRANSCRIPT, ADDRESS BY VICE PRESIDENT HUBERT HUMPHREY, INTERNATIONAL CONFERENCE OF EXTENSION LEADERS, THURSDAY, JULY 22, 1965

Vice President HUMPHREY. Thank you very much, Senator MUNDT. Secretary Mann, distinguished ambassadors, and representatives of the many countries that are gathered here today for what I consider to be one of the more important meetings held in this Nation's Capital City.

Senator MUNDT and I have had a very fine and warm relationship over many years. We're not of the same political party, but we respect our sovereignties. He doesn't cross over to Minnesota to attack me nor do I cross over into South Dakota to counterattack.

I've had the privilege of serving with the Senator for many years in the Congress. I greatly respect his dedication to not only our country and the cause of freedom and justice throughout the world, but also to the people of rural America and the rural areas in the world.

I want to visit with you today about this conference and to tell you a little bit about my views relating to extension work. My family background is rural. My father was a businessman in a rather small town that served a rural area. He was born on a farm. My mother's parents were immigrants and came to South Dakota and established a farm home. I literally grew up in rural America. I feel very close to it.

My interest in agriculture is not academic. It is sentimental, personal, economic, and spiritual. I feel that an agricultural society is a sort of balance wheel for any growing and changing country. The strong roots of agriculture do much to give stability, give a sense of direction and purpose to any group of people, to any nation or any combination of nations.

I noticed in the literature that I received in reference to the International Conference for Extension Leaders that those of you who will participate in the conference will travel from this capital city across vast areas of America to the city of Brookings, S. Dak., where you will, of course, participate in the seminar and the conference at South Dakota State University.

This is a fine university. I have always looked upon it with a sense of parochial pride, having been born in South Dakota and reared there. And I must say that it is mighty close to one of the best universities in the world, namely the University of Minnesota. I said to KARL awhile ago, "Why is this conference going to South Dakota State University?" Then I remembered his influence in the Congress and a few other things, and I withdrew the question. I said, "Why didn't it go to the University of Minnesota?" He said, "Do you have an agricultural school there?" Can you imagine a man saying that. I want to say we have a mighty good one.

I've been told you'll have 5 days to travel from Washington, D.C., to Brookings. I am so pleased that you are going to take enough time to really see America, at least a great part of it. I hope it will give you the same inspiration it gives me. I confess to you that when I become weary here in Government, as we all do in public life, there are times when we begin to wonder about it. The best thing that ever happens to me is when I can go back home to touch the earth once again and gain the strength that comes from it, to meet with the people out in the country, to talk to them in a manner which gives me renewed confidence.

This is a meeting for the mutual exchange of ideas. We look forward to learning from your experiences and hope that you will learn a little something from some of ours. I've never believed that we ought to have programs stamped "made in the U.S.A." and tell people to take them just that way. Nor do I believe that we ought to adopt a program here made particularly for your country. What I think we ought to do is to learn from one another and adapt our programs to our respective needs and cultures.

Now I've traveled in many of the countries represented here and I've witnessed firsthand some of the contributions made by your own teachers, your own extension leaders, and your own extension programs. I want to salute you for the progress that you have made.

We have to gain a sense of understanding and tolerance of what we are trying to do. We have to grow together. Everybody does not grow at the same rate. Everybody does not have the same experience. This is a country not old but it is a country that has had its same national identity for almost 200 years. And this indeed is quite an advantage. So when we talk of extension here and extension in some of your countries, we are talking about different experiences. But I think you will find some common denominators.

One common demoninator is this. Agriculture is a basic industry. You have to eat even before you have steel plants or great modern capital goods plants. And it is a basic industry in nearly every country. And agricultural development is usually the forerunner to the development of other segments of a nation's economy. And I find all too often, that many of us want to project ourselves deep into the 20th century before we have had a chance to catch up with some of the fundamentals. You cannot have a Ph. D. degree before you finish high school. This is the same as saying that you need agricultural development just as we need it here in America before we can have a rich, prosperous, and industrial society.

I say this primarily for my fellow Americans, because justice for the farm producer means justice for the worker, justice for the corporation, means economic prosperity for the country. You cannot have a three-legged stool with one of them sawed off and expect to have much stability or one of them shorter than the other. And that three-legged stool is management, labor or capital, and agriculture.

And so Senator MUNDT and HUBERT HUMPHREY have been battling for years along with others in the Congress of the United States out on the public platforms to get what we call "equality of treatment" for, justice for our agricultural producers. And I think this is the cry all over the world. The producer of raw materials feels somehow or another that he is never given the same break—the same fair break—the same fair deal that somebody else gets. So I hope that when you confer that you will even give thought to how you can improve those matters in your country just as we are attempting to improve them here in America.

Now there are many factors that bring about agricultural development and stimulate growth. But of greatest importance is the development and application of new and improved knowledge.

"Research"—that's a word that is being drilled into all people today. Research is needed to find new and better ways of producing and distributing food and fiber. Education and training are required to put these findings into the hands of those who produce the essentials of life. Education is the moving force behind the progress of man, his nation, and his world.

Yesterday we concluded the White House Conference on Education here in Washington, D.C. I was privileged to participate in it. I believe it was H. G. Wells who said that "civilization is a race between education and capacity." I've never known a nation that went bankrupt investing in education. I've never known a nation that was poor because it poured its resources into education and training.

Here in America we have been doing a little checking up and we've found out that we haven't been doing enough. We've found out that we've had millions of children, if you please, who have been inadequately educated. We find that this is a drag on our economy. That it's not only morally wrong, it's not only unjust, but it's economically bad. So we're beginning to pour in resources into training and education. There's no way in the world that we can improve our economic base and no way that we can improve agriculture without modern educational techniques and application.

Much of the universal hope for worldwide peaceful, social, and economic progress—and that's what we're interested in—lies in extension education. For what people do for themselves when they put knowledge to work is what makes a strong and prosperous economy and a great and growing nation.

When leaders of national educational programs from all over the world, such as we have here, travel together in search of the best ways to help people, we are on our way to the time when hunger, poverty, and privation might be abolished and men and nations might be free.

I'm speaking to leaders here today, and I want to speak to you in those terms. There is no excuse for hunger in the modern world. There was a time that you could have said there was nothing we could do about it. There's really no excuse for disease in the modern world—that is, catastrophic disease—because we now do know—if we're willing to share the knowledge and put it to work—how to cure, how to heal the sick, how to feed the hungry, how to teach the illiterate, and indeed how to make the blind see. We know how to do it and we ought to get it done.

How I wish that we could pour more of our resources into these great efforts. I think that if we could do it—if we could just once turn around and get this job done—that so many of our problems would at least be manageable.

Now, I know what the Extension Service can do. I've watched it at work. I've seen county agricultural agents at work. I've worked with them. I've seen them advising farmers on how to grow more bounteous and higher quality crops. I have seen home economists showing homemakers how to feed and clothe their families better. And I have seen our 4–H Club leaders guiding the youth of our Nation to do better things for tomorrow.

We have thought of education as a slow process. It takes at least 12 years and sometimes 20 to train our young people for a career. But today it is not enough to be able just to learn. We must also share the learning, to be able to teach, to teach what we learn to others and to do so in a practical way—right out there in the battlefield amid social discontent, and social problems.

I said to this group of educators from our great universities that I get a little weary—may I say in the presence of educators—of university professors who are the best we have in terms of teachers. They're the finest. I get a little weary of them sitting aloft from the battle. I say, "Look, get down in there with your knowledge, get bustled around a little, come out with a few bruises, meet the problems right out there where they are." That's where we need the better teachers, we need the best teachers in this country in our slums. We need better teachers in areas of rural poverty. We need better teachers where people have been denied. We have to turn things upside down. We've had the better schools where

the people have had the most. We need the better schools where the people have had the least. That's the only way we are going to change.

We also know that extension is an informal educational process. Extension education is not a new idea. Man has shared his knowledge and experiences with his neighbors for centuries.

But what is relatively new is to apply this philosophy of informal education to an organized system. This organized system is the Extension Service. It employs the powerful resources of Government with its institutions of research and education for the benefit of greater numbers of people. This unique type of education began here in our country a little more than 50 years ago with the establishment of the Cooperative Extension Service. But its roots lay in legislation signed in 1862 by President Abraham Lincoln. This legislation created the U.S. Department of Agriculture and the land-grant college system. If I were to try to put my finger upon the secret of the productive abundance of American agriculture, I would point to the land-grant college and the extension system. The Department of Agriculture, the universities and the Cooperative Exension Service have played a vital, important, and significant role in the development of our Nation.

We've been able to release the manpower from our farms to go to our cities, to go to our factories, to go to our universities, to go to our laboratories Today, we have a very small percentage on our farms, and we produce more than ever before.

We look with pride on the achievements of this three-way partnership of university teaching, research, and extension. That means learning and doing. After 1930, when we faced very serious economic trouble, of depression and drought, American agriculture made sweeping reforms and adjustments to improve its technological and economic position. Obviously, the tremendous progress of American agriculture could not possibly have occurred without the fundamental work of the educational system which you represent, in which you've demonstrated interest. And that educational system had been at work for four or five decades—the Extension Service.

There is a basic principle that has grown out of this half-century of extension work. This is the recognized importance of developing and offering programs in response to the needs and the wishes of the local people. Our educational efforts are built from the people up—not from the Government down. And every time I see an agricultural program that fails here or elsewhere, I can tell you where it started, just as surely as you're gathered in this room. There's never been a person born that could figure out an agricultural program from on top. You have to figure it out from the bottom on up and the sooner they learn that individually and collectively, the sooner we'll start to serve the people because agriculture is a very personal, intimate, localized, fraternalized type of business and occupation.

The fact that local people have played a major role in guiding these educational efforts has contributed much to the acceptance and ultimate effectiveness of Extension work. Look at our great cooperatives all over the world. Without the cooperative movement in this country, I don't know what our farmers would do. The cooperative movement is people pooling their efforts, pooling their knowledge, learning together, working together, marketing together, producing together, distributing together. And they learn a great deal from each other. The Secretary mentioned our electricity. Why there are enough potential power sites in the world, my dear friends, for every farm family, every rural family in this entire globe to have electrical power. Make no mistake about it. We could convert some of the resources that are used for other forms of power into rural electric power, what a happy day that would be. And farm credit, supervised credit—what a desperate need for this. In the eyes of the local people, therefore, the extension program becomes their program not the Government's, not a university program.

One of the great strengths of extension work in this country is in its total approach to the problems of the farmer, the homemaker, the youth, and the community. It is impossible to separate the occupational interests of the farmer or the city dweller from his home and family interests.

The 4–H and other youth programs have been an integral part of this extension work. And a ringing testimonial to the great work of the 4–H Club movement has been the worldwide acceptance of its ideals, principles, and methods. Similar youth organizations have now been formed in 75 other nations. To date more than 6 million youngsters are participating in these clubs. If you want to find the best farm producer in your country, just find yourself a 4–H clubber. More than 4 million of these 6 million are to be found outside of the United States. So I salute you. Your work is of monumental importance. Your work to accumulate facts about worldwide extension will serve as a mighty reference source for others.

The development of principles and guidelines for extension work that you will develop in conference will serve immeasurably to help all people through extension education.

Your new acquaintance with people of other nations will open up many vital channels of communication. And I am hopeful that you may before you leave this great area that you are going to visit that you may consider a creation of worldwide association of extension workers. You'll have much to talk about regardless of ideology, of geography, of country or form of government, you'll be able to break through. Because, make no mistake about it, the rural people of the world have been denied. They are the victims, may I say, all too often, of being the forgotten people. And they need to have a friend, and that friend needs to be one that works with them day in and day out. And that extension worker can be that friend who can put a band of friendship and fellowship across this globe that will go beyond political parties or national sovereignties or political ideologies.

And most important, your educational and leadership qualifications obligate you to travel new roads of thought. Extension must continuously seek new and better methods. The old must be reexamined, the new must be tried.

The worldwide extension program is people—not commodities. Together we seek not only to eliminate the specter of hunger from the face of this earth—which we can do—but to reduce the drudgery of those who live on the land and toil the land. We do this that home and family life might be enriched and that all men might be free to enjoy the fruits of their work.

Our motives are unselfish. Our methods are abundantly clear.

The means lie in our ability to help people help themselves. It is in this confidence and dignity that mankind will progress and your land and mine will be a better place in which to live in peace and prosperity.

May I say that there'll be no peace for any of us until mankind has the hope of a better life. And that hope for a better life is in the hands of the teachers and educators. Yes, of the extension worker. We're the peacemakers, and we haven't done our job well enough. And if we do a better job of building this bond of fellowship, of knowledge, of understanding across this great globe of ours, no one will be able to destroy it. So I charge you with the responsibility of doing your job in building the peace that all of us so desperately desire.

Thank you.

UNITED STATES-CANADA AUTOMOTIVE PRODUCTS AGREEMENT

Mr. NELSON. Mr. President, H.R. 9042, the enabling legislation for the automotive products trade agreement with Canada, is now on the calendar of the House of Representatives. Today, I wish to discuss this bill, along with the more general subject of our automotive trade with Canada.

On its face, this legislation merely proposes to eliminate U.S. duties in reciprocation for a similar Canadian move. This Canadian-United States agreement has been referred to as a step toward more liberal trade.

It is true, of course, that the trade in autos and auto parts between the United States and Canada has been hindered by trade restrictions. The chief impediment, however, has not been U.S. duties; the problem has been the attempt by Canada for several years to hold on to its inefficient auto industry and, more recently, to secure for itself a larger share in the U.S. auto parts market.

To understand the fundamental issue of trade policy which is involved here, we must go back to the original appointment of a Royal Commission on the Automotive Industry by the Canadian Government in 1960. Canada was concerned about the lack of growth of her own auto industry and the unfavorable balance of her automotive trade with the United States. Prof. V. W. Bladen, as the sole Commissioner, was to recommend measures to provide increased employment in the production of vehicles for the Canadian market and export products.

Professor Bladen recommended an "extended content" plan under which Canadian companies would be permitted to import all motor vehicles and parts duty free, so long as the percentage of Canadian content in their total Canadian sales remained above a certain level. Exported Canadian automotive products were to count in the determination of this Canadian content—for example, the definition of content was "extended" to include parts exported to other countries, as well as parts actually contained in cars sold in Canada. The Bladen extended content plan in this way sought to stimulate the export of Canadian auto parts.

By November 1963, the Bladen plan had been substantially put into effect in the form of Canada's duty remission scheme. Under this scheme the duty on each dollar's worth of parts imported from the United States was refunded if the Canadian auto assembler which imported the parts arranged for the export of a dollar's worth of Canadian made parts to the United States. The key to this plan was the fact that most Canadian assemblers are merely subsidiaries of the major American auto companies. The plan worked because it was clearly in the interest of the American companies to import parts from Canada if it meant that their Canadian subsidiaries would save on import duties. The

Canadian Government and the auto companies found the scheme quite satisfactory.

This Canadian effort was not directed toward more liberal trade but toward precisely the opposite end. It constituted not just protection for the Canadian auto industry, but outright subsidization by the Canadian Government.

Under the duty remission scheme, the value of Canadian exports of auto parts to the United States increased from around $9 million in 1962 to $30 million in 1963 to about $65 million in 1964. The value of complete automobiles exported by Canada to the United States also rose, from $3 million in 1962 to $4 million in 1963 to $24 million in 1964. The plan was fulfilling its expressed purpose.

The impact of all this on the independent parts manufacturers in the United States was a serious one. They found an important part of their market suddenly cut from under them by Canada's subsidization of its own exports. Their major automotive customers were buying more and more from their Canadian subsidiaries, even though the American firms continued to offer lower prices.

These independent parts manufacturers naturally felt that they were up against an unfair trade arrangement, and an appeal was made to the Commissioner of Customs to apply what they considered a legitimate and necessary device to protect them against the Canadian scheme: the imposition of countervailing tariffs under section 303 of the U.S. Tariff Act of 1930. Section 303 has as its philosophy that no U.S. industry should have to compete against the subsidy of a foreign government. A countervailing tariff applied under this section would increase U.S. duties on automotive products imported from Canada to the extent that they have been subsidized by the Canadian Government.

The executive branch was not eager to apply this countervailing tariff, but the Canadian tariff remission plan clearly could not be allowed to continue. It was under these circumstances that the two Governments, along with the major auto companies, began searching for an alternative solution. Without the appeal for countervailing tariffs hanging over their heads, I doubt if anyone would have seen a need to create a "single great North American industry" in automotive products—a need now offered as the rationale behind this agreement. As Secretary of Commerce Connor said in testimony on this bill:

> The countervailing duty provision certainly brought the Government face-to-face with the problem and led to the exploration of other alternatives.

The present Canada-United States auto agreement is one of those alternatives designed to allow Canada to continue to increase its share of the automotive market. Canada has ended its tariff remission scheme and in its place both the United States and Canada have agreed to eliminate their tariffs on autos and auto parts—provided that the manufacturers to whom the agreement applies agree to four conditions: They must maintain Canadian dollar content in vehicles produced in Canada at more than the Canadian content in the 1964 base year; they must increase Canadian value added in proportion to increased sales; they must maintain at least the same ratio of production in Canada to sales in Canada as existed in the base year; and, in addition to all this, they must agree to increase Canadian value added by a further previously agreed upon amount between the 1964 and 1968 model years. The additional increases in Canadian value added, agreed upon between the individual producers and the Canadian Government, come to a total of $241 million. Thus, the auto producers are required by this agreement not only to maintain their current percentage of Canadian content, but to increase that percentage by an additional $241 million.

The effects of these private arrangements between the Canadian Government and the major auto companies are a vast unknown in the future of the U.S. auto industry. One of the main premises of this agreement seems to be that the Canadian market for automobiles will expand at a much more rapid rate than it would without the agreement—but when and by how much? are questions on which there are still only vague notions or hopes. The most objective analysis of the probable economic effects of the agreement I have found is in the report of the U.S. Tariff Commission to the Committee on Ways and Means of the House of Representatives on H.R. 6090, an earlier form of the enabling legislation for this agreement. I commend this report to the attention of every Senator; it is a basic document on this issue. The Tariff Commission's report states:

> The rationalization of United States-Canadian parts production, by introducing economies of scale in the Canadian production, would reduce Canadian costs, and might in time result in a narrowing of the margin between United States and Canadian motor vehicle prices.

However, the report goes on to point out that the agreement may actually serve to prevent rationalization, and keep costs at an artificially high level, by requiring auto companies to maintain an arbitrarily determined percentage of Canadian content.

For the time being, it is clear that auto prices in Canada will remain where they are today—much higher than those in the United States—and that Canadian consumption of automobiles is not likely to make any sudden extraordinary growth.

The unavoidable corollary of this is that the promised increase in Canadian production will be in the form of additional vehicle parts for export to the United States for use in the production of American cars. The Tariff Commission comments in its report:

> It obviously is neither feasible nor advisable to suggest here which avenues the Canadian producers (or, more realistically, the international enterprises of which they are part) will follow. In broad perspective, however, it would seem likely that a substantial share of the required increase in Canadian automotive output must be exported to foreign markets—either to the United States or third countries.

It should be clear that the only real market for the export of Canadian auto parts is the United States. There is no other country which buys any considerable quantity of North American style cars. In effect, therefore, the latest arrangement does not differ at all from its predecessor, the Canadian duty remission scheme, which faced the probable imposition of a countervailing tariff; the Canadian subsidiaries of the major auto companies are still getting a bounty or grant from the Canadian Government in return for a guaranteed increase in Canadian automotive production—an increase which will almost certainly come in the form of exports to the United States.

It is not liberal trade policy but in fact highly restrictive trade policy to deprive the efficient U.S. independent parts manufacturers of a vital portion of their parts markets. Under circumstances of really free trade, the North American auto industry would be rationalized simply by the gravitation of auto production toward the most efficient producer, which is, in this instance, the United States. This would undoubtedly be the result if the extraordinary measures now being taken by the Canadian Government were rescinded.

The whole recent history of U.S. trade policy has been away from the kind of discriminatory and restrictive trade represented in this agreement. Under free trade the United States may be called upon to allow jobs and production in a certain industry to shift from here to another country, but only when that other country has a competitive advantage in that product. Never before have we cooperated in such a shift of jobs—existing or potential—in order to preserve and enlarge a foreign industry which could not otherwise compete.

More fundamentally, it is a significant departure from past trade policy to grant special treatment on a bilateral basis. The United States now has unconditional most-favored-nation commitments to the more than 60 contracting parties to the General Agreement on Tariffs and Trade—GATT—and to the contracting parties to its four remaining nonpreferential bilateral agreements—Switzerland, Venezuela, Argentina, and Iceland. As it stands, the automotive products agreement is a clear violation of the principles of the GATT.

Let us face frankly the fact that we are violating well-established principles of trade policy in agreeing to what is basically a private understanding between the Canadian Government and the auto companies. The reason we are doing so is not difficult to see: Canada is our closest and most friendly neighbor, and one with whom we have an immensely favorable balance of trade. The Canadian Government is apparently determined to maintain and augment her auto industry regardless of the economic difficulties involved, so that the President has been faced with a question of assisting these Canadian plans or adding another irritant to United States-Canadian relations. As Assistant Secretary of

State G. Griffith Johnson told a Senate Foreign Relations Subcommittee:

I think we are in a position of having to recognize that the Canadians had a national objective of increasing the level of manufacturing equipment.

It was not the danger of economic stroke and counterstroke between the United States and Canada which kept this Nation from imposing a countervailing tariff, for Canada has far more to lose in such a conflict than we do. Much more important, I am sure, was the fear expressed by President Johnson that "our broader good relations with our Canadian friends would have suffered serious strain."

In terms of foreign relations, then, this may have seemed like the more prudent course of action. The argument of the proponents of the agreement seems to be that our interests are so closely bound up with those of Canada that we should be willing to sacrifice established American business, jobs, and production which would be simply handed over to Canada under the arrangements which have been made.

I value our good relations with Canada as much as anyone else in the Senate; but I have grave doubts about the wisdom of encouraging any nation—even our closest neighbor—to believe that we will purchase its good will at the price of our own economic interest and the principles of trade enshrined in our present international trade commitments.

An international industry cannot be truly rationalized by establishing an artificial quota system. We should think very carefully about the precedent being set here before giving congressional approval to the trade arrangements already privately made by cutting our own modest duties on automotive imports. This is a trade policy which can lead only to disaster.

THE JOHN BIRCH SOCIETY AND THE RADICAL RIGHT

Mr. McGOVERN. Mr. President, at a recent meeting in Chicago attended by the apostles of rightwing extremism and ultraconservatism, Mr. Robert Welch, retired candy manufacturer from Belmont, Mass., and founder and titular head of the John Birch Society, dramatically asserted:

Not only is the country one vast insane asylum, they've let out the worst patients to run the place.

Incredible as such a statement may appear to the average American citizen, it was only one of many absurd charges that Mr. Welch made during the course of his speech. He characterized Chief Justice Earl Warren, of the Supreme Court of the United States, as "the idol of the Communists." To the cheers and applause of those in attendance Welch charged that the civil rights movement is being guided by Communists to dismember American society. He said that the Communist master plan calls for an independent Negro-Soviet republic to be carved out of the United States. Said Welch:

If the plan succeeds thousands of white citizens will be murdered in the South. Tens of thousands of good Negroes themselves will be tortured and murdered.

Such patently absurd and dangerous statements are nothing new for Robert Welch and the John Birch Society. Welch is the same man who once charged former President Eisenhower with being a "dedicated, conscious agent of the Communist conspiracy." He has leveled similar charges against many of our most patriotic and dedicated leaders and citizens, including the late Secretary of State, John Foster Dulles, and Gen. George Marshall through whose genius our European allies were enabled to recover rapidly from the scourges of the last world war to join as our effective partners in the struggle to preserve freedom around the world.

Of the NATO alliance, so essential to the preservation of this liberty throughout the free world, Mr. Welsh has said:

With regard to that brainchild of Dean Acheson, godchild of Harry Truman, and eventual ward of Dwight Eisenhower, we have repeatedly insisted for years that it was probably the biggest—and certainly one of the most expensive—hoax in all human history.

Robert Welch is the same man who describes democracy as "merely a deceptive phrase, a weapon of demagoguery, and a perennial fraud." He warns his followers to understand that "the John Birch Society will operate under completely authoritarian control at all levels."

And so it goes. "Impeach Earl Warren." "Get the United States out of the United Nations and the United Nations out of the United States." "Abolish the income tax." These are the cries of the radical right, of Robert Welch and the John Birch Society which he controls.

Mr. President, I shudder to think of the fate of our country, and indeed of the entire free world, if the principles of Robert Welch and the John Birch Society should ever be put into practice. Almost every major position which the John Birch Society takes is precisely that which the Communists would most want us to take. I can think of nothing which would please the Communists more than to have us abandon our NATO commitments. I can think of nothing which would please them more than to have us withdraw from the United Nations so that they could exercise their influence there unrestrained and unopposed. I can think of nothing which would please the Communists more than for us to stifle the constitutional rights of Negro American citizens.

The simple truth of the matter is that the radical right and the John Birch Society are doing more to aid communism than the Communists themselves. The simple truth is that they are doing something which the Communists have never succeeded in doing. They are waging a massive campaign to undermine the faith and confidence of the average American citizen in the institutions, heritage, and leaders of our Nation.

This campaign is, regrettably, a highly organized one. The John Birch Society is a monolithic organization, using all of the techniques of the Communist system, including indoctrination, small "cell" groups, politely called "chapters," and total leadership and command centered at the top, in the person of Mr. Welch. Reading rooms are operated across the Nation. Libraries and bookstores are filled with the trash and propaganda of the radical right, which was so widely circulated during the last election campaign. Speakers are availiable to tour about, handing out the Birch Society line. Front groups, similar to those employed by the Communists, are established.

A respected Catholic author, Father Robert A. Graham, has said:

The real danger of the John Birch Society lies not in its organization and methods but in its impact upon the American national life at this moment. It is proving to be an instrument of division and a threat to the national morale. For, to justify its claim that the country is infiltrated by Communists, the John Birch Society has embarked on an unprecedented and arrogant campaign against almost all our leaders, Democrats or Republicans, liberals or conservatives.

In the words of our distinguished majority leader, Senator MANSFIELD:

Every decent and right-thinking man should stand up and be counted against that kind of slander and that type of organization.

By focusing on the alleged internal conspiracy to take over our Nation, a conspiracy which has absolutely no basis in fact, the John Birch Society does irreparable harm. By presenting the American public with a strawman to knock down, it tends to neglect completely the real threat which communism poses, that of destroying freedom and liberty in the underdeveloped nations of the world through subversion and infiltration.

Mr. President, as I said in a statement on the floor of the Senate back in January, the groups of the radical right have lost faith in our democratic institutions. Of none is this more true than the John Birch Society. It has lost faith in the leadership of both our great political parties. It has lost faith in the capacity of the American people to see and understand the truth without regard to propaganda. It has lost faith in our great churches and in our educational institutions. It represents an attack on all of the things that true patriots hold dear.

The growth of John Birch Society activities is reflected in its annual financial reports. In 1959, the organization's first full year of operation, it reported no paid officers and only 14 paid employees. Its total income was $129,000. In 1960, the figure had risen to $198,000. In 1961, the society nearly tripled its gross income—to more than $534,000—and sharply increased its staff. In 1962, gross income rose to $737,000, and in 1963 passed the million-dollar mark.

During 1964, the society's total revenue was over $3 million. The John Birch Society's increased income represents expansion in publishing and propaganda, rather than in membership. Nonetheless, membership in the John Birch Society today is estimated at anywhere between 20,000 and 100,000. Welch himself recently told an audience at Amherst College that the national membership now stands between 80,000 and 100,000. The society had a long-range goal of 1 million members when it was founded by Welch 6 years ago. The Birch Society now runs 300 American opinion libraries and bookstores, and hopes to bring this figure up to 1,000 shortly. In a pamphlet issued with the March issue of the society's bulletin, a political action campaign was set forth, with a goal of $12 million for the 1966 elections.

One might have hoped that the results of the recent national election would have dulled and slowed the progress of the venom injected into the American bloodstream by the John Birch Society and the other organizations of the radical right.

That simple, sad truth is that this has not been the case. Recent months have witnessed a sharp increase in the tempo of John Birch Society activity. All across the Nation, communities have found themselves face to face with the pressure tactics and methods of the Birch Society. Far too often, they have been unable or unwilling to combat this pressure.

For many years community leaders and public officials were content to dismiss the John Birchers and their fellow travelers with the phrase, "Oh, they're misguided, but after all they're just a bunch of patriotic Americans."

We have now reached a point where it is time for true American patriots to expose the John Birch Society for what it really is, an organization which is far outside the mainstream of American political thought and heritage. The time has come for responsible American citizens in communities throughout our country to stand up and combat the phony and dangerous extremist doctrines of the John Birch Society. We must not permit to go unchecked any longer the society's attempts to take over and indoctrinate the schools, libraries, church groups, and PTA's of our communities.

We must learn to take it for granted that local groups and institutions are targets for extremists. In late 1960, the Birch Society publication, American Opinion, urged its readers to "join your PTA. Get your conservative friends to do likewise, and go to work to take it over." A couple of months ago, Mrs. Jennelle Moorhead, president of the National Congress of Parents and Teachers, warned that extremist groups were attempting to infiltrate PTA's in 35 States, creating "a clear and present danger to freedom and democracy." Mrs. Moorhead noted that rightwing, extremist organizations have engaged in letter writing campaigns to newspapers, charging the national PTA with supporting "extended welfare aid to foster illegitimacy" and advocating "Communistic-tainted textbooks for leftwing authors." While commenting that such charges "seem too ridiculous to merit comment," Mrs. Moorhead wisely stated that "when they continue to be heard, we know a counterattack is necessary."

The Birchers and their cousins have made our local school boards and textbooks a target for their attacks. They have tried to undermine public confidence in our educators and school board members and then take over the boards and the selection of teachers and textbooks.

Two noted authors, Harry and Bonaro Overstreet, long known for their excellent books on the dangers of communism, have recently written an outstanding work, "The Strange Tactics of Extremism," which details the equally frightening dangers of the radical right. To combat the dangers of the extreme right, they suggest that citizens keep an eye on the local school and library boards. The PTA, they state, "is a prime target of Robert Welch, as are the Boy and Girl Scout movements." In a recent speech in Washington, Mrs. Overstreet stressed that in local meetings, there should be a fixed closing hour and also a rule that no resolution can be voted on at the same meeting in which it is introduced. Watch out for a "number of new members who rise to support each other's statements," she warned.

Mr. President, I firmly believe that for far too long we have underestimated the danger to the American political and social fabric which organizations such as the John Birch Society pose. I speak today because I believe that it is essential that responsible individual citizens and community leaders take action now to combat the growing influence of these organizations.

Mr. President, an even more extreme organization than the Birch Society is the Minutemen—a group of men who have taken up arms in a misguided effort to defend what they call freedom. An indication of the highly unstable nature of this and similar groups was revealed in a recent kidnaping effort involving the national coordinator of the Minutemen. I ask unanimous consent that a news account of this incident appearing in the New York Times of July 7, 1965, be printed at this point in the RECORD.

Mr. President, I also ask unanimous consent that a "Check-List for Community Action To Fight Extremism" and an excellent bibliography of material available on the rightwing may be included at this point in the RECORD. I further ask unanimous consent that an outstanding series of articles on the John Birch Society, written by a fine journalist, Mr. Raymond R. Coffey, may be printed at this point in the RECORD.

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

[From the New York Times, July 10, 1965]

KIDNAPINGS LAID TO TOP MINUTEMAN—HE SURRENDERS AFTER FBI JOINS DAY-LONG SEARCH

(By Donald Janson)

KANSAS CITY, Mo., July 9.—Robert Bolivar de Pugh, national coordinator of the rightwing Minutemen organization, turned himself in late today to face kidnaping charges. He was arraigned before Magistrate Louis Mazuch in Jackson County Court and released on $5,000 bond pending preliminary hearing July 20.

Earlier today the Federal Bureau of Investigation had joined the search for the 42-year-old ultraconservative.

Mr. de Pugh is charged with kidnaping two young women and holding them captive for 2 weeks while seeking to persuade them to seduce Government officials for purposes of blackmail.

GONE UNDERGROUND

Lawrence F. Gepford, Jackson County prosecutor, filed the charges yesterday. This morning, he said a de Pugh follower told one of his investigators that the Minutemen chief had gone underground and you'll never find him.

This afternoon the office of the U.S. Commissioner here issued a warrant for the arrest of Mr. de Pugh, a chemist who lives in Morborne, Mo., on charges of fleeing the State to avoid prosecution.

The young women are Patricia Lucille Beal, 21, of Lake Lotawana, Mo., and Linda Frances Judd, 16, of Independence, Mo.

"He told us that the Communists have taken over the Government and he would use us, and other girls like us, to return the Government to the American people," Miss Judd said in a signed statement.

The Minutemen foresee a Communist takeover of the United States, abetted by an administration that they contend is soft on communism.

In preparation for the expected takeover, bands of Minutemen around the country take regular target practice and train in outdoor survival techniques. They plan to take to the hills in a guerrilla resistance movement, thwart the Communists and install a patriotic government.

Miss Beal stated that Mr. de Pugh "showed us through papers he had" that the last four past Presidents and many other Government officials "were Communists."

YOUNG GIRL LEFT HOME

She said she had moved into an Independence apartment last April. The building is used by Minutemen.

Because she owed money for rent, she said, she agreed to fold for mailing, copies of Minutemen publications.

Miss Judd said she had left home and spent the night of last June 3 in Miss Beal's apartment.

Early the next morning, the young woman said, Mr. de Pugh awakened them, displayed a revolver, and advised them to leave with him before the police arrested Miss Judd as a runaway and Miss Beal for harboring her.

They said they had been kept in a home in Richmond, Mo., near Norborne. There they said, they were taught judo and apprised of Minutemen plans for them. Finally, they added, they were taken to a printshop in Independence that is the Minutemen headquarters for western Missouri.

They said they escaped June 19. They were picked up by the Independence police and told their story to the Federal Bureau of Investigation.

A CHECKLIST FOR COMMUNITY ACTION TO FIGHT EXTREMISM

Make an inventory—including names, addresses and telephone numbers—of organizations and individuals who provide community leadership. Such a list would include civic, business, religious and political leaders and principal officers of such organizations as PTA's, League of Women Voters, service clubs, communications media, student organizations, American Association of University Women, American Association for the United Nations, professional societies, chambers of commerce, ethnic and nationality groups, civil rights organizations, organized labor, senior citizens, etc.

Call a meeting of such leaders to discuss the extremist threat to democracy and freedom in your town, and to establish committees to meet the threat.

Plan action to oppose, challenge, and expose the statements and actions of extremists. They have every right to speak and write as they please, but they should be challenged by responsible people when they unfairly attack people or organizations.

When extremists schedule public meetings, arrange for comment in the press and on radio and TV quoting responsible community leaders on the nature and intent of the organization. Arrange for informed persons to attend such meetings prepared to ask questions of speakers.

Plan a program designed to inform people in your community about extremists. Do not forget to provide facts to editors and broadcasters. One source for factual information is Group Research, Inc., which publishes a directory on the subject. Most State AFL–CIO organizations have a copy of this directory. You can also develop a library of films, books, and articles on the subject.

Develop a speakers' bureau whose members can be made available to talk to church groups, fraternal, civil, and service organizations, and to schools either on the topic of extremism or to answer extremist attacks.

Monitor local radio and TV stations to keep abreast of what extremist broadcasters are saying, then demand equal time to answer their charges. Similarly, seek time from broadcasters or from sponsors of public affairs programs in the community to alert people to the dangers of extremism.

Use the "letters-to-the-editor" columns of newspapers to discuss the general issue, and monitor these columns so that extremist letters are answered promptly.

Check community and school libraries to request that when extremist literature is on the shelves, countering materials also be displayed.

Establish and maintain regular procedures for meetings of your organization so it can't be taken over by extremists packing a meeting.

BIBLIOGRAPHY OF MATERIAL AVAILABLE ON THE RIGHTWING

Following are films, pamphlets, reprints of articles, books, and reports available on extremist organizations and methods of combating their activities in the United States. All are current and in stock at locations listed in the descriptions.

FILMS

"The Extremists": A filmstrip exploring the wide range of extremist organizations that comprise the radical rightwing in the Nation today—their goals, range of propaganda activities, political and economic activities, and source of funds. Produced in 1964 by COPE with a film discussion guide—25 minutes. Available from the AFL–CIO film division, 815 16th Street NW., Washington, D.C. May be purchased for $50, rented for $3; reserve at least 10 days in advance.

"Rumor": The case history of a rumor, how it starts, spreads, and its results. An excellent discussion starter for adult and secondary school groups, 16-millimeter sound, 5½ minutes, black and white, cleared for TV. Available from the Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. May be purchased for $250, borrowed for $2; reserve 3 weeks in advance listing alternate dates.

"Rumor Clinic": A picture program enabling the audience to participate in starting and spreading rumors within a room. Examines the nature of rumors and helps people become rumor conscious. Four frames, 35 millimeter, silent, black and white. Available from the Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y., $1.

PAMPHLETS

"Combating Undemocratic Pressures on Schools and Libraries: A Guide for Local Communities." Guidelines for communities to follow in dealing with pressure groups which demand sudden and drastic changes in school curriculums and personnel, and library policies and personnel. Available from American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y., 10 cents; quantity prices on request.

"The Dan Smoot Reports—Documented Truth or Doctored Propaganda?": An analysis of one rightwing group's attacks on the National Council of Churches. Available from the National Council of Churches, 475 Riverside Drive, New York, N.Y., 5 cents.

"Don't Be Fooled—The Target Is You": A description of rightwing attempts to infiltrate American trade unions, schools, and community organizations with suggested methods of counteracting their activities. COPE publication No. 130c. Available from the AFL–CIO Committee on Political Education, 815 16th Street NW., Washington, D.C.; no charge for single copies.

"Extremist Groups: A Clear and Present Danger to Freedom and Democracy": Suggested methods of combating extremist attempts to infiltrate PTA's, schools and libraries. Available from National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.; 15 cents; 10 copies, $1; discount on quantity orders.

"The Freedom To Read": Techniques which publishers and librarians can use to counter extremist attempts to suppress freedom of information. Available from the Public Affairs Committee, 381 Park Avenue, South, New York, N.Y.; 25 cents single copy; quantity prices available on request.

"The Radical Right": A 12-page fact sheet analyzing attacks of the radical right on churchmen, churches, and local councils, surveying current books about extremism, reviewing books produced by the radical right, and providing a concise directory to extremist groups and radical right broadcasters, and including a brief bibliography. Available from the office of information, National Council of Churches, 475 Riverside Drive, New York, N.Y.; single copies 25 cents, 50 copies $4.50, 100 copies $8, 1,000 copies $70.

"The Right-Wing in the Race Crisis": A study of the rightwing's appeal to prejudice, its links with segregationists, and its attempts to scuttle civil rights in 1964. Available from the National Council of Jewish Women, One West 47th Street, New York 36, N.Y.; no charge for single copies.

"Sowing Dissension in the Churches": An analysis of the aims and activities of several rightwing individuals and groups engaged in attacks on church leadership. Prepared by the Episcopal Church Center in New York. Available from the National Council of Churches, 475 Riverside Drive, New York, N.Y.; 7 cents.

"What Is Extremism?": Answers to 10 questions designed to identify extremist-inspired programs and to suggest constructive ways to counteract them. Available from the Institute of Human Relations, 165 East 56 Street, New York, N.Y.; 10 cents for single copy, $7.50 per 100 in bulk.

"What's Right and Left?—A Guide for Responsible Anti-Communists": A study of the effectiveness of extremists on both the right and the left. Available from Freedom House, 20 West 40th Street, New York, N.Y.; 10 cents.

"What's Wrong With the Far Right?": An analysis of the far right's misinterpretation of world events, reliance on quick remedies, use of slogans, and ineffectiveness in combating communism. Underlines the need and techniques of counteracting them effectively. Available from Americans for Democratic Action, 1341 Connecticut Avenue NW., Washington, D.C.; 25 cents; bulk reductions over 100 copies.

BOOKS

"Danger of the Right," Benjamin R. Epstein and Arnold Forster, Random House, 1964, $4.95, soft cover $2.95. Examines the facts, figures, and leading personalities whose activity and support has made the rightwing a noticeable force on the American political scene.

"The Far Right," Donald Janson and Bernard Eisman, McGraw-Hill, 1963, $5.95. An examination of the people and events which have helped extremism to gain prominence in scores of communities throughout the country.

"Men of the Far Right," Richard Dudman, Pyramid Books, 1962, 50 cents. The political profiles of more than 15 leading practitioners of rightwing fanaticism are revealed in a series of penetrating studies. The author is Washington correspondent of the St. Louis Post-Dispatch.

"The Strange Tactics of Extremism," Harry and Bonaro Overstreet, W. W. Norton & Co., 1964, $4.50. A thorough documentation of rightwing organizations and tactics which presents a detailed analysis of the John Birch Society, and Dan Smoot report, the Circuit Riders of America, and other similar rightist groups.

REPRINTS

"Communism and the National Council of Churches" (from Eternity magazine, September 1960): An investigation of rightwing attacks on the National Council of churches. Available from the National Council of Churches, 475 Riverside Drive, New York, N.Y.; 5 cents.

"Democracy and the John Birch Society" (from the Anti-Defamation League Bulletin by Benjamin R. Epstein): A description of John Birch Society methods and philosophy. Available from the Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.; 5 cents.

"Doomsday Merchant on the Far, Far Right" (from the Saturday Evening Post): A review of the efforts of Oklahoma evangelist Billy James Hargis, his Christian Crusade and National Anti-Communist Leadership School, to save all America from what he considers to be the imminent takeover of America by the Communists. Available from National Council of Churches, 475 Riverside Drive, New York, N.Y.; 10 cents.

"The Fright Peddlers" (from the CONGRESSIONAL RECORD, May 2, 1963): A Senate speech by Senator THOMAS H. KUCHEL, Republican, of California, reviewing letters and pamphlets used in rightwing mail crusades to intimidate Congressmen and the public. Single copies may be obtained by writing to the Senator at the Senate Office Building, Washington, D.C.

"How To Cope With Attacks From the Fanatic Fringe" (from School Management): A detailed guide for school administrators and local school boards. Available from the Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.; 15 cents.

"The John Birch Society—Fundamentalism on the Right" (from Commentary, August 1961): A description of the John Birch Society, its ideology and tactics. Available from the American Jewish Committee, Institute of Human Relations, 165 East 56th Street, New York, N.Y.; 10 cents single copy, $7.50 per 100.

"None Dare Call It Treason" (from the CONGRESSIONAL RECORD, Sept. 10, 1964): A review of the controversial rightwing book "None Dare Call It Treason," by the National Council for Civic Responsibility as inserted in the RECORD by Representative CHARLES A. VANIK, Democrat, of Ohio. Available from the Democratic National Committee, Public Affairs Division, 1730 K Street NW., Washington, D.C.; no charge for single copies.

"The Radical Right and the Rise of the Fundamentalist Minority" (from Commentary, April 1962): An analysis of the relation

of Protestant fundamentalism to the ultraconservative movement in America. Available from the American Jewish Committee, Institute of Human Relations, 165 East 56th Street, New York, N.Y.; 10 cents single copy; $7.50 per 100.

"The Radical Right Is Still on the Rampage" (from the CONGRESSIONAL RECORD, Jan. 12, 1965): First in a series of speeches on the floor of Senate by Senator FRANK CHURCH, Democrat, of Idaho (on the rightwing's activity in last November's election and its continued organizational and financial growth. Seven Democratic Senators also discuss the role of the far right in their campaigns this past fall. Available from the Office of Senator FRANK CHURCH, 405 Old Senate Office Building, Washington, D.C.; one to five copies free of charge; 2 cents each for 6 or more copies.

"Report on the Rampageous Right" (from the New York Times magazine, by Alan Barth): An analysis of today's conservative extremists, who they are, what they stand for, and why. Available from the Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.; 10 cents.

"Rightiest Revival: Who's on the Far Right?" (from Look magazine, Mar. 13, 1962): A discussion of the leaders of the far right, their beliefs, motives, means of support, and followings. Available from Look magazine, 488 Madison Avenue, New York, N.Y.; limited number of copies available at 10 cents each.

"Scaremongers and the National Council of Churches" (Christian Advocate, Sept. 24, 1964): Nine practical suggestions on what to do when rightwingers start attacking the National Council of Churches in your community. Available from the National Council of Churches, 475 Riverside Drive, New York, N.Y.; 3 cents.

"The Sunday Puncher" (from the Greater Philadelphia magazine, August 1964): A backgrounder on Rightwinger Carl McIntire, the "Twentieth Century Reformation Hour" which sponsors his broadcasts across the country, and their antipathy toward the National Council of Churches and other organizations. Available from the National Council of Churches, Office of Information, 475 Riverside Drive, New York, N.Y.; 7 cents.

"Thoughts on Extremism" (from the Catholic News, Feb. 24, 1962): A Catholic critique of political extremism. Available from the Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.; 5 cents.

"Ultraconservatism in the 1964 Presidential Election" (from the St. Louis Post-Dispatch, Dec. 5–12, 1964): Series of articles on the influence of ultraconservative elements in the 1964 Presidential election. Covers the growth of the Goldwater for President movement, the relation of the rightwing and the Republican Party, and speculates on the future of the rightwing. Available from Arthur Bertelson, managing editor, St. Louis Post-Dispatch, 1133 Franklin Avenue, St. Louis, Mo.; 30 cents each.

"What Is an Extremist?" (from Look magazine, Oct. 20, 1964): Aids in identifying extremists, their beliefs, goals, and threats to the American tradition. Available from the National Education Association, Commission on Professional Rights and Responsibilities, 1201 16th Street NW., Washington, D.C.; single copy free of charge, quantity prices on request.

"Who Is Doing the Devil's Work in American Politics?" (from the CONGRESSIONAL RECORD, May 20, 1963): Speech in the House of Representatives by Representative RONALD BROOKS CAMERON, Democrat, of California, with comments by other Democratic House Members, on the Americans for Constitutional Action, its links with the John Birch Society and other rightwing groups, and its political activities. Available from the Democratic National Committee, public affairs division, 1730 K Street NW., Washington, D.C.; no charge for single copies.

"Why I Can't Join the John Birch Society" (from Look magazine, Nov. 3, 1964): An analysis and point-by-point refutation of the John Birch Society and its materials. Available from the National Education Association, Commission on Professional Rights and Responsibilities, 1201 16th Street NW., Washington, D.C.; no charge for single copy; quantity prices on request.

NEWSLETTERS

"Group Research Report": Semimonthly, 4-page newsletter following current events about the rightwing. Available from Group Research Inc., 422 Bond Building, 1404 New York Avenue, Washington, D.C.; $25 yearly.

[From the Fargo Forum and Moorhead News, February 1965]

MONTHS SINCE GOP NATIONAL CONVENTION HAVE BEEN BOOM TIMES FOR BIRCH SOCIETY

(EDITOR'S NOTE.—Reporter Raymond R. Coffey has examined the leadership and political doctrine of the John Birch Society, its phenomenal growth, its public relations campaign, its strength and activities and what critics of the society say.)

(By Raymond R. Coffey)

On one score at least, it appears there can be no argument with Robert Welch, founder of the John Birch Society.

"Our members took the election in stride, as merely an incident in our long-range activities for the Americanist cause," he wrote in the society's December bulletin.

He may have been guilty only of understatement.

Some nonbelievers have viewed Barry Goldwater's November 3 Waterloo as a mortal blow to the radical or extreme rightwing.

But not the John Birch Society and similar ultra-right groups.

Welch has said that 100 Birchers were among the delegates to the Republican convention that nominated Goldwater—far out of proportion to their total numbers within the party—and that their influence was "strongly felt."

The months since that convention have been boom times for the society and it appears the Birch influence may be even more strongly felt across the land in the days to come.

The society's growth can be seen, first of all, in its financial reports and in the expansion of its operations, particularly in the Chicago area.

In 1959, its first year of operation, the national society had 14 paid employees and total income of $129,000.

By 1963 income had risen to around $1.5 million and last year, according to Welch, it was about $3.2 million.

The paid staff now includes about 60 coordinators in the field and about 140 other employees, including about 100 in the home office at Belmont, Mass., according to John H. Rousselot, the society's public relations director.

In addition, the society now distributes its literature through about 240 American Opinion bookstores and libraries.

It has full-time offices in Glenview, Ill., New York, Washington, San Marino, Calif., and Houston.

Since the beginning, membership lists have been secret and estimates have ranged from 30,000 to more than 100,000. The truth is somewhere in between.

Rousselot says the membership fees of $24 a year for men and $12 for women normally account for about one-third of the society's total income.

On the basis of an average of $18 a member and a third of the $3.2 million total income reported by Welch for 1964, that would work out to something like 59,500 members nationwide.

However, that is probably a little high since, also according to Rousselot, the income from literature sold by the society during the election campaign ran higher than usual.

California is by all accounts the society's strongest State. Other strongholds, Rousselot says, are Illinois, New Jersey, Texas, Arizona, Florida, Alabama, Louisiana, and the State of Washington.

As further indications of growth, Welch says in his bulletin for January, that the society plans to establish a lobbying office in Washington to be headed by Reed Benson, son of former Agriculture Secretary Ezra Taft Benson.

He also reported plans to add about 50 persons to the home office staff.

To get a good idea of how the society is thriving in these post-Goldwater days, a person need go no farther than the Chicago suburb of Glenview.

There, in a suite of offices in a low, brick building at 600 Waukegan Road, are the Illinois and Midwest headquarters of the society.

Until several weeks ago the society's Illinois operations were run largely from the Chicago home of Robert J. Koenig, major coordinator for a six-State midwestern region.

Now, in addition to office space, the society has also acquired a full-time paid public relations director, Roger Morrison, for the Midwest.

The society has American Opinion bookstores in Glenview and Oak Park, another Chicago suburb.

There are similar stores or libraries at Rockford, Ill., and Alton, Ill., and the society has plans for others on Chicago's North Side and in south suburban Homewood.

Koenig says the society hopes to have 30 such bookstores—which are not operated directly by the society but rather on a kind of franchise basis—in the Chicago area.

Along with the writings of Welch and other superconservatives, the bookstores deal in such items as postcards saying "save our Republic—impeach Earl Warren" and another showing the United Nations building under the heading, "the house that (Alger) Hiss built."

For lighter moments there are games the whole family can play, such as "Constitution—the allegiance game" and "Victory Over Communism, the first all-American family game for children and adults."

The six States directed from the Glenview headquarters are Illinois, Indiana, Michigan, Ohio, Kentucky, and Missouri.

As another indication of growth, Illinois coordinator Norman Thomas has recently had eight southwestern counties trimmed from his territory because he couldn't keep up with all the demands for his services.

Every night of the week and twice on Sunday Thomas and other Birch leaders travel around the Chicago area and the rest of the State giving 4-hour "presentations" of the Birch creed for prospective members.

Two of the 24 Birch council members, the society's top leaders, listed in a 16-page color supplement distributed recently, are Chicagoans, industrialist Stillwell J. Conner and Slobadan M. Draskovich, onetime Yugoslav War Minister who is now a rightwing publisher and lecturer.

Conner is the brother-in-law of Koenig, Midwest coordinator.

A third council member from Illinois is Prof. Revilo P. Oliver, of the University of Illinois, who has suggested that President Kennedy was assassinated for falling behind in the Communist-dictated timetable for taking over the United States.

Public relations man Morrison says he sees the society as the "leading organization in the conservative movement" and anticipates continuing and accelerated growth in this area.

[From the Fargo Forum and Moorhead News, Feb. 23, 1965]

FORMER CONGRESSMAN JOHN H. ROUSSELOT IS BIRCH SOCIETY'S BEST FOOT FORWARD

(By Raymond R. Coffey)

John H. Rousselot is the John Birch Society's best foot forward.

He is unrelenting, charming, cheerful, courteous, handsome, well tailored, polished, poised, fluent, and—compared with the society's founding ruler Robert Welch—brimful of sweet reason.

He is also a man to watch in the burgeoning postelection development of the far right.

A defeated former Republican Congressman from southern California, Rousselot, 37, is now the $30,000-a-year public relations chief of the Birch Society with headquarters in San Marino, a wealthy suburb of Los Angeles.

He is not a member of the society's top council, but many in the society say they consider him the leading contender to succeed the 66-year-old Welch when he steps down.

Welch, a native of North Carolina who has lived in the Boston area for about 40 years, is a former candy company executive who has given up his business career to promote his brand of anticommunism and conservatism.

He founded the Birch Society at a 2-day meeting in Indianapolis, December 8–9, 1958. He is a balding, intense man who is anything but a polished speaker and who can be crotchety, curt, and imperious.

Rousselot, by contrast, is all charm and diplomacy. Whatever his future, there is little question that Rousselot is responsible to a major degree for what some call the society's "new look" and its apparent substantial growth in recent months.

"He has given the society an aura of respectability," said an official of the Anti-Defamation League, which has assailed the Birch Society as an extremist group.

Friendlier sources agree. No one in the society ever really criticizes Welch, who is referred to almost reverently.

But many offer opinions to the effect that Rousselot "is a better speaker than Mr. Welch" or Rousselot "comes over better on television" than Welch, whose manner often provokes outrage and whose rhetoric might be described as Gothic endurance.

Still, this is not to say that Rousselot departs from Welch on any essentials of Birch dogma. It is a matter of technique, the ingratiating approach.

Welch, for example, is probably best known for his blunt suggestion that former President Dwight D. Eisenhower was a "dedicated, conscious agent of the Communist conspiracy" and that the late Gen. George C. Marshall was a traitor.

No ifs, ands or buts. And no way to win friends or influence people—at least not fairly reasonable people.

Rousselot, on the other hand, has a run and hit approach that produces a kind of diluted exasperation, a feeling that "well, maybe he's wrong but he sure is a nice guy."

During a long interview with a Chicago Daily News reporter in his office, for example, he agreed that President Johnson and Vice President HUBERT HUMPHREY probably are not Communist agents.

But then he added that HUMPHREY would have to be "classified as a rabid Socialist" and that Mr. Johnson has "voted for socialism more often than for free enterprise."

He said it with a smile that was pure sincerity and his blue eyes were as unblinking as if he had just announced something as incontrovertible as the time of day.

Similarly he acknowledged that some people might not agree with Welch's judgment of Mr. Eisenhower. And patiently he explained that, of course, Birch members need not agree with everything their leader says.

But—like everyone else interviewed in the society—Rousselot stopped short of saying that he himself disagreed.

And what about the article in the Birch magazine in which Prof. Revilo P. Oliver, a Birch council member, suggested that President Kennedy was slain because he had fallen behind in the Communist timetable for taking over the United States.

"The John Birch Society has never taken the position that Jack Kennedy was a Communist agent," Rousselot said.

Then he added, "We think he yielded, as past Presidents have, to Communist pressures."

Furthermore, Rousselot said, Oliver's article did not say that Kennedy was some sort of Communist agent or under Communist influence—just that it was a "possibility."

It is this Rousselot approach—the sinister innuendo delivered behind a reasonable smile—that foes of the Birch Society see as a principal reason for the society's recent surge of growth.

Thus, the "new look" makes things easier for people to digest. Rousselot himself agrees that the society has come in recent months to be viewed with less alarm and more acceptability.

He attributes part of this to the public relations program he directs. Particularly, he says coverage of the society by the press and television has "improved" lately.

The Rousselot approach is also on view at lower echelons within the society.

The Illinois coordinator, Norman Thomas, for example, is a cheerful, witty, crewcut young man who used to sell advertising and now sells the John Birch Society.

"That's just my stage name," he quips when someone notes he has the same name as the eminent Socialist. "My real name is Walter Reuther."

He is an altogether pleasant man and he looks and sounds like a hard man to put anything over on.

Then he starts talking about French President Charles de Gaulle, for example, and you get some idea of what divides Birchers from other people—and how deep the "new look" really runs.

Most of the world views De Gaulle as almost a monarchial rightist dedicated only to the graudeur of De Gaulle and France. Not Thomas, he is sure the day is not far off when Robert Welch will be proved right in the belief that De Gaulle is a Communist.

"That cotton picker (De Gaulle) is working the other side," Thomas says. "I don't say you'll find a red card in his wallet, but I don't think it will be too long before" De Gaulle is unmasked to all the world as a Communist.

Thomas even thinks he knows how it happened.

He said he has been told by a man named Blumenfeld who is allegedly an expert on such things that De Gaulle "was converted to communism in 1917 when he was taken prisoner in World War I and was put in a prison camp with some Russians," including someone Thomas identified as "the Red Marshal."

Robert J. Koenig, the midwest coordinator, fits the same pattern. He is a friendly, almost painfully sincere man, a Loyola University (Chicago) graduate, World War II Navy officer, an effective speaker who sometimes himself conducts the society's "presentations" for prospective new members.

At one such recent meeting in Chicago's Edgewater Beach Hotel, Koenig took great pains to state that Welch's book, "The Politician"—in which he makes his charges about Mr. Eisenhower and communism—has no official connection with the society.

But then he offers the book for sale, at $1 a copy, to the potential recruits and he pointedly does not repudiate the contents.

Thus, despite the "new look" in the society, Rousselot says, "we haven't changed our policies."

That is certainly so.

[From the Fargo Forum and Moorhead News, Feb. 24, 1965]

WELCH EMPLOYS PRINCIPLE OF REVERSAL IN JOHN BIRCH LITERATURE, CONVERSATION

(By Raymond R. Coffey)

In the Blue Book spelling out the basic gospel of the John Birch Society, founder Robert Welch describes the million members he is seeking as "good patriots, who are also men and women of good will and good character and humane conscience."

One other requirement, it would seem to an outsider, is a good dose of credulity.

For, beyond paying the fairly modest dues of $24 a year for men and $12 for women, Birch members must come prepared to believe things that many people regard as fairy tales.

To make this easier Welch has described a theory of analysis that he calls the "principle of reversal."

Welch says the Communists use this principle, which works—if that is the word—thus:

Former U.N. Secretary-General Dag Hammerskjold, to take just one example of Birch doctrine, was a Kremlin agent. True, the Russians denounced him regularly and violently. But that was only so the United States and other countries would come to his defense and keep him in the U.N. post where he could serve the Kremlin.

As Arnold Forster and Benjamin R. Epstein note in their book, "Danger on the Right," this sort of "reality in reverse" thinking bears a close resemblance to the totalitarian double-think described in George Orwell's book, "1984."

It is, however, the sort of nonthinking and nonlogic that pops up consistently in Birch literature and conversation.

It also illustrates the fact that, despite the new look public relations effort of John Rousselot and others, the Birch Society has not changed its basic policies or direction.

Essentially, Welch—who in terms of policy is the Society—sees the world being overwhelmed by a gigantic Communist conspiracy that already exerts tremendous influence in the U.S. Government and every aspect of American life.

Everyone is suspect and, if the Communists attack anyone, all the more reason to suspect him under the principle of reversal.

The theory goes that if you are against the Birch Society, you are not against communism. Or, as Welch put it in a recent bulletin, more and more people are coming to realize that only the Birch Society can save the world from Communist slavery.

Specifically, the Society is still calling for the impeachment of U.S. Chief Justice Earl Warren and for getting the United States out of the United Nations and the U.N. out of the United States.

It also continues to hammer at the civil rights movement as Communist-directed and at the civil rights law as unconstitutional.

It sees the income tax as Marxist and proposals to ease immigration laws as Communist-inspired. The national PTA is under fire and such programs as mental health and water fluoridation are all part of the "collectivist" conspiracy.

Prospective new members are still indoctrinated with a filmed speech by Welch made in 1959 and it all has the sound of doomsday.

For example, he says as the film begins, that unless the tide can be turned, it will be only a "few more years" before the Communists complete their takeover of the United States.

The map "is already drawn," he asks members to believe, for dividing the 50 States up

into four provinces in a "worldwide Communist dominion."

No one laughed as the film was shown to a roomful of about 50 people recently at Chicago's Edgewater Beach Hotel.

Welch says that Norway and Finland are already effectively in the control of the Communists, which may be news to the Finns and Norwegians.

On the other hand, he says, the late and murderous dictator Rafael Trujillo of the Dominican Republic probably gave that country the best government any Latin American nation has had in recent times.

Birch literature is along the same lines.

Stillwell J. Conner, a Chicagoan and member of the top Birch Council, has written an article, "The Catholic Church and the John Birch Society," which can be purchased in Birch book stores.

Conner is president of Modern Sleep Products Co., which also has a plant at Marshfield, Wis.

In it he notes that the Christmas message of Pope Pius XII in 1956 has often been pictured as a "carte blanche approval" of the U.N.

He also concedes that it is true that the Pope said "we desire to see the authority of the United Nations strengthened."

Despite this, the Birchers, a heavy proportion of them Catholics, are fiercely opposed to the U.N.

How does that square? Simple. Under the principle of reversal, the Pope just didn't mean what he said.

Or, as Conner puts it:

"The Pope, far from endorsing the actually existing United Nations, was indicating to the world its most grave defect, namely, its disinclination to enforce the absolute right of freedom for the Hungarian nation because of the false realism" of many of its members.

"He did not call for a 'strengthening' of the false realism in the U.N. that so saddened him but clearly asked for Christian realism."

Having thus straightened out anyone who might have had the notion that the Pope meant what he said, Conner goes on to state that a "myriad" of historical facts "prove beyond a doubt that [the U.N.] is an instrument for Communist world domination."

Beyond the top echelons of the ultraright society there are also strong evidences that the "new look" promoted by the society's public relations corps has not really changed things basically.

In Hollywood, for example, not many miles from Rousselot's San Marino, Calif., office, there is a rightwing gathering place called Poor Richard's Book Shop which—by almost anyone's definition—would qualify as a peddler and promoter of extremism.

The store is at 5403 Hollywood Boulevard, at the rear of an insurance agency operated by Frank X. Ranuzzi, who describes the store as privately owned and as "the first 100 percent anti-Communist book store in the United States."

Ranuzzi says he has been a member of the Birch Society since 1959 and the store carries a full line of the society's literature.

The store has a whole section of floor-to-ceiling shelves filled with such titles as "The Art of Shooting," "Explosives and Homemade Bombs," "We Shall Fight in the Streets," "Blaster's Handbook," "Modern Guerrilla Warfare," and "How To Go Live in the Woods on $10 a Week."

Ranuzzi, in conversation, was about as fierce as some of the book titles—and a far cry from the picture of polite reasonableness presented by Rousselot and other advocates of the "new look."

His view of things goes like this:

"Sure, the press is lefty * * * those Congolese butchers. They're Communists but that's played down in the press * * * did you see that picture of Martin Luther King at a Communist school? * * * I don't like [President] Johnson * * * I don't think much of any President that would have a [Walter] Jenkins at his side for 20 years * * * the press is controlled by the same people that control our Government, the internationalists.

"Don't you know that [New York Governor Nelson A.] Rockefeller is putting some of that foreign aid money back in the Rockefeller pockets?

"The Communists have infiltrated our Government. You know they have. The John Birch Society is not secret. The B'nai B'rith won't give you their membership lists either."

[From the Fargo Forum and Moorhead News, Feb. 25, 1965]

HERE ARE FACTS ABOUT STRUCTURE, AIMS AND METHODS OF THE JOHN BIRCH SOCIETY

(By Raymond R. Coffey)

At the conclusion of a recent recruiting session for prospective John Birch Society members, a man in the audience turned and said to the man next to him:

"I'm sold. It's anti-Communist and it's based on religious principles. What more can you ask?"

That is pretty much the simple, uncomplicated way Birch members generally seem to feel about their far-right organization.

Outside the ranks, however, serious questions are raised about the Birchers' goals and methods.

Critics contend the Birchers use some of the same tactics, such as infiltration and front groups and intimidation, that the Communist employ.

What are the facts about the society's structure, aims, and methods?

To begin with, even its leaders agree that it is entirely monolithic. (Totalitarian is the word used by critics.) There are no elections. Founder Robert Welch and other major leaders appoint officers even down to the leaders of 10- or 20-member chapters.

Unlike many other radical-conservative organizations, the Birch Society does not have tax-exempt status and contributions to it are not deductible.

Only Welch makes policy statements and he, through the "agenda" printed in monthly bulletins, directs the activities of members.

John H. Rousselot, the society's public relations chief, says it is principally an "educational" organization which seeks to put over its views through pamphlets distributed in its libraries and bookstores, through a speakers' bureau, letter writing campaigns, anti-Communist seminars and the like.

According to Rousselot, the society has no plans for eventually getting directly into politics or endorsing candidates.

On the other hand, he said, "it doesn't displease us" when Birch members do run for office and get elected.

Likewise, Rousselot says the society has no deliberate plan for making itself the "hard-rock core or control point" for the entire ultra-conservative movement, though Birch members have already gained major influence in similar organizations.

In practice, however, Rousselot seems to be somewhat modest about Birch operations.

The society, for example, says it is not secret, but unquestionably some of its operations are carried on behind the masks of "front" groups.

In the society's May 1964 bulletin, members were urged to take out advertisements opposing the civil rights bill.

The suggested text described a vote for the bill as "a nail for the coffin of the American Republic." And the ad was to be signed thus:

"This advertisement has been paid for as a public service by the Blanktown committee to preserve the American Republic, 1122 Main Street, Blanktown, any State."

This presumably comes under the "education" function of the society which, in effect, was urging the formation of a "front" and the ad text nowhere mentioned the society.

In the society's Blue Book, Welch himself called for the creation of "little fronts, big fronts, temporary fronts, permanent fronts, all kinds of fronts" and even suggested specifically "a committee to investigate Communist influences at Vassar College."

The society currently is pushing organization of fronts under such names as "the movement to impeach Earl Warren" and "support your local police."

In the bulletins, Welch also organizes letter-writing campaigns and other protests against, for example, the sponsors of TV programs that he considers pro-United Nations or against plans to fly the U.N. flag on public buildings.

Birch members also tend to become involved in more spectacular activities, for which the society is not always ready to take credit.

Much publicity, for example, has been given to an effort by Birchers on the Santa Ana (Calif.) police force to oust their chief. Rousselot acknowledges the officers involved were society members but says the action was not a society project.

He also says he thinks that being a member of the society can make a man a better police officer.

Very little attention, however, has been paid to an even stranger series of events in Santa Ana, a Birch stronghold.

Last fall, the candidates for the State senate seat in the Santa Ana area were Democrat Robert Battin and Republican John Schmitz—who is a Bircher.

For days before the election, Battin charged, he had heard rumors that he would be arrested just before election day. He went so far as to try to get an injunction or other protection from the city judge of Santa Ana and the district attorney.

Then, on the Saturday night before the election, a man named Frank La Magna came to Battin's home with two policemen, William Weatherly and Gary Kuncl, and La Magna made a "citizen's arrest" of Battin.

La Magna, a supporter of Schmitz, charged that Battin had tried to run him down with a car when he caught Battin putting up Battin posters over those of Schmitz.

Battin charged that the two officers and the policeman who booked him, C. D. Hanson, were Birch members and that the arrest was a Birch plot in behalf of Schmitz.

Schmitz won the election. Later, the district attorney refused to issue a warrant against Battin on grounds of insufficient evidence.

Barely a week goes by without some such goings-on in the California wonderland.

Just before Christmas, for example, the mighty Bank of America had been permitting volunteers to sell Christmas cards for United Nations International Children's Emergency Fund (UNICEF) in the lobbies of its branches at Pacific Grove and Carmel.

Then, according to a bank official, Dan King III, a Birch section leader, protested that if the card sales were not halted the bank would be picketed by Minutemen.

King claimed that selling the cards was "just another case of surrendering to the Communist-controlled U.N."

He and other Birch leaders denied mentioning the Minutemen—superextremists who have formed a guerrilla army of their own.

Beyond its own sphere of operations, the Birch Society is in a position to exercise strong influence on the whole far-right movement, though Rousselot says it has no plan to take over the movement.

Birch leaders are heavily represented in the hierarchies of most similar organizations.

For example, Thomas Jefferson, a member of the Birch council, is a leader in We, the People. Anderson and F. Gano Chance, another Birch council member, are trustees of America's Future.

D. B. Lewis, a Birch endorser and manufacturer of pet foods, sponsors the radio programs of the Dan Smoot report.

Clarence Manion, another Birch council member, produces the "Manion Forum" radio program and newsletter.

And there are Birch members among the leadership of the Liberty Lobby, Christian Freedom Foundation, Americans for Constitutional Action and other groups.

One new conservative group of more moderate outlook, however, the American Conservative Union, formed several weeks ago in Washington, will have no part of the Birchers.

Its founders include former U.S. Representative Donald Bruce of Indiana, writer William F. Buckley, Jr., and novelist John Dos Passos.

Bruce, the chairman, says the group decided not to include Birchers in its leadership because the ACU has "a view of world affairs substantially at variance" with that taken by Welch.

This has not slowed the Birchers.

ELECTORAL REFORM

Mr. CURTIS. Mr. President, for a number of years I have supported the proposal that we amend the Constitution providing for a fair and just division of the electoral votes within the States in the election of the President and Vice President.

Under our present system, the candidate for President who carries a State gets all of the electoral votes. If the losing candidate in that State gets 48 or 49 percent of the popular vote, he receives none of the electoral votes. In other words, such a losing candidate would get no more electoral votes in that particular State than if he obtained none of the popular vote.

Whenever we have a system that puts the electoral votes of a State on an all or nothing basis, the result is not in the public interest. It discourages the two party system. It might invite the taking of an unsound position by a candidate or a party for fear of losing the entire electoral vote of a State.

The Legislature of Nebraska, in the passage of Legislative Resolution 42, has gone on record in favor of this reform. I hope that the action of the Legislature of Nebraska will be an inducement for others to join in support of such a constitutional amendment.

Mr. President, I ask unanimous consent that Legislative Resolution 42 be printed as part of my remarks.

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

LEGISLATIVE RESOLUTION 42

Whereas under the Constitution of the United States presidential and vice-presidential electors in the several States are now elected on a statewide basis, each State being entitled to as many electors as it has Senators and Representatives in Congress; and

Whereas the presidential and vice-presidential electors who receive the plurality of the popular vote in a particular State become entitled to cast the total number of electoral votes allocated to that State irrespective of how many votes may have been cast for other elector candidates; and

Whereas this method of electing the President and Vice President is unfair and unjust in that it does not reflect the minority votes cast; and

Whereas the need for a change has been recognized by members of Congress on numerous occasions through the introduction of various proposals for amending the Constitution: Now, therefore, be it

Resolved by the members of the Nebraska Legislature in 75th session assembled:

1. That application is hereby made to Congress under article V of the Constitution of the United States for the calling of a convention to propose an article of amendment to the Constitution providing for a fair and just division of the electoral votes within the States in the election of the President and Vice President.

2. That if and when Congress shall have proposed such an article of amendment this application for a convention shall be deemed withdrawn and shall be no longer of any force and effect.

3. That printed copies of this application be transmitted to the Senate and House of Representatives of the United States, and to our Senators and Representatives in Congress.

PHILIP C. SORENSON,
President of the Legislature.

Attest:

HUGO F. SRB,
Clerk of the Legislature.

POLLUTION IN LAKE ERIE

Mr. KENNEDY of New York. Mr. President, I ask unanimous consent that two articles appearing in the New York Times on August 6 and 7, 1965, on the Federal Water Pollution Conference being held for Lake Erie be printed in the RECORD.

The 11.2 million residents of the United States and Canada who live on the shores of Lake Erie are watching closely the actions of their Federal, State, and local governments at this Conference.

The increasingly rapid pollution of Lake Erie over the last 15 years must be reversed if this magnificent national heritage is not to be fouled beyond reclaim.

The Federal Water Pollution Conference for Lake Erie is making a number of recommendations to eliminate pollution. I hope that they are adopted by all of the conferees.

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

[From the New York Times, Aug. 7, 1965]

THREE STATES APPROVE PLAN ON LAKE ERIE—MICHIGAN, OHIO AND INDIANA MAP 4-YEAR PROGRAM TO CLEAN POLLUTED WATER—BUFFALO HEARINGS SET—OFFICIALS OF NEW YORK AND PENNSYLVANIA ABSENT FROM CLOSING CLEVELAND SESSION

(By Gladwin Hill)

CLEVELAND, August 6.—Michigan, Ohio, and Indiana approved today a program for cleaning up Lake Erie, whose deterioration through pollution has long alarmed public officials, conservationists and scientists.

The program implies outlays of billions of dollars in the States of the Erie Basin, primarily for improved municipal and industrial waste treatment facilities. A 4-year schedule for accomplishing this was proposed, and the States agreed to submit detailed remedial schedules within 6 months.

The action came at the end of a week-long Federal hearing into the facts of the pollution of the lake, a major national source of water.

Representatives of New York and Pennsylvania, the two other States of the basin, were absent from the final deliberations. They left the proceedings yesterday, pleading the pressure of business elsewhere. New York and Pennsylvania are scheduled to present their views at a continuation of the hearing starting next Tuesday in Buffalo.

MAJOR FEDERAL VICTORY

The remedial "conclusions and recommendations" were endorsed by water and health officials of the basin's three Western States and by Federal representatives. They are subject to reevaluation after the Buffalo sessions, but the endorsers indicated informally that they felt committed to the outlined measures regardless of what New York and Pennsylvania did.

This bulked as a major victory for the Department of Health, Education, and Welfare in its decade-old program to reduce widespread pollution of waterways throughout the Nation.

Under Federal law, polluters of interstate waters can be required to adopt and carry out corrective programs after hearings like the current one are held. The Lake Erie proceeding is the 35th and largest of the Federal pollution abatement actions initiated since 1956.

Michigan and Ohio are authoritatively estimated to be the source of as much as 90 percent of the pollution in the 240-mile-long lake, with New York, Pennsylvania and Indiana making appreciable contributions.

ERIE AND BUFFALO CITED

The pollution ranges from untreated sewage to such chemical wastes as chlorides, acids and oil from industrial establishments. All told, around a ton a minute of contaminants pours into the lake. Particularly troublesome are phosphates, a prominent ingredient of sewage, which have caused a runaway growth of seaweed-like algae and have upset the lake's biological balance.

The metropolitan areas of Erie, Pa., and Buffalo, have been cited by U.S. Public Health Service investigators as significant sources of pollution.

The program endorsed today contained several radical steps.

It called for secondary treatment of sewage, or comparable measures to eliminate major pollutants in all communities. Secondary treatment is the neutralization of up to 90 percent of the contaminants by biological or chemical processing. About half the communities in the country have secondary treatment facilities, but two notable exceptions are Detroit and Buffalo.

The program also called for prohibiting combined sewer and storm-drain systems in all new urban development. Under the nationally prevalent arrangement of combining the two systems, a downpour overtaxes sewage treatment plants and large amounts of untreated sewage and storm water have to be bypassed directly into such outlets as rivers and lakes. With separate storm drain systems, the normal flow of sewage through a treatment plant is not disrupted by a storm.

The program calls for industrial plants to install facilities for "maximum reduction" of their discharge of a dozen major categories of contaminants. These range from phenols, which taint drinking water, to excessive heat, which often kills fish.

The hearing conferees endorsed large sections of a Public Health Service report based on 2 years of scientific study of Lake Erie, and remedial recommendations therein.

They took under consideration a proposed schedule, advanced by the hearing chairman, Murray Stein, the Federal water pollution enforcement chief. It called for:

Completion of municipal waste treatment plans and specifications by August 1966.

Completion of financing by February 1967.

Start of construction by August 1967.

Completion of construction by January 1969.

Completion of industrial waste treatment facilities by January 1969.

The prospective cost of secondary sewage treatment facilities in Detroit alone has been estimated by municipal officials at more than $100 million.

The New York representative at the hearing until yesterday was Richard D. Hennigan, director of the State health department's bureau of water resources services. The Pennsylvania participant, who also left yesterday, was Richard Boardman, representing the State department of health.

[From the New York Times, Aug. 6, 1965]

CONCERNS TO GIVE POLLUTION DATA—COMPANIES REVERSE POLICY IN UNEXPECTED MOVE

(By Gladwin Hill)

CLEVELAND, August 5.—Significant progress in the nationwide effort to overcome water pollution was registered today.

A number of industrial concerns agreed to provide the U.S. Public Health Service regularly with data on the composition and quantity of their waste discharges into public waterways.

Many concerns have made a practice of withholding such information on various pretexts. The result has been to handicap and retard State and Federal efforts to pinpoint pollution sources so that suitable remedial programs might be formulated.

The development came on the third day of a Federal hearing that is the initial phase of formal proceedings to abate the severe pollution of Lake Erie.

MISSING REPRESENTATIVE

The session was punctuated by the sudden disappearance from the hearing of New York's representative in the five-State conference, Robert D. Hennigan, director of the New York State Department of Health's Bureau of Water Resource Services.

Mr. Hennigan, an assiduous participant in the preceding 2 days' sessions failed to appear today without notice.

Murray Stein, Federal water pollution enforcement director and chairman of the hearing, jocularly remarked that it was the first time in 35 such proceedings over a decade that an official participant had "taken French leave" and "stolen away in the night."

An official search party ascertained that Mr. Hennigan had checked out of the Sheraton Hotel, scene of the hearing, at 6 p.m. last night.

This afternoon Dr. Meredith Thompson, New York's assistant commissioner of environmental health services, telephoned from Albany saying Mr. Hennigan had been called back to an emergency meeting on Hudson River water problems. He observed that ordinarily "New York State representatives do not leave meetings without communicating."

STATE DEFAULTS AT SESSION

Attendance at the hearing is not compulsory, but absence means a State defaults in participating in any conclusions the conference may reach at a session about remedial programs. Such programs become enforceable by law.

In this instance, some preliminary findings may be announced at a session tomorrow, but final conclusions will await a second hearing that will open at Buffalo on Tuesday.

Governor Rockefeller and others are expected to present New York's views on the Lake Erie problem at that hearing.

The other States involved are Michigan, Indiana, Ohio, and Pennsylvania.

Dozens of spokesmen for governmental agencies, industry, and civic groups have also been testifying about the serious contamination of the 240-mile-long lake and means of arresting it.

The consensus is that the main solution is quick improvement of the treatment facilities for the municipal and industrial wastes that pour into the lake between Detroit and Buffalo at a rate of about a ton a minute.

DATA CONCEALED

A Federal inventory of these sources has been obstructed by the refusal of some corporations to divulge waste data. An Ohio law has sanctioned this concealment.

Some companies have contended that the information involved "trade secrets," others that the data "might be misinterpreted." But the real motive in most cases, responsible Federal officials say, was simply to conceal the amount of a company's pollution.

At a Mahoning River pollution hearing in Youngstown, Ohio, in February, the United States Steel Corp., the Republic Steel Co., the Youngstown Sheet & Tube Co., and several smaller concerns refused to give Federal investigators requested information.

Such secretiveness has been repeatedly thwarted by sampling industrial plants' effluents from boats, but this is a protracted and expensive process.

A tacit renunciation of secretiveness about effluents came about unexpectedly at today's session.

A succession of executives from the Cleveland industrial complexes told the panel of Federal and State representatives that they would make public full information about the quantity and character of their companies' waste discharges.

They included representatives of United States Steel, Republic Steel, the Sun Oil Co., the Harshaw Chemical Co., the Standard Oil Co. of Ohio, the Sherwin-Williams Co., and E. I. du Pont de Nemours & Co.

The Jones & Laughlin Steel Corp., while presenting no testimony, sent a message endorsing the policy.

WORKS OF PEACE IN SOUTHEAST ASIA

Mr. HARTKE. Mr. President, 20 years ago last July 31 the cruiser *Indianapolis* was hit by a submarine torpedo in the last days of the war in the Pacific. When that ship, named for the leading city of my State, went down she took with her 880 men in the greatest sea disaster in the history of the Nation.

On the anniversary of that event, there assembled in the city of Indianapolis survivors of that sinking in a commemorative reunion of those who served on the cruiser *Indianapolis*. The speaker for the occasion was a distinguished Indianapolis man, now holding a high post in the Federal Government, Joseph W. Barr, our Under Secretary of the Treasury. The purpose of his address, he told the group, was "to widen the borders of peace and extinguish the flames of war in our times."

His speech, concentrating on the manner in which we have constructed since that time a world which is interlinked by a variety of new international organizations in the realm of economics, is one which makes a contribution to that purpose. Therefore, I ask unanimous consent that this address may appear in the CONGRESSIONAL RECORD.

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

EXTENDING PEACE

(An address by the Honorable Joseph W. Barr, Under Secretary of the Treasury, at the reunion of survivors of the U.S.S. *Indianapolis*, Indianapolis, Ind., July 31, 1965)

We are gathered here tonight to pay the humble respects of the living to the honored memory of 880 gallant men who died in the greatest disaster at sea in the history of the U.S. Navy, the sinking of the cruiser *Indianapolis*.

I think that in the calamity that overtook the great ship whose name honored our fine city, just 20 years ago this midnight, there are elements of tragedy and of irony that stand as signal lessons to the world of today. The tribute that I will try to pay to this gallant ship and her brave men—the survivors as well as the dead—will be an attempt to put these lessons to use in our efforts to widen the borders of peace and extinguish the flames of war in our times. This is the only adequate kind of tribute we could make to the *Indianapolis* and her men.

The *Indianapolis* was torpedoed just after midnight on July 30, east longitude, 1945, with the end of World War II only a few days off. It was hit by a submarine only a year old, F–147, with the then most modern weapons, a well-trained crew and a competent commander, which had hunted a full year without any luck. If the bad luck of the Japanese submarine I–58 had held that night—when the hit it scored was made possible only by the coincidence of several extremely lucky factors—the *Indianapolis* and her men would have survived the few more days until peace came.

If we lift our eyes from this dark tragedy just before the dawn of peace and look about us today, it is as though not just 20 years had passed, but as though we were in some new and splendid millenium.

We cannot pause for more than the briefest indication of what those changes have been. In terms of today's prices, our gross national product is twice what it was in 1945, and our standard of living, despite a rapidly growing population, is more than twice as high, measured by personal consumption expenditures. In addition, through the use of part of our income as taxes, we have greatly increased the quality of our lives. We have done so in many ways, such as a fivefold increase in outlays for education, great new outlays on highways, and on hospital and water supply construction. Meanwhile, we spent a tenth of our income to make our defenses unassailable. At the same time, we made the large outlays necessary to let the United States take over the lead in mankind's newest and most marvelous adventure, the plunge into space.

As wonderful as they are, these improvements in our country and like advances in many other parts of the developed free world, do not measure the most significant change in our lives in the last 20 years.

I am referring now to what, in my opinion, history may single out as one of the great turns toward the realization of humanity's potential.

But for all its significance, this turn has been rather generally overlooked, because for the past two decades we and the rest of the world have been so occupied and disturbed by the terrible possibilities for total destruction contained in nuclear weapons.

Nevertheless—and this is the historic change I have in mind—in these same two decades, a great and vital part of the world has made a great and vital advance toward permanent peace.

With pride and affection for our wonderful and unique Nation, we can note that this most promising of world developments took place at a time when the United States was strong and nearly all the rest of the world was weak. I do not believe history affords another example of a nation that possessed everything needed for world conquest, but which used its advantages instead to lead its friends and allies away from war, and into the paths of peace, sharing its substance with them to make them strong where they were weak, and, having restored their strength, taking its place among them as a no more than equal competitor.

This is a record that those in conflict with us now, whom we have invited to the conference table, should ponder very thoroughly.

The part of the world to which I refer includes, besides the United States, Western Europe, Canada, Japan, Australia, and New Zealand—the more economically advanced free world nations—and their neighbors.

I think—and I believe that many, many others are coming to the same conclusion—that we can begin to assert with conviction that among the nations of this most productive, best provided, most rapidly advancing part of the world, war has been renounced as an instrument of policy.

Abandonment of war as an instrument of policy, is not, of course, a measurable ascertainable matter. Nevertheless, my view is based upon a practical and mundane fact, the fact that among these nations, during the post-war years, there has been a rapid growth of the means for keeping the peace.

These means are a network of consultative, cooperative, collaborative institutions, and the will to use them constructively.

Time permits no more than a listing of the most outstanding of these institutions. The Organization for European Economic Cooperation was set up as the funnel through which Marshall plan assistance by the United States would reach Europe. It was conceived with the idea that the cooperative management of the aid funds—by the recipients—would demonstrate that even where, as in Europe, rivalries are very old and deep, collaboration in a constructive task can make collaboration a way of life. This is proved by the successors in Europe to OEEC: the European Economic Community, the European Free Trade Association, Euratom the Council of Europe, common space exploration arrangements, and many others. The fact that there is vigorous disagreement among some of the Western European powers today, but that there is no longer even any thought of war, is further proof. These disagreements show besides that collaboration can take place without killing competition.

On the broader, free-world-wide scale, there are many other examples, including:

The Organization for Economic Cooperation and Development, the International Monetary Fund, the International Bank for Reconstruction and Development and its offspring affiliates such as the International Finance Corporation, the North Atlantic Treaty Organization, the General Agreement on Tariffs and Trade, the Alliance for Progress, international agreements seeking to stabilize the supply and price of key commodities such as coffee, tin and wheat, the Organization of American States, the International Development Association, the U.N. Trusteeship Council and International Court of Justice.

All these organizations, and many others are weaving a strong fabric of peace. This is not done by great single acts, but by thousands of little daily actions—exchanges of information, mutual and mutually respected criticisms and suggestions, the sharing of burdens, advance discussion of policy and the common making of policy, in place of the imposition of the policy of the strongest. This has become our accepted way of life.

It is not a way of life that rules out disagreement. As I have already indicated, you need only to read a newspaper any day to see the contrary. But it is a way of life that opens nations to the opinions and criticisms of others, and it is a way of life that requires a willingness to listen to one another's views, and a way of life that calls for constructive reaction to the other nation's problems. Now, this is not only a peaceful way of life. It is also one that grows upon you as you go along because it is constructive. Everyone who is a party to it has an increasingly high stake in maintaining it because of the building up of the benefits that flow from the sharing of burdens and from constructive problem solving.

To illustrate the point that I have been making, let me call your attention to the fact that the Secretary of the Treasury, the Honorable Henry H. Fowler, on July 10 described in the following words a potential problem the world may face as the United States brings its balance of payments into equilibrium: "without additions to the reserve dollars that our deficits have so long supplied, the world will need a new and assured source of growing liquidity to support increasing world trade and investment." Secretary Fowler went ahead to state: "I am privileged to tell you this evening that the President has authorized me to announce that the United States now stands prepared to attend and participate in an international monetary conference that would consider what steps we might jointly take to secure substantial improvements in international monetary arrangements."

In these statements our Government is indicating to the world not only its determination to solve our own payments problem, but our willingness to consult with all free nations and to solicit their viewpoints to make certain that the growth of world trade and investment is not impaired.

It is for reasons such as these that I believe the growth of interdependence has gone so far as in the free world that it can be said with realism that we have learned to live with peace, and that there is no reason to think that the nations participating in the consultative, collaborative process I have been describing will ever turn again, among themselves, to destructive, rather than constructive, solutions of their problems.

It is in this light that the tragic, ironic lessons of the death of the *Indianapolis*—and of World War II as a whole—stand out.

Had such a consultative, mutually responsive and constructive international society existed in the 1930's, World War II could have been prevented.

That is the bitter lesson we cannot avoid if we compare today to yesterday. But I have not taken your time up to this point to make a philosophical comment. Nor have I been describing the improvements in our individual, national, and international lives in a mood of self-congratulation. It is not yesterday that I have in mind, and not only the better world of today, but the still far better world of tomorrow; I am not thinking only of that part of the world that has already learned to stop fighting and to start building, but of an extension of it to new and very important ground.

We are convinced that the safer, more productive and faster growing and improving world which we have been bringing into being in much of the free world will prove so attractive that in time it will spread to the whole world.

But the United States is acting now to extend it immediately where immediate extension is most urgently needed. President Johnson took this step in his historic address on the pattern for peace in southeast Asia, on April 7, at Johns Hopkins University. Discussing and defining the responsibilities of the United States in Vietnam, President Johnson made it clear that we would not be defeated, we would not retreat, that the use of force would not pay. He then offered to the peoples of southeast Asia—including North Vietnam—an opportunity to build rather than destroy, to enter into the weaving there, as we have here—and with our help—of a strong fabric of peace and progress in southeast Asia. The President pledged himself to seek a billion dollars from the Congress to give effect, in the form of constructive works of economic betterment in southeast Asia, to his offer.

Only 3 days ago, on July 28, the President repeated and emphasized this pattern for peace.

In effect, what we are saying is:

The days of aggression and terror and war itself are numbered. Here in our world we are learning to live at peace. All of us are immeasurably better off for it. We offer you our help, and we welcome you into our open, constructive world of peaceful improvement of the human lot. Stop the fighting, and let us all together start the building.

Let me say, as the President said on July 28, that this offer is not made "as the price of peace, for we are always ready to bear a more painful cost, but rather, as a part of our obligations of justice to our fellow man."

I want to spend most of my remaining time with you discussing the economic program that the United States holds forth to the people of Vietnam and the other peoples of southeast Asia. First, however, I want to go over with you, as the President does whenever he discusses Vietnam, the reasons we are fighting there.

"Why must young Americans, born into a society exultant with hope and with golden promise, toil and suffer and sometimes die in such a remote place?" the President asked in his remarks last Wednesday. And he answered: "The answer, like the war itself, is not an easy one, but it echoes clearly from the painful lessons of half a century. Three times in my lifetime, in two World Wars and in Korea, Americans have gone to far lands to fight for freedom. We have learned at terrible and brutal cost that retreat does not bring safety and weakness does not bring peace.

"It is this lesson that has brought us to Vietnam. This is a different kind of war. There are no marching armies or solemn declarations. But we must not let this mask the central fact that this is really war.

"It is guided by North Vietnam and it is spurred by Communist China. Its goal is to conquer the South, to defeat American power, and to extend the Asiatic dominion of communism.

"There are great stakes in the balance.

"Most of the non-Communist nations of Asia cannot, by themselves and alone, resist growing might and the grasping ambition of Asian communism.

"Our power, therefore, is a very vital shield. If we are driven from the field in Vietnam, then no nation can ever again have the same confidence in American promise, or in American protection.

"In each land the forces of independence would be considerably weakened and an Asia so threatened by Communist domination would certainly imperil the security of the United States itself.

"We did not choose to be the guardians at the gate, but there is no one else."

And in his pattern for peace address in April, the President put it:

"We fight because we must fight if we are to live in a world where every country can shape its own destiny, and only in such a world will our own freedom be finally secure * * * the infirmities of man are such that force must often precede reason, and the waste of war, the works of peace.

"We wish that this were not so. But we must deal with the world as it is, if it is ever to be as we wish."

These gentle and generous reasons for our restrained, carefully measured-out use of force in Vietnam are in keeping with the constructive peace the President proposes.

What, then, are these works of peace?

First of all, we should remember that what has now been proposed does not stand alone, that we have already made very great contributions to development in southeast Asia.

Our military assistance in keeping the area from being converted into a small morsel to be gobbled up by the hungry communism of

Asia is undoubtedly the biggest single assistance we have given. Without it today South Vietnam, and much if not all of the rest of the area, would lie stripped and impoverished in the poorhouse that is Asian communism, deprived even of the right to use its own resources for its own benefits.

But we have not only been preserving the resources of southeast Asia. We have also been adding to them in very great measure. American economic assistance has gone to many countries of southeast Asia, including Burma, Indonesia, Laos, the Philippines, Thailand, and Vietnam, over most of the past two decades. The single biggest recipient of our economic assistance in this area has been Vietnam.

It is in this setting that the President proposes an accelerated program of development assistance in southeast Asia. In proposing this program last April as the pattern for peace in that troubled and for the most part impoverished part of the world, the President said:

"The first step is for the countries of southeast Asia to associate themselves in a greatly expanded cooperative effort for development. We would hope that North Vietnam would take its place in the common effort just as soon as peaceful cooperation is possible."

As part of the cooperative action of the southeast Asian people themselves, President Johnson has accepted, and has proposed U.S. participation in, the Asian Development Bank that is now being brought together. I had the pleasure of attending a meeting at Washington earlier this week at which representatives from the Philippines, South Vietnam, India, Pakistan, and Iran explained their plans for the Bank to U.S. officials.

I have rarely, if ever, attended a meeting more full of enthusiasm, and I may say, of more promise in the approach to a great task. I think it is a project that will succeed. To help it succeed, the President has proposed not only U.S. financial participation, but has designated Eugene Black to serve as his personal representative, and to share with the Asian organizers of the Bank the vast experience Mr. Black accumulated as President of the World Bank for 15 years.

Subject to congressional approval, the United States will subscribe some $200 million to the capital of the Asian Development Bank. This would be 20 percent of the proposed capital of the Bank. The Asian countries are to contribute some $600 million altogether and others—including, if they will come in, the U.S.S.R.—are to put up $200 million.

The Asian Development Bank is thus to be not only Asian in concept and in management, and for the benefit of Asia, but is also to be mainly Asian financed. It will cut across the world's main geographic and cultural dividing lines. In these ways, the Asian Development Bank holds promise of serving not only Asia, but of performing a signal long-term service to the world as a whole. And from our point of view, we would be joining hands with the Asians in their own chosen project.

Here we see the beginning of a web that with patience and prudence—and the more quickly and the more surely if we can move from the battlefield to the conference table in Vietnam—can be developed into the same kind of strong fabric of lasting peace and progress that has been woven so swiftly in the free world since we turned our back on our battlefields, and turned our faces to the building of a world in which humanity can begin to realize its untold potential.

As President Johnson has said, and has emphasized and reemphasized, "We will not be defeated" in Vietnam, "we will not grow tired, and we will not withdraw either openly or under the cloak of a meaningless agreement."

But we are willing to enter into "unconditional discussions" for an honorable peace, "with any government, at any place, at any time."

In stating this, the President said, when making known his pattern for peace in southeast Asia: "This generation of the world must choose: destroy or build, kill or aid, hate or understand. Well, we will choose life. And in doing so, we will prevail over the enemies within man, and over the natural enemies of all mankind."

No nation ever fought with more resolution than we fight in Vietnam. No nation ever fought with less desire for conflict, and less liking for the use of force. And no nation ever offered a brighter peace.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. ROBERTSON obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield, without losing his right to the floor?

Mr. ROBERTSON. I yield with that understanding.

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. 1599) to establish a Department of Housing and Urban Development, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

The Senate resumed the consideration of the bill which had been reported from the Committee on Government Operations with amendments on page 2, line 15, after the word "housing,", to strike out "and"; in the same line, after the word "development", to insert "and mass transportation"; in line 18, after the word "cooperation", to insert "to encourage the maximum contributions that may be made by vigorous private homebuilding and mortgage lending industries to housing, urban development, and the national economy;"; on page 3, line 24, after the word "problems", to insert "consult and cooperate with State governments with respect to State programs for assisting communities in developing solutions to urban and metropolitan development problems and for encouraging effective regional cooperation in the planning and conduct of urban and metropolitan development programs and projects;"; on page 4, line 8, after the word "activities", to insert "encourage private enterprise to serve as large a part of the Nation's total housing and urban development needs as it can and develop the fullest cooperation with private enterprise in achieving the objectives of the Department;"; in the headline, in line 21, after the word "Officers", to insert "And Officers"; on page 5, line 5, after the word "time.", to insert "One of the Assistant Secretaries shall be designated to administer, under the supervision and direction of the Secretary, departmental programs relating to the private mortgage market."; after line 17, to insert:

(c) There shall be in the Department an office to be known as the Office of Urban Program Coordination, which shall be headed by a Director, who shall be appointed by the Secretary. Such Office shall assist the Secretary in carrying out his responsibilities to the President with respect to achieving maximum coordination of the programs of the various departments and agencies of the Government which have a major impact on community development. In providing such assistance, the Director shall make such studies of urban problems as the Secretary shall request, and shall develop recommendations relating to the administration of Federal programs affecting such problems, particularly with respect to achieving effective cooperation among the Federal, State, and local agencies concerned. Subject to the direction of the Secretary, the Director shall, in carrying out his responsibilities, (1) establish and maintain close liaison with the Federal departments and agencies concerned, and (2) consult with State, local, and regional officials, and consider their recommendations with respect to such programs.

And on page 7, after line 5, to insert:

(c) The President shall undertake studies of the organization of housing and urban development functions and programs within the Federal Government, and he shall provide the Congress with the findings and conclusions of such studies, together with his recommendations regarding the transfer of such functions and programs to or from the Department. Notwithstanding any other provision of this Act, none of the functions of the Secretary of the Interior authorized under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) or other functions carried out by the Bureau of Outdoor Recreation shall be transferred from the Department of the Interior or in any way be limited geographically unless specifically provided for by reorganization plan pursuant to provisions of the Reorganization Act of 1949, as amended (79 Stat. 135) or by statute.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Department of Housing and Urban Development Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of our people require, as a matter of national purpose, sound development of the Nation's urban communities and metropolitan areas in which the vast majority of its people live and work.

To carry out such purpose, and in recognition of the increasing importance of housing and urban development in our national life, the Congress finds that establishment of an executive department is desirable to achieve the best administration of the principal programs of the Federal Government which provide assistance for housing and for the development of the Nation's communities; to assist the President in achieving maximum coordination of the various Federal activities which have a major effect upon urban, suburban, or metropolitan development; to encourage the solution of problems of housing, urban development, and mass transportation through State, county, town, village, or other local and private action, including promotion of interstate, regional, and metropolitan cooperation; to encourage the maximum contributions that may be made by vigorous private homebuilding and mortgage lending industries to housing, urban development, and the national economy; and

to provide for full and appropriate consideration, at the national level, of the needs and interests of the Nation's communities and of the people who live and work in them.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. (a) There is hereby established at the seat of government an executive department to be known as the Department of Housing and Urban Development (hereinafter referred to as the "Department"). There shall be at the head of the Department a Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary"), who shall be appointed by the President by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary. The Secretary shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments.

(b) The Secretary shall, among his responsibilities, advise the President with respect to Federal programs and activities relating to housing and urban development; develop and recommend to the President policies for fostering the orderly growth and development of the Nation's urban areas; exercise leadership at the direction of the President in coordinating Federal activities affecting housing and urban development; provide technical assistance and information, including a clearinghouse service to aid State, county, town, village, or other local governments in developing solutions to urban and metropolitan development problems; consult and cooperate with State governments with respect to State programs for assisting communities in developing solutions to urban and metropolitan development problems and for encouraging effective regional cooperation in the planning and conduct of urban and metropolitan development programs and projects: encourage comprehensive planning by the State and local governments with a view to coordinating Federal, State, and local urban development activities; encourage private enterprise to serve as large a part of the Nation's total housing and urban development needs as it can and develop the fullest cooperation with private enterprise in achieving the objectives of the Department; and conduct continuing comprehensive studies, and make available findings, with respect to the problems of housing and urban development.

(c) Nothing in this Act shall be construed to deny or limit the benefits of any program, function, or activity assigned to the Department by this or any other Act to any community on the basis of its population or corporate status, except as may be expressly provided by law.

UNDER SECRETARY AND OTHER OFFICERS AND OFFICES

SEC. 4. (a) There shall be in the Department an Under Secretary, four Assistant Secretaries, and a General Counsel, who shall be appointed by the President by and with the advice and consent of the Senate, who shall receive compensation at the rate now or hereafter provided by law for under secretaries, assistant secretaries, and general counsels, respectively, of executive departments, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time. One of the Assistant Secretaries shall be designated to administer, under the supervision and direction of the Secretary, departmental programs relating to the private mortgage market.

(b) There shall be in the Department an Assistant Secretary for Administration, who shall be appointed, with the approval of the President, by the Secretary under the classified civil service, who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time, and whose annual rate of compensation shall be the same as that now or hereafter provided by or pursuant to law for assistant secretaries for administration of executive departments.

(c) There shall be in the Department an office to be known as the Office of Urban Program Coordination, which shall be headed by a Director, who shall be appointed by the Secretary. Such Office shall assist the Secretary in carrying out his responsibilities to the President with respect to achieving maximum coordination of the programs of the various departments and agencies of the Government which have a major impact on community development. In providing such assistance, the Director shall make such studies of urban problems as the Secretary shall request, and shall develop recommendations relating to the administration of Federal programs affecting such problems, particularly with respect to achieving effective cooperation among the Federal, State, and local agencies concerned. Subject to the direction of the Secretary, the Director shall, in carrying out his responsibilities, (1) establish and maintain close liaison with the Federal departments and agencies concerned, and (2) consult with State, local, and regional officials, and consider their recommendations with respect to such programs.

TRANSFERS TO DEPARTMENT

SEC. 5. (a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to and vested in the Secretary all of the functions, powers, and duties of the Housing and Home Finance Agency, of the Federal Housing Administration and the Public Housing Administration in that Agency, and of the heads and other officers and offices of said agencies.

(b) The Federal National Mortgage Association, together with its functions, powers, and duties, is hereby transferred to the Department. The next to the last sentence of section 308 of the Federal National Mortgage Association Charter Act and the item numbered (94) of section 303(e) of the Federal Executive Salary Act of 1964 are hereby repealed, and the position of the President of said Association is hereby allocated among the positions referred to in section 7(c) hereof.

(c) The President shall undertake studies of the organization of housing and urban development functions and programs within the Federal Government, and he shall provide the Congress with the findings and conclusions of such studies, together with his recommendations regarding the transfer of such functions and programs to or from the Department. Notwithstanding any other provision of this Act, none of the functions of the Secretary of the Interior authorized under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) or other functions carried out by the Bureau of Outdoor Recreation shall be transferred from the Department of the Interior or in any way be limited geographically unless specifically provided for by reorganization plan pursuant to provisions of the Reorganization Act of 1949, as amended (79 Stat. 135) or by statute.

CONFORMING AMENDMENTS

SEC. 6. (a) Section 19(d)(1) of title 3 of the United States Code is hereby amended by striking out the period at the end thereof and inserting a comma and the following: "Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development."

(b) Section 158 of the Revised Statutes (5 U.S.C. 1) is amended by adding at the end thereof:

"Eleventh. The Department of Housing and Urban Development."

(c) The amendment made by subsection (b) of this section shall not be construed to make applicable to the Department any provision of law inconsistent with this Act.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, or other funds held, used, arising from, or available or to be made available in connection with, the functions, powers, and duties transferred by section 5 of this Act are hereby transferred with such functions, powers, and duties, respectively.

(b) No transfer of functions, powers, and duties shall at any time be made within the Department in connection with the secondary market operations of the Federal National Mortgage Association unless the Secretary finds that the rights and interests of owners of outstanding common stock issued under the Federal National Mortgage Association Charter Act will not be adversely affected thereby.

(c) The Secretary is authorized, subject to the civil service and classification laws, to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, as shall be necessary to carry out the provisions of this Act and to prescribe their authority and duties: *Provided*, That any other provision of law to the contrary notwithstanding, the Secretary may fix the compensation for not more than six positions in the Department at the annual rate applicable to positions in level V of the Federal Executive Salary Schedule provided by the Federal Executive Salary Act of 1964.

(d) The Secretary may delegate any of his functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties. The second proviso of section 101(c) of the Housing Act of 1949 is hereby repealed.

(e) The Secretary may obtain services as authorized by section 15 of the Act of August 2, 1946, at rates not to exceed $100 per diem for individuals.

(f) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space; central services for document reproduction and for graphics and visual aids; and a central library service. In addition to amounts appropriated to provide capital for said fund, which appropriations are hereby authorized, the fund shall be capitalized by transfer to it of such stocks of supplies and equipment on hand or on order as the Secretary shall direct. Such fund shall be reimbursed from available funds of agencies and offices in the Department for which services are performed at rates which will return in full all expenses of operation, including reserves for accrued annual leave and for depreciation of equipment.

(g) The Secretary shall cause a seal of office to be made for the Department of such device as he shall approve, and judicial notice shall be taken of such seal.

ANNUAL REPORT

SEC. 8. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for submission to the Congress on the activities of

the Department during the preceding calendar year.

SAVINGS PROVISIONS

SEC. 9. (a) No cause of action by or against any agency whose functions are transferred by this Act, or by or against any officer of any such agency in his official capacity, shall abate by reason of this enactment. Such causes of action may be asserted by or against the United States or such official of the Department as may be appropriate.

(b) No suit, action, or other proceeding commenced by or against any agency whose functions are transferred by this Act, or by or against any officer of any such agency in his official capacity, shall abate by reason of the enactment of this Act. A court may at any time during the pendency of the litigation, on its own motion or that of any party, order that the same may be maintained by or against the United States or such official of the Department as may be appropriate.

(c) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, prior to the effective date of this Act, by any agency, officer, or office pertaining to any functions, powers, and duties transferred by this Act shall continue in full force and effect after the effective date of this Act until modified or rescinded by the Secretary or such other officer or office of the Department as, in accordance with applicable law, may be appropriate. With respect to any function, power, or duty transferred by or under this Act and exercised hereafter, reference in another Federal law to the Housing and Home Finance Agency or to any officer, office, or agency therein, except the Federal National Mortgage Association and its officers, shall be deemed to mean the Secretary. The positions and agencies heretofore established by law in connection with the functions, powers, and duties transferred under section 5(a) of this Act shall lapse.

SEPARABILITY

SEC. 10. Notwithstanding any other evidence of the intent of Congress, it is hereby declared to be the intent of Congress that if any provision of this Act, or the application thereof to any persons or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act or its application to other persons and circumstances, but shall be confined in its operation to the provision of this Act, or the application thereof to the persons and circumstances, directly involved in the controversy in which such judgment shall have been rendered.

EFFECTIVE DATE AND INTERIM APPOINTMENTS

SEC. 11. (a) The provisions of this Act shall take effect upon the expiration of the first period of sixty calendar days following the date on which this Act is approved by the President, or on such earlier date as the President shall specify by Executive order published in the Federal Register, except that any of the officers provided for in sections 3(a), 4(a), and 4(b) of this Act may be nominated and appointed, as provided in such sections, at any time after the date this Act is approved by the President.

(b) In the event that one or more officers required by this Act to be appointed, by and with the advice and consent of the Senate, shall not have entered upon office on the effective date of this Act, the President may designate any person who was an officer of the Housing and Home Finance Agency immediately prior to said effective date to act in such office until the office is filled as provided in this Act or until the expiration of the first period of sixty days following said effective date, whichever shall first occur. While so acting such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

Mr. ROBERTSON. 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. ROBERTSON. 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. ROBERTSON. Mr. President, the proposal to raise the Housing and Home Finance Agency to the status of an executive department is an unnecessary and a wasteful step. The primary purpose is to bring pressure upon Congress to increase spending for city housing, urban renewal, and transportation. Current news items indicate that the new Cabinet officer would start with a $7 billion budget, referring to the new housing bill recently written into law. That estimate is a misnomer because the public housing authorized by that bill will eventually cost more than $7 billion. When some Member of the Senate estimated that the housing bill would cost $15 billion, the Senator in charge of the bill frankly admitted that no one could form an exact estimate of what the bill could cost because of the open end authorizations and the authority to draw funds directly from the Treasury.

Last week, the Federal Reserve Board estimated that the current boom would last all of this year and perhaps go well into next year and at the unprecedented level of $660 billion. Also, the national produced income is at an all-time high and likewise the number gainfully employed. So we find those who look only at the rosy side of the medallion predicting that we can have both guns and butter.

No one seems to know what the guns will eventually cost, but even on the basis of the current level of war expenditures, I predict that we are not going to have both guns and butter except on the basis of a higher price for butter. In other words, I estimate current budgeted expenditures, exclusive of social security, of $107 billion and revenue at $94.7 plus, leaving an anticipated deficit of $12.3 billion. Yet, we are asked to create a new spending agency to put pressure on Congress for new public housing units, each one of which over a period of 40 years will cost the Government $14,000, for more contributions to those who wish to rent a house better than their income can finance, and to make contributions to the redevelopment of our cities with mass transportation grants of 50 percent or more and urban renewal grants up to 75 percent.

The proposal to create a new Department of Housing and Urban Development is unnecessary because it does not create any new functions not already being performed by the various bureaus that make up the HHFA. The House committee said in its report:

> It does not modify or repeal existing programs; it does not propose new ones.

It is wasteful because the tendency of all full-scale departments has been to grow. One of the first acts of the Eisenhower administration was to create the Department of Health, Education, and Welfare, which began its existence with a budget of $1,927,432,261 for the fiscal year 1954.

Eleven years later that Department had a budget for 1965 of $6,985,726,000. Of course, it will be said—and properly so—that in the meantime Congress has authorized new welfare programs and expanded old ones.

I do not necessarily find fault with the merits of these programs. I say only that the tendency of departments is to grow, and we may assume that the presence at the Cabinet table of a Secretary of Health, Education, and Welfare has enabled those functions to get a larger share of the Federal budget than they otherwise would have received.

Is it not reasonable to assume that when another chair is moved up to the Cabinet table in the White House, to be occupied by the Secretary of Housing and Urban Development, he, too, will be in a position to claim a larger share of the budget?

On the basis of what we have seen happen in other departments, I am not much impressed by the figures given to the House committee by the Budget Bureau to show that there would be a net savings of $50,000 a year in salaries by converting HHFA into an executive department.

Even if there should be such a reduction in the first year, I predict it will not be long until the payroll of this new Department begins to climb.

The Senate Committee on Government Operations said in reporting this bill that the urban areas of the country, both large and small, are in trouble, with local taxes running about 140 percent higher than 15 years ago. The same is true of State taxes, the committee added.

The only inference I can draw from this argument is that, with a Department of Housing and Urban Development, the Federal Government will do more to help cities meet their financial problems.

Just a few weeks ago this Congress showed its willingness to help meet these urban needs by passing a $7.5 billion housing program, a substantial part of which was for urban renewal. I did not vote for that bill, Mr. President, because the Federal Government also has its financial troubles. It is not only in the red, but faces military expenditures in Vietnam that will throw the Federal budget further out of balance next year.

In his message asking for this bill the President estimated that by 1975 we will need over 2 million new homes a year. The present need is for about 1.6 million. He said we will need schools for 10 million additional children, welfare and health facilities for 5 million more people over the age of 60, and transportation facilities for the daily movement of

200 million people and more than 80 million automobiles.

Undoubtedly, these estimates will be borne out. But if the creation of a new Federal department to study these needs means that the Federal Government will assume more and more of the burden; it is not going to cost any less. It would mean only a transfer of debt from the State and local to the national level.

It might be well to consider, also, where we are going to stop in the creation of new departments.

For example, the National Aeronautics and Space Administration is a rapidly expanding independent agency, and if it succeeds in putting a man on the moon in the next few years it would not be surprising if NASA asked for a seat at the Cabinet table.

Mr. President, I am opposed to the bill, and, while the indications are that the Senate will concur in the House action, I believe that such action is ill advised. I shall vote against the bill.

FORTAS' CONTRIBUTION TO CIVIL LIBERTIES

Mr. PROXMIRE. Mr. President, the Senate will soon be called on to consider the appointment of Abe Fortas to be Associate Justice of the U.S. Supreme Court. Mr. Fortas has had a remarkably influence on the development of law in the United States.

As unpaid counsel for the indigent defendant Clarence Earl Gideon, Mr. Fortas successfully argued that it is a basic constitutional right for every citizen to have a lawyer when charged by any State with a felony. In the now famous case of Gideon against Wainwright, the Court ruled that the State must provide, at its own expense, the indigent with counsel.

Prior to the Court's ruling in that case, the prevailing rule, as established in Betts against Brady in 1942, compelled the States to provide counsel only in a capital case. How could the distinction between capital and noncapital cases be upheld? The 14th amendment protects individuals from deprivations by the State, of liberty, as well as life, without due process. Yet for 20 years the distinction was somehow upheld.

Then, in 1962, Abe Fortas pointed out with great particularity and clarity in his brief in the Gideon case that—

> An accused person cannot effectively defend himself. The assistance of counsel is necessary to due process and to a fair trial. Without counsel, the accused cannot possibly evaluate the lawfulness of his arrest, the validity of the indictment or information, whether preliminary motions should be filed, whether a search or seizure has been lawful, whether a confession is admissible * * *. He cannot determine whether he is responsible for the crime as charged or a lesser offense. He cannot discuss the possibilities of pleading to a lesser offense. He cannot evaluate the grand or petit jury. At the trial he cannot interpose objections to evidence or cross-examine witnesses * * *. He is at a loss in the sentencing procedure.
>
> An indigent is almost always in jail unable to make bail. He cannot prepare his defense.

The argument convinced the Court. The right to counsel in criminal cases, as guaranteed by the sixth amendment, was extended to the States. The rights of the individual were immeasurably strengthened. Yet for his work, for his energy, for his time, and for the resources of a large part of his office, Mr. Fortas did not receive any compensation at all—except the knowledge that all citizens of our Nation are freer because of his efforts. This is the labor of a man who believes in individual rights and freedom; of a man who, I am sure, will give these cherished values the highest place in his judicial philosophy.

Abe Fortas was responsible for another legal landmark in the famous Durham case, tried before the U.S. court of appeals here in 1954. Although the ruling in that case—concerning the slippery and elusive concept of criminal insanity—has not received national constitutional scope, its repercussions have nevertheless been felt nationwide.

The test for insanity used in most Federal and State courts at the time of the Durham case was formulated toward the middle of the 19th century in England. The so-called M'Naghten rule stated as an exclusive test of criminal responsibility:

> The jurors ought to be told in all cases that every man is to be presumed sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that, to establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was laboring under such a defect of reason from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong.

But ever since 1838, well before the M'Naghten case, the "nature and quality" or "right-wrong" tests have been criticized. In 1928, Mr. Justice Cardozo said in a speech before the New York Academy of Medicine:

> Everyone concedes that the present (legal) definition of insanity has little relation to the truths of mental life.

Here and there some changes were made, but nothing fundamental enough to eradicate the basic defects of the M'Naghten test itself. But Monte Durham, who had a long history of mental instability, won his case on appeal against the restrictive M'Naghten rule. And Abe Fortas, through his successful argument, brought about a significant change in the legal way of looking at insanity. Circuit Judge David L. Bazelon wrote that the new rule "is simply that an accused is not criminally responsible if his unlawful act was the product of mental disease or defect." Now known as the Durham rule, it has had a significant effect in many jurisdictions throughout the country.

If Abe Fortas had not cared about his client and about insuring that the law keep pace with the advances of our scientific knowledge, this rule would not have come when or as it did. And in the Durham case also, Mr. Fortas acted as a court-appointed, nonpaid attorney.

There has been some criticism of this nomination on the grounds that we are appointing a friend of the President. The President's unbounded confidence in Mr. Fortas' abilities is no secret. The President indicated at his press conference last week that he practically drafted Mr. Fortas for the post.

But I do not think that because a man happens to have known a President well and to have had his confidence, he should be discriminated against. Felix Frankfurter had the confidence of President Roosevelt and I do not think that many today would argue against Mr. Justice Frankfurter's appointment. John Marshall was well known to John Adams when he was appointed shortly before the end of President Adam's term of office. And Chief Justice Marshall was one of the greatest Justices this Nation has had.

Anyone who studies the background of Mr. Fortas and his remarkable record of achievement cannot fail to be impressed. Mr. Fortas will be an excellent Associate Justice of the Supreme Court of the United States.

THE MIRACULOUS RISE OF NICHOLAS KATZENBACH

Mr. PROXMIRE. Mr. President, in this decade of the sixties it would be hard to find a department of Government that is more of a storm center, or more crucial to the progress of both freedom and order than the Department of Justice; and it is difficult to name a Government official whose work in this period of the sixties is more crucial for the rights and the physical safety of Americans than the Attorney General.

Attorney General Nicholas Katzenbach has occupied that post for only a brief time, but already the job which he has done has been expertly assessed. One of the most interesting and penetrating evaluations was recently written by Willard Edwards of the Chicago Tribune. Mr. Edwards, a superb reporter with many years of experience in Washington, not only reports in depth on Katzenbach, the man, in this article but also evaluates the job he has done.

I ask unanimous consent that this article entitled "The Miraculous Rise of Nicholas Katzenbach" be printed at this point in the RECORD.

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

THE MIRACULOUS RISE OF NICHOLAS KATZENBACH

(NOTE.—Attorneys General usually are men of long and successful political experience. Many managed the campaigns that put their Presidents in power. In 1960 Nicholas deB. Katzenbach didn't even vote. Yet today he runs the most politically sensitive department in Washington with the courage, coolness, brains, and savvy that have made him a key figure in the administrations of two hard-to-please Presidents.)

(By Willard Edwards)

A vague discontent with his placid existence sometimes stirred the breast of Professor Nicholas deBelleville Katzenbach at the end of 5 years at the University of Chicago.

He really had no excuse for this occasional sense of frustration, he repeatedly assured himself. He was respected and honored in the academic community, having attained a

full professorship at the age of 34. His lectures on international law were acclaimed as models of clarity and scholarship.

He lived in a big old house at 4925 Woodlawn Avenue with a lovely wife, four children, and two dogs. His income was entirely adequate. A transplanted easterner (associate professor of law at Yale 1952–56), he had quickly adjusted to his new environment. His colleagues found him genial, easy-going, humorous.

But he was approaching the venerable age of 38 in 1960 and, like many moderately successful men of ambition and imagination at that period in life, he found himself wondering if he was destined to settle down into a comfortable but humdrum routine, devoid of action and excitement.

"Do I want another 30 years of this?" he asked himself. He privately uttered an emphatic negative.

Escape from this cloistered serenity, however, appeared impractical, if not impossible. As an air force flyer in World War II, Katzenbach had been imprisoned after a crash and twice wriggled out of the clutches of Italian and German captors, only to be brought back. His present captivity presented problems as difficult to overcome.

The professor had an urge for public service, inherited from a father who was attorney general of New Jersey and a mother who served on that State's school board for 43 years.

The family is an old one in the State. The Katzenbachs came from Germany in the Revolutionary War period and a deBelleville from France, who settled in New Jersey, had been a personal physician to the brother of Napoleon Bonaparte.

In private law practice in Trenton, N.J., at the age of 28, Katzenbach had contemplated a political career. His ventures in that direction met with vast indifference so he went off to join the Yale law school faculty, resigning himself to an academic career which shifted to the Chicago campus in 1956.

The simple truth, Katzenbach had to confess to himself, was that no avenues to government or political service were open to him. He had no experience in either field; he had no friends with influence to help him get started. He was utterly unknown in those circles where the affairs of Nation and State are transacted.

A presidential political campaign was boiling up in 1960 but he could think of no way to get into it. With a sigh, he accepted a Ford Foundation fellowship to study legislative law and went off to Geneva, Switzerland.

There, he spent the next few months far from the turbulence of one of the closest presidential contests in history, climaxed by the hairbreadth victory of John F. Kennedy over Richard M. Nixon.

A Democrat, Katzenbach rejoiced, regretting that he had not even voted, far less aided in the campaign. He had sufficient perception of political standards to know that his absentee role would be no aid to service with the new administration—that plus the fact that none of its leaders had ever heard of him.

A few days later, however, he noted a Geneva newspaper report that Byron (Whizzer) White, a former All-American football star, had been selected as Deputy Attorney General by Robert F. Kennedy, the President-elect's brother, who was preparing to take over the Justice Department.

White was an old friend from Katzenbach's days at Yale Law School. The impulse seized him to phone Washington from a Swiss skiing station. He caught the next plane home. On the flight, he kept telling himself not to set his hopes too high. A minor legal post would be most satisfactory.

Not in his wildest dreams (or in the dreams of anyone connected with the Kennedy forces) did the unknown law professor envision the incredible series of events to follow.

Within 2 months, he was Assistant Attorney General in charge of the Office of Legal Counsel, lowest ranking of the nine assistants in the Justice Department, but a position higher than he had hoped for. White had suggested Katzenbach to BOBBY KENNEDY for the job and that was all that was necessary.

Within another 15 months, in May 1962, he was Deputy Attorney General, succeeding White who had been named a Supreme Court Justice. BOBBY, who had not met Katzenbach until the eve of the Kennedy inauguration, was so impressed by his ability that he elevated him to the No. 2 spot in the Department over the other eight assistants.

Two years and four months later, in September 1964, Katzenbach was acting Attorney General, taking over the duties of that office after KENNEDY resigned to run for the U.S. Senate in New York.

Five months later (and here the chronicle of advancement violates all the rules of political probability), Katzenbach was nominated by President Johnson as Attorney General of the United States, the youngest and certainly the most surprising member of his Cabinet. He was sworn into office last February 13.

Today, at the age of 43, the professor who couldn't get into politics runs the most politically sensitive department in Washington. He's master of an empire with 32,000 employees at his command. He's the chief law enforcement officer of the land. His secret desire for a more stimulating and action-packed career has been more than satisfied.

Katzenbach played a key role when the Kennedy administration was panicked by the Bay of Pigs disaster. He was summoned to emergency action in the crisis resulting from the discovery of Russian missiles in Cuba. He led U.S. marshals in the racial rioting at Oxford, Miss., and faced down Gov. George Wallace, of Alabama, in a televised confrontation which made his face and figure familiar to millions of Americans.

Ahead of him lie massive problems—a constantly rising flood of crime, which, if it maintains its present rate of increase at 10 percent a year, will soon bring chaos; and racial violence which, he fears, could hit any one of 25 or 30 cities this year.

These are comparatively new burdens, added to the duties of a department which has a staggering array of functions. The Justice Department, through its antitrust unit, has power to make giants of industry cringe. It operates the Federal prisons, controls the operations of the Federal Bureau of Investigation, screens all appointments to the Federal bench, prosecutes a variety of crimes ranging from tax frauds to narcotics violations.

These are tremendous powers to be entrusted to one man and Presidents have usually chosen Attorneys General who are close friends with a political background. Delicate decisions, involving prosecution of the administration's friends or foes, frequently arise. In such cases, it is preferable to have a trusted intimate who fully senses the political implications of action or inaction. Several of Katzenbach's predecessors, like BOBBY KENNEDY, managed the campaigns of the Chief Executive who selected them.

Katzenbach not only lacked political experience; he was definitely not one of President Johnson's intimates. He had, for example, only a nodding acquaintance with Bobby Baker, Johnson's good right arm in the Senate, whose financial operations have been under investigation by a Federal grand jury for more than 8 months.

Some observers have speculated that this status as an outsider may eventually have been an item in Katzenbach's favor when the President was mulling over his choice of an Attorney General. Whatever action may be taken by the Justice Department in the Baker affair, Johnson will not be plagued by charges that the decision was made by an interested party.

This factor might have been a minor consideration in Katzenbach's appointment, but the general agreement is that Katzenbach got the post because a half-dozen others were disqualified, one by one, during the 5 months the President took to make up his mind. Political considerations dictated the eliminations.

The President, it is said, was about to nominate Edwin L. Weisl, Sr., his former counsel on a Senate investigating committee, who had become Democratic national committeeman in New York. Johnson leans heavily on Weisl for political advice and has faith in his loyalty.

Then BOBBY KENNEDY became a political power in New York as U.S. Senator and it appeared that the President would need Weisl more in New York than he did in Washington. The Kennedy-Johnson relationship is not quite a feud but it could easily become one. Weisl stayed in New York as a check upon the young Senator's ambitions. The President later gave Weisl's son a post as Assistant Attorney General.

In the guessing game which developed in the 5 months following Kennedy's departure, the names of men like Senator THOMAS J. DODD, of Connecticut, Abe Fortas, a veteran of the New Deal era, and Leon Jaworski, a Houston, Tex., lawyer, were reported under consideration. Anyone with a legal background, who could claim he had been a Johnson supporter in 1960 and earlier, was fair game for the gossips.

Few gave a thought to Katzenbach and he, himself, had no illusions about his chances. As the waiting period lengthened, however, he began to wonder if, by a process of elimination, the President might not get around to considering the qualifications of the man handling the job.

Early one morning, as he was watching television, Katzenbach heard a newscaster report from Johnson City, Tex., that Clark Clifford, a Washington lawyer and intimate of L.B.J., would be the next Attorney General. When he left the house a few minutes later, instead of the big Cadillac limousine which customarily transported him to the Justice Department, he found his chauffeur waiting in a smaller sedan.

"I know the word spreads fast in this city," he told his driver in mock amazement, "but I didn't know the comedown would be this quick." The big car, it developed, was in the garage for repairs.

Katzenbach tells this story on himself with the same good humor that has fortified him on many another occasion. Asked to recall some incidents of his Chicago career, he embarked upon a long tale involving the theft of his two dogs. He was fully conscious of the ironic flavor of this anecdote about a naive college professor who, within 5 years, would be labeled "the Nation's chief crime-fighter" in newspaper accounts.

The dogs, an Irish setter and a white poodle, disappeared one night and soon thereafter Katzenbach got a telephone call. Was there a reward for their return? How about $10, asked the owner. Two hundred and fifty would be more like it, the caller said sternly.

In the lengthy negotiations which followed, featuring mysterious meetings on street corners, Katzenbach became aware that he was the victim of a ring which specialized in returning lost dogs to their owners for a price. He appealed to the police, who were not too helpful. Two months later, after numerous contacts with an assortment of fascinating characters whom he assumed to be members of the underworld, he had his dogs back. The cost was exactly what he had been assured it would be—$250.

He was a little taken aback when his original caller telephoned him again a few nights later.

"What now?" he asked, apprehensively.

"No more trouble about dogs," he was assured. "But I notice you've got a good looking wife. Would she be interested in a nice, hot ranch mink?"

(The former Lydia Phelps Stokes of Washington, D.C., whom Katzenbach married June 8, 1946, rated the admiring comment. She is a tall brunette whom the future Attorney General met when he was an usher and she a bridesmaid at the wedding of his former college roommate, John Douglas, son of Senator PAUL DOUGLAS, of Illinois. She didn't get the mink.)

Katzenbach may or may not have been thinking of this episode when on Febuary 8 of this year he was under questioning before the Senate Judiciary Committee on his qualifications to be Attorney General.

Chairman JAMES O. EASTLAND, Democrat, of Mississippi, asked about crime conditions in Chicago.

"Chicago is a major area of organized crime and we have made less progress in Chicago than we have in other areas," Katzenbach said. "To date, our success in Chicago has been with minor hoodlums for the most part. We have made progress in gambling and narcotics. * * * I would not be honest with you if I said that we have done any more than keep our head above water."

Fully aware that he was a novice in dealing with hoodlums, Katzenbach, soon after becoming Acting Attorney General, plunged into a study of crime files in the Justice Department. He was determined to be an expert among the experts he finds all around him, including J. Edgar Hoover, chief of the FBI, who is technically a subordinate.

Then, he summoned to Washington the 60 staff attorneys and investigators from around the country who had been picked by Kennedy to lead the war against crime in the United States. They came, expecting not without justification to be called upon to instruct their new leader in the intricacies of syndicated crime. They were amazed to find him fully conversant with the minute details of underworld organization.

This ability to absorb information in quantity lots was discovered by Katzenbach in a German prisoner-of-war camp.

He had been a junior at Princeton when Pearl Harbor came and he joined the Army Air Force. Commissioned and sent to the Mediterranean theater, he was on his 19th mission as a navigator when his B–25 was shot down in flames, crashing into the sea. After 26 hours on a liferaft, he was picked up by the Italians and spent more than 2 years in prison camps.

During the final months of his confinement in Stalag Luft 3, south of Munich, Katzenbach conceived the idea of finishing up his college education. The prison camp library was well stocked and he picked out more than 200 volumes to study. When he got home in 1945, he talked Princeton into letting him take examinations to win his degree, skipping 18 months of classes. He wrote a thesis on a wage control plan, passed 14 examinations, and got his degree cum laude within 6 weeks. Yale Law School (another degree cum laude) was a breeze after that and he put in 2 years as a Rhodes scholar at Oxford.

It didn't take BOBBY KENNEDY long to discover that his new Assistant Attorney General had a brain, liked hard work and action, and remained cool under stress. The first test came almost immediately, in the spring of 1961, when the new administration staggered under the impact of the Bay of Pigs debacle. Katzenbach helped engineer the prisoner exchange with Castro which helped to soften some of the impact of the sorry episode.

This was a complicated maneuver. Big drug firms had to be convinced that they could donate, without legal penalty, medicines demanded as ransom by Castro. Castro had to be convinced it was a private, not a Government effort. Katzenbach is prouder of his role in this affair than of some of his more spectacular negotiations later.

Two years later, when the Cuban missile crisis broke, he was suddenly called from his home to draft a legal brief supporting President Kennedy's plans to throw a quarantine around Cuba. He dictated all night to stenographers who worked in relays.

When one of the girls fell asleep it was discovered that pages of her notes were illegible. Katzenbach calmly repeated the lines she had missed. BOBBY KENNEDY, who would unquestionably have hit the roof under similar provocation, was impressed.

When James Meredith's entry into the University of Mississippi provoked a 15-hour riot in September 1962, Katzenbach was sent to the scene to direct an army of marshals and national guardsmen. All through the bloody turbulence Katzenbach reported to the White House by telephone. The composure of his messages drew comment.

Katzenbach could obviously keep his head under fire; the time came in June 1963, to find out just how tough he was. Governor Wallace, of Alabama, was announcing that he would stand in the doorway of the University of Alabama and stop the registration of two Negro students. Katzenbach was sent to confront him and his tall frame, bald head, and stern gaze became familiar to a great American audience in the televised encounter which followed.

Katzenbach, a chain smoker, remembers that occasion mainly because he had to "act dignified" and a cigarette would mar the act.

"It was hot, over 100°," he recalls, "and I was angry and frustrated because Wallace was putting on a show to make himself look like a big man. I hadn't written out any statement in advance so I just improvised. When I told him I wasn't interested in his show, he just glared."

Katzenbach had earlier conceived the strategy of sending the two students to their dormitory rooms rather than forcing their way through the door past Governor Wallace. The idea was to mock Wallace's performance as hollow. Later, the two students registered without difficulty.

"In the most tangled thickets of the law," wrote BOBBY KENNEDY later to the Senate Judiciary Committee, "and in the most profound of national crises, I and the entire Department came to lean heavily on his wise counsel, his deep understanding, and his unfailing fortitude."

Katzenbach's predecessor holds few men, especially of his own age, in such high esteem. He was voicing a sincere tribute to a troubleshooter who had rarely been without trouble.

On Capitol Hill, Katzenbach became noted for another quality—an infinite patience with congressional leaders torn by conflicts over the civil rights controversy.

Through long days and nights, he negotiated with the lords of both parties, adjusting the Civil Rights Acts of 1964 and 1965 to a final form which could achieve legislative endorsement.

Senator DIRKSEN, of Illinois, the Republican minority leader, who has watched executive department heads come and go for three decades, labored with Katzenbach for months and came up with this verdict:

"He's a brain. He can master the details of the most complex bill. More importantly, he's levelheaded, keeps his feet on the ground, rolls with the punches and takes on all comers."

Katzenbach lost his temper only once—when a Texas Congressman, Representative JOHN DOWDY, Democrat, said he'd been informed that Katzenbach had "cleared" the constitutionality of the Voting Rights Act with five Supreme Court Justices, including Chief Justice Earl Warren.

This accusation of "the grossest impropriety" was described by the Attorney General as "so incredible and irresponsible a statement" that it would have been unworthy of comment if made by anyone other than a Member of Congress. He called the charge "utterly false" and DOWDY subsided.

DIRKSEN and other congressional leaders, Democratic and Republican, agreed that Katzenbach was incapable of such an act and endorsed his wrathful reaction. They have some reservations about the new Attorney General, however, which will not be resolved until he has been longer in office. They will watch with interest, and so will the business community, to see how he uses the antitrust laws which give the Justice Department a great power to police the American economy.

Katzenbach ridicules newspaper reports pretending to reveal either a soft or tough antitrust policy in the Justice Department. What does it matter, he says, if the Department philosophy is either too timid or too militant—"the Department proposes and the Supreme Court disposes." There can be no uncertainty, he says, about prosecuting such illegal activities as price-fixing but there is a great area of uncertainty about business mergers which are constantly increasing—by 20 percent in 1964 over 1963. Less than 1 percent of these have been questioned by the Department, he noted. He thinks clearer guidelines are needed.

He is seeking the cooperation of industry in establishing these guidelines, pledging an informed recognition of the nature and legitimate requirements of business. Afflicted as he is with a tendency to look at both sides of a question, the speculation is that he will not become notorious as a trust buster.

After moving in the storm center of the racial struggle for more than 2 years, Katzenbach has some pungent views on the tactics employed by certain leaders which are not pleasing to him. With his own stature as a foe of discrimination unassailable, he can voice criticisms avoided by timid politicians.

On the day he was interviewed, a line of picketers marched in front of the Justice Department Building, carrying signs marked "Stop brutality in Mississippi" and "Put justice back in the Justice Department." They were young and they were enjoying themselves, singing and laughing.

Such futile demonstrations depress Katzenbach. He is against demonstrations for demonstrating's sake. A march of southern Negroes can be a dignified act, he says, but he has some doubts about the ministers who desert problems in the North to fly to Selma, Ala.

"They are less quick to see the problem back home," he says. "If they don't, the problems are going to get worse. Better education, better housing, better job opportunities require local leadership. We have a militant group of ministers here in Washington but I doubt if they are doing all they could to solve these problems here and I know we have them."

His patience was severely tested in March when a chanting group of some 25 Negro and white demonstrators invaded the corridor outside his fifth floor office, demanding Federal intervention in the Alabama civil rights struggle. They sat down and stretched out on the floor, swearing they would not move until Federal protection was provided for the march from Selma to Montgomery.

Katzenbach, in his shirt sleeves, came out and tried to talk them into leaving. He hunkered down to talk to them and at one point got down on his hands and knees.

"I can understand your feelings but your sitting here will not influence my decision,"

he told them. "I'd appreciate it if you left pretty soon so I can get my work done."

The singing did not lessen during his talk and one youth later apologized to Katzenbach for "the shameful way they treated you." Police and building guards, pushing and dragging, finally removed them.

He has sympathy for youthful demonstrators if they are sincerely concerned and not out for a lark. In a commencement address at Tufts University June 6, he expressed a preference for young people who throw themselves into an area of social controversy over those who ignore such problems. But he had scorn for those who involve themselves unthinkingly or for diversion.

"Picketing becomes pointless, silly, and even harmful when it serves only as a substitute for goldfish swallowing or a panty raid, or as a catharsis for a dull weekend," he told the graduates.

Although he is concerned about the probability of renewed racial violence this summer, Katzenbach's overriding worry is the steadily increasing crime rate in the United States. He sees real danger ahead unless a major attack upon this problem achieves some success.

Although he dissents from violent criticisms of the courts as seemingly more concerned with the constitutional rights of criminals than of the citizens they attack, he is aware that there is a discrepancy between the lawbooks and reality.

He sympathizes with the police who are frequently frustrated by court rulings which free criminals on technicalities.

"There is a tendency in this country to beat the police over the head," he says. "There is a terrible failure of communication between police, bench, and bar. The police have a persuasive case which has not been articulated. I do not believe the police of the country have put their case well. By and large, they wind up getting the short end of the stick.

"On the other hand, we can't just pass laws to make the cops happy, only to see them ruled unconstitutional."

Katzenbach has set up an office of criminal justice in his Department, which is studying what the criminal law is, what it should be, and the reforms necessary. It is working now on the District of Columbia crime problem, which has been aggravated by a ruling barring confessions obtained by police during a period of unnecessary delay before booking.

Police, as a result, have been charging suspects almost immediately after arrest. This hinders questioning and it also sometimes results in a serious injustice to an innocent person, too hastily charged. The law, Katzenbach says, must provide an answer somewhere in the middle, permitting the police to do some questioning and still protecting the individual.

He tells a true story to illustrate the hypocrisy of some who attack such police procedures as stopping a suspect and frisking him for evidence.

A young law professor from New York left his briefcase in his locked car and was shocked, when he returned, to find it gone. He called police who searched the neighborhood and discovered a man peering into parked cars. They stopped him, frisked him, and ordered him to open up a car, which he admitted was his. In the trunk was the missing briefcase.

The agitated professor grabbed the man, shook him, and yelled, "Don't you realize there are months of irreplaceable work in that briefcase?"

"His concern was understandable," Katzenbach says. "The briefcase contained his only copy of a long paper he had written on New York's stop-and-frisk law—attacking the law."

In the long run, Katzenbach believes, the crime rate will not subside unless major public support is enlisted.

"Fear of violence forces hundreds of thousands of Americans to live a circumscribed life," he says. "They are afraid to use public streets, parks, buses, or subways after dark. Much of this fear and much of the violence could be dissolved if more people were willing to step forward to help."

As long as American citizens watch crime in the streets but refuse to be witnesses because they don't want to be involved, crime will not be checked, Katzenbach says. People must accept responsibility of the preservation of law, risking loss or pain for a fellow citizen so that he, in turn, might on another occasion be willing to aid.

To a young girl who wrote, asking him to explain the law, he put it simply:

"Law is like the rules you set for your games. If one of your playmates cheats, it spoils the game for the rest of you. So all of you try to follow the rules because you know it is the rules that hold the game together.

"Law is just like that. It is the glue that holds our country together. If all of us always did exactly what we wanted to do, our country would fall apart. Most people respect the law. But there are always some who will try to do what they want to do—cheat or steal or even murder. It is up to the attorney general to keep those people from breaking the law, to catch them when they do, and to encourage respect for law all over the country."

Organized crime corrupts government at State and local levels and increases crime in the streets, Katzenbach says. The rise in crime among young people is due to unemployment among school dropouts, "one of the biggest problems the country faces." But youth crime is also a suburban problem, unrelated to poverty, and in this area, he believes, parents more interested in themselves than in their children, are to blame.

Most of the people crying for national leadership in the fight against crime do not realize that criminal acts like burgarly, theft, assault, and robbery are outside the jurisdiction of the Federal Government. Not too long ago, the Justice Department was a legal agency which played a passive role, responding to the calls of its client, the U.S. Government, when necessary.

Under Kennedy's leadership it launched a drive against labor racketeering and organized crime and now it is being called upon to battle all forms of crime on a national level. President Johnson has demanded that Washington, which has climbed from eighth to fourth among the cities of comparable size in its crime rate, be made safe for citizens. No progress has been reported so far except in the wrong direction.

Katzenbach has great hopes for the forthcoming Presidential commission on crime, a policy-shaping organization. He has started a grant-in-aid program to help State and local police departments and correctional institutions. This is a departure from tradition that could make him the national leader against crime and its causes.

His fertile mind has produced a great variety of additional suggestions. He has proposed new laws forcing immunity on reluctant witnesses and reform in the bail process. He believes the police are entitled to new weapons to replace the pistols, nightsticks, and handcuffs which have been in use for a century. Why, he asks, not give a policeman a weapon which could stun a man into unconsciousness, freeing him from the necessity of shooting to kill?

As he sits in his huge office (where the irrepressible Bobby Kennedy occasionally let off steam by lobbing a football), Katzenbach has wry recollections of the craving for excitement he sometimes experienced when he was teaching his classes at the University of Chicago 5 short years ago.

It is no exaggeration to say that his problems are as massive and dangerous in their implications as those faced by any officeholder in government, not excluding the President. There are more murders in the United States in 1 month than the total of casualties to date after 4 years of American involvement in the war in Vietnam. Seven thousand major crimes are committed every 24 hours.

Katzenbach is serving under a President who is impatient for action on the crime front, aware that a Great Society must also be a safe society. The most powerful and prosperous nation cannot long survive uncurbed lawlessness and moral decay.

Nor can an Attorney General in the Johnson administration, especially one without political sponsorship or following, long survive a constantly increasing crime rate without producing evidence that he can lead a devastating counterattack.

Katzenbach knows that directly beneath him in the No. 2 spot as Deputy Attorney General is Ramsey Clark, 37, the son of the President's old friend from Texas, Supreme Court Justice Tom Clark. The younger Clark has served as a special aid to the President and it is accepted in Government circles that he keeps an eye on Katzenbach and reports to the White House on Justice Department activities. If Katzenbach does not click, Clark is the heir-apparent.

The Attorney General is seemingly unperturbable under the burden of his responsibilities. The only worry he will confess is over the 225 pounds which now pad his 6-feet 2-inch frame as the result of a sedentary life. He was an ice hockey star at Princeton and loves skating, skiing, and boating.

At 43, he is little changed in appearance from the college professor of 1960. But once famous for informal attire, rumpled clothing, a taste for color-clashing ties and shirts, he now wears well-pressed, dark suits and discreet accessories.

His calm confidence may come from a conviction that the fates which have been exceedingly kind to him are not about to desert him now. Nobody has come up faster in Washington and few would dare predict that the ascent has ended.

WORLD TRADE COULD SHRINK AS INTERNATIONALLY AVAILABLE CASH DWINDLES

Mr. PROXMIRE. Mr. President, in the last few years the big economic story has been the remarkable growth of the free world: the growth of individual economies in Western Europe, in Japan, in the United States, and more recently in the underdeveloped areas such as South America.

This growth has been fueled and fostered by the increase in world trade. World trade and world economic growth have thrived—and this is mighty ironic—on the American loss of gold and dollars.

The act is that the adverse balance of U.S. payments has provided precisely the international liquidity that has been quintessential to international economic development.

There is every reason to hope and expect that world trade and free world economic growth may proceed in the next decade as handsomely as it has in the past. But if it is to do so, it will take a continuing increase in liquidity, and, as every Senator must know, that increase in liquidity will not come from

a continuing deficit in the American balance of payments.

With the interest equalization tax and the voluntary restraint on loaning capital abroad, we may already have brought the adverse balance of payments to a halt. If we have not, the President can and will propose other measures, and this Congress will enact them, that will do the job. If all else fails, the job will be done for us when we run out of gold, and with our loss of gold lose much of our financial influence and muscle.

But what happens to the ready cash, the liquidity necessary to finance increasing world trade and economic growth in the meanwhile? Do we accept the price of an international deflation and depression? Or do we find another way of providing the liquidity?

Of course, this situation is what provided the administration and Treasury Secretary Fowler to call for an international monetary conference to find ways and means of providing the liquidity we need. Unfortunately, such a conference will take time to find a solution, especially because our own experts are so badly split on what to do.

But meanwhile it is essential that we recognize, while we correct our own adverse balance of payments, what the full consequences of doing so may be; and how urgent it is that we give the kind of sympathetic support to the efforts of our country to find a solution to an international financial situation that could lead to an unnecessary depression.

In a recent editorial the Washington Post calls for a frank recognition of the implications of this situation, and the New York Times in this morning's lead editorial has a remarkably well balanced analysis of the problem.

The New York Times notes that the world's supply of gold and key currencies required to support investment and trade showed a slight decline in the first half of this year. This should be viewed along with these facts:

First. There appears at present to be ample international liquidity for present needs.

Second. World trade is growing so rapidly that the present supply is unlikely to continue to be adequate for more than a year or two.

Third. It will take some time, perhaps several years, to reform the international monetary system sufficiently to provide the kind of regular growth in liquidity we need.

Fourth. Improvement in the U.S. balance of payments is essential, but the improvement itself will worsen the international liquidity crisis.

I ask unanimous consent that the editorial from the New York Times, entitled "The Liquidity Riddle," and the editorial from the Washington Post entitled "Time for Reappraisal," be printed in the RECORD at this point.

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

THE LIQUIDITY RIDDLE

Fresh fuel has been added to the debate over international liquidity by the International Monetary Fund's disclosure that the world's supply of gold and key currencies required to support investment and trade showed a slight decline in the first half of the year. Those who have been warning about the threat of a liquidity shortage that could cripple trade and economic development will see this decline, the first in many years, as proof of their contention. But those who think liquidity has been expanding too fast will see the drop as a sign of a return to moderation.

The steps taken by the Johnson administration to stem the outflow of dollars abroad had little to do with the first-half decline in the money supply available to the free world economy. It was caused, in part, by increased private demand for gold by holders of dollars and sterling and, in part, by official buying of gold with dollars. To the belittlers of a shortage this is evidence that neither European speculators nor central bankers are perturbed by a shrinkage in dollars, which until now has been a major source of supply. Yet the shortage school insists that if the United States can follow up its initial success in halting the dollar drain, the present decline in liquidity will give way to a severe and painful shrinkage.

The debate illustrates the absence of simple answers to the liquidity riddle. What is clear is that, despite the measures taken by Washington and the decline reported by the IMF, there is ample liquidity at the moment to support current trade and investment. But the real danger never has been a sudden disappearance of dollars that could throw the world into a deflationary spiral. It is the uneven distribution of liquidity, which is now created or extinguished haphazardly: The developing countries are chronically short of reserves and some of the countries with large stocks of gold and dollars are unwilling to make full use of them. Under these circumstances world trade and development could slump even though the total amount of liquidity remained high.

Secretary of the Treasury Henry H. Fowler has recognized this danger. He is mindful that the present system must be preserved by righting the imbalance in the United States balance of payments, but he is also seeking to improve the system through his call for an international monetary conference to consider reforms. The response he has received from the Europeans has not been overly enthusiastic, yet they too recognize a need for a stronger and more stable mechanism—one that provides better and more automatic safeguards against monetary crisis.

The decline in money supply registered in the first half may be inconclusive. But it does give a fresh reminder that the international monetary system must be reformed to insure that the shrinkage and the maldistribution in liquidity do not become acute.

TIME FOR A REAPPRAISAL

It is an article of faith in the highest echelons of the administration that the current surplus in the U.S. balance of payments poses no immediate threat to the economic stability of the free world. But there is a substantial body of evidence that casts doubt upon the validity of that crucial assumption and, indeed, upon the wisdom of continuing the programs designed to reduce the outflow of dollars.

In calling for an international monetary conference to reform the world system of payments, the administration has made abundantly clear its conviction that large and persistent surpluses in this country's balance of payments would eventually precipitate a worldwide deflation by drying up the principal source of international liquidity, the outflow of dollars. But while the longer run danger is recognized, it is the custom to deny that the current swing in the U.S. payments position threatens the stability of the closely interrelated network of national economies.

But even a cursory examination of the more obvious bits of evidence suggest that this is a dangerously wrongheaded view. It is hardly a coincidence that Japan's economic difficulties began when the Treasury proposed the imposition of the Interest Equalization Tax, a measure which rendered it difficult to borrow in this country's money markets. Australia is suffering from the same blow. And while the chronic malady which afflicts sterling should not be ascribed to this country's balance-of-payments restrictions, it is clear that they have further weakened Great Britain's economic position.

There has been no dearth of warnings about the untoward effects which would follow up eliminating the dollar deficit, and now they are being echoed in the Halls of Congress. Senators MCCARTHY and HARTKE, in a statement to the Joint Economic Committee, called for "a modest, controlled balance-of-payments deficit in the neighborhood of $1 billion" as a means of averting a shortage of international liquidity. More recently, James L. Robertson, the distinguished member of the Board of Governors of the Federal Reserve System, the man who supervises the voluntary program to restrict bank lending abroad, told the Senate Banking Committee that a continuing dollar deficit is needed to fulfill the requirement of an expanding world trade.

In view of the pressures exerted by the continental central banking officials who tirelessly charge that this country is pursuing profligate policy, it may have been necessary to demonstrate that the dollar outflow could in fact be reduced. But the goal should never have been the complete elimination of the deficit or the swing to a surplus.

If the Europeans who oppose international monetary reform are not impressed by the recent shift in the U.S. payments position, they are hardly likely to be convinced by a continuing series of surpluses. Therefore, the time has arrived when this country should begin to dismantle the system of controls that have reduced the outflow of dollars. Those controls violate the principle of a liberal international order to which this country has long given up lipservice. Imposing them for much longer is certain to elicit enormous pressures from the corporations which are being deprived of attractive opportunities to earn profits from foreign operations. And most important, if the efforts to stanch the outflow of the dollar continue, we shall only succeed, like Samson, in bringing down the roof of the temple.

The House by an unfortunately lopsided majority voted to extend the interest equalization tax through July 1967. Simple prudence demands that the Senate, before considering that measure, undertake a thoroughgoing reappraisal of our balance-of-payments policy.

LATIN AMERICAN COMMON MARKET PROPOSALS

Mr. JAVITS. Mr. President, I call the attention of my colleagues in the Senate to a very important report in yesterday's New York Times, August 9, on the discussions between President Johnson's special mission to Brazil and Brazil's Minister of Planning, Roberto de Oliveira Campos.

In these conversations, Senor Campos has emphasized the need for U.S. support for a Latin American Common Market through our participation in commodity price stabilizing agreements and through U.S. tariff concessions on Latin American manufactured goods.

Earlier this year, on April 5, I spoke in Mexico City on this same theme. I point

out that later during that same month, in response to a request by Eduardo Frei, the President of Chile, four leading Latin American economists, Raul Prebisch, Jose Antonio Mayobre, Felipe Herrera, and Carlos Sanz de Santamaria, prepared a document entitled, "Proposals for the Creation of the Latin American Common Market," which has given important, official support to the Common Market idea. I urge further that the idea of a Latin American Common Market and a Western Hemisphere free trade area should be strongly supported by our own Government, since without its active support, these plans could not be implemented. In this regard, I welcome the report in yesterday's news article which mentions that in its recommendations for a proposed Latin American Common Market, CIAP, the Inter-American Committee for the Alliance for Progress, calls for the direct support of the United States in the formation of such a market.

The article points out that the Brazilian economic officials have expressed concern about any cutback on our commitments under the Alliance to supply development aid and private enterprise as a result of our balance-of-payments problem. Latin American countries as developing countries are exempt from the President's voluntary balance-of-payments program and the interest equalization tax. I fully support this policy. U.S. commitment to the Alliance for Progress also must remain strong.

Mr. President, I ask unanimous consent at this point to insert in the RECORD an article from the New York Times entitled, "U.S. Trade Concessions Urged for Latin American Countries," and a copy of my speech delivered before the American Chamber of Commerce in Mexico on April 5 of this year, entitled, "Political Action Vital for Latin American Integration."

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

U.S. TRADE CONCESSIONS URGED FOR LATIN AMERICAN COUNTRIES

(By Juan de Onis)

RIO DE JANEIRO, August 8.—President Johnson's mission has received forceful arguments from Brazilian officials urging U.S. trade concessions to Latin America as a condition for hemispheric economic development.

Minister of Planning Roberto Campos placed major emphasis on U.S. support for commodity price stabilizing agreements and opening of the U.S. market to Latin American manufacturers in a meeting with the mission headed by Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, chairman of the Senate Foreign Relations Committee.

Direct U.S. support for the formation of a Latin American Common Market, permitting the installation of more developed industries in this area, was also supported by Brazilian officials.

Economic "solidarity," as a condition for hemispheric political security against communism, is expected to be a major issue in the second inter-American conference, originally scheduled to be held here this month, but postponed, probably until November, because of the continuing Dominican Republic crisis.

DIRECT SUPPORT

The Inter-American Committee for the Alliance for Progress, an official coordinating agency, has prepared recommendations on the proposed common market that are being sent to all Latin American presidents. These recommendations include direct U.S. support for the formation of the market, according to an informed source.

In the informal discussions with Brazilian economic officials, Senator FULBRIGHT pointed out that the U.S. Congress was responsive to the protectionist interests of American industry and had agricultural constituencies where Latin American production represented competition, such as sugar, cotton, or meat.

Mr. Campos raised the problem posed for U.S. overseas investment in Latin America, both public and private, by the current preoccupation in Washington with the balance-of-payments lag, in view of gold and reserve losses to European countries.

Mr. Campos said that the remedy to this problem could not be found in cutting back on development aid to Latin America or discouraging private investment, which he said was essential for meeting the goals of the Alliance for Progress.

The Alliance for Progress is a 10-year program, initiated in 1961, to accelerate Latin American economic and social development. The United States pledged $10 billion in public money for the program and estimated another $10 billion in private foreign investments.

POLITICAL ACTION VITAL FOR LATIN AMERICAN INTEGRATION

It has been more than 3 years since the signatories of the Declaration of Punta Del Este agreed to accelerate the integration of Latin America so as to stimulate economic and social development in the continent.

In these years we have witnessed substantial gains in the economic integration of Latin America. We have seen both the Latin American Free Trade Association (LAFTA) and the Central American Common Market (CACM) make susbtantial cuts in tariffs, and intraregional trade has increased.

Despite these accomplishments, despite these gains, true economic integration and the harmonization of economic policies has not been achieved, particularly in LAFTA. In short, reality has not been able to match the plan of Punta Del Este; actions have not yet been able to fulfill the manifest destiny of Latin America—a continental economic union, cemented by mutual interest, and designed to allow the peoples of Latin America to realize the potential of their resources, natural and human.

It is evident that this destiny of true economic integration of the Americas can be realized only through full political commitment to it at the highest levels and with the strong support of democratic political parties, trade unions, men of influence in all walks of life, and the peoples concerned. Even though the Inter-American Committee on the Alliance for Progress (CIAP), ministerial groups, experts, and private enterprise hemispherewide organizations such as the Inter-American Council for Commerce and Production (CICYP) fully realize this need, such commitment has not been made evident today to any appreciable degree.

Unless widespread political support develops the great gains of LAFTA, CACM, and the Alliance for Progress could be disipated with the most damaging consequences to the future of freedom and well-being in the hemisphere.

I invite today, therefore, leaders of democratic political parties and trade unions of the Americas—which excludes the extremist right and the Communist left—and Latin American personalities devoted to the cause of democratic reform and unity to join me in the establishment of an Action Committee for an Economic Union of the Americas.

This committee should dedicate its heart and soul and its influence to bringing about a true continental economic union by rallying strong political support behind the idea of a treaty for a Latin American Common Market, composed of all the nations of Latin America, to be followed, in due course, as the Latin American members agree, by a treaty for a Western Hemisphere free trade area, including the United States and Canada.

To those who would dismiss this call as being unrealistic—or at least premature—let me refer you to the comment that was the fashion in the capitals of Europe in the future of Western European economic integration in the early 1950's: "A common market of all Europe is a wonderful idea, and it may even happen someday, but how can anybody expect it to succeed when the nations of Europe have been rivals for centuries?"

Who indeed, would have thought that in the next decade, a European Common Market would become one of the most powerful economic forces in the world? Who indeed, but Jean Monnet and his Action Committee for the United States of Europe. The committee I propose today, like Monnet's group would derive its strength from a membership agreed on the necessity of achieving the goal of a continental economic union, and committed to influence their respective parliaments, trade unions and public opinion in general, to realize that goal.

The problem of political leadership in Latin American economic and political unification is becoming clearer daily to the governments and people of the Hemisphere. What is needed now is a final well-organized drive to overcome that inertia and that provincial view of nationalism which separates the Hemisphere from the realization of these goals.

The experience of the Monnet group in Europe can teach us much about how such goals can be realistically achieved.

Monnet's group came into existence in late 1955 following the Messina Conference of the Foreign Ministers of the six countries of the European Coal and Steel Community, which recommended the initiation of "a common European market, free from all customs duties and all quantitative restrictions" on the basis of "appropriate institutional means for the realization and operation" of enlarged economic organisms. The ministers created an intergovernmental committee under Paul Henri Spaak to draft the relevant treaties or arrangements.

As in the case of Latin America today, the European integration movement was well underway at this time and had succeeded in the creation of the European Coal and Steel Community. LAFTA, the Central American Common Market, CIAP, and the Inter-American Bank represent the victories so far of the economic integration movement in the hemisphere.

But the parallels between Europe in the early 1950's and Latin America today do not stop here. Monnet and his group realized that there was a lack of organized, Europe-wide political support to insure that governments would implement the recommendations of the Spaak committee.

Similarly, more and more dissatisfaction is being heard today over the lack of political support for the meaningful economic integration of Latin America. There has not been an important inter-American conference during the past several months which did not recommend in one form or another a means to remedy this lack. What has been absent, however, is a focal point—a central group—that could give direction and purpose to the diverse groups working toward the same goal.

Similar ferment in Europe—a similar feeling that not enough was being done—brought about the creation of Monnet's action committee in late 1955. It brought together a coalition of divergent forces which were agreed on one point, the important one—

the need for European unification. It created conditions which made certain that any draft treaty put together by the Spaak committee would fall on the ears of receptive parliamentary and public opinion. Its members were party and union leaders of the democratic left who were agreed on the principle of economic integration and who were prepared to build up the necessary political support to make this goal realizable, without further delay. Largely through the work of this group, the Spaak committee's draft treaty establishing the European Economic Community and the European Atomic Energy Community was approved in Rome by the foreign ministers of the six nations joined in the European Coal and Steel Community.

It is my belief that a similar action committee in Latin America in 1965 can have the same effect as Monnet's European group in 1955. Certainly there are many divergent forces in Latin America. But there is ample evidence that there is one central idea which is gaining credence in all sections of the hemisphere—the need for Latin American economic unity.

This is true, because many Latin American economic and political leaders are now becoming aware that the process of Latin American economic integration is not proceeding fast enough and many basic problems remain. For example:

1. Seventy-five percent of Latin America's foreign exchange income is still generated through exports of oil, coffee, meat, cotton, copper, sugar, wool, iron ore, and bananas.

2. Developed countries—especially in Europe but including the United States—continue to impose restrictive measures on Latin American exports such as coffee, lead, zinc, and oil—a situation which has been condoned by Latin American exporters desiring the benefits of selling in protected, high-price markets.

3. Wide disparities remain between the development of economic sectors within individual countries as well as between the levels of development of individual countries of Latin America—per capita annual income ranges between $1,120 in Venezuela to less than $100 in Bolivia.

4. Development planning often takes place without the full participation of the private sector.

5. The heavy external debt burden of many Latin American countries impedes their economic development efforts.

6. Intra-LAFTA trade still constitutes only 8 or 9 percent of the LAFTA countries' total trade. Intra-CACM trade accounts for only 13 percent of that region's total trade.

7. The tariff cutting procedure in LAFTA is permissive rather than automatic or across-the-board which allows member countries to protect indefinitely against effective competition the most sensitive areas of their economies.

8. Industrial integration among countries is still only in the talking stage.

9. Real monetary and fiscal stability is still lacking in many of the member countries of LAFTA.

10. Expansion of intra-LAFTA trade in manufactured goods has been quite limited due to the reluctance of the more advanced member countries to reduce their high tariffs on such goods because of a fear of exposing their heavily subsidized industries to competition from abroad.

It is becoming more evident each day that the resolution of Latin America's economic problems can best be effected within the framework of a genuine Latin American Common Market, within which goods, persons, and capital can move more freely. With the emergence of a common external tariff and a phased, across-the-board reduction of tariffs on intraregional trade, there would emerge in such an arrangement a mass market of 220 million people with a combined annual gross national product of between $70 and $80 billion, $18 billion of foreign trade, and $2.5 billion in gold and foreign exchange reserves.

Such a common market with a unified commercial policy would greatly increase Latin America's leverage with the industrial countries of Western Europe, North America, and Japan in the field of trade. It would also provide a powerful pull on private capital from the United States, Western Europe, and Japan, which is essential for Latin America's more rapid industrial development. It would permit the establishment of a rational, regional transportation system, in coastal shipping as well as inland road and rail transportation. It could provide a great stimulus to economic growth through the strengthening of competition in the region, and the expansion of additional local manufactures. Further diversification in production of domestic manufactures would help to reduce Latin America's dependence on the exportation of primary commodities.

At the same time, the process of establishing a Latin American Common Market can receive great impetus from the industrially advanced nations of the world. These nations under the leadership of the United States, have already recognized the importance of trade to developing nations and the need to take urgent action to improve their terms of trade. In a statement of May 1963, the ministers of the contracting parties of GATT agreed that in the forthcoming GATT negotiations every effort would be made to reduce barriers to the exports of developing countries and that the more advanced industrialized countries would not expect to receive reciprocity from the developing nations.

I strongly believe that in line with the May 1963 GATT ministerial declaration the United States could now call on the industrialized nations of GATT to extend preferential treatment to specified American exports. The United States itself could take the lead by taking such a step, provided that the other GATT nations involved follow suit and that Latin American nations agree to accelerate the process of Latin American economic integration in a competitive atmosphere. Low-cost efficient modern industries, established in regions which offer the best combination of accessibility to markets, resources and trained manpower, and ready to face competition from abroad, are the best assurance that competitive conditions would prevail during this process.

Once such a Latin American Common Market is a reality, and in agreement with its member countries, the United States and Canada could effectively establish a new economic relationship with it. Such a relationship could take the form of a Western Hemisphere free trade area—but limited at first to raw materials. Under this arrangement, the United States, Canada, and the Latin American Common Market would reduce their trade restrictions—both tariffs and import quotas—on raw materials originating in the Western Hemisphere on a phased annual basis until such trade restrictions, say in 10 years, were at zero.

As the Latin American Common Market becomes more industrialized and is able to compete with the more efficient industries of Western Europe, Japan, and the United States, this limited Western Hemisphere free trade area could be expanded to cover specified manufacturers and semimanufacturers and could develop further by negotiating arrangements with other regional trading groups, such as the European Economic Community. Its existence would also insure that the Latin American Common Market would be outward looking, and competitive.

If such an economic union is to succeed, however, Latin American nations must improve the climate for private initiative, while at the same time providing for social justice. These ends are not in the least incompatible. But we must recognize that Latin America would be trying to achieve in a decade what we in the United States, after a century of trying, have not perfected—the operation of private business in the public interest. What is needed is a new spirit both on the part of government and of private enterprise in the achievement of common goals of progress without sacrificing their own self-interest. In many Latin American countries, leadership in developing such a spirit has been demonstrated to a heartening degree.

Proof that businessmen of the hemisphere are becoming more and more conscious of their responsibility to play a major part in solving the profound problems facing Latin America was evidenced in the meeting last month of the Executive Committee of the Inter-American Council of Production and Commerce (CICYP). The Committee decided to form a committee to represent private enterprise before LAFTA and to send a delegation to the upcoming LAFTA foreign ministers' conference as well as to promote a multilateral system of investment guarantees for private capital in Latin America and to undertake a number of measures to expand Latin American export possibilities in cooperation with the Inter-American Committee for the Alliance for Progress.

This proof is also provided in the formation of the multinational, multiprivate enterprise investment company last September to implement the Atlantic Community Development Group for Latin America (ADELA), which I had the honor to initiate. ADELA is designed to revitalize private enterprise in Latin America by bringing the capital and the talents of many enterprises in many nations into a partnership with Latin American business.

The implementation of ADELA represents a unique experiment. It recognizes that even all the governments of the free world together are not possessed of the combination of capital, skills, initiative and knowledge needed for the successful economic development of Latin America without the indispensable aid of the private sector.

Latin America has the resources and I believe many of its political and business and trade union leaders now have demonstrated their desire to bring about an economic union which will benefit all the peoples of the continent. It is my hope that an Action Committee for the Economic Union of the Americas will now be formed to translate these resources and these desires into organized action to make Latin America the great, independent free world economic force it has every right to be.

PARTNERS OF THE ALLIANCE COMMITTEE

Mr. JAVITS. Mr. President, I invite the attention of my colleagues to a report on a recent conference which took place in Buffalo, N.Y., on July 19 to establish a committee for a partners of the alliance program between Paraguay and western New York.

New York State's participation in this program has grown out of the University of Buffalo's experiences in AID-sponsored programs at the National University of Asuncion in Paraguay under the leadership of the president of the University of Buffalo, Dr. Clifford C. Furnas. It is also a fact that on the Niagara frontier, 45 corporations are doing business in 14 Latin American nations. It is this spirit of cooperation between the two areas which has lead to western New York's participation in the partners of the alliance program.

This partnership is part of a new, expanding program of the alliance whereby many different States in the United States—some 26 to date—have undertaken joint, cooperative programs with partner countries in Latin America with the coordination and advice of AID.

I salute this effort on the part of New York State and look forward to its success and growth in the future.

I ask unanimous consent that the summary report may be printed in the RECORD at the conclusion of my remarks.

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

A SUMMARY OF THE EXPLORATORY SESSION REGARDING ESTABLISHMENT OF A WESTERN NEW YORK COMMITTEE FOR THE PARTNERS OF THE ALLIANCE PROGRAM, JULY 19, 1965

(The Buffalo Club, Clifford C. Furnas, president, State University of New York at Buffalo, presiding.)

Dr. Furnas opened the meeting with remarks on the new U.S. appreciation of the importance of Latin America. He cited the need for solidarity, understanding, rapport and a community of purpose among the nations of this hemisphere. He explained that fulfillment of this need is the objective both of the Alliance for Progress and of the Partners of the Alliance program in which western New Yorkers are being asked to participate.

The purpose of the meeting, he said, was to consider a mutual aid partnership between Paraguay and western New York as part of the general activity of the Partners of the Alliance. Although the partnership would be coordinated by the Agency for International Development (AID), the arm of the Federal Government responsible for mutual assistance programs throughout the world, it would be arranged between individuals and private organizations in the two countries.

Such activity to foster free development in Latin America, Dr. Furnas said, is important not only to our national security but also to our economic well-being nationally and on the Niagara frontier. U.S. exports to Latin America each year total $10 billion. Imports amount to $8 billion. On the Niagara frontier alone, 45 corporations are doing business in 14 Latin American nations.

To provide insight into the potential effects of the proposed western New York-Paraguay partnership, Dr. Furnas and other representatives of the outlined U. B.'s experiences in AID sponsored programs at the National University of Asuncion. The university has been working there to modernize and improve medical and nursing education. The project has been operative since 1956 and has been so successful that a similar program in general studies is now under consideration. The University of Asuncion at the present time has no general education programs, but admits students from secondary schools directly into its professional areas.

Mr. John P. Wiley, director of the AID mission to Paraguay, explained that private citizens in western New York are being asked to become partners of Paraguay because of the spirit of cooperation between the two areas which has been developed by the university's activities there.

He noted that one private assistance program similar to those now being proposed has already been carried out. This was the good samaritan project directed by Dr. Francis Smith of Buffalo that resulted in the collection of $30,000 in medical equipment which AID shipped to Asunción.

He emphasized that the people of Paraguay are extremely responsive and enthusiastic about assistance which enables them to help themselves. This is the type of aid the Partners program will provide.

Under the partnership, Mr. Wiley said, both Paraguay and the Niagara frontier would appoint committees of businessmen, educational and cultural leaders representing areas in which the potential for effective cooperation exists.

The local committee would then go to Paraguay, meet with its counterpart group, and decide upon worthwhile projects. Expenses for the initial visit will be underwritten by AID.

Mr. James H. Boren, director of the Partners for the Alliance, pointed out that the program being proposed was a true alliance, not an adoption or handout program. Mr. Harvey Witherell, Paraguay Desk, AID, Washington, D.C., supplied printed material about Paraguay.

The program has already been entered into by citizens in 26 States and has successfully provided help, such as pumps for wells dug by natives, roofs for schools already built out of natural resources at hand, books for libraries, and steel cables for bridges. These are all things which the Paraguayans could not provide for themselves.

In turn, the Latin American people participating have given assistance for such activities as an investment conference in Texas and the improvement of Spanish instruction in the schools of Oregon.

Under its proposed partnership with Paraguay, the Niagara frontier would offer similar aid in needed areas to that nation and citizens of Paraguay would make contributions useful to western New York. Federal agencies would be involved only as coordinators and catalysts.

Following this explanation of the proposed activities, the AID officials asked for the group's reaction. Mr. George F. Rand, Jr., vice president, Marine Trust Co., Mr. John E. Clark, past president of the Buffalo Chamber of Commerce, and Dr. Richard L. Whitford, assistant to the president, State University College at Buffalo voiced enthusiasm for pursuing the project. Telegrams from New York Senators JAVITS and KENNEDY were read, offering their good wishes and assistances for the project. There was a consensus that steps should be taken to go ahead with the program.

Dr. Furnas proposed that one or two months now be allowed for further consideration of how western New York might actively undertake the partnership. He suggested that another meeting be called in early fall to establish the actual working committee (up to six people) which would then go to Paraguay to explore the possibilities.

Mr. Wiley said he would take steps to organize the counterpart committee in Paraguay.

CIVIL RIGHTS PROGRESS

Mr. JAVITS. Mr. President, a little more than a year ago, the Civil Rights Act of 1964 became law. It was probably the most far-reaching piece of social legislation to be enacted in decades, and certainly the most sweeping civil rights measure ever passed.

The law was put into effect with speed and with great hope but, admittedly, with no little apprehension. The summer of 1964 will long be remembered as a trying time—a time of tension and of testing. But while the spectacular was constantly in print, while the Nation riveted its attention on riots and resistance, compliance was quietly beginning.

Jack Germond, a perceptive and thoughtful journalist with Gannett Publications, recently traveled through the South, analyzing the impact of the 1964 law on the area. His conclusions are both encouraging and hopeful in that he saw widespread acceptance and compliance with the law. Let us praise those responsible, and hope it will continue.

I ask unanimous consent that Mr. Germond's series "The Road to Integration: The Civil Rights Act a Year Later" which appeared in the Elmira, N.Y., Star Gazette, be printed at this point in the RECORD.

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

[From the Elmira (N.Y.) Star-Gazette, July 7, 1965]

THE SOUTH REVISITED: CIVIL RIGHTS ACT BRINGING RESULTS

(By Jack W. Germond)

MCCOMB, MISS.—"There is only one responsible stance we can take: That is for equal treatment under the law for all citizens regardless of race, creed, position or wealth."

This declaration sounds as if it might have come from a Presidential message on civil rights.

But, in fact, it comes from a "statement of principles" written here last winter and then signed—publicly—by 650 of the leading citizens of this unprepossessing southwest Mississippi town.

It was a significant statement for McComb and Pike County because it represented a turning point after a summer and fall in which the community had become a jungle of racial terrorism in which bombs, burnings, gun blasts, fiery crosses, ammonia hurled into the face and the clenched fist were common means of communication.

The statement was significant, too, as a symbol of the growing realization that the South, after a century of anguish, seems to be turning a corner in its race relations.

The McComb story is a familiar one to those involved in the civil rights struggle, on either side.

But all across the South, in the great cities and dusty crossroads settlements, there are less spectacular but equally valid signs of a new climate.

In Georgia a Negro eats a quiet meal in a good restaurant without drawing even a stare. In Louisiana a Negro cashier takes your dime in payment for a cool drink at an integrated drugstore counter.

In Jackson, Negro and white patients share their misery in an integrated ward of University Hospital. In Birmingham the chamber of commerce votes to admit three Negro members.

None of these things would have been likely a year ago. That they happened is testimony to the fact that the 1964 Civil Rights Act—the broadest in the Nation's history—has been a success.

Generally it has been received with far more grace and compliance than its supporters and enforcers expected. ("I was one of the optimistic ones," said a Justice Department official, "and I never thought it would work as well as it has.")

And generally it has caused far fewer problems than its opponents seemed to fear. (Said a chuckling southern politician: "It hasn't turned out to be the end of the world, after all.")

Most important, the law has been a decisive influence in the new climate now being felt across the South.

In McComb, for example, the immediate spur to the statement of principles was terror and violence. But the law was the crucial factor in the willingness of the community to act against it.

Said one signer: "That law was the thing that made it clear the way things were going to go. We had to decide how we were going to go along, peacefully or at the point of a Federal gun."

The act has been important principally because it has given the South's minority of

progressives, its heretofore silent moderates, and its many peace-loving noncombatants a way to get off the hook.

It has been a device that allowed them to make changes or yield to them without stepping out in front. They are obeying the law and not voluntarily destroying the southern way of life.

Atlanta restaurant proprietor Charles Dressler put it this way:

"I don't care who comes in here, and I never have cared very much, so long as they're respectable and pay their checks. But you've got to understand, I wasn't going to be the one to start the integrating. I'm no fool; I've got to live here and keep a business going."

The law also has been a valued whipping boy. The administrator of a recently integrated hospital reported: "Some of our patients object, and they do object strongly. The simplest thing for us to do is just tell them it's the law, and that ends the argument. There's no sense jawing at us."

The 1964 act is beginning to have an effect indirectly on southern politics as well. It has, in the official sense, at least, settled the question of racial separation in such things as voting and schooling. Thus, it has freed the politician to move on to other issues.

A Deep South newspaperman of long experience says:

"Our politics has always been based on race and that is an emotional issue, so our campaigns were run to appeal to the emotions. Now we can make our decisions on other things—the abilities and programs of the candidates. There's nothing they can do now about this race thing anyway, and everybody knows it."

The voting rights section of the act has been the least successful in the first year. It was designed to speed registration but, as Selma demonstrated, it has not made enough of an improvement. That's why Congress is coming up with another voting rights law this year.

But the 1964 act did make it clear that the Federal Government is determined to give the Negro in the South the franchise, and the politician is well aware that there are 2.8 million unregistered Negroes of voting age in the Deep South—enough to make the difference in most States for years to come.

The urge to move ahead "to other things" in politics is paralleled in business. One sign of this has been the rash of resolutions adopted by chambers of commerce and manufacturers' associations urging compliance with the 1964 law.

Many businessmen are convinced that acceptance and compliance are essential if the South is to catch up economically. Harvey Steele, an Atlanta executive for an international firm, says:

"I came down here 5 years ago and I never regretted anything so much in my life, at least for the first few years. We couldn't get any good people to come down here. You'd offer them a transfer and they'd say 'what about all that trouble?' And then decide to stay where they were. That's changing."

A Mississippi city chamber of commerce executive recalls:

"We were trying to attract industry but we couldn't get by this thing (the race problem). That's all they seemed to care about. Now they think it's just about over, and we can talk about all the good water we've got and the labor pool."

This concern with image is reflected, in an inverse way, by resentment among a surprising number of Alabama whites toward Gov. George C. Wallace, the most inflexible segregationist in southern politics today.

Although they don't question the political value of Wallace's position, they wonder whether it's good for the State. Said a Birmingham businessman: "He's giving us a bad name. We don't want to be everlastingly the last ones to give in about everything."

(The concern with image also shows up in conspicuous defensiveness in Alabama: a bank distributes auto plates declaring "We're Proud of Birmingham," as if there were reason not to be. A Tuscaloosa salesman snaps at a visiting reporter: "Why are you people always poking into Alabama. We aren't all for Wallace here.")

The first stirrings of this new climate do not mean, however, that everything is rosy in Dixie. Far from it.

The law has forced some changes, but it has not obliterated the patterns of a century. Hate, contempt, defiance are expressed in a hundred ways, large and small.

The epithet "nigger" still falls easily from southern lips. A schoolteacher is fired for civil rights activity. Homes are fired and Negroes beaten senselessly. The professional at a public golf course ostentatiously replaces the water fountain with a bottle and paper cups.

In short, the success of the law in its first year cannot obscure the fact that its opponents were right about one thing: You cannot change what's in the hearts of people with legislation.

A genial, cigar-smoking salesman wearing a "never" button sums it up: "I know it's coming but I don't have to like it and I'm not going to."

By the same token, however, the law has freed the gentle of mind, those who never had worked up a real hate, to go along peacefully.

"I don't like them, I guess," a motherly waitress considered, "and I never thought I'd be serving their food but they've got to eat, too, I reckon."

The optimists think the law will cut through the hostility and suspicion by forcing association between the races.

The director of the community relations service, former Florida Gov. LeRoy Collins, points out that the law only "legislates behavior" and predicts that people eventually will change their attitudes and prejudices to conform to this behavior pattern.

This may be sanguine. Antidiscrimination laws have been on the books in Northern States for decades without breaking down the real barriers between black and white.

The one certainty now is that the law has made southerners, except for the hard core who lead the Ku Klux Klan and Citizens Councils, realize that all the devices and techniques of past resistance—the southern manifesto, nullification, interposition, private schools, violence—have been found wanting.

Oliver Emmerich, editor of McComb's Enterprise-Journal, put it this way in an editorial:

"In McComb and in the State of Mississippi as a whole we repeatedly have resorted to meaningless negation. We have gone from one unreality to another trying to solve our racial difficulties. * * * The choice is between sacred cows and the Constitution."

[From the Elmira (N.Y.) Star-Gazette, July 8, 1965]

THE SOUTH REVISITED—2: PUBLIC ACCOMMODATIONS RULE BRINGS AMAZING COMPLIANCE

(By Jack W. Germond)

ATLANTA, GA.—Three crackers from south Georgia walked into a downtown motel here, and one asked the desk clerk:

"You got any of them staying here?"

Before the clerk could reply, one of the others told his friend: "Never mind. Go ahead and register. They're liable to be almost anywhere these days."

This exchange inadvertently summed up the amazing compliance of the Deep South with the section of the 1964 Civil Rights Act that was most controversial when it passed just a year ago: Public accommodations.

Negroes and whites, in and outside of the civil rights movement, are agreed almost unanimously that the section—title III—has worked far better than anyone expected.

Ruby Hurley, southeastern field director for the National Association for the Advancement of Colored People, says compliance "has been much better than we anticipated."

Charles Evers, brother of the late Medgar Evers and head of the "Jackson movement," concedes: "I'd have to say I was surprised."

"We've never had any real trouble here at all. Of course, people look at you sometimes with their eyes bulging out a little, but that's all."

The NAACP had expected particular problems with one large southern chain of cafeterias. The day the law took effect the group had testers and potential pickets waiting at each branch.

To their surprise, everyone was served—even cordially—and there never has been a report of a serious incident with any of the chain's restaurants to this day.

The pattern of compliance is not, however, completely even—not by any means.

Generally, for example, the chain motels and restaurants are less likely to resist than those that are locally owned.

Restaurants in larger cities have been quicker to comply than those in smaller cities, and in some very small communities there has been virtually no compliance at all.

The large and expensive restaurant is likely to serve the Negro customer without a hint of reserve in attitude or service. But the fly-specked cafe that specializes in greasy doughnuts is likely to be a tough nut.

And what the restaurant operator will go along with, the cheap tavern owner probably won't accept, law or no law.

A pattern of obvious devices to discourage the Negro patron already has emerged across the South.

Some restaurants, contrary to law, keep two sets of menus on hand. The one given to Negroes in one such place lists coffee for 50 cents, a cheeseburger for $2 and pie for $1.50.

Others keep reserved signs bearing the names of real or fictitious customers on every table.

Some make a point of a bad meal for the Negro. One waitress cackled: "We had one come in here. I put salt in his iced tea and you should have seen his face."

Many have been converted to "private clubs."

Some of these are patently spurious—a drugstore lunch counter that will serve anyone white, "member" or not.

A few seek some legitimacy by charging families $40 or $50 a year dues and excluding outsiders, unless someone "knows" them.

The simple pressure of threats, of violence or economic reprisal, is important in communities that do not have active civil rights organizations.

One Negro teacher said: "I know I should go downtown to that restaurant and order some supper, but I'm just plain scared. The sheriff has passed the word that he doesn't want any disorderly conduct, and he just might call it that if I lit a cigarette. That would cost me my job."

A rural Negro, asked if he had tried to eat in a downtown restaurant, replied: "No, sir. That's all right for you maybe but I have to live here, day and night both."

A common practice has been segregation within the integration the law has forced. Thus, some restaurants keep a special table for the occasional Negro. Others direct Negro busboys to act as waiters when a Negro appears.

One motel in Jackson has a reputation for giving Negro civil rights leaders who stay there rooms in one wing facing the back parking lot, away from the swimming pool.

(Northern newspapermen get the same rooms.)

One hotel in another city followed a similar policy so rigidly that an NAACP official got the same room three times running on visits several weeks apart.

"I finally started specifying different floors," he recalls wryly. "Now I've contaminated about half the rooms in that hotel."

There also has been some outright defiance. The Justice Department has filed suits in at least 17 cases. And there are many others that display "white only" signs or simply refuse to serve Negroes who have not yet become legal targets.

Despite the rough spots, however, the compliance has not only been widespread but pleasant.

"If anything, they often are too cordial," one sophisticated Negro said. "It's as if they had made up their minds that you won't leave with any complaint."

The key to this compliance is clearly the fact that the law acts—or eventually will act—to put everyone in the same boat.

Restaurant owners all across the South are frankly relieved to have the question more or less settled.

"When they were demonstrating against places," one Louisiana cafe proprietor said, "you didn't know what to do. This law is a relief. I have to feed them and so does he (a competitor across the road) and everyone else. You don't have to be a villain or a hero."

Negroes insist that the economic factor is an important one in the general compliance.

"They've learned that money is green, no matter what color you are," said one Negro accountant.

Negroes also contend, and some restaurant workers agree, that Negroes who go to good restaurants are likely to be big spenders and bigger tippers than their white counterparts.

"It's like this," Evers says. "If a man grows up without any shoes to wear, he'll probably see to it that his children have four or five pair. He's making up for something."

Then, nodding to a shabby reporter, he added: "I'm less able to do it but I buy better clothes than you do. It's the same thing with these restaurants and motels."

The key to the hard-core resistance, whether it be outright or devious, is almost invariably the attitude of white customers.

One Alabama roadside cafe proprietor said: "I'm ready to give in whenever the other people along here give in. But if I did it now, I'd lose all my business."

In the small towns and rural areas, the threat of hostile white customers also discourages Negroes from trying to exercise their rights—except, of course, in case of organized tests.

One story that spread rapidly through the South was about a Negro Army officer who returned to his hometown of Canton, Miss., after several years of absence. He took his wife to what had been a Negro night club when he left.

But the club had been converted to white patronage and ownership in his absence, and the officer no sooner walked in than he was set upon by other customers and beaten almost to death. He was never able to explain his mistake.

"I heard about that," a Meridian Negro said, "and I said to myself 'uh-uh, not me.'"

THE SOUTH REVISITED—3: U.S. FUNDS ARE SPUR TO SCHOOL INTEGRATION

(By Jack W. Germond)

CARROLLTON, GA.—The annual budget of the Carroll County public schools is some $2.5 million.

Under the new Federal school aid program the county stands to get almost $250,000 in new money next fall, and there is the promise of a great deal more in the years ahead.

But to get Federal money, the county must desegregate its schools, something it hasn't been willing to do in the past.

When you ask School Superintendent E. J. Kuhn what he intends to do, he smiles and replies: "Now what would you think we're going to do? That's a lot of money."

The result: This fall 46 of the 1,232 Negroes enrolled in Carroll County will attend previously all-white schools.

This small beginning toward integration will be repeated in district after district all across the South in September.

It is a product of a section of the 1964 Civil Rights Act that received minimal attention when the bill passed a year ago but now is being recognized as its most potent provision.

This is title VI in essence—despite a few ifs, ands, and buts—it says that States and localities cannot receive Federal funds for any program in which racial discrimination is practiced.

And this—the Federal dollar—is turning out to be the ultimate weapon against segregation.

No one really knows now how many previously intransigent school districts will surrender this fall because of title VI. Nor do they know how many youngsters will be affected.

But everyone who is informed on the situation, in the South and in Washington, is convinced there will be more integration this fall than in the entire decade since the Supreme Court's decision of 1954.

This is a conservative enough projection, for last year less than 3 percent of the Negro children of the South were attending integrated schools.

Although title VI will have its most conspicuous impact on the schools, it covers almost 200 Federal aid programs that provide money for everything from welfare, health, urban renewal and the national guard to sewers, libraries, farm extension programs and airports.

At the moment Federal spending under these covered programs runs more than $18 billion a year. The 11 Deep South States alone are in line for $3.5 billion in the new fiscal year—if they get in line.

The weapon is most effective in the Southern States that have been most resistant to change because, ironically, they are the ones most dependent on the Yankee dollar.

Thus, Alabama gets more than 22 percent of its total public income from the Federal Treasury. Mississippi gets 21 percent; Louisiana, 20, and Georgia, 19.

This year the same States will be entitled to $30 to $42 million each under the school aid program alone.

The signs of economic weakness are everywhere.

Item: The Mississippi Economic Council has set a goal reflected by the slogan "75 by 75." What this means is that the State hopes to achieve a per capita income of 75 percent of the national average by 1975. A Mississippi editor calls it humiliating.

Item: In Meriwether County, Ga., the $33,000 the county has been receiving in Federal school aid even before the big new program represents one-fifth as much as the local tax base provides.

An Alabama school superintendent summed up the position of countless localities:

"The choice is to desegregate now and get the money or turn down the money and have to desegregate anyway under a court order. That's no choice at all."

In Georgia, another superintendent says:

"You know I have to satisfy the people of this county if I'm going to keep my job. And I can't satisfy them if I reject the means of having art classes and a gymnasium and a music teacher and then we end up having to mix the schools anyway."

Says another: "We're anxious to comply. We think it's the wrong thing to do, but we have to have the help, that's all there is to it."

School districts can qualify in one of three ways—by filing an assurance form (generally acceptable only from districts, such as those in the North, where there is no serious problem), by submitting a court order under which they are operating or by submitting a plan for desegregation.

More than 90 percent of the 5,100-plus districts in the Deep South and border States already have submitted one of these and others are pouring into the Department of Health, Education, and Welfare in Washington.

And 85 percent of the few plans that have been "accepted" by HEW so far are for districts that had no desegregation at all previously.

All the States—Alabama was the last—also have submitted compliance agreements, although there has been some niggling and haggling. Mississippi insisted on revising the language of the form, and Louisiana sent in a resolution rather than the form.

At this point, the key to how much desegregation is accomplished seems to be how firm the Federal Government shows itself to be.

Some Negro leaders of the civil rights movement are doubtful that the administration will stand fast. But enforcement officials already are talking privately about cases in which they have held up Federal money—ostensibly because of "technical" problems—as a thinly veiled warning to the southern recipients.

The southern whites are watching closely, too. One school official said: "We sent up a plan and we're ready to go along if we have to. But we're hoping they'll let up on us a little." Then, smiling, he added: "This plan is flexible if they do."

On schools, HEW has set guidelines requiring complete desegregation of all grades by the fall of 1967. But it will allow as little as four grades this fall as evidence of a "substantial good faith start."

This is intended to assure that the first year will go beyond the "tokenism" that has been so common in the past.

There is, however, widespread suspicion among the Negroes that there is room for tokenism in one of the acceptable plans—the so-called "freedom of choice" alternative.

This allows the pupil to choose his own school and requires that where overcrowding results or no choice is made, he be assigned to the nearest school. (It is such a plan that Carroll County promulgated and that produced the 46 transfer applications, all of which will be approved.)

The picture so far is uneven. For example, in another Georgia community, Americus, the city school system received 87 applications for transfer but there were none in the county. The suspicion here is that some intimidation was responsible.

But whatever zigs and zags lie ahead, there is a broad consensus among Negroes and whites, officials and laymen, here and in Washington that title VI has broken the back of the resistance to the desegregation of schools.

One indication of the handwriting on the wall is the first progress that has been made, since the section took effect Jan. 3, in breaking the barriers in hospitals.

HEW has received dozens of complaints, and only 10 or 15 hospitals in the Deep South are rated as acceptable at this point. But significantly only one small hospital, in Florida, has given the Federal Government a flat no and agreed to do without Federal money.

The compliance has been surprisingly good in a few. Jackson's University Hospital, for example, has undergone extensive physical changes and altered its procedures to the hard-to-get complete satisfaction of the local Negro leadership.

"We're watching it all the time," says Charles Evers, head of the Jackson movement and Mississippi secretary for the National Association for the Advancement of Colored People. "We get reports all the time—many of them from whites—and there doesn't seem to be any problem."

One of the forces for hospital compliance is the fact that many of them are linked with universities. If they fail to meet the Federal standards, the entire university's Federal aid is in jeopardy.

The white patients apparently are not happy. One visitor in the waiting room at Jackson told a reporter: "It's a disgrace, integrated wards when people are sick. But there really isn't any other place to go."

[From the Elmira (N.Y.) Star-Gazette, July 10, 1965]

THE SOUTH REVISITED—4: CHASM STILL EXISTS DESPITE RACIAL GAINS

(By Jack W. Germond)

CHUNKY, MISS.—Willkie Harrison is a lean and taciturn Negro who farms a small tenant place near the Chunky River.

At 52 he has never eaten a meal in "a proper restaurant"—although he sometimes stops at a colored barbecue shack in Meridan—and he doesn't think he ever will.

Harrison has heard about the Civil Rights Act of 1964 and its public accommodations section. But he does not relate it to the life he leads in a drafty, unpainted house that leans heavily to one side.

"I don't go into town but once in awhile anyway, and I've got no money for restaurants," he tells a visitor, adding with a grin: "Besides, my wife fixes the best chicken I've ever put in my mouth."

A few counties farther west of the Alabama border J. B. (Heavy) Russell leans formidably on the bar of his tavern and makes a point emphatically:

"No Nigger has ever walked in here and the day he does he's going to be one sorry Nigger."

What about the law?

"You let me worry about the law, boy."

These are examples, admittedly extreme, of the chasm that continues to exist—and perhaps will exist for decades—in the South, despite the gains that have been achieved since the Civil Rights Act was approved just a year ago.

In Jackson, a housewife who lives in a prosperous-looking apartment stops on the street to consider. Yes, she says, she and her husband eat out fairly often, two or three times a month. But, no, they have never encountered any fellow patrons who are Negroes.

Has she recognized any change since the law passed?

"Well, of course, the schools are going to be different, but there aren't any of them living around this area anyway."

In Birmingham the operator of a restaurant in one of the largest downtown hotels can tell you just how many Negro customers they have had in the year since the law passed:

"There was only the one and he wouldn't of been here except some of those people from Huntsville (Federal workers) brought him."

And in Baton Rouge a regular customer of an excellent steakhouse can tell you: "They had just four of them here. They came in all at once. He (the manager) gave them one of the private rooms, fed them and offered them a receipt (on the assumption they were 'testing' compliance for some group) and that was all."

The fact is that the law, for all the changes it has made in public accommodations and promises to bring in the schools and hospitals, has not yet really touched the lives of most southerners.

The newly effective section on employment discrimination will, of course, reach many more. But there are significant factors that mean it will continue to be a minority.

There are imposing economic and educational barriers. And there are even more towering social barriers. And finally there are the hard-to-shed chains forged by a century of hostility and suspicion and of myth and misinformation.

The educational barriers perhaps will be the "easiest" to overcome. That is the significance of the Civil Rights Act's value in forcing integration of the schools at the price of losing essential Federal financial aid.

Eventually generations of Negroes and whites will grow up with a common ground in their schooling.

But today the Negro has a long way to go, for he is badly unprepared for integration in many communities. Despite the protestation of "separate but equal" facilities, he is going to be at a disadvantage.

A school superintendent in Georgia pulls out the folder on Negro pupils who will be the first to integrate his system.

"They're going to have a hard time, some of them," he says. He pulls out one of the transfer forms and comments: "straight A's here. She'll be all right."

Then he pulls out another: "mostly C-pluses." He shakes his head.

The Negro leadership is aware of this, too. The National Association for the Advancement of Colored People is sponsoring a tutoring program this summer in the hope of smoothing the way for integration.

But the NAACP is not everywhere, and no one thinks it will reach many of those who need help most.

There is a parallel across the South in the question of filling the jobs that will open up with the enforcement of the equal employment section of the law that is just taking effect.

One prominent Negro professional man said: "We're going to have trouble for awhile because they are going to say that the people aren't able to do the work, don't have the skills, and they're going to be right some of the time.

"A white man I know downtown called me and said he was willing to hire some (Negro) girls I could recommend—he's got an insurance office, you know—and it wasn't easy to find them. We have to help people get ready."

But whatever the educational and technical barriers, they are minor compared to the obstacle of the unreasoned suspicion and hostility that has been built by the long-standing and rigid separation of the races in the South.

A white man describes the first Negro who showed up to play when a public golf course was integrated: "He just strutted around all stiff-legged like he owned the place."

The possibility that the Negro golfer had an odd walk never entered his mind.

And a Negro, asked if he had tried a certain downtown restaurant in Jackson, replied:

"Sure, I went there and you should have seen the garbage they gave me. I had shrimp and the dough on it was an inch thick and it was cold and greasy."

That this was simply a lousy restaurant never entered his consideration.

A Deep South newspaper editor says:

"We've always insisted we were the ones that really knew the Negro. That's one of the greatest myths of all time and we're finding it out. And they don't know us either. That's why everyone is so touchy, circling around each other all the time. Nobody knows what to expect."

Perhaps the most serious barrier to integration in the South, and one that the law cannot overcome, is the paralyzing store of misinformation that is used to buttress die-hard resistance.

Some of this is obvious, like the outpourings of the Ku Klux Klan and the Citizens' Councils. It shows up in such things as the billboards all over Louisiana of a section of an audience at some meeting with the legend: "Martin Luther King at Communist training school." (This one also is available in post card form.)

But more insidiously it shows up in the huge white middle class whose opinion is crucial to better race relations.

A visitor finds a friend of 20 years' standing, a professional man, repeating scurillous and outrageously preposterous stories about the personal lives of the President, the Chief Justice, and the entire Kennedy family.

The man who is repeating these is not a vicious man in most circumstances. But neither is he ready yet for the change that is coming in the South.

CROSS-FLORIDA BARGE CANAL BENEFIT-COST RATIO EXAMINED

Mr. PROXMIRE. Mr. President, the Cross-Florida Barge Canal is one of the more controversial projects in the Public Works appropriation bill. Many responsible and respected persons have concluded that the canal would be a waste of money. This conclusion is endorsed and documented in an excellent article written by Col. F. W. Hodge, president pro tem of the Citizens for Conservation of Florida's Natural and Economic Resources. The article was published in last month's issue of Business and Economic Dimensions, the journal of the College of Business Administration's Graduate Faculty at the University of Florida.

Quite rightly, Colonel Hodge rests his case on deficiencies in the benefit-cost ratio claimed for the canal. His article is an example of the objective, unemotional analysis which should be used by Congress in examining every public works project. I have found Colonel Hodge's article most useful in the study of the Cross-Florida Barge Canal.

In order that every Senator may judge for himself the arguments against the canal, I ask unanimous consent to have the article to which I have referred, together with the short editorial comment, printed in the RECORD.

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

THE CROSS-FLORIDA BARGE CANAL

PART I—AN OPPOSING VIEWPOINT

(Despite the fanfare that accompanied the start of construction of the canal, skeptical views are being voiced increasingly both in Washington and at home. Dimensions has yielded to the temptation, usually resisted with ease, of presenting the case of the opponents of a federally financed local development project. In a subsequent issue the proponents' arguments will be published. Colonel Hodge has a degree in economics from Cornell University and has undertaken graduate work at Columbia while in the service. He has been president of the Alachua Audubon Society and is now president pro tempore of Citizens for the Conservation of Florida's Natural and Economic Resources. While not disputing the benefits the canal will bring special groups, he maintains that the cost is high to taxpayers in general and to Florida residents in particular.

(By F. W. Hodge, colonel, U.S. Army, retired)

During the administration of Thomas Jefferson, his Secretary of the Treasury, Albert Gallatin, suggested an inquiry into the feasibility of uniting the St. Mary's River, on the east coast, and the Mississippi. During the temporary occupation of Florida by American troops in 1818, John C. Calhoun, then Secretary or War, seized the occasion for directing some partial examinations near the headwaters of the St. Mary's and the Suwannee with a view to inland water communication between the Atlantic and the Gulf of Mexico.[1] Ever since that time there has been a continuing interest in linking these two bodies of water by some type of inland waterway.

Some of the reasons set forth by early proponents of a canal, such as the protection of our commerce in time of war, avoiding the dangerous West Indies, eluding the attacks of pirates, and the facilitation of transporting the mail from New Orleans to Washington, have lost their validity with the lapse of time, the uses of alternate means of transportation, and the growth of Florida's population and economy. Nevertheless, the dream of a cross-Florida waterway has persisted up to the present day, and the Cross-Florida Barge Canal is now an authorized project for which $5 million has been appropriated to date and $10 million more awaits only Senate approval.

A water resources project such as this becomes eligible for Congressional authorization provided it has a benefit-cost ratio of one to one,[2] under a formula currently in use by the Corps of Engineers. Some intracoastal waterways have shown an excellent benefit-cost return under this formula. A good example is the western portion of the Gulf Intra-Coastal Waterway from Corpus Christi to New Orleans. This project, which carries principally petroleum and chemicals originating along its route, hauled 4.5 billion ton-miles of barge traffic as early as 1949. (As an indication of the enthusiasm with which some view the Florida project, 4.5 billion tons is only 45 percent of projected traffic density in the year 2000.)

Historically, however, freshwater canals have generally cost more than the benefits returned.[3] A notable exception was the Erie Canal during the first half of the 19th century. On the other hand, the St. Lawrence Seaway, which had an estimated benefit-cost ratio of 2.94 to 1 and also charges tolls (tolls are not charged on other inland and intracoastal waterways), has consistently failed to meet its annual costs. Opened in 1959, its first year benefits were $5 million less than those required and anticipated,[4] and consistent failures have been recorded ever since.

Benefit-cost ratio of the Cross-Florida Canal

It is proposed to examine the Cross-Florida Barge Canal's annual charges and annual benefits contained in the June 1962 report of the chief of engineers as forwarded to the chairman of the Senate Appropriations Committee. First a word is in order about the projected total cost of constructing the canal and related facilities because some of the annual charges, such as interest costs, are a function of the total amount invested.

Estimated time of construction is 6½ years and the assumed interest rate is 2.625 percent. The first cost figures as shown by this report are as follows:

Federal:	
Corps of Engineers	$145,300,000
Coast Guard (navigation aids)	200,000
Subtotal	145,500,000
Non-Federal	12,400,000
Total	157,900,000

These figures make no allowance for interest charges during the period of construction. The District Engineers Office at Jacksonville, however, very properly included interest charges and called the combined figures total investment. Making an increased allowance for interest due to increased time length of construction, 11 years as noted below, the total investment would be increased to $171 million.

The report estimates total annual charges of $7,039,000, excluding interest during the construction period, and total annual benefits of $8,256,000, as itemized in the following table. This results in a benefit-cost ratio of 1.17 to 1.

Item: Annual navigation benefits:	*Amounts*
Transport savings	$7,016,000
Commercial fishing	$70,000
Contractors' floating plan	$30,000
New vessels deliveries	$115,000
Recreational boating	$118,000
Subtotal	$7,349,000
Collateral benefits:	
Flood control	$257,000
Land enhancement	$650,000
Subtotal	$907,000
Total annual benefits	$8,256,000
Total annual charges	$7,039,000
Benefit-cost ratio	1.17

This figure of 1.17 is already too optimistic since it was based on a construction period of 6½ years. Since the time element depends on annual appropriations by the Congress, the date of completion is indefinite. The latest forecast by Florida's Secretary of State is the mid-1970's. This makes the probable construction period 11 years and thus delays the time when benefits will start and increases further the interest charges during construction which should be included above. Furthermore the interest is calculated at the unrealistically low rate of 2.625 percent. The interest rate on long-term Federal securities has been in excess of 4 percent for some time.

In order to appraise the benefit-cost ratio of 1.17 in more detail, it will be useful to examine the individual benefits.

Transportation savings ($7,016,000): Additional light needs to be shed on the Corps of Engineers' estimate of transportation savings of $7,016,000. Charles A. Welsh, director of the Graduate Program of Business Administration at Rollins College, believes the figure will be substantially lower.[5] At the engineers' optimum savings of 9.2 mills per ton-mile on other projects, Welsh based his computation on the 1958 engineer restudy, and arrived at figure of $3,163,031 for transportation savings. Based on the engineers' 1962 report, which claims average annual traffic over a 50-year period to be 2,820,000 tons, the transportation savings figure would be: 2,820,000 times 107 miles times 9.2 mills or $2,776,008. This assumes that all tonnage will travel the entire length of the canal, which may not be the case. It appears, therefore, that the savings claimed per ton-mile must far exceed the 9.2 mill optimum used by the engineers on other projects.

Moreover, almost the entire amount of estimated savings will accrue to commercial barge lines and other private industries such as petroleum, fertilizer, chemicals, and paper corporations which operate their own barges. Together these private enterprises account for 81 percent of the engineers' base year traffic and savings. According to the economists cited in this article, then, $5,682,960, or 81 percent of $7,016,000, are not true savings to the taxpayers since they do not benefit the economy as a whole. Furthermore these claimed savings are based on an average traffic of 2,820,000 tons per annum, a figure which the engineers estimate will not be reached until the year 2000.

In this connection, Prof. Otto Eckstein says, "In order to accept the present measure of navigation benefit, it must be shown that the savings in cost which present procedures measure, are savings in cost for the Nation as a whole, besides being savings from the point of view of the shipper. There is strong evidence that present procedures do not measure the savings from the national point of view."[6]

Eckstein's observation is reinforced by Fair and Williams who say, "Advocates of a users' charge point out that a waterway on which large sums have been spent may well be used almost exclusively by a few large firms which transport large volumes of coal, ore, sulfur, petroleum products and building materials. The extent to which the public benefits is debatable because the delivered prices of products shipped by barge are often no lower than if they had been shipped by rail."[7] Prof. Russell Westmeyer more emphatically states, "The fact that water carriers pay nothing for the use of improved channels and make only a partial payment for the use of publicly owned terminals, does not eliminate the cost of providing these facilities, for the cost is there and must be met by someone if river and canal carriers are to operate. What happens, of course, is that a substantial cost of river and canal transportation is shifted onto the shoulders of the taxpayers."[8]

Additional confirmation of this shift in costs was found by Welsh, who wrote, "An examination of Interstate Commerce Commission Decisions 206 ICC 445, 235 ICC 115, and 297 ICC 383 very definitely indicates that the general public—the taxpayers providing the construction and maintenance funds for navigation projects—does not receive any discernible portion of transportation savings."[9] It appears fairly conclusive, therefore, that whatever benefits accrue from the Cross-Florida Barge Canal, in terms of annual cost savings, will largely go to maximize the profits of a few large users at the expense of the general public.

The late President Kennedy was one of many advocates of a user's fee on Federal waterways to shift some of the operating costs from the taxpayers to the private corporate users. Such a charge is anathema to fleet barge owners who quite obviously profit at the expense of the taxpayers. Regarding the proposed user's charge, Edward Kienle, managing director of the National Waterways Conference, Inc., said at a meeting of bargeline supervisors in Aurora, Ill., in 1962, "Federal cost recovery objectives vary from a low of $72 million a year to a high of $200 million. The rivers and canals are now carrying about 120 billion ton-miles a year.

[1] "The Southern Review," vol. 6, November 1830, Charleston: A. E. Miller, p. 44.

[2] House of Representatives Subcommittee on Evaluation Standards, Report to the Interagency Committee on Water Resources, 1958.

[3] Russell Westmeyer, "Economics of Transportation," New York: Prentice-Hall, 1952, p. 473.

[4] William R. Willoughby, "The St. Lawrence Waterway, a Study in Politics and Diplomacy," Madison: University of Wisconsin Press, 1961, p. 140.

[5] Charles A. Welsh, "The Economic Prospects of the Cross Florida Barge Canal Project," 1959, p. 75.

[6] Otto Eckstein, "Water Resources Development," Cambridge: Harvard University Press, 1958, pp. 168–9.

[7] Marvin L. Fair and Ernest W. Williams, Jr., "Economics of Transportation," New York: Harper, 1959, p. 125.

[8] Westmeyer, op. cit., p. 460.

[9] Welsh, op. cit., p. 68.

A $72 million levy against this traffic would thus average out at about six-tenths of a mill per mile. Something well over one-third of barge transportation would collapse under the shock." [10] Consequently, it appears that any serious attempt by the Federal Government to recover cost through a user's tax would negate the benefits of the canal even to those special-interest groups who profit most directly.

Commercial fishing ($70,000): It seems evident that this volume will not change the price of fish to the consumer, and therefore cannot be considered as a benefit to the national economy.

Contractors floating plant ($30,000): This is subject to the same criticism as that used in the case of commercial fishing.

New vessel deliveries ($115,000): Again the amount is so insignificant that it cannot affect the price of new vessels and therefore results in no national economic benefit.

Recreational boating ($118,000): The only claimed navigational benefit which is valid according to Eckstein and others is $118,000 for recreational boating since this is presumably available to the general public.

Collateral benefits ($907,000): Collateral benefits were not claimed in the Corps of Engineers Report for 1958, but have suddenly become a major factor in the current report, thus boosting the benefit-cost ratio above that of previous studies. The claim of flood control benefits of $257,000 annually at first glance seems to have some merit and will be examined again later on. This is an intangible benefit, however, and does not represent a stream of dollars flowing into the Department of the Treasury. It must also be remembered that this claimed savings is effected by the permanent flooding of the Oklawaha River Valley.

Another collateral benefit of a very questionable nature is $650,000 per year for land enhancement. Prof. Robert Haveman of Grinnell College says, in a study to be published with a foreword by Senator WILLIAM PROXMIRE, of Wisconsin, that this is one of the most significant sources of overestimating benefits. Eckstein calls it double counting of benefits already measured by direct benefits. If, in this particular case, the engineers claim this benefit is due to increased shoreline, exception must be taken because: (1) benefits, if any, will accrue only to the owners of such shoreline (this is also offset by losses to owners of the present waterfront); (2) clearing of the Rodman and Eureka pools is based on the current engineering manual, EM415-2-301, change 1, dated April 3, 1961. Clearing would consist of a 400-foot strip along the canal, a 1-mile strip upstream from Rodman Dam spillway, and at bridges where required. This means that most of the shorefront will be on shallow water (1½ to 2 feet deep in much of the area) full of dead trees such as are to be seen today in the Withlacoochee backwater. The Chief of Engineers hopes to do some additional clearing, but this has not been defined, nor will it raise the water level along the shorefront. Under these circumstances, no land enhancement can be imputed to the construction of the canal.

Fish and Wildlife Service comments

With respect to the destruction the Cross-Florida Barge Canal will cause to the valleys of the Oklawaha and Withlacoochee Rivers, the best authority available is a report published by the Fish and Wildlife Service of the Department of the Interior.[11] A few, but not by any means all, of the adverse comments are quoted below:

"Some of the dredging in the vicinity of the St. Johns River would traverse and thus destroy limited areas of good quality swamp and upland hardwood habitats which support deer, turkey, and squirrel. Where the project traverses dry land areas—especially in the area of the summit pool—game habitats destroyed will consist of relatively low-quality pine and scrub oak."

"Construction of Rodman and Eureka Dams would inundate about 45 miles of the Oklawaha River and 27,350 acres of adjacent bottom lands. This inundation will destroy the river-type fish habitat and productive hydric hammock game habitat and low-quality waterfowl areas. The most seriously affected game would be the wild turkey. Inundation of thist portion of the Oklawaha River would destroy its high-quality turkey habitat. Because uplands adjacent to the reservoir have lower carrying capacity, the turkey population would be drastically reduced."

"Construction of Rodman Dam would have a detrimental impact on the heavily fished 10-mile stretch of the Oklawaha River downstream from the structure. Based on period-of-record flows from 1943 to 1961, project water requirements would produce nearly zero discharges below Rodman Dam 15 percent of the time. In our opinion a minimum flow of 500 cubic feet per second would be needed below Rodman Dam to maintain the existing fishery in the Oklawaha River. Flow of this magnitude would not be available an additional 30 percent of the time if the project were operating at maximum. Additional damage to this section of the Oklawaha River would be effected by the proposed pilot spillway channel."

"Dredging from the Inglis lock to the westerly project limit in the gulf would have diverse effects. A loss of varying quality marsh and hardwood hammock habitats supporting waterfowl, deer, and squirrel would result from dredging and spoiling. Intersection of the Withlacoochee River by the canal would offer an additional outlet, thereby lessening existing flows in the natural channel. This would result in saltwater intrusion upstream as far as Inglis lock, with related losses to freshwater fish resources. The movement of saltwater fishes into the canal is not expected to be large enough to support a significant fishery."

"Construction of the channel in the Gulf to a point 6 miles offshore would result in loss of a sizeable amount of littoral zone through dredging and spoil disposal."

It is abundantly clear from the Fish and Wildlife Service report that losses due to permanent flooding are far in excess of the cost of land acquisition and the loss of taxes. Permanent flooding would take place not later than the completion of the canal. Anticipated annual flood-control benefits of $257,000, according to the Engineers' report are based upon a projection of future exploitation of "flood areas well suited to development for agricultural purposes." Thus the flood-control annual savings of $257,000 become meaningless as a benefit, since development of areas presently subjected to periodic flooding depends on future investment of private capital.

The Fish and Wildlife Service also casts some additional illumination on the claim for land enhancement benefits of $650,000 per year. "Lands adjacent to project reservoirs and the canal alinement," states the final paragraph of the report "offer an opportunity to mitigate project-incurred wildlife losses, if properly managed. However the apparent intent of the Florida Canal Authority to secure easements in lieu of fee title acquisition would eliminate the possibility of managing these lands for wildlife purposes." It would also prevent their lease or sale by public authorities for shore front homes, or for "multiple-use public access areas which should be 30 to 40 acres, and there should be one such area developed for each 10 to 12 miles of shoreline."

Ancillary benefits

It is the natural hope of proponents of the Cross-Florida Barge Canal that its completion will result in an unprecedented industrial expansion, thus broadening the State's economic and tax base. However, products usually shipped by barge canal—petroleum, fertilizer, chemicals, wood products—tend to be bulky and have low monetary values per unit of volume. Such materials are not usually susceptible to intensive labor input for conversion into finished products and hence barge transportation will not lead to large additional economic opportunities to Floridians.

Moreover, the types of industry which might be attracted by a canal are not desirable in an area in which there is an already established and valuable tourist base, citrus industry, and extensive cattle ranches and stock farms. Already many communities have lodged bitter complaints against phosphate plants which experts claim are damaging citrus crops and are harmful to the cattle industry.

Dr. John F. Sly, of Princeton University, addressed the Florida Industrial Council at Orlando in April 1964 on the subject of economic trends in Florida. In part he had this to say: "You are interested in improving Florida's position as an industrial State. Sometimes I wonder why there is this great urge for industrialization. In the private sector it means a higher standard of living for those who profit; and in the public sector it means larger tax bases to support more and better public services to attract still more people. These are laudable objectives and they are being worked at intelligently and successfully.

"But there is another side. No one wants to turn Orlando, St. Petersburg, or Tallahassee into another Newark, Jersey City, or Trenton. We are looking for what we call polite industries—no smoke, no dust, and a high quality of professional and technical personnel. Competition is heavy in these fields. The new industrial plants that have recently located in Florida seem, however, to fit rather well into the polite category—food, furniture, electrical machinery, fabricated materials, printing and chemicals, with added employment predominating in food and electrical machinery.

"There is this question, however; how much industrialization do you want? Sixteen percent of nonagricultural employment is now in manufacturing. While the Florida Council of 100 is steadily pushing this ratio up, would it not be wise to have another Florida Council of 100 equally dedicated to the development and preservation of Florida's great natural and social values, which, in spite of all the impressive economic indexes, is what really brings people here?"

To those who are in accord with Dr. Sly's views it may very well appear that a barge canal is more of a detriment than an asset. The same industrial trend is also noted in a report of the University of Florida Engineering and Experiment Station published in November 1964. The report states that Florida's industrial expansion in all cases is basically modern, oriented toward research and development, highly technological and requiring large concentrations of engineers and scientists. "This new Florida industry is science-based, space related in many instances, strongly electronic in many others and almost totally national in its market," the report states in part. Again, a canal is not a contributory factor to this most desirable type of industry.

National experience

In essence, the Florida Barge Canal project is likely to be typical of such projects about

[10] Ibid., p. 74.

[11] U.S. Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fishing and Wildlife, Region 4, Atlanta: Feb. 26, 1963, "A Fish and Wildlife Report on the Cross-Florida Barge Canal Intra-Coastal Waterway."

which transportation authorities express much doubt. "Army Engineers traditionally underestimate costs," says David Mackie.[12] Professor Haveman writes, "Because of the built-in tendency toward the overestimation of future benefits, the well-recognized underestimation of construction costs in spite of contingency allowances, and the general lack of a well-defined approach to the problem, it appears that any real adjustment for risk and uncertainty is either nonexistent or negligible."

Haveman also states that one of the most significant sources of overestimating benefits is the inclusion of secondary or indirect benefits, "such as the increase of property values because of the increased activity caused by navigation improvements." On this subject Eckstein says, "First, indirect benefits from the enhancement of property (values) represent double counting; the value of sites which have access to more favorable transportation methods is merely the capitalization of the lower charges on water transport, and these benefits are fully measured by the direct benefits."[13]

With respect to underestimates of costs, Welsh cites U.S. House of Representatives, 82d Congress, 1st session report to the Committee on Appropriations from the Subcommittee on Deficiencies in Army Civil Functions.

In part, this report states, "The cost estimates at the time of authorization of these (187) projects was $2,638,517,000 and their cost (through) fiscal year 1952 is $5,912,451,000."[14]

Although Professor Haveman notes that the Corps of Engineers estimates have improved since that time, Senator PROXMIRE states in the foreword to Haveman's study, "Professor Haveman has selected 10 States which enjoyed some 147 projects between 1947 and 1962 involving the expenditures of some $2.644 billion. He found that applying the evaluation techniques of highly competent economists, 63 of these 147 projects, representing $1.169 billions of Federal funds, or 44 percent of the total, should never have been undertaken."[15]

In October 1964, Senator PROXMIRE issued a press release concerning a study he had made personally of 380 water resources projects in which he said, "These projects involve total costs of over $16 billion. Yet 220 of these projects costing $7.5 billion could not be justified by normal business standards. The 220 projects have been selected because the estimated benefits, according to the corps and bureau, are less than double the anticipated cost. I have consistently found that projects with an alleged benefit-cost ratio of less than 2 to 1 provide returns less than their cost. Costs of public works are invariably much greater than originally estimated because of poor estimates and inflationary pressures. On the other hand, true benefits to the Nation typically run way below agency estimates. Opposition to this pure blubber in the pork barrel is increasing in the Congress and the Nation."

Summation

What was a laudable dream having economic merit a century ago (and dreams are notoriously persistent), now has the aspects of an economic nightmare. The probabilities are all too obvious that the ultimate cost of the Cross-Florida Barge Canal will far exceed its estimated cost. Conversely, with the changes in means of transportation which seem probable by the year 2000, there is serious doubt that the anticipated traffic will develop. It must also be remembered, that even if the forecast benefit-cost ratio of 1.17 to 1 is attained, the benefits will accrue to the few at the expense of the general public. This can in no sense be regarded as a benefit to the national economy.

Those things which are positively foreseen, both by the reports of the Corps of Engineers and of the U.S. Fish and Wildlife Service are: the inundation of 45 miles of the Oklawaha River Valley; the creation of shallow, dead-tree-studded lakes; the loss of hardwood hammocks with their wild game; the destruction of freshwater fisheries at each end of the canal; saltwater intrusion from the Gulf Coast up to the Inglish Lock; and reduction of depth of the Withlacoochee River in its course through Yankeetown and out to the gulf.

What is not positively foreseen but which is a matter of serious concern to many informed people is the extent of pollution from seepage from the canal into the limestone. Some water resource projects (notably one in the lake area adjacent to Bainbridge, Ga.[16] have also had a detriment effect on ground water levels in contiguous areas. Unfortunately this latter consideration will be a matter of conjecture until the summit pool is filled and this is not scheduled to take place until the last segment of the canal is completed.

It can only be concluded that the continuation of this project is a distinct disservice, first, to the State of Florida and its citizens, and secondly, to the taxpayers of the entire United States.

[12] Frank H. Mossman and Newton Morton, "Principles of Transportation," New York: Ronald Press Co., 1957, p. 158.

[13] Ibid, p. 178.

[14] Welsh, op. cit., p. 32.

[15] "Southern Economic Journal," Chapel Hill: University of North Carolina Press, 1964.

[16] Welsh, op. cit., p. 38.

COMPETENT, FAIR FPC COMMISSIONERS PAYS OFF IN LOWER GAS RATES

Mr. PROXMIRE. Mr. President, last Thursday, the 5th of August, the Federal Power Commission issued a milestone decision on the Permian Basin area rate proceeding. This decision established for the first time a permanent system of gas producer regulation by fixing a structure of uniform ceiling prices applicable to the gas produced in the Permian area. In addition, the Commission adopted a two-price system in order to encourage the search for new gas reserves. Mr. President, the importance of this decision cannot be overestimated.

I have often spoken in this Chamber in support of the actions of such public spirited Federal Power Commissioners as Joseph Swidler, Charles Ross, and William Connors. I have continuously sought to keep in office these men and others with a similar desire to serve the public interest on the Federal Power Commission. Mr. President, the decision handed down last Thursday is part of the rich harvest which the American consumer is reaping and will continue to reap from the work of Commissioners of this caliber.

As a result of this decision, a ceiling price of 14.5 cents per thousand cubic feet is established for all gas supplies except newly discovered reserves of gas found separately from oil. In order to provide an incentive for producers to take full advantage of recent technological advances to uncover new deposits of gas-well gas, a ceiling price of 16.5 cents per thousand cubic feet was set on these supplies. The Commission felt that both these ceiling prices would insure a reasonable profit for the producers, would provide incentive for further prospecting, and would protect the consumer from rapid escalation of gas prices.

Although it is not within my ken, and perhaps not within that of any other Members of this body, to pass judgment on the exact solution arrived at by the FPC, it is important to emphasize the thoroughness with which the Commission studied the problems involved. No less than 4½ years were spent holding hearings, examining reports, deliberating, and listening to oral arguments before the FPC issued its opinion. Long and detailed questionnaires were sent to all producers inquiring about all aspects of their cost structures. It was largely on the basis of the data gained from these and other questionnaires that the Commission made its decisions. However, though the composite cost was the bedrock on which the area rate was established, other factors such as marketing operations and supply and demand were taken into consideration. Mr. President, it is because of the thoroughness of the Commission's work, no less than because of my confidence in the genuine public interest of the majority of those on the Commission, that I believe the decision reached in the Permian Basin Area case is in the best interest of this country.

The innovation of setting a rate for an entire area rather than for each individual producer is of great significance. The Commission's legal authority to fix rates on an area basis was well documented in the opinion. Among the numerous Supreme Court decisions cited, the most important was one on May 20, 1963, in which the Court upheld the FPC plans for Federal regulation of natural gas producer prices on an area price basis. The practical advantages of this method of decisionmaking are principally threefold. First, it allows the Commission to devote far more time to each decision than it could, if it were necessary for it to make separate decisions for each of the hundreds of producers. Second, it rewards efficiency within the industry. For example, if a producer finds large reserves, he will achieve greater profits than the producer whose exploration efforts result in dry holes or marginal wells. Third, within the framework of the ceiling prices, there is wide range for taking account of variations in the quality of the gas produced. According to the guidelines included in the opinion, prices will be related not only to volume, but also to units of energy, quantity of impurities, and pipeline pressure.

Of course, Mr. President, there are many people, especially among the producers, who oppose any regulation of the gas industry at all and who believe that Adam Smith's invisible hand will watch over the interests of the consumer auomatically as the producers compete in the free market. But I ask, Mr. President, can we expect the pipelines and the consumers to be protected against unjustified increases in the price of gas when a handful of producers control our major gas reserves? Can we honestly

believe that the pipelines will have any measurable competitive leverage on any one producer who asks exorbitant prices when the pipeline's enormous assets are tied to relatively limited producing areas? In short, can we expect the interests of the consumer to be served when the producers of a source of energy vital to the public interest are freed from all Government regulation?

Mr. President, it is my conviction that careful regulation of the gas industry is a crucial aspect of the FPC's regulatory responsibilities. The decision recently reached in the Permian Basin Area case is an important step in carrying out this responsibility. Because of the inherent interest of this decision, and because of its anticipated impact on future decisions of the FPC, I ask unanimous consent to have the two releases of the FPC last Thursday relating to this decision printed in the RECORD.

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

FPC ISSUES OPINION IN MILESTONE PERMIAN BASIN CASE, ESTABLISHING PERMANENT SYSTEM OF PRODUCER REGULATION BY FIXING UNIFORM CEILING PRICES FOR GAS IN THE AREA; ADOPTS TWO-PRICE SYSTEM TO ENCOURAGE SEARCH FOR NEW GAS RESERVES

WASHINGTON, D.C., August 5, 1965.—The Federal Power Commission today issued its opinion in the milestone Permian Basin area rate case, establishing for the first time a permanent system of gas producer regulation by fixing a structure of uniform ceiling prices applicable to gas produced in the area.

The Commission adopted the area approach as a new concept in ratemaking best adapted to its responsibilities for regulating sales by natural gas producers. A two-price system was prescribed—a higher price for new gas-well gas—"to encourage the search for new gas reserves at minimum overall cost to consumers" and a lower price for all other gas, including residue and casinghead.

Gas-well gas is found separately from oil, while oil-well gas, also called casinghead gas, is produced from oil wells. Residue gas is what remains after oil-well gas or gas-well gas has been processed to remove liquids. In Permian, about 97 percent of the residue gas comes from oil-well gas, which accounts for about two-thirds of production.

The Permian Basin underlies three southeastern New Mexico counties and two Railroad Commission Districts in southwest Texas.

The FPC's decision concludes that new gas-well gas should be priced at a ceiling of 16.5 cents per thousand cubic feet, with the ceiling price for all other gas supplies set at 14.5 cents. The ceilings include production taxes, which amount to about 1 cent for gas produced in Texas. The ceiling prices for gas produced in New Mexico will be lower, reflecting the lower production tax level in that State.

The Federal Power Commission's opinion was signed by Chairman Joseph C. Swidler. The other three participating Commissioners joined in the opinion and filed separate statements of their concurrence and limited dissent. Commissioner Lawrence J. O'Connor, Jr., filed concurring views and dissented on the question of British thermal units quality adjustments. Commissioner Charles R. Ross filed a concurring statement and a dissent on the proper division date between new and old gas. Commissioner David S. Black filed a concurring statement on the issue of rate of return. Commissioner Carl E. Bagge did not participate.

The Commission traced the history of the development of the area approach since the first Phillips opinion in 1954 and documented its legal authority for fixing rates on an area basis, citing numerous decisions of the U.S. Supreme Court.

The Commission observed that a uniform area pricing system is adapted to the economics of the natural gas industry. The producer who finds large reserves will achieve greater profits than the producer whose exploration efforts result in dry holes or marginal wells. Individual returns will vary greatly, but this is as it should be, provided that profits in the aggregate are at a reasonable level. The Commission noted that administrative feasibility is a vital element in the effectiveness in any method of regulation and that the area approach enables the Commission to determine in a single proceeding rates which otherwise require hundreds of individual cases.

The Commission concluded that, in light of its experience, the area approach is best adapted to the discharge of its responsibilities for protecting natural gas consumers while providing the greatest incentive to producers to continue their search for needed additions to our gas supply.

The touchstone of the two-price system adopted by the FPC is the newly-documented ability of the industry to channel exploration investment toward finding gas rather than oil. A separate and higher price for new gas-well gas "will encourage exploration at deeper horizons directed toward finding gas." It will be payable only "to producers who discover gas-well gas and dedicate their discoveries to the interstate market." The lower price for all other gas will prevent "windfall profits" that would result from a singe price high enough to elicit new gas-well gas supplies.

The FPC's pricing system divides Permian Basin gas into two categories:

New (since January 1, 1961) gas-well gas, and residue gas derived from it, with a 16.5-cent ceiling (including production taxes) for gas produced in Texas, and 15.5 cents, plus production taxes, for New Mexico gas.

Old (pre-January 1, 1961) gas-well gas, all oil-well gas and any residue gas derived from either, with a 14.5-cent ceiling for Texas gas (including production taxes) and 13.5 cents plus production taxes in New Mexico.

The FPC ceilings apply to pipeline quality gas. Prices for inferior quality gas will be fixed below the area ceiling prices on the basis of quality standards established by the Commission. For new gas-well gas the Commission also provided for upward adjustments (above 1050 British thermal units per cubic foot) and downward adjustments (below 1,000 British thermal units) to reflect British thermal unit content.

The major producers participating in the Permian proceeding sought a one-price ceiling for all gas of about 20 cents per thousand cubic feet.

All the rates of respondents for sales in the Permian Basin in excess of the ceiling price, as adjusted for quality, must be reduced to the ceiling effective as of September 1, 1965. The producers were given additional time, however, to make the necessary filings. Refunds will be required of all amounts collected subject to refund in excess of the applicable area rates in the rate increase case dockets consolidated in the Permian case.

The Commission imposed an approximate 2½-year moratorium—until January 1, 1968—on any increases above the applicable area rates established by today's opinion. The FPC said this action was necessary to achieve effective control over producer prices and that the 2½-year period was the minimum time required to afford price stability that will be beneficial to consumers and the industry alike.

The FPC used a cost determination based on overall producer experience as the bedrock in establishing its ceilings, with gas-well gas as the yardstick, based on current costs of finding and producing it, and allowing a 12-percent rate of return on average net investment. Although the FPC utilized costs as a major factor in determining the area rates it emphasized that costs were not the sole factor in its determination.

The Commission rejected the producers' contract prices as the regulatory standard holding that the examination of such prices "is only the beginning and not the end of our task." The maintenance of a particular reserve to production ratio (total known reserves compared with current annual production) was also rejected as the barometer for justifying contract prices. The Commission observed that the decline in the R/P ratio is an adjustment to economic levels which is not necessarily a cause for concern for many years to come and will probably continue "regardless of the price of gas set by the Commission."

On the question of small producers, the Commission concluded that there is a need for distinctive treatment, but outright exemption was not necessary or desirable. Instead, the Commission concurrently initiated a rulemaking proceeding designed to provide small producers with certificates which would relieve them from filing requirements in connection with all future sales made within the established area ceiling prices. Small producers were defined as those producing less than 10 billion cubic feet of gas annually. Small producer sales were also exempted from any adjustments for quality because the burden and expense would in most cases exceed the amount of the adjustment.

The FPC at the same time fixed a minimum rate of 9 cents for Permian Basin gas of standard pipeline quality, with adjustments to reflect deviations from the quality standards established. Producers now bound by contracts to a lesser amount may file for the minimum rate without the purchaser's approval.

The ceilings set by the Commission apply only to the 336 producers which are respondents to the Permian proceeding. However, the FPC in a separate action today indicated that its determinations should also probably apply to other producers making interstate sales from Permian. It issued a general order directing them to show cause within 90 days why the rates also should not apply to them. Producers with pending rate increases would face the same refund obligations as the respondents.

The Commission said the prices it fixed should apply to all gas dedicated to the interstate market while the applicable area prices are in effect even if lower rates should be set in a future proceeding. Any lower ceiling should affect only new gas dedicated after the ceiling price has been reduced, the FPC said.

The FPC established procedures for producers seeking an opportunity to show special circumstances warranting relief from the established ceiling prices. The FPC also indicated it would consider similar petitions for special relief in connection with refunds. The Commission indicated that if a producer could show that his out-of-pocket operating expenses are greater than the ceiling, he should be entitled to relief. On the other hand the Commission made clear that more must be shown than that the individual producers' costs exceed composite costs. The Commission said it would not permit these petitions to be used as a backdoor approach to individual company cost-of-service determinations. The Commission did not speculate on the precise special circumstances that would entitle a producer to special relief.

The Commission's opinion adopts in part recommendations by FPC presiding examiner Seymour Wenner, who in his September 17, 1964, initial decision in this case first proposed the two-price system. The examiner, however, recommended a series of five

different ceilings, ranging from a low of 10 cents for old oil-well gas to a high of 16.75 cents for new gas-well gas.

The Commission instead determined that "as an important step toward simplified and realistic area price regulation" all gas should be priced on the same basis except for the higher price it established to spur the search for new gas-well gas.

The Permian Basin is one of the Nation's major gas producing areas, supplying markets in 12 States with 85 percent of the interstate sales destined for California. Permian accounts for about 11 percent of all gas moving into interstate commerce.

Because of its importance, Permian was chosen as the leadoff case in the FPC's historic area pricing program, initiated in September of 1960, which eventually will encompass all the Nation's major gas producing areas. The other proceedings which, together with the Permian, account for about 75 percent of all gas sold into interstate commerce, are now underway.

The FPC in another separate order issued today disposed of four certificate applications, seeking authority for Permian Basin gas sales, which involved the initial price question. All four sales are now being made under temporary authorizations. The Commission granted the certificates at an initial price of the applicable area ceiling as adjusted for any quality variations in this gas. All four certificates were made subject to the 2½ year moratorium on any rate increase filings.

The Commission's 139-page opinion includes the following major determinations:

TWO-PRICE SYSTEM

The Commission said the two-price system will encourage the industry to expand and perfect its ability to drill directionally so that revenues from gas consumers can increasingly be devoted to finding additional gas reserves. On the other hand the price for flowing gas can be fixed at levels that will prevent "excess and unnecessary revenues" for sales when "there is no special exploratory activity directed to gas discovery." The FPC concluded that the large producers have shown an increasing ability to direct their drilling activities to either gas or oil, as they desire. The ceiling price for new gas-well gas does not include any special amount as a separately designated incentive, the Commission said. The inducement, it added, is "of an inherent nature" and is not represented by any sum earmarked for that purpose. The incentive is built into the two-price system, the Commission continued.

In the absence of a regulatory pattern which encourages the search for gas, the FPC saw no guarantee that the present generally satisfactory pace of exploration will continue, much less increase to meet growing demands. "New gas discoveries are the lifeblood of the industry and are also essential to consumers who are tied to natural gas," the Commission declared. The future needs of the gas market can no longer be satisfied by the incidental discoveries in the search for oil, the FPC said. Accordingly, it added, there will be a greater dependence on exploring for gas wells to bring forth needed future supplies "and this fact supports our conclusion to fix a higher ceiling for new gas-well gas which will encourage exploration at deeper horizons directed toward finding gas."

MORATORIUM

In establishing the moratorium on rate increase filings until January 1, 1968, the FPC said that without it the producers could file above-ceiling rates and collect them subject to refund. "Without a moratorium, the conclusion of one area proceeding would only signal the beginning of the next and just and reasonable rates for consumers would always be one area proceeding away," the Commission declared. The FPC held that its authority under the statute is not so limited that "its regulatory efforts must be futile where after a long and full hearing, we have determined the just and reasonable rates to be set in the future." Citing court precedent, the Commission said this authority "is neither novel nor unique," and that its action is required by "orderly administration of the Natural Gas Act."

QUALITY DIFFERENTIALS

In providing for price adjustments to reflect quality differentials, the FPC pointed out that the price of gas cannot be related to volume alone, but must be related to units of energy, free of impurities, and at pipeline pressure. Without quality guidelines, "a large loophole for evasion of the ceiling prices would lie open," the Commission declared.

Quality standards established by the FPC for gas in the Permian Basin to qualify for the full ceiling price are:

Sulfur content: Less than 10 grains of hydrogen sulfide or 200 grains of total sulfur per 1,000 cubic feet.

Water: No more than 0.009 of a pound per 1,000 cubic feet.

Carbon dioxide: Not to exceed 3 percent by volume.

Other impurities: If other impurities, such as oxygen, dust, dirt, and gums are present in sufficient amounts so that the pipeline incurs processing costs in removing them, they will be considered excessive.

Pressure: An 800-pound pressure standard was adopted since most equipment in Permian is geared to this pressure.

British thermal unit content, or heating value: British thermal unit content has not been a problem in the Permian Basin in the past but for new gas-well gas the Commission allowed upward adjustments to reflect heat content of more than 1,050 British thermal units per cubic foot, and required downward revisions if less than 1,000 British thermal units. The weighted average for Permian gas-well gas is 1,042 British thermal units, with very little gas below 1,000 British thermal units.

When gas falls short of the FPC-prescribed quality standards in other respects than B.t.u. content, the ceiling price will be adjusted downward by the net cost of processing the gas to bring it up to pipeline quality. For new gas-well gas it also will be adjusted upward to reflect high B.t.u. content. Those who qualify as small producers will not be required to make the quality adjustments for the small producer sales as defined in the rule proposed today.

SMALL PRODUCERS

Special treatment of small producers offers scope for streamlining the regulatory process without risk of substantial impact on consumer prices, the FPC said. However, the Commission said that while it was convinced of the need for distinctive treatment of small producers, outright exemption is neither necessary nor desirable, even assuming it is legally permissible. The objectives can better be achieved within the framework of regulation, the Commission declared. The FPC noted that small producer sales, while representing only 15 percent of the aggregate interstate supply, are 80 percent of the gas supply of 1 pipeline and from 9 to 60 percent of the supply of the 25 largest pipelines. Further, the FPC said, penetration of rate ceilings even on a small scale could seriously disrupt a pattern of uniform area ceilings. By providing for small producer certificates, as proposed in the rulemaking order issued today, the Commission indicated that relief will be afforded to small producers making small producer sales within the ceiling. Sales by small producers in which large producers have a substantial interest (more than one-eighth) will not be exempt. The certificates will provide a means to clear the FPC dockets and facilitate effective regulation. The small producers—those selling less than 10 billion cubic feet of gas annually—will be required only to file an annual one-page statement of basic sales information. They will not have to file for rate increases on small producer sales up to the area ceiling. The Commission noted that its small producer classification will include almost 250 producers and leave only about 40 major companies still subject to filing requirements for individual sales in the Permian Basin. Nationally, this breaking point would classify about 2,000 producers as small and about 75 as major, the FPC noted. However, the Commission emphasized that small producers in an area other than Permian will not be eligible for coverage until an area rate is fixed in their area.

COST BASIS FOR AREA PRICE

The Commission concluded that a composite cost showing is the basic ingredient on which a regulated price must be established. "If the area rate approach is to rest on a solid foundation," the FPC declared, "there must be an objective test by which the industry, the consumers, and the courts can appraise the fairness of the price we fix." The conclusion that a cost determination is the bedrock on which the area rate is to be established does not mean that other factors should not be considered, the Commission said. The FPC said it must exercise its judgment and determine a rate in light of all the evidence, arriving at one which will elicit exploration activity adequate to provide the increased gas supplies required by consumers in the future. There is also a need to exercise judgment in the rate design to avoid unnecessarily sharp and abrupt departure from existing pricing patterns and the business and community dislocation which could result, the Commission said.

The FPC used the cost of gas-well gas as the yardstick for all prices, noting that oil-well gas and other associated gas are found largely as a byproduct of oil. Historically, oil-well gas has not been priced on a cost basis and any cost-finding technique which assigns large sums for exploration and development to oil-well gas is not realistic, the FPC said. Gas-well gas costs are much more meaningful because they are far less dependent on allocations between gas and oil, the Commission said.

COST OF NEW GAS-WELL GAS

The Commission concluded that the preferable approach for new gas-well gas is one geared to the recent cost of finding and producing gas rather than the historical cost based on production volumes. A price based on current costs "should provide the economic incentives to find and sell gas under prevailing conditions at rates which are keyed to industry needs and at the same time protect the interest of consumers," the Commission asserted.

The FPC found the cost of 1,000 cubic feet of new gas-well gas to be 16.43 cents per thousand cubic feet. In arriving at this figure, the Commission made determinations on exploration and development costs; production operating expenses; credit for revenues from the sale of liquids stripped from the gas; regulatory expenses; depletion, depreciation, and amortization of production investment costs; return on production investment; return on working capital; royalties; and production taxes. The FPC concluded that the cost of new gas-well gas should be determined on the basis of nationwide data although it made clear that it was here determining only a price for the Permian Basin. The Commission concluded that no adjustments were required in the cost based on nationwide data in establishing the Permian price for new gas-well gas, although adjustments for noncost factors may be appropriate in other areas. It rounded off the 16.43-cent ceiling to 16.5 cents for Texas gas, including the production tax. For New Mexico the ceiling is 15.5 cents plus

applicable production taxes. These prices also apply to residue gas derived from new gas-well gas.

COST OF ALL OTHER GAS

The FPC used the cost of old gas-well gas as a basic yardstick in establishing a single ceiling for all other gas, referred to in the opinion as "flowing gas." FPC made its cost computation for flowing gas on the basis of its staff's historical cost-of-service presentation for the area. The Commission found this method the most solid basis for determining the cost of flowing gas and noted that a different approach for flowing gas was required because unlike new gas-well gas the price of flowing gas cannot substantially increase supplies already dedicated to interstate commerce nor can it materially affect the supply of such gas discovered as a by-product of all. The Commission utilized the relative cost method fo rallocating production costs from gas condensate reservoirs. It also utilized the 16.5-cent cost of gas computed previously by an independent cost-finding technique in arriving at an economic relationship between gas and oil to allocate exploration and development costs. The Commission arrived at a total cost of 14.39 cents which was rounded off to 14.5 cents for Texas gas, including the production tax allowance. In New Mexico, where taxes are lower, the ceiling price was fixed at 13.5 cents, plus State taxes. The results were verified by a trending back of the cost of new gas-well gas, a method adopted by the examiner but used by the Commission only as a check.

RATE OF RETURN

The Commission allowed a 12-percent rate of return on investment for both new gas and for flowing gas. In dealing with new gas-well gas, the FPC pointed out that it must operate within long-accepted judicial guidelines and that as a starting point it considered its experience with natural gas pipelines, which are currently being allowed overall returns principally in the 6¼ to 6½ percent range which translates into a yield of 10 to 12 percent on equity. Noting that producers generally are 85 percent equity companies, the Commission pointed out that production operations inherently involve a greater degree of risk than transportation. While recognizing these special risks, the FPC said they are not as great as the producers claim. The producers sought a return of 16 to 18 percent. After an extensive review of producers' earnings experience, for Permian and nationally, and for integrated and nonintegrated companies, the Commission concluded that a 12 percent return "protects gas consumers against excessive prices but it is not so low that it fails to respond to the needs of the industry." For flowing gas, the FPC pointed out that there is not the same degree of risk since the great bulk was found as an incident to the search for oil. However, this is balanced by the fact that much of the flowing gas is below pipeline quality and will not command the ceiling price, the Commission said.

COMPETITION

The Commission rejected the producers' contention that it should simply accept the negotiated contract prices because they had been reached as a result of competition. The FPC said that while the history of negotiated prices is an important element in its decision, adoption of the producers' proposal would amount to an abdication of its regulatory responsibility. There is nothing in the record to suggest that competition among producers in making sales to pipelines "is in any way adequate to assure that the public will secure gas at just and reasonable prices in the absence of regulation," the FPC asserted. The entire history of pipeline purchasing activities has been characterized by the overriding needs of pipelines to contract for large blocks of uncommitted reserves essential to maintain their competitive position in developing markets and their inability to accomplish this objective except at ever-increasing prices, the Commission said. There is no basis for concluding that there would be any effective producer price competition even if the pipelines were in a position to actively encourage it, the FPC said. Until the FPC outlawed it, the entire contract pattern in Permian was based on indefinite escalation clauses calculated to assure that all producers would be treated alike and receive the highest going rates, the Commission pointed out. If there is a case to be made for effective competition among producers in establishing just and reasonable rates, the FPC said, it has not been made on this record. An examination of contract prices is "only the beginning and not the end of our task in establishing the proper criteria for determining just and reasonable rates," the FPC declared.

SPRABERRY CONTRACTS

The Commission reversed the presiding examiner on his determination that the so-called "Spraberry" contracts should be outlawed. These contracts provide for the purchase of casinghead gas by the pipeline, which processes the gas and pays the producer a percentage of the proceeds from the sale of the extracted liquids plus a fixed price for the residue gas delivered to the pipeline. The FPC held that this type of contract is subject to its jurisdiction, but that this does not mean that it must reject a common form of contract which has been found useful in the industry. "We believe that regulation should utilize industry practices developed by the parties to meet industry problems to the extent consistent with maintaining effective regulation," the Commission declared. The FPC noted that Spraberry contracts govern about 20 percent of gas sold in the Permian Basin. There is no evidence that the pipelines' costs of gathering and processing casinghead gas purchased under Spraberry contracts are greater than the revenues realized by the pipelines from the liquids extracted, the FPC said. As long as the liquid revenues to the pipeline equal or exceed the processing and gathering costs, the consumer will be adequately protected by the established ceiling for residue gas, the FPC said.

DIVIDING DATE FOR NEW AND OLD GAS

The FPC based its selection of January 1, 1961, as the dividing line between new and old gas-well gas on several grounds. Historical cost-of-service data used in the proceeding is based on the 1960 test year, and the "directional" concept of being able to direct drilling toward either gas or oil first became apparent about that time, the FPC indicated. The Commission also noted that its guideline ceilings were established in September 1960 and that its pricing policy has given different treatment to gas dedicated since that date. The FPC said that all things considered, the dividing line should be as of the end of the 1960 test year.

Commissioner O'Connor concurred in the Commission's opinion, endorsing the consideration of costs for purposes of the initial rate proceeding. He expressed his additional views for the simplification of the trial and disposition of future area rate proceedings.

"The record in this case fully establishes," Commissioner O'Connor said, "that the contract price at which most producers are able and willing to operate is just and reasonable." Stating that the contract price is the best measure of the inducement required to elicit an adequate supply, he added that "Composite costs best serve as a check on average field prices to preclude significant price departures." He said that "our judgment should rest primarily on the market place where we can rely on competition to determine just and reasonable rates." In concluding, he emphasized that "Our proceeding has established a significant point: there is no substantial difference between market and costs in the Permian."

Commissioner O'Connor dissented on the limited issue of the B.t.u., adjustment determination. He objected to the "50-B.t.u. gap" that resulted from the FPC's providing upward adjustments from 1,050 B.t.u.'s, and downward adjustments from 1,000 B.t.u.'s, Commissioner O'Connor urged a standard of 1,000 B.t.u.'s, which he said was the uniform contract standard for B.t.u. adjustments in the Permian Basin and on a nationwide basis. He also argued that the upward B.t.u. adjustment should be applied to all gas, not just new gas-well gas.

In urging simplification of the regulatory methods. Commissioner O'Connor said the record established that average market prices in the Permian are just and reasonable. He pointed out that the law does not dictate a single methodology in fixing producer rates and said the absence of traditional public utility characteristics in natural gas production presents problems that are directly antithetical to transmission or distribution. "Regulatory authority must be employed as the characteristics of the industry dictate," he stated. Commissioner O'Connor also noted that "Congress and the courts have refused to confine permissible principles of procedure to a narrow corridor."

The problem is one of fixing a price based, not only upon what must be performed, but primarily on what will induce the product, he continued. It is not so much actual cost as it is market cost, he said, and not only prudent return but incentive prices, and not just cost of service but also cost of supply.

Commissioner O'Connor declared that area rates must have a single overriding purpose—to control the available supply of natural gas. The rates must be high enough but only high enough to accomplish this policy, he said. In the context of area pricing, he declared, just and reasonable rates can best be used as a measure to elicit the necessary supply.

He said that the focus in this proceeding on costs makes it both necessary and proper that the financial requirements of the industry be determined, but that the FPC has more flexibility than suggested by the major emphasis on cost-plus regulation—stemming from a conviction that costs must always be the primary basis for regulation. Commissioner O'Connor said it was clear that the allowed rates bear a "close and substantial relation" to the weighted average prices negotiated in the field. The cost-plus rate and the negotiated contract price fall within that zone of reasonableness essential to regulation, he said. "Therefore," he continued, "it is not required in future proceedings that costs be the beginning and the end of just and reasonable rates. The time is ripe to abandon costs as the sole referential. Among the alternatives competition has been shown to be sufficient to provide an appropriate and compelling measures of just and reasonable rates."

In reviewing the inherent limitations and estimates in cost-plus regulation, Commissioner O'Connor cited the difficulties in collecting and presenting data, and pointed to the deficiencies in the use of questionnaires, primarily that of obtaining adequate coverage. He added, however, that they had served a purpose in establishing that negotiated field prices are within the permissible zone of reasonableness. After cost components are adopted, he continued, "the circular ceremony known as cost allocation begins." The FPC avoided some of the pitfalls, he indicated, but this still requires an exercise of judgment within a fairly broad range. Strict adherence would produce a spectrum of rates "so wide and variant" as to be capable of producing clearly unrealistic results, Commissioner O'Connor asserted. Finally,

he said, statistical costs still must be related to reserve additions before the desired costs per Mcf can be found. An understatement of reserves found causes high per unit costs, he pointed out, and an overstatement has the reverse results, yet the estimation of reserve figures requires considerable subjectivity.

The statutory function of rate regulation is to arrive at reasonable results, Commissioner O'Connor said, and the use of composite figures to explain economic behavior is a useful analytic system. However, he continued, they are not the only independent referentials that can be used. It would be helpful if ascertainment of a producer's investment were to be presented on a basis conforming to sound accounting practices, he indicated, adding that the yield concept deserves full consideration in future proceedings as a reasonable alternative that might be preferable to traditional methods.

Commissioner O'Connor rebutted the accusation of "drastic inflationary cycles" of wellhead prices in the last 20 years, declaring that all available information and discussion "lead persuasively to the conclusion that field prices are set after vigorous bargaining within a context of numerous restrictive economic forces." He emphasized that "where price dictation exists, it is seldom with the seller." It is clear that the wellhead price increases of the 1950's began at levels not even remotely near the cost or value of separately found reserves, he said.

In addition to natural gas "coming into its own about that time," Commissioner O'Connor cited four factors that led to increases—the constant rise in interstate demand requiring a constant reserve capacity increase; the resulting activation of indefinite escalation clauses; the extensive renegotiation of escalation clauses by pipelines to preclude a repetition; and the competitive buyer's market existing temporarily when pipelines entered new purchasing areas to negotiate contracts at prices somewhat above the market. He noted that the higher prices in the latter instance indicate producers cannot achieve such prices without a competitive purchasing structure. He indicated that by utilizing the rationale in today's opinion the FPC could have established maximum prices of 7.2 cents in 1947 and 12.5 cents in 1956, whereas the average wellhead prices in the Permian for those years were 4 cents and 9.7 cents respectively.

Commissioner O'Connor emphasized that the experience of the industry is that pipeline negotiators drive as hard a bargain as is possible. Furthermore, in reviewing price trends from 1922 to 1960, he said such prices showed a germinal period of relatively high rates followed by successively declining periods, bringing depressed prices. A low point was reached during World War II, followed by a period of successive increases during the postwar period responsive to increased demand, he noted. The moving average price in 1954, when Federal regulation began, was 1 cent lower than in 1922, and the 1950–60 increase was only 0.9 cent greater than the seldom emphasized decrease from 1922–40, he pointed out. Furthermore, during the last 30 years demand increased more than 700 percent, he pointed out. Commissioner O'Connor said the increasing demand for interstate gas dictated that annual additions not only equal production, but that a reserve cushion be added as a safety margin. Prices had to rise, he declared, not only to meet costs but to finance the annual capacity increase.

Commissioner O'Connor also noted that the wellhead price increase was but a slight portion of the rise in burner tip prices. For the years 1950–60, he said, the record establishes that wellhead prices rose only 7.5 cents while residential prices rose 34.4 cents. He also cited record evidence showing the price rise was not inconsistent with contemporaneous trends. He used statistics for annual indices of retail fuel prices, which showed that with an index of 100 for the base year of 1945, natural gas rose by 1960 to 147.2, whereas fuel oil rose to 179.6, bituminous coal rose to 191.9, and anthracite coal to 185.3. He also used a chart showing the rise in wellhead prices was not excessive in relation to the rise in the interstate demand, wholesale price trends, price trends for competitive fuels, or in average hourly earnings. Commissioner O'Connor said it was clear that there is such a measure of effective competition that in future proceedings producers can be accorded a relative degree of independence to the end that contract prices determine ceiling rates.

There is no evidence of monopolistic power by Permian producers, he declared, and certainly no basis for a presumption that there is no competition. He emphasized the large numbers of major producers in the Permian and the vast range in initial prices over a decade to establish that there is no monopolistic price dictation. He also pointed out that indefinite escalations are "universally condemned," and that controls will preclude any further increases by such escalations. Further, he indicated that the national energy market is in a state of equilibrium. "For these reasons," he said, "I rely upon the reasonable market prices in addition to the cost consideration in our decision."

The record provides substantial evidence that in the future the FPC should perfect a system of producer regulation that considers costs, but relies on competitive forces which in themselves provide an independent determinant to prices apart from what producers might prefer to dictate, Commissioner O'Connor asserted. This focus on contracts would remain constant unless there were important departures in direct relation to current experiences and production volumes, projections, exploration and development expenditures, drilling success ratios, market demand reserve additions, and the general cost index of the national economy. Of these factors, the most important is the reserves added each year, being the crucial measure of the ability of just and reasonable rates to elicit the necessary supply, Commissioner O'Connor said. The other important factors are exploration and development expenditures and drilling success ratios, he stated. Both are joint oil-gas costs, and substantial deviations over a long term would require corresponding rate adjustments, he said.

These relationships can best assist the FPC in a determination of whether regulatory controls are successful in meeting current and projected needs, Commissioner O'Connor said. If adequate reserves were being found, an uncomplicated and practical decision would be one which imposed a single ceiling approximating the initial price mode or median for new contracts, he said. If additions were excessive, the ceiling could be lowered, and if deficient, it would be raised, and this policy could be implemented with a minimum of time and expense, greatly relieving the regulatory burden and reducing Federal expenses, he declared.

For determining the reasonable market prices, Commissioner O'Connor stated that "an analysis of market prices establishes that contracts have apparently approached costs for the natural gas industry in the Permian, and for the past 5 years, have maintained a level close to the cost analysis we here adopt." Citing record evidence of the contract prices, Commissioner O'Connor emphasized that, under contracts since 1960, the larger volumes of gas well gas were flowing "at rates ranging from 15.5 to 17 cents with the largest volumes at 16 cents." Thus, he stated, "the 16.5-cent rate established by our cost analysis is clearly within the range of contract prices."

He further stated that "The weighted average contract price for new gas well gas is 14.76 cents, apparently after certain proportionate adjustments to reflect deficiencies." Since the reasonable amount of the average adjustment would be in the range of from 1 to 1.7 cents, he said, a ceiling of between 16 cents and just under 16.5 cents is indicated. Analysis of the record evidence on the contract prices for pipeline quality gas establishes that the 16.5-cent rate is clearly in line, he concluded.

Commissioner O'Connor also relied on the contract prices for his price for flowing gas. He emphasized that directionality is presently acceptable as an exploratory device of the industry. Therefore, he would utilize the two-price system as a device to elicit supply. He joined in the 1960 division date as the year in which directionality had established itself.

Turning to the contract evidence for 1960, he said, the record establishes "that the weighted average revenues received for all gas-well gas flowing in 1960 was 13.05 cents." By applying an appropriate upward adjustment for quality deficiencies a price in the range of 14 to 14.5 cents is established. Therefore, it can be concluded on the present record," he stated, "that the cost-plus rate of 14.5 cents for flowing gas is the just and reasonable rate."

In conclusion, Commissioner O'Connor stated that "costs are most useful as a basis for comparison to the contract prices," and either method is presently permissible for purposes of area ratemaking. Although an orderly conclusion of pending area cases is required, he said, contracts should provide an expeditious basis for setting just and reasonable rates in all other areas.

Commissioner Ross urged future potential refinements to both methodology and basic data for area rate proceedings. He dissented only on the selection of January 1, 1961, as the dividing line between new and old gas, arguing that it made "no sense" and that the line should have been set as of the date of the Commission's opinion.

Commissioner Ross strongly suggested that future area rates should be established in the context of a nationwide proceeding. He pointed out that the price for new gas is based on nationwide rationale and data, and that this same basis is used to support the prices for all other gas. He pointed out, further, that the search for gas is conducted on a national basis both by producers and pipelines, and that evaluation of location on price can be determined much more effectively in a proceeding which considers the interrelationships of the various supply areas with the markets they serve.

From an administrative point of view, a nationwide proceeding "is a practical necessity," Commissioner Ross declared. He said that a national proceeding would obviate the necessity "of plowing the same old ground time and time again." While special area rate proceedings have advantages for the first couple of cases, the law of diminishing returns rapidly takes over, he asserted.

Other recommendations by Commissioner Ross included:

The continuing use and refinement of the application of econometric and other advanced analytic techniques to the difficult task of producer regulation in future proceedings. The FPC staff submitted econometric studies in this case, he noted, marking the first attempt to analyze and test the complex interaction of regulatory and market factors with the aid of advanced statistical and mathematical techniques. While adoption of the two-price directional concept in this proceeding made it inappropriate to use the results of these studies, Commissioner Ross said that when better developed, this type of analysis will provide both a practical and legal foundation for better producer regulation.

Further consideration of project accounting as a method of pricing new gas. This method visualizes a project cost model which

requires a true yield rate of return. In contrast, the method used by the Commission in the Permian case, which he said is a form of cross-section accounting method, is directed toward finding a rate of return under a comparable earnings test. In this case, Commissioner Ross said, the Permian rate of return evidence on a true yield basis was not adequate to support use of the project accounting method. However, he said it was ripe for further consideration.

Commissioner Black in his separate statement on rate of return cautioned that "the importance of a careful rate-of-return determination cannot be overemphasized," noting that every percentage point of return equates to nearly $4.5 million annually to purchasers of Permian Basin gas. He concluded "with some reluctance" that, while the record did not strongly support such a conclusion, on the evidence in the present proceeding the 12-percent rate allowed by the Commission is not excessive. However, he emphasized his "strong hope that the Commission's determination of rate of return will not be understood as some kind of immutable standard which we have developed in this pilot decision."

Commissioner Black noted serious deficiencies in the presentation of both the examiner and the staff on the rate of return question. The FPC staff had recommended 9.5-percent return, and Commissioner Black, in citing evidence offered to support this figure, said that while the statistics used are subject to infirmities, they indicated that the Commission's 12-percent allowance is very probably a generous one.

The examiner's adoption of a 12-percent rate of return was, he felt, based on a "woefully inadequate * * * sampling" of nonintegrated companies whose sales were but an "infinitesimal part of the total" sales of the Permian Basin. In contrast, he indicated, the Commisssion employs as the starting point the rates of return allowed jurisdictional pipeline companies and then seeks to translate the added risk inherent in natural gas production in terms of percentage points of return on investment. But, Commissioner Black said, this translation "has only marginal support in the record and we should acknowledge this to be the fact."

The most important single reason for a liberal rate of return in Permian is that the greater part of the gas is substantially below pipeline quality, he said, and with the price adjustments to reflect these quality differentials, much of it will not command the ceiling prices. The 12-percent return may be justified by the special risk that producers will continue to find large amounts of substandard gas, Commissioner Black concluded.

Fact Sheet—Permian Basin Area Rate Proceeding

The Permian Basin area rate proceeding covers 3 of the FPC's 23 pricing areas—the Permian Basin area of New Mexico and Texas Railroad Commission District Nos. 7–C and 8.

Counties:

New Mexico—Permian Basin (3): Chaves, Eddy, and Lea.

Texas R.R.C.D. No. 7–C (14): Coke, Concho, Crockett, Irion, Kimble, McCulloch, Menard, Reagan, Runnels, Schleicher, Sutton, Terrell, Tom Green, and Upton.

Texas R.R.C.D. No. 8 (41): Andrews, Bailey, Borden, Brewster, Cochrane, Cottle, Crane, Crosby, Culberson, Dawson, Dickens, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Hale, Hockley, Howard, Hudspeth, Jeff Davis, Kent, King, Lamb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Motley, Pecos, Presidio, Reeves, Scurry, Sterling, Terry, Ward, Winkler, and Yoakum.

Virtually all of the Permian Basin interstate production goes to three pipeline purchasers—El Paso Natural Gas Co., of El Paso, Tex., 73 percent; Northern Natural Gas Co., of Omaha, Nebr., 18 percent; and Transwestern Pipeline Co., of Houston, Tex., 9 percent.

The Permian Basin accounts for about 11 percent of all gas moving into interstate markets. Revenues from Permian Basin jurisdictional sales by producers to pipelines amounted to about $126,035,035 in 1960—or about 10 percent of the $1,265,381,342 in revenues from nationwide jurisdictional sales by producers to pipelines in that year.

The proceeding involved 336 respondents and 47 interveners. There are approximately 1,400 producers in the Permian Basin. There were 251 days in hearing, 30,839 pages of transcript and 337 main exhibits plus numerous supplemental exhibits. Measured by hearing days, the case is the longest ever held by the FPC, and on the basis of the size of the transcript it is one of the largest.

Chronology

September 28, 1960: FPC issued "Phillips" ruling (Opinion No. 338) holding that individual company ratemaking is unworkable for producers. General Policy Statement 61–1, issued concurrently, set out interim price ceilings for 23 producing areas. Interim ceilings for the 3 areas involved in the Permian Basin hearing were 16 cents per thousand cubic feet for new sales and 11 cents as the level at which increases in existing rates would be suspended.

December 23, 1960: Permian Basin area rate hearing ordered.

March 6, 1961: First prehearing conference held in Midland, Tex. Later met in Midland on March 7 and 8 and in Washington, D.C., on April 12, 13, and 27.

May 26, 1961: Examiner's report to Commission on prehearing conference.

September 7, 1961: Prehearing conference, Washington, D.C.

October 11, 1961: Hearing begins in Washington, D.C.

September 12, 1963: Hearing concluded.

November 22, 1963: Initial briefs deadline. Filed, jointly or separately, by 50 parties.

January 15, 1964: Reply briefs deadline. Filed, jointly or separately, by 21 parties.

September 17, 1964: FPC Presiding Examiner Seymour Wenner's initial decision issued, adopting new two-price system designed to speed search for new gas, based on "directional" concept that exploratory activities can be directed toward search for gas reservoirs separately from oil reservoirs, thus making supply of "gas-well gas" responsive to price. Examiner would establish series of ceiling prices for Permian Basin ranging from low of 10 cents per 1,000 cubic feet for old casinghead gas to high of 16.75 cents for new "gas-well gas."

November 23, 1964: Deadline for exceptions to examiner's decision.

January 15, 1965: Deadline for replies to exceptions to examiner's decision.

February 8 through February 10, 1965: Oral argument before members of Federal Power Commission.

August 5, 1965: FPC opinion issued (Opinion No. 468), with related rule-making order, show-cause order, and order issuing certificates.

Federal Power Commission—Summary of Permian Basin ceiling rates allowed by the FPC, recommended by the examiner, and advocated by the major parties [1]

[In cents per thousand cubic feet of gas]

	New gas well	New residue		Old gas well	Old residue	New casinghead	Old casinghead	Prescribed quality differentials	Minimum rates
		Gas-well gas	Oil-well gas						
Federal Power Commission [2]	16.5	16.5	14.5	14.5	14.5	14.5	14.5	Yes [3]	9 cents.
Presiding examiner	16.75	15.0		13.5	13.5	11.0	10.0	do [4]	7 cents for casinghead, 9 cents for other gas; buyer's OK required.
State and Public Utilities Commission of California	14.75	13.5		13.5	13.5	10.0	10.0	do [5]	Opposed.
State of Texas and Texas Independent Producers & Royalty Association. [6]	20.0	20.0		20.0	20.0	20.0	20.0	do [7]	13.5 cents for all gas.
Independent Petroleum Association of America	([8])	([8])		([8])	([8])	([8])	([8])	([8])	([8])
Major producers [9]	20.0	20.0		20.0	20.0	20.0	20.0	Opposed	Do not except to examiner's recommended minimum rates, but oppose requirement of buyer's OK.
California distributors [10]		13.5		13.5	13.5	10.0	10.0	Yes [7]	Do not except to examiner's recommendation.
Federal Power Commission staff	14.25	13.25		13.25	13.5	9.5	9.5	do [11]	Does not except to examiner's recommendation.

[1] Several parties made no area rate proposals, asserting a right to individual company treatment.

[2] The FPC's ceilings include production taxes. The ceilings for gas produced in New Mexico will be lower, reflecting the tax level as of the effective date of the FPC's opinion.

[3] The FPC ceilings apply to "pipeline quality" gas. Prices for inferior quality gas will be fixed below the ceiling prices on the basis of quality guideline standards. Upward and downward adjustments provided for B.t.u. content.

[4] Quality differentials only for pressure in new residue gas: Minus 1.5 cents for gas which will require only 1 stage of compression; minus 2 cents for less than 2 stages of compression.

[5] Quality differentials as indicated in docket No. R-200.

[6] Texas Independent Producers & Royalty Owners Association, joined by the West Central Texas Oil & Gas Association.

[7] Favor prescribed quality differentials in principle, but do not specify amounts for this proceeding.

[8] No ceilings. Contract prices should prevail.

[9] Plus several small producers who adopted the major producers' proposals.

[10] The California distributors excepted to some of the Examiner's new gas-well gas determinations but did not specify a ceiling reflecting those exceptions.

[11] Differentials of minus 1 cent for sour gas; minus 5 cents for gas with high carbon dioxide content; minus 1.5 cents for residue gas which will require 2 stages or more of compression, and minus 2 cents for residue gas with less than 2 stages of compression

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT

The Senate resumed the consideration of the bill (S. 1599) to establish a Department of Housing and Urban Development, and for other purposes.

Mr. RIBICOFF. Mr. President, I am pleased to bring to the floor of the Senate the bill, S. 1599, to establish a Department of Housing and Urban Development. The history of our Government—and, indeed, of our Nation—would be brightened by the enactment of this landmark legislation.

Ours is an urban society. The great majority of Americans live in cities, and their suburbs. The bulk of our Nation's wealth is created, each day, in these cities. The health of our society hinges on the well-being and progress of our cities—their suburbs—and the people who live in them.

This is a fact of modern life. For our urban population is expanding—exploding, if you will. When our Constitution was adopted, only 5 percent of our people lived in urban areas. Today, 70 percent of Americans live in cities, towns, and suburbs, and by the end of this century, over four-fifths—or 350 million people—will be living in our urban areas. Remember, Mr. President, we are only 35 years from the 21st century.

Still, we try to deal with 21st century problems in 18th century ways. Our cities, towns, and suburbs—regardless of their size—are in trouble. Beset with problems stemming from rapid growth and change, they struggle to serve our people.

Mr. MANSFIELD. Mr. President, will the Senator from Connecticut yield, without losing his right to the floor?

Mr. RIBICOFF. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. 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. RIBICOFF. 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. RIBICOFF. Mr. President, older communities—and these include many of our smaller towns—are faced, at one and the same time, with problems of inherited slums and blight, and of rapid new growth. Even our youngest and smallest towns confront urgent problems arising from present or imminent growth.

The costs of local service are rising at an alarming rate. Local taxes this year are running about 140 percent higher than just 15 years ago. They are rising even higher, and the same is true of State taxes. The burden on State and local governments to meet the need for more services grows heavier day by day and month by month.

And there is no end in sight to the need for more schools, more highways, more hospitals, more sewage and water facilities, and more and better programs to house our urban population and improve our communities. No more complex and pressing problem faces us than the problem of how local communities, large and small, are to meet their urgent needs.

Yet for a decade we have failed to come to grips with this problem. For a decade we have debated whether we should establish a department concerned with housing and urban development.

During these 10 years that the proposal to establish such a Cabinet-level agency has been before Congress—during this decade of deliberation—a new generation of slum children has reached school age. The shortage and the pollution of water supplies and thousands of tons of smog a day continue to threaten our health and safety. Clogged city streets and inadequate transportation continue to plague the resident, the shopper, and commuter. Roadside slums, junkyards, and neon nightmares disgrace us.

Still, bills to establish a department concerned with housing and urban development have been introduced in every Congress since the 84th. And two predecessor bills have been favorably reported to this body—one in 1960 from the Committee on Banking and Currency and one in 1961 from the Committee on Government Operations.

Congress has recognized the problems of urbanization and made provisions for the solution of many of them. But it has up to now ignored the question of the proper administration of those provisions. It is now time for us to deal with the complexities that confront our urbanized Nation. We must keep in mind that our urbanization is not defined in terms of numbers alone. We are talking about more than geography and numbers; we are talking about a way of life.

My friend, the able senior Senator from Pennsylvania, was the author of the bill to establish a Department of Housing and Metropolitan Affairs that was favorably reported to the Senate 5 years ago. At that time, he pointed out that State and local debt had risen 309 percent since World War II, or 62 times as fast as Federal indebtedness—which had risen only 5 percent. Since then, the strain of continuing growth across town and county and even State lines has become even more intense. And there is no end in sight.

As President Johnson has put it:

> In our time, two giant and dangerous forces are converging on our cities: the forces of growth and of decay.
>
> In the remainder of this century—in less than 40 years—urban population will double, city land will double, and we will have to build in our cities as much as all that we have built since the first colonist arrived on these shores. It is as if we had 40 years to rebuild the entire urban United States.
>
> Yet these new overwhelming pressures are being visited upon cities already in distress. We have over 9 million homes, most of them in cities, which are run down or deteriorating; over 4 million do not have running water or even plumbing. Many of our central cities are in need of major surgery to overcome decay. New suburban sprawl reaches out into the countryside, as the process of urbanization consumes a million acres a year.

Now, the President of the United States has asked the Congress to give greater force and effectiveness to our efforts in the cities by establishing an 11th executive department and bringing its chief to the Cabinet table. Now, for the first time, the merits of the proposal will be formally debated by the Senate.

History will judge our work in the Senate, and history will tell whether we insist on misunderstanding the present—or follow a sensible path to the future.

THE ISSUES BEFORE US

The forces of urban growth and decay bring with them opportunities as well as problems. One is the opportunity to overhaul and to improve an important part of the organizational machinery of the Federal Government—the opportunity to position that part in good working relationship to the rest. This machinery should be in the finest working order if the Federal Government is to do its share effectively in guiding the forces of urban growth—and in helping to check the forces of urban decay.

The issue before us today is neither more nor less than one of good executive management in dealing with a major problem of the 20th and the 21st centuries. We should not mistake this issue.

Mr. President, let us consider first what the bill before us does not do. This bill does not provide for any new Federal programs for dealing with housing and urban development problems. This bill will not perceptibly increase or diminish Federal expenditures, except that, of course, better coordination and lessened duplication and tighter executive control may save a substantial proportion of administrative and program funds. This bill does not enlarge the functions of the Federal Government, nor diminish in the slightest the functions and powers of our States and localities. It is not a threat to private enterprise.

Nor is this bill a cure-all for our everyday urban problems. A governmental reorganization by itself can never work such a remarkable miracle.

Mr. President, what this important bill does is to provide the Federal Government with the needed machinery for doing a vital and difficult job.

The Federal Government had entered into an enduring partnership with State and local governments and with private enterprise to tackle our problems of urban growth and urban blight. It has done so under enabling legislation authorized over many years by the Congress of the United States. Every program that would be entrusted to the new Department of Housing and Urban Development is carefully hedged about by statutory safeguards, and is designed to support and to complement activities of State and local government, and of private enterprise. Each such program is addressed to a basic aspect of our technical, urban society.

Vice President HUMPHREY has succinctly summarized the present outmoded administrative structure for dealing with our urban responsibilities in an article in the July 3 Saturday Review. His analysis comes to us from a background of experience, not only as our distinguished colleague, but also as twice the mayor of Minneapolis, and now as the President's liaison officer with our

cities and their mayors. I ask unanimous consent that the Vice President's article be inserted in the RECORD at the conclusion of my remarks.

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

MAKING CITIES FIT FOR PEOPLE

(By HUBERT H. HUMPHREY)

(EDITOR'S NOTE.—The following guest editorial, by the Vice President of the United States, discusses the proposed Federal Department of Housing and Urban Development.)

Robert Herrick said in the 17th century that great cities seldom rest: if there be none to invade from afar, they will find worse foes at home. We know those foes today. They are slums, crime, a lack of playgrounds and parks, overburdened schools, inadequate transportation, crowding, lack of clean air, and inequality of opportunity.

It was only 45 years ago that people in American cities first began to outnumber people on our farms. By 1960 only 11 States had more rural than urban population.

But most of these States will not remain that way very long. The urban population of North Dakota, our most rural State in 1960, jumped 35 percent in the 1950's. Alaska's urban population increased 150 percent, and three other States—Arizona, Florida, and Nevada—more than doubled their urban population during this period.

By 1970 we can except that three-fourths of our people will be living in towns, cities, and suburbs, compared to 70 percent in 1960. Most of our people will be concentrated in metropolitan areas. At the end of 1964, two-thirds of our population lived in 219 such areas, an increase from 59 percent in 1950. By 1980 that proportion will increase to three-fourths and by the year 2000 to four-fifths.

There have been several patterns of metropolitan growth. One has been mass migration from farm to city. One has been mass migration of Negroes out of the South—virtually all of it to central cities. Another has been mass migration of middle- and upper-income people from the core city to the suburb. And great growth has come from a higher birthrate and from longer life expectancy.

This growth has imposed new and unprecedented burdens on local government for schools, housing, streets and highways, commercial expansion, transit, and welfare programs.

In the past 10 years, State and local debt has more than doubled, while Federal debt has risen only 15 percent.

State and local government employment jumped from 4,600,000 in 1953 to more than 7,000,000 employees in 1963. During the same decade, State and local public expenditures more than doubled, increasing by 132 percent to $65 billion in 1963. Major among these were expenditures on transportation, education, highways, sanitation, and parks and recreation, with increases from 140 percent to 165 percent during the 10 years. Interest on State and local public debt jumped by 258 percent.

Along with these sharp rises in costs of public services and facilities, the growth of these urban areas has also created explosive racial and economic pressures.

I remember during my two terms as mayor of Minneapolis, at the close of World War II, the strains placed on our city by changing population patterns. Those strains were small compared to those today. Example: In the Minneapolis-St. Paul metropolitan area, nearly three-fourths of the people lived in 1950 within the city limits. Today those cities' populations remain constant, while population in their suburbs has more than doubled. The same pattern is common to nearly all our major metropolitan areas.

The picture is clear: There has been a shift of middle and higher income groups into the suburbs, out of the taxing jurisdictions of the inner city, while too many of the poor and disadvantaged have remained behind or moved in from the poorer rural areas.

Although the suburbs have provided cheaper land and lower cost housing for many middle-income families, as well as for the more prosperous, they have been populated largely by those able to afford better housing. Those at or near the poverty level have remained concentrated in the slums and poorer sections of the central city. Faced with deterioration and decay, the inner city has found itself with greater tasks to undertake and with fewer ready sources of money. At the same time, the suburbanites have had their hands full creating public facilities and services in communities that were open grass fields a few years ago.

Behind the statistics and population patterns have been thousands of personal and community tragedies, many of them created by those of good intention. There are the impersonal housing projects that in many cases have displaced families and destroyed the traditional fabric of neighborhood life. There are the freeways that have torn through people's homes and businesses, cut through parkland, and done no more than add to the noise in our streets and poison in our air. There are the shortsighted zoning decisions that have blighted neighborhoods and reduced property values.

Because of these discouraging experiences, it would be easy to say that many of our metropolitan problems stem from apathetic or inept local government. In a few places this is true. But in most it is not.

I have been working, at President Johnson's request, with the Nation's mayors, county officials, and city managers. Almost without exception I have found these men and women to be dedicated, competent, and deeply concerned with the problems pressing on their constituencies. Most of them have long since initiated constructive programs of their own in an attempt to keep pace with the urgencies facing their cities. But they have been fighting massive problems with dwindling resources. And they have not had any single place to turn for counsel and assistance.

One of their major difficulties, they tell me, is that no one Federal department or agency has had either authority or responsibility to work with mayors and county officials in areas where they need most help. Our mayors and county officials have not, in many instances, been able to get advice or a rapid answer in Washington—much less Federal funds.

In 1963 the Advisory Commission on Intergovernmental Relations identified over 40 separate programs of aid for urban development, administered by some 13 Federal departments and agencies. Small wonder that the committee reported that "the effect of inconsistencies is felt most keenly in urban areas where programs of all kinds at all levels of government most frequently come together."

It cited particularly inconsistency and conflict between policies, or lack of them, in relocating people displaced by public activities. While a community plans for the relocation of people displaced from a renewal area, not infrequently still another public project, undertaken with Federal help, displaces additional numbers with no rehousing plan—and may even eliminate some of the housing urgently needed to meet the problem.

Jet airports may be announced in residential growth areas, driving down values of homes financed with Federal mortgage insurance or guarantees. A right-of-way for a federally aided highway may be purchased, cutting through an area that another agency is seeking to acquire and preserve as public parkland.

One test of democratic government is its ability to respond rapidly to changing conditions.

In 1953 the Department of Health, Education, and Welfare was created to provide top-level Federal policy and direction in meeting the human and social needs of our citizens. HEW treats, to a large degree, the symptoms of urban disease.

But until recently there has been no similar recognition of the need for a top-level Federal department to help meet the physical and environmental problems of metropolis—in many cases the causes of urban disease.

Today most of the key programs having to do with urban development, improvement, and housing are lodged at a secondary level of government, in the Housing and Home Finance Agency. This independent agency was created in 1947, under President Truman, to administer the housing programs of the FHA and the Public Housing Administration as continuing peacetime activities.

Since that time all manner of programs have been added to HHFA's responsibilities, including urban renewal, urban planning, mortgage supports, public works, college housing, mass transportation, open space, and housing for the elderly. Its broad major responsibilities now cover at least 10 distinct and definable areas of activity. If you add the many special programs administered under the agency, the number would more than double. Its programs today involve some type of Federal support for more than $70 billion in private and public investment in housing and urban development.

About 77 percent of this—more than $54 billion—is private housing mortgage investment insured by the FHA. Public housing accounts for about 10 percent—$7 billion—in capital investment by local public bodies, secured by annual contributions pledged by the Federal Government. Federal grants reserved or committed for renewal of our urban areas total about $4.5 billion, and loans for college housing nearly $3 billion. Lesser amounts include loan or grant commitments for such programs as housing for the elderly, public works planning and construction, open space acquisition, urban planning assistance, mass transportation, and mortgage financing support for GI home loans.

The Housing and Home Finance Agency was never intended to fill its present job. It is a loosely knit instrument. According to law, three of its officials are appointed by the President and report directly to him. In a legislative sense, at least, there is no one official in command.

When the President meets with his Cabinet he cannot find out what or how the Federal Government is doing overall in assisting towns, cities, and metropolitan areas. The agency most concerned with these areas is not even represented at the Cabinet table.

In the past several years much has been done through executive cooperation and coordination to mesh various urban-related problems throughout Government. Glaring conflicts have been avoided. But this has been done the hard way, through bits and pieces of agreements and consultations among officials and staff at many levels, in many agencies.

Ad hoc committees and interstaff memorandums are no substitute for Executive decision and direction.

In 1961 President Kennedy became the first President to propose creation of a Cabinet-level Department of Urban Affairs. Committees of both the Senate and the House of Representatives reported the bill favorably, but it did not reach the floor in time for action at that session of Congress. When

the proposal was resubmitted in 1962 as a reorganization plan, it failed to receive House approval. Much of the opposition expressed, as the record shows, was based on misconception of what the plan would do or considerations unrelated to the merit of the proposal.

Today the reasons advanced for opposing a new department are that it would be too costly; that it would mean Federal domination over local communities and States; that it would benefit only the large cities; that the Government is already too big, and this department would make it bigger.

I disagree with these contentions.

The Department bill would authorize no increase in expenditures; instead, it would simply mean that the Government's money would be better spent. It would add no authority to the Federal Government it does not now exercise. It is important to the larger cities but, if anything, even more so to the smaller communities less able to cope with their growth problems—indeed, the great proportion of communities using these programs are small towns, down to the village level. And the argument against big government gives no consideration to the fact that the country and its urban needs and problems are far bigger than we were able to foresee even a decade ago.

The needs of our urban areas have not diminished; they have become more pressing. President Johnson's proposal for a Department of Housing and Urban Development must be considered in this knowledge.

The President seeks from Congress the authority to bring good management to Federal responsibilities in our metropolitan areas. He asks for coordinated direction of these activities by a single Government department. And he asks for a place at the Cabinet table for the head of that Department.

The bill itself says in part that the Department of Housing and Urban Development shall undertake "maximum coordination of the various Federal activities which have a major effect upon urban, suburban, or metropolitan development," and "the solution of problems of housing and urban development through State, county, town, village, or other local and private action, including promotion of interstate, regional, and metropolitan cooperation."

Are our metropolitan areas important enough to merit top-level consideration in the Federal Government?

The answer is certainly yes.

We have long since given Cabinet status to our national concern for our natural resources, our agriculture, our trade and commerce, our labor force, and the social health and educational needs of our citizens.

Surely our cities and metropolitan areas—where three-quarters of us live—are worthy of the same attention.

Mr. RIBICOFF. Mr. President, I must add that proposals to strengthen the organizational machinery of the Federal Government in the field of housing and urban development have long found vigorous support in this Chamber among Members who have themselves served as mayors of their cities or as Governors of their States. The former mayors and former Governors among us realize that our cities and States will not find their powers diminish because the Federal Government has perfected its governmental machinery. On the contrary, they feel it will enormously help State and local governments.

As a former Governor of a densely populated State, I can testify that a tremendous job remains to be done at the Federal, State, and local levels. This job must be done—and done well—if our urban areas are to fulfill their promise of providing a decent environment in which our people may live and work and take their leisure. I am sure my views are shared by the able senior Senator from Rhode Island who, too, has served as Governor of an urban State. And, you will recall the leading role of the able junior Senator from Maine, and former Governor of his State, in sponsoring President Kennedy's Reorganization Plan No. 1 of 1962 which would have accomplished virtually the same purpose as the bill before us today.

So, Mr. President, the question before us today is not what the Federal Government will do in the field of housing and urban development, or whether it should be doing it. The question before us is only whether the Federal Government will be able to act more effectively and more efficiently.

HISTORY OF S. 1599

Let me turn now to the bill itself and its history. It was transmitted to the Congress by the Director of the Bureau of the Budget on March 23, and was introduced by me on March 25 with the joint sponsorship of Senators BREWSTER, CLARK, DODD, DOUGLAS, GRUENING, HART, JAVITS, KENNEDY of New York, LONG of Missouri, MUSKIE, PELL, TYDINGS, and WILLIAMS of New Jersey. Extensive hearings were held on the bill between March 31 and May 19.

The administration's testimony was presented by the then Budget Director, Kermit Gordon. The senior Senators from Pennsylvania and New York testified for its enactment. Also appearing in support of the bill—and their support was most vigorous—were representatives of the following organizations: National Association of Housing and Redevelopment Officials; U.S. Conference of Mayors; National League of Cities; National Association of Home Builders; National Housing Conference; National Association of Counties; American Institute of Planners; American Federation of Labor and Congress of Industrial Organizations; United Presbyterian Church, U.S.A.

Appearing against the bill were representatives of the American Farm Bureau Federation and the National Association of Real Estate Boards. Witnesses testifying on behalf of the Mortgage Bankers Association of America, although expressing doubt as to the need for the bill, took no position either for or against it but recommended certain changes with respect to the status of the Federal Housing Administration if it is enacted.

Many other statements, both for and against the proposed legislation, were received and appear in the printed subcommittee hearings.

SUMMARY OF THE BILL

The bill recites that the establishment of the Department of Housing and Urban Development is desirable in order to—

First. Achieve the best administration of the principal Federal programs which provide assistance for housing and for the development of our communities.

Second. Assist the President in achieving maximum coordination of the various Federal activities which have a major effect on urban or suburban development.

Third. Encourage the solution of problems of housing and urban development—including mass transportation—through intergovernmental cooperation at the State, regional, and local levels and through private action.

Fourth. Encourage the maximum contribution that may be made by vigorous private homebuilding and mortgage-lending industries to housing, urban development, and the national economy.

Fifth. Provide for full and appropriate consideration at the national level of the needs of the Nation's communities and their inhabitants.

Under the bill the new Department would be headed by a Secretary who would be appointed by the President with the advice and consent of the Senate, as would be an Under Secretary, four Assistant Secretaries, and a General Counsel.

The Secretary would be given responsibilities for—

First. Advising the President with respect to Federal programs relating to housing and urban development.

Second. Developing and recommending to the President policies for fostering the orderly growth of the Nation's urban areas.

Third. Exercising leadership at the direction of the President in coordinating Federal activities affecting housing and urban development.

Fourth. Providing technical assistance and information, including a clearinghouse service, to States, counties, villages, and other localities in developing solutions to problems of urban development.

Fifth. Consulting with State governments with respect to State programs for assisting communities in developing solutions to urban and metropolitan development problems and State programs for encouraging regional cooperation in planning and conducting local development.

Sixth. Encouraging comprehensive planning for community development by States and localities with a view to achieving coordination of Federal, State, and local urban development activities within the local areas covered by such comprehensive planning.

Seventh. Encouraging private enterprise to serve as large a part of housing and urban development needs as it can.

Eighth. Conducting studies with respect to problems within the new Department's sphere of responsibilities.

The bill makes it clear that the activities of the new Department would run to the housing and other physical development problems of communities, both large and small, without regard to their population or their corporate status, except as may be expressly provided by substantive law.

There would be transferred to, and vested in, the Secretary of the new Department the functions of the Housing and Home Finance Agency and its Ad-

ministrator. These include the urban renewal, urban planning, and open-space programs of the Urban Renewal Administration. They also include the programs of the Community Facilities Administration relating to public works planning advances, public facility loans and grants, college housing loans, and elderly housing loans, along with the Housing Agency's more recent urban mass transportation programs.

The bill would also transfer to the Secretary the authority now vested by law in the Federal Housing Commissioner for mortgage insurance programs and in the Public Housing Commissioner for aids to low-rent housing. The Federal National Mortgage Association, a corporate entity which provides a secondary mortgage market and special assistance for FHA-insured and Veterans' Administration-guaranteed mortgages, would be transferred to the new Department in its present corporation form, with the Secretary replacing the Housing Administrator as Chairman of the FNMA Board.

One of the Assistant Secretaries would be designated to administer, under the supervision and direction of the Secretary, departmental programs relating to the private mortgage market.

There would also be in the Department an Office of Urban Program Coordination, headed by a Director who would be appointed by the Secretary. The Office would assist the Secretary in carrying out his responsibilities to the President with respect to achieving maximum coordination of the programs of the Federal Government which have a major impact on community development.

The bill also provides that the President shall undertake studies of the organization of Federal housing and urban development programs, and shall report his findings to the Congress, along with his recommendations concerning the possible transfer of functions and programs to or from the Department.

The effective date of the bill is fixed at 60 days from the date of its approval, or on such earlier date after approval as the President may specify.

CRITERIA FOR ESTABLISHMENT OF AN EXECUTIVE DEPARTMENT

In his testimony on behalf of this bill, the Director of the Bureau of the Budget conceded that there are no exact criteria that can be easily or mechanically applied for determining at which stage of its development an agency or group of functions may merit departmental status. However, he pointed out that the Congress has generally applied certain tests in considering proposals to establish new executive departments.

These tests have related primarily to the first, permanence; second, size and scope; third, interrelatedness; fourth, complexity; and fifth, national significance of the programs to be administered. These are also the criteria that were applied by the Committee on Government Operations to the proposal now before us.

Departmental status has been given in the past to those agencies which—

First. Administer a wide range of permanent and complex programs directed toward a common purpose of national importance; and

Second. Are concerned with policies and programs requiring frequent Presidential direction and representation at the highest levels of government.

The proposed Department of Housing and Urban Development fully meets each and every one of these criteria. Programs to be administered by the new Department are often criticized on matters of detail, and often amended, but there is widespread, bipartisan support for the programs themselves or for alternative programs to accomplish the same purposes. The Congress has time and again given clear indication that it considers the transferred programs permanent; and that statutory expiration dates and dollar limitations on authorizations are merely the devices by which we very properly exercise our traditional function of periodic review so that we can perfect the laws from time to time.

Similarly, even those who would make the most extensive changes in the enabling laws agree that the programs to be transferred to the new Department are vast in size and scope and that they are complex and interrelated.

It is abundantly clear, too, that the programs of the new Department have a tremendous impact on the national well-being of our people. All the planning, housing, urban renewal, and other community development programs of the new Department would be focused on helping in the provisions of good housing in good neighborhoods in well-planned communities with adequate open space and adequate mass transportation. Thus the programs are directed toward a common purpose of major national importance.

Not only do the programs that would be assigned to the new Department have a major direct impact on the health and well-being of our people, but they have a tremendous impact on the Federal budget and on the entire national economy. As of the beginning of fiscal year 1965, the financial involvement of the Federal Government in all of the programs that would be transferred to the new Department was estimated at about $67.5 billion. Since World War II, housing and related community facilities have accounted for a larger share of the net increase in investment than any other economic activity.

Furthermore, homebuilding, which is so greatly influenced by Federal housing programs and by general Federal fiscal policies, is a major industry which affects the entire economy more than through its own expenditures. It acts as a multiplier in generating income. For every man working on a residential construction site, one other is engaged elsewhere in producing the countless items of material and equipment which go into the structure. Also, a new home generates many purchases of household equipment and furnishings.

Clearly, too, the activities of the proposed Department require attention and direction and representation at the highest level of government. By way of example, it is essential that the debt management activities of the Treasury Department be coordinated with the secondary mortgage market operations of the Federal National Mortgage Association and with a multitude of other Federal housing activities. Similarly, programs assigned to the new Department must be related to and coordinated with the programs being carried on by other agencies of the Federal Government which affect urban development. These include, to mention only some, Federal highway programs administered within the Department of Commerce, water, and air pollution programs administered within the Department of Health, Education, and Welfare, and outdoor recreation and conservation programs administered within the Department of the Interior.

THE ROLE OF HOUSING AND THE PLACE OF THE FHA IN THE NEW DEPARTMENT

During the hearings, a misunderstanding on the part of some witnesses came to light. They felt that the conversion of the Housing and Home Finance Agency into a Department of Housing and Urban Development would increase the importance of urban development in the Federal Government at the expense of the role of housing. That is to say, they felt that housing would be neglected in the new Department.

This misunderstanding is based on two erroneous premises. First of all, the change of name merely reflects a change that has already taken place in the functions of the present Housing Agency. The Agency, which is concerned with housing, urban renewal, community facilities, open space, and mass transportation, has long been a housing and urban development agency in all but name.

Second, housing functions and urban development functions are not separate and rival activities, but are complementary to each other. Obviously, a good home is not to be found in a badly planned neighborhood where shopping, sewer, water, and transportation facilities are inadequate and where recreational opportunities are lacking. Thus, the mission of the Department would be a single mission—that of providing good homes in good neighborhoods served by adequate public and community facilities.

Other witnesses appearing before our committee expressed understandable concern that the Federal Housing Administration would somehow be downgraded in the Department.

For some 30 years, the FHA's regular mortgage insurance programs have provided a steadying influence on the national flow of credit for sales and rental housing and for home repairs. With relatively minor modifications, FHA mortgage insurance, in addition to serving general housing needs, has helped serve the special housing needs of World War II military personnel and defense workers; has helped overcome the severe postwar housing shortage which faced our returning World War II and Korean war veterans; has helped gain widespread acceptance in the private financial market for cooperative housing; and more recently, has helped provide for housing in urban renewal areas and

housing serving the special needs of persons displaced by urban renewal and of the elderly. These FHA programs have enlarged the role of private enterprise, assisting it to serve an ever-broadening share of the total housing market.

Accordingly, the committee found itself in full accord with recommendations made by the homebuilding and mortgage lending industries that there be incorporated in the legislation express provision for the private mortgage market functions of the new Department to be administered at an appropriately high level.

The bill as introduced provided for four Assistant Secretaries in the new Department to be appointed by the President, with the advice and consent of the Senate. The committee has adopted an amendment requiring that one of these Assistant Secretaries "shall be designated to administer, under the supervision and direction of the Secretary, departmental programs relating to the private mortgage market."

This amendment assures that the extremely important programs of the FHA, as well as those of its closely related sister agency, the Federal National Mortgage Association, will be administered at the assistant secretarial level.

Both of these agencies were created pursuant to—and administer programs authorized by—the National Housing Act. Indeed, a major function of the FNMA is to provide a secondary market for the mortgages insured by the FHA.

This amendment provides adequate assurance to all that private mortgage market programs will be administered at a sufficiently high level in the new Department. The programs are, in fact, upgraded under the bill. Besides being administered at the assistant secretarial level, they will receive the benefits of attention and coordination by a member of the President's Cabinet.

Other witnesses had proposed, as an alternative to our committee amendment, that the FHA be transferred to the new Department with all its functions vested in a Federal Housing Commissioner appointed by the President. The Commissioner would exercise his functions "under the supervision and direction of the Secretary."

Our committee found the following important similarities in the two proposals:

First. Under both the committee amendment and the alternative proposal, the functions of the FHA would be administered at an appropriately high level, with the administering official being appointed by the President, confirmed by the Senate, and being paid at the assistant secretarial level of the executive salary schedule.

Second. Under both, the functions would be performed subject to the supervision and direction of the Secretary of the new Department. The committee also found differences between the two proposals:

First. Under the committee amendment, the title of the administering official would be Assistant Secretary, whereas it would be Commissioner under the alternative proposal, with the alternative carrying a connotation of somewhat lower rank.

Second. And far more significant, the alternative proposal gives the appearance of establishing a semiautonomous FHA in the new Department. It does this by vesting the ultimate legal authority for the programs in the Commissioner, who is the subordinate official, rather than in the Secretary who is the head of the Department. And yet, it concedes to the Secretary full powers of supervision and direction.

The committee felt that the alternative proposal, by placing ultimate legal authority in a subordinate official, was patently self-contradictory. In view of the fact that the Secretary would have full power of supervision and direction under both the committee's amendment and under the alternative proposal, the only real difference that results from placing the ultimate legal authority in the subordinate official is to create an element of uncertainty and confusion with respect to the nature of the Secretary's supervisory powers.

Let me say here and now, as a former Secretary of a department, that I will never be a willing party to writing legislation that creates uncertainty and confusion concerning executive powers; I will never help write legislation that attempts to place final legal authority in one official, a subordinate, while leaving final responsibility in another official, who is the head of the department.

It is an elementary principle of good public administration that authority must be commensurate with responsibility. This principle was clearly stated by the first Hoover Commission when it recommended:

> Under the President, the heads of departments must hold full responsibility for the conduct of their departments. There must be a clear line of authority reaching down through every step of the organization and no subordinate should have authority independent from that of his superior.

One more word about the FHA. The FHA has, over the years, become a household word in this Nation. It has become known not only to mortgage bankers and homebuilders but to the public at large—including millions of people who have received the benefits of FHA mortgage insurance or FHA home improvement loans. There is great value in preserving this name, and I wish to assure the Senate that this will be done.

By letter dated June 10, and appearing at page 298 of the hearings, Mr. Charles L. Schultze, Director of the Bureau of the Budget, wrote, in response to my inquiry, that the Bureau is fully aware of the value of preserving the familiar terminology of the Federal Housing Administration. The Budget Director assured the Congress that the Secretary of the proposed new Department, whomever he may be, will so organize the Department as to provide "that the basic mortgage insurance functions will undoubtedly continue under the Department to be identified officially with the name Federal Housing Administration."

THE SCOPE OF THE DEPARTMENT

Our committee, of course, recognized that there are many Federal programs with a major impact on our urban areas that would not be assigned to the new Department. The bill is not intended to create a Department to administer all programs which concern our cities.

Indeed, there is not now a single department of the Federal Government that has jurisdiction over every Federal program that importantly affects its work. Inevitably, in a civilization as advanced and complex as ours, departments of Government that are primarily concerned with health, with natural resources, with commerce and transportation, and with urban development will find that their programs impinge on each other.

As the Director of the Bureau of the Budget stated:

> The question of assigning a particular function to one agency or another is seldom clear cut. Almost always rationalizable alternatives are available, and frequently the choice is difficult.

I should be less than frank were I not to inform the Senate that these questions were indeed among the most difficult that this legislation presented to our committee.

As I have said, then, the primary mission of the new Department would be to encourage the provision of good homes in good neighborhoods adequately served by public and community facilities. The Director of the Bureau of the Budget expressed a similar view in writing to the Committee in answer to an inquiry when he said:

> The primary mission of the Department is to carry out major functions relating to the improvement of the physical environment of the urban community and to provide a focus for executive branch efforts in this direction.

I do not imply, however, that the committee believes, or that I believe, that urban development will be perfectly organized within the Federal Government upon the enactment of this bill. On the contrary—because improvements should be constantly sought, and because the fabric of the Federal Government is of complex design—the committee added to the bill as introduced an amendment which provides:

> The President shall undertake studies of the organization of housing and urban development functions and programs within the Federal Government, and he shall provide the Congress with the findings and conclusions of such studies, together with his recommendations regarding the transfer of such functions and programs to or from the Department.

In the field of housing, the bill makes no provision for transferring the Veterans' Administration home loan guarantee program or the Federal Home Loan Bank Board's programs to the new Department.

Problems relating to consistency between VA home loan guarantees and FHA mortgage insurance were solved many years ago. At this late date, more difficulties than benefits would result if we attempted to combine the long-range FHA insurance programs with the declining VA guarantee program. In the case of the Federal Home Loan Bank Board, the Committee on Government

Operations concurred in the view of the Bureau of the Budget that there is no compelling reason for reexamining the determination made by the Congress in 1955 that the FHLBB should be an independent agency. That determination was based on the fact that the Board's work is in large part regulatory or quasi-judicial.

In any case, the issue is whether the functions that would be transferred to the new Department meet the criteria for establishing a new Department. Clearly they do. The issue now before the Senate is not whether additional functions ought to be transferred to the new Department. That determination can well await the President's study and recommendations called for by the bill.

The utter impracticality of organizing a single Department that would have jurisdiction over everything of importance to urban areas has led to a proposal. This is that there be established in the White House a coordinating office concerned with community development. It may be that the President will find merit in this proposal for reorganizing his White House staff; if so, he has ample authority to proceed. But, as I see it, the organization of the President's staff does not concern us here. And the merits of such a White House reorganization do not determine the merits of this bill.

The programs that would be transferred to the new Department meet all the criteria for the establishment of a Cabinet Department. This would be true regardless of whether the President might also find it useful to establish a White House office to assist him in dealing with various urban issues. For that matter, the establishment of the Department would, in itself, provide the President with one agency to help him in the coordinating of all Federal urban development programs. Several provisions on program coordination in the bill make this clear.

One of these provisions was added by the committee. It would establish an Office of Urban Program Coordination in the Department. This Office would assist the Secretary in carrying out his responsibilities to the President—responsibilities with respect to achieving maximum coordination of the programs of various departments and agencies of the Government having a major impact on community development. The Director of this Office would, subject to the direction of the Secretary, establish and maintain close liaison with the Federal departments and agencies concerned, and would consult with State and local officials regarding urban development programs. The Director would have no power other than the power he derives from the Secretary; nor would the creation of this coordinating office within the Department in any way increase the power of the Secretary. His authority would flow from existing substantive law and from the President.

Secretaries of all the existing departments often speak for the President and exercise influence with respect to matters of concern to them within the entire executive branch. So would the new Secretary be expected, in the language of the bill, to exercise leadership at the direction of the President in coordinating Federal activities affecting housing and urban development.

CONCLUSION

Mr. President, I strongly urge the approval of this bill. Destiny—and our American resources and skills—have speeded our technical and urban growth. As a result we enjoy abundant blessings—and suffer some problems and difficulties.

Perhaps these very difficulties will prod us further to use our resources and skills to keep in step with the forces that have made us a great—and an urban—Nation.

Mr. President, the matter is now before us. Should we redesign the machinery of our Federal Government so that it will most effectively, efficiently, and economically do its work? Should we create the instrument we need in this time of great and rapid growth?

I feel we should.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as amended be treated as original text for the purpose of further amendment.

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

Mr. RIBICOFF. Mr. President, I yield the floor.

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. RIBICOFF. 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. SALTONSTALL. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Massachusetts [Mr. SALTONSTALL] proposes an amendment on page 4, line 8, after "activities;" it is proposed to insert the following: "upon the request of the Governor of any State, within sixty days of such request, hold an informal public hearing in any community of such State with respect to the manner in which any program of assistance to a State or local public body or agency administered by the Department is proposed to be, or is being, carried out in such community;".

Mr. SALTONSTALL. Mr. President, the purpose of my amendment is very simple. It involves a question of procedure.

Under the bill as presented by the distinguished Senator from Connecticut [Mr. RIBICOFF], the new Secretary would have to consult and cooperate with various State governments. However, that is as far as the provisions of the bill go.

My amendment proposes to go a little further than that and to state:

Upon the request of the Governor of any State, within 60 days of such request, hold an informal public hearing in any community of such State with respect to the manner in which any program of assistance to a State or local public body or agency administered by the Department is proposed to be, or is being, carried out in such community.

My amendment would permit the Governor of a State to request an informal public hearing in any community within his State regarding the way in which any program administered by this new Department is proposed to be or is being carried out in any such community. Such a hearing would have to be held within 60 days of a Governor's request so undue delay in the progress of any project would not occur.

I would not anticipate that a Governor would exercise his right to request a hearing very often. The majority might never do so. But the inclusion of this provision would give him an opportunity to request one whenever he felt the circumstances warranted it. This bill provides that the Secretary shall "consult and cooperate with State governments with respect to State programs for assisting communities in developing solutions to urban and metropolitan development problems and for encouraging effective regional cooperation in the planning and conduct of urban and metropolitan development programs and projects." It also provides that the Director of the Office of Urban Program Coordination shall consult with State, local, and regional officials and consider their recommendations with respect to programs affecting urban problems. These provisions are highly desirable because the States have a direct interest in the proper development and growth of the communities existing within them. We tend today to downgrade State government, and this, in my opinion, is harmful to us all.

My proposal would bring the Governors of our States somewhat deeper into the process of assisting in achieving coordination in the rapidly expanding urban development program. This is especially desirable at a time when the Federal Government, through the new Department of Housing and Urban Development and the local governments, through newly enlarged planning development agencies, are strengthening their machinery concerned with urban development. It is essential that our statehouses participate in the coordinating process, since rapid urban growth has resulted in development projects which increasingly have important impact across city and county lines.

The amendment would affect projects aided by the new Department, such as public facilities, public housing, and urban renewal projects, which assist State or local public bodies or agencies. It would thus not affect programs such as those of the Federal Housing Administration and the Federal National Mortgage Association.

You will note that the language of the amendment specifies an informal public hearing. It is not my intention to require a formal hearing conforming to the provisions of the Administrative Procedures Act, and that is why the word "informal" has been added.

The proposed Department would administer four or five different housing

bills. It would administer the bill which the President is expected to sign today. However, the Department would not cover all bills relating to housing or urban development.

I should like to go further than this amendment and give the Governor more power. However, to do that, we would have to change the law with respect to a number of rather extensive programs. It would be difficult for us to do that without extended hearings in great detail on each of the bills.

Therefore, I have filed the amendment in this way. I have discussed the amendment with the distinguished Senator from Connecticut. I hope that he will be able to accept the amendment in its present form.

All that the amendment would do would be to give the Governor an opportunity to initiate a public hearing. It provides an opportunity for our Governors to do more than participate in consultations, when he feels a project would benefit from further examination. He could insure an informal public hearing. The Department would receive benefit from that public hearing, and the Governor of the State would have the opportunity to present any objections, recommendations, changes, or amendments.

My amendment would give the people of a community and State the opportunity to discuss a subject before it is approved.

Mr. RIBICOFF. Mr. President, I have discussed the amendment with the distinguished Senator from Massachusetts, who, like myself, was the Governor of a great State, and, who realizes the problems that many States face.

There is no question that many of these programs in local communities become the subject of heated and deep controversy. I believe that the suggestion of the distinguished Senator from Massachusetts is sound.

This amendment would afford an opportunity to the Governor, when faced with the turmoil involved in a serious problem in any community, to allow the Federal officials who would be responsible for the program to come to the community, to hold a hearing, and to listen to both sides of the controversy.

I commend the Senator for formulating his amendment. On behalf of the committee, I accept the amendment offered by the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I thank the Senator from Connecticut.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. RIBICOFF. 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. SPARKMAN. Mr. President, I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. The Senator from Alabama proposes an amendment, on behalf of himself, Mr. MCCLELLAN, Mr. MUNDT, and Mr. TOWER, to S. 1599:

On page 5, after line 8, to insert the following new paragraph:

"There shall be in the Department a Federal Housing Administration headed by a Federal Housing Commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate. The Federal Housing Commissioner shall have such duties and powers as may be prescribed by the Secretary."

Mr. SPARKMAN. Mr. President, the amendment would add language to the bill to require that the new Department of Housing and Urban Development contain a Federal Housing Administration headed by a Federal Housing Commissioner appointed by the President. The Commissioner would have such duties and powers as prescribed by the Secretary of the new Department.

This is a very simple amendment with one purpose—to preserve the present name and functions of the Federal Housing Administration.

I have introduced this amendment because of my concern for the treatment of the Federal Housing Administration and possible harm to its programs over the years under the proposed language of the bill. For over 30 years, the Federal Housing Administration has been the backbone of our housing programs. Starting with a limited program to insure mortgages on individual homes, the FHA's responsibilities have gradually been broadened as this agency has demonstrated its ability to stimulate private mortgage investment in an ever-increasing range of housing activities. I am proud to have been chairman of the Housing Subcommittee of the Senate Banking and Currency Committee which has helped provide solutions to the housing problems of this Nation both urban and rural. Because of my experience on this committee, I am particularly aware of the importance of this agency's activities. I am gratified that this program has so proven itself that the Government Operations Committee could state in its report on S. 1599 on page 26, that "rarely, if ever, is a voice now heard to advocate the repeal of the Federal Government's basic programs of mortgage insurance for private housing." FHA has, indeed, so proven itself that the concepts of its operations can be said to be uniformly supported by all Members of Congress; although, we may at times be divided with respect to the details of certain of its programs.

I think it is equally important to recognize that industry has supported the Federal Housing Administration and its activities to an increasing extent over the years. In its earliest days, FHA's mortgage insurance was viewed with skepticism by many in the financial community. However, as the years have gone by, FHA through its sound management following actuarially defensible criteria has established itself with a wide range of investors and brought well over $90 billion worth of their money into the mortgage market. Even today new forms of investment such as our growing pension funds are just beginning to invest in volume in FHA insured mortgages. I cannot emphasize enough, with the increased need for housing facing us in the coming generations, how important it is to maintain this vital flow of private investment in home mortgages.

The Government Operations Committee has shown appropriate concern for this matter and on page 14 of the report urges the Secretary to utilize such programs as mortgage insurance to encourage and supplement private credit, recognizing the fact that the private market must continue to account for the great bulk of all housing and credit extensions. They go on further to say that this type of emphasis in the administration of the mortgage market programs of the department is essential not only to preserve and strengthen the ability of the free enterprise system to allocate resources efficiently, but also to avoid placing unnecessarily large burdens on other programs of the department.

The amendment I offer is designed to assist in encouraging and supplementing this private enterprise objective. The five organizations representing the major producers, servicers, and holders of both conventional and Government guaranteed and insured mortgages have all pleaded for an amendment to preserve the status of FHA. These organizations are: The U.S. Savings & Loan League; the American Bankers Association; the National Association of Mutual Savings Banks; the Mortgage Bankers Association of America; the Life Insurance Association of America.

Let me point out that none of these organizations has opposed the creation of a Department of Housing and Urban Development. All they have asked is that adequate recognition be given to the ability of private enterprise to contribute to our efforts and that the future of FHA, which has served so well, be assured by appropriate language in the bill and not be left to the discretion of present and future administrators.

During this year I think all of us have been aproached on numerous occasions by representatives of these groups expressing their concern for the future of FHA under this legislation. Various amendments to the legislation have been proposed and considered by the committee. One of these providing for an Assistant Secretary to administer private mortgage finance programs has been adopted by the committee. Another proposed by the Mortgage Bankers Association and other groups which would have transferred the Federal Housing Administration intact to the new Department vesting in the FHA Commissioner all duties and authorities accorded to him under the National Housing Act has been turned down by the committee. My amendment offers a compromise between these two positions. It has not, to my knowledge, been considered by the com-

mittee. Because I agree that proper language in the bill establishing the status of the Federal Housing Administration is necessary, I offer it here for consideration today.

Surely all of us are agreed that the important FHA mortgage insurance activities should be continued. Despite the fact that the bill before you makes no specific provision for the continuation of the FHA name or the office of an FHA Commissioner, we are advised that the Director of the Bureau of the Budget has written giving his impression that the Secretary would continue the basic mortgage insurance functions of FHA intact. A portion of his letter is quoted on page 9 of the committee report. Let me point out that this statement is not really meaningful for this bill deals only with organization and not with programs. Barring changes in the National Housing Act the Secretary would have no alternative but to continue these basic mortgage insurance functions. What we are concerned with is the administrative entity within the Department which will carry on these basic mortgage insurance functions. We are interested in seeing a coherent group of people working together in an environment attuned as much to private enterprise considerations as to the social evils that our programs are designated to correct. This has been the success of the FHA program which has made the FHA insured label on a loan like the word "sterling" on silver. When you deal with savings banks, insurance companies, pension funds, and others who hold in trust the savings of thousands of small people, you are not dealing with businessmen who rely solely on a Government guarantee. You are dealing with people who, because of their position of trust, must consider not only the value of that guarantee but the quality of the paper which it guarantees. I believe it is important that we provide language in this bill which makes it mandatory to continue a Federal Housing Administration and a Federal Housing Commissioner within the Department, so that no one in future administrations will feel that they can ignore the report language and rely on the vagueness of the legal language of the bill as it stands presently.

The Government Operations Committee in its report on page 8 indicates that it took a strong exception to the amendment proposed by the Mortgage Bankers Association on the basis that it would vest authority in a subordinate official independent from that of his superior. They state in their report that they consider it "patently self-contradictory to place ultimate legal authority in a subordinate official rather than the head of an agency." I want to point out that the amendment I propose would not do this. The language is specific in this amendment that the FHA Commissioner would have such duties and powers as may be prescribed by the Secretary.

In summary, I believe that my amendment overcomes the major objections which the committee had to the amendments proposed previously by the Mortgage Bankers Association and other industry groups, and at the same time translates into law the intentions for administrative organization which have been expressed by the Director of the Bureau of the Budget. It would give us lasting assurance that the FHA would continue to function as a coherent organization carrying on the mortgage insurance functions which we in the Housing Subcommittee feel are so important to the ultimate success of the achievement of our housing objectives. Let me also point out that in considering bills to create a Cabinet post in previous years both the Senate and House Government Operations adopted amendments similar to this for reasons similar to those I have given. I believe it would be entirely appropriate to do so again.

I believe it is a good amendment. It would not interfere with the operation of the new Department in the event it were established. At the same time we would preserve the integrity and the very heart of the whole housing construction program, which has, by and large, sustained the entire Federal program for housing and urban development.

FHA, with its companion organization, FNMA, are self-supporting Government institutions which have provided a tremendous housing program to this country, without costing the Government one cent.

All we seek to do is to preserve the integrity of the FHA organization within the new Department.

Mr. RIBICOFF. Mr. President, over the past month I have had considerable discussion on this question with the distinguished Senator from Alabama. I do not believe there is a person in the entire United States, let alone in Congress, who is as knowledgeable in the field of housing as the distinguished Senator from Alabama.

I was concerned, at one time, with vesting authority in the FHA Commissioner which would be separate and distinct from that of the Secretary.

I know from my own experience as Secretary of Health, Education, and Welfare that this is a situation that never should be allowed to prevail, because the Secretary should be the person with the final authority in any Department.

One of the defects in the organization of the present Housing Agency is that the Administrator has only the power of "general supervision and coordination" in connection with the activities of FHA and PHA.

The Commissioners of FHA and PHA each have independent statutory authority with respect to the operations of the organizations they head and the administration of the programs assigned to these organizations.

The bill transfers these authorities to the Secretary.

It is essential that the head of the Department have authority commensurate with his responsibility to Congress and the President under the bill for achieving the best administration of the principal programs of the Federal Government which provide assistance for housing and for the development of the Nation's urban and metropolitan areas; assisting the President in achieving maximum coordination of the various Federal activities which have a major effect upon urban, suburban, or metropolitan community development; encouraging the solution of problems of housing and of urban development through State, county, town, village, or other local and private action; and providing for full and appropriate consideration, at the national level, of the needs and interests of the Nation's urban and metropolitan areas and of the people who live and work in them.

In this connection, the first Hoover Commission recommended:

> Under the President, the heads of Departments must have full responsibility for the conduct of their Departments. There must be a clear line of authority reaching down through every step of the organization and no subordinate should have authority independent from that of his superior.

I am in full accord with this view and therefore opposed the original amendment which vested authority in the Housing Commissioner under the Secretary's supervision and direction.

What the Senator from Alabama has done in his amendment as it is now drafted is to definitely set out that the duties and powers of the Federal Housing Commissioner would be those which would be prescribed by the Secretary. He would have no independent authority over and above that of the Secretary. Therefore, the reason for my objection to the original amendment has been removed.

In behalf of the members of the committee I am pleased to accept the amendment of the Senator from Alabama and to take it to conference.

Mr. SPARKMAN. Mr. President, I am grateful to the Senator both for his comments regarding me, and for his willingness to take the amendment to conference. I believe it is a good amendment. It has been worked out in such a way that it will not interfere with the orderly operation of the Department.

I earnestly hope that the conference will agree to it.

Mr. MUNDT. Mr. President, I have associated myself as a cosponsor of this amendment. I have done so because I feel that the reasons behind such a proposal are logical and compelling.

From a functional analysis of the concept of Housing and Urban Development, it is clear that such a Department should include the Federal Housing Administration. This important agency has been the bulwark of the free enterprise system in its efforts to provide the private investment needed in the home mortgage field. It is presently responsible for over $90 billion of investment funds in the mortgage market. Such a sizable contribution has lightened the burden of other Government departments that also deal in housing programs. The FHA should and will continue to provide this needed source of revenue, but I think all of us will admit that the overall effectiveness and coordination of the housing program would be weakened if the FHA were not included in this proposed Department of Housing and Urban Development and all the horses would not be working in the same harness, so to speak.

Sponsors of this legislation have indicated that the Secretary would continue the basic mortgage insurance functions of FHA. I do not believe that we should leave such a basic decision, which includes the future of a tried and true organizational concept, to the whim of subsequent administrators. We want to insure not only the continuation of a function—mortgage insurance—but also that that function will continue to be handled by an agency which will rely upon private investment. This amendment will provide such insurance by closing a loophole in the proposed bill.

Mr. President, the adoption of this amendment will also retain in Congress some of the responsibilities for the housing programs. It will make the FHA Administrator answerable for the policies of that agency when he appears before us.

Why is this necessary? The reason is that there is every likelihood that the housing functions of this Department could be neglected in favor of other urban programs—many of which would reach giveaway proportions, if the dream of the promoters comes true.

The opening statement by the distinguished chairman of the subcommittee, Senator RIBICOFF, outlines some of the far-reaching authorities which this Department may demand in the future. While the sponsors of the bill piously disclaim that this bill will do nothing else than promote the Housing and Home Finance Agency to a Cabinet status, it is doubtful that anyone really believes this.

Senator RIBICOFF in his opening statement said, in outlining some of the problems of the cities:

> And there is no end in sight to the need for more schools, more highways, more hospitals, more sewerage and water facilities, and more and better programs to house our urban population and improve our communities.

He then went on to say:

> The pollution of water supplies and thousands of tons of smog a day continues to threaten our health and safety. Clogged city streets and inadequate transportation facilities continue to plague the shopper and commuter. Roadside slums, junkyards, and neon nightmares disgrace our civilization.

Now, if the promotion of the HHFA to Cabinet status will solve any of these problems, then Congress ought to know more about how it will be done. Surely it cannot be done under the present authority of that Agency—and no one proposes, now, to give it that authority. It can only be conjectured that the blueprint for expansion of that Agency's power has been drawn and quietly pigeonholed for later presentation.

I think our committee should have questioned the head of that Agency about such objectives. We should have asked the Administrator, who has been prominently mentioned as the first new Secretary of that Cabinet post, what he may want in the way of new authority, or what powers he feels he will have by sitting in a Cabinet chair that he does not now have. I do not understand why Mr. Weaver was passed over as a witness when he ought to be the one best authorities on the entire problem.

For these reasons, I feel that the trend toward pouring more money into the big cities for problems other than housing will accelerate. I fear that housing may fall by the wayside, that the functions of FHA may not be fully implemented, and, therefore, suggest the safeguard of this amendment.

In closing let me emphasize what has been mentioned by other sponsors of this amendment. We are heading into an era of greatly expanded housing needs. Literally thousands of low- and middle-income families will be building new homes. To construct such homes mortgage insurance will be needed. In the past the FHA, which has developed the confidence of the business community as represented by thousands of small investors in insurance companies and pension plans, has demonstrated that they can meet this need. Now is not the time to experiment with a concept, tamper with the organization of an agency, or provide an opening for the dilution of our housing resources.

Mr. TOWER. Mr. President, I support, as a cosponsor, the amendment offered by Senator SPARKMAN. One of the objectives in establishing the Department of Housing and Urban Development is to be the creation of an agency which would "encourage the maximum contributions by vigorous private home-building and mortgage lending industries to housing, urban development, and the national economy."

And Mr. President, I am convinced that the retention of the Federal Housing Administration as an administrative entity within the Department will indeed stimulate the maximum efforts of private enterprise in the field of housing.

The FHA has played an outstanding role in underwriting private mortgage investments since its inception in 1934. It can well be said that the FHA has been the backbone of our housing programs now for over 30 years, and its success has made the "FHA-insured" label on loans comparable to the word "sterling" on silver.

The FHA has demonstrated its ability to stimulate private mortgage investment in a variety of housing programs. The result has been the increasing support of industry. And, while viewed with skepticism by many in the financial community at its beginning, it has established itself through sound management with a wide range of investors, including insurance companies, mutual savings banks, and in recent years, pension funds.

Today, we have a plentiful supply of funds available for investment and a desire to see them invested within our country, rather than overseas. We should, therefore, do everything within our power to preserve the FHA as an effective means of channeling private funds into the housing market.

In addition to our need for domestic investments, our increasing need for housing in the coming generations compels us to maintain this vital flow of private investment in home mortgages. The private market must certainly continue to account for the great bulk of all housing and credit extensions.

The construction industry has been greatly stimulated by the existence of the FHA and itself hires many of our unskilled and semiskilled workers, providing them with opportunities for self-improvement through apprenticeship programs. Thus, we can see that the effects of FHA activities are indeed far-reaching.

Mr. President, it would indeed be foolhardy for us to tamper with the organization of an agency which has proved its ability to stimulate private investment in homes, apartments, elderly housing projects, nursing homes, and all of the other things which make up the FHA programs.

We must keep in mind that the FHA has served us well and that it operates without cost to the taxpayer, supporting itself entirely out of income from premiums and fees. It provides an effective device for channeling mortgage funds from "credit surplus" to "credit short" areas and serves a broad range of income groups.

In effect, the FHA has handled virtually the entire burden of housing problems of the past, and certainly should not be relegated to the status of a subordinate when it continues to provide a unique function necessary to the well-being of any broad housing program. And in order to perform this function in accordance with its past and present high standards, it is necessary that the FHA remain an administrative entity, although a working part of our new housing development program.

The many aspects of our economy affected by the FHA would suffer a tremendous blow if its efforts were diminished in any way. We cannot afford to let this happen. Our perspective must not be dulled by our concern with providing better housing for our needy. It must instead be sharpened if the problem is to be solved. Private enterprise has made great strides in the elimination of poverty in the past and should not be hindered in this pursuit in the future. The weakening of the FHA, in my opinion, would also weaken our private enterprise system and the subsequent benefits provided our economy as a whole.

Therefore, Mr. President, I urge the Senate concur in adopting this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. SPARKMAN].

The amendment was agreed to.

Mr. DOUGLAS. Mr. President, I am strongly in favor of S. 1599, a bill to establish a Department of Housing and Urban Development. I believe the Committee on Government Operations has done an excellent job in reviewing this important piece of legislation. The committee report, which recommends our favorable consideration of the bill, is a scholarly and objective examination of the basic issues involved in this proposal.

The idea of a Department of Urban Affairs is nothing new. As a matter of fact, it has been pending before the Congress for 10 years, the first proposal having been introduced in the 84th Congress.

Volumes of testimony have been taken, and it is fair to say that the proposal is one of the most thoroughly analyzed subjects of our day.

Perhaps it was inevitable for Congress to take its time on this matter, for the creation of a Cabinet-level department involves more than the reorganization of the executive branch or tidy administration. It is also a formal ratification of the Department's function and a recognition of its lasting importance. It is, in a real sense, the final stamp of legitimacy.

The history of our Cabinet departments parallels the history of our country. We have come a long way from the days of Washington's administration when the entire State Department consisted of Thomas Jefferson and four clerks. At that time, the Attorney General was actually a private attorney hired on a retainer basis for the sum of $1,500 per year.

Our early problems of internal improvement and westward expansion led to the establishment of the Department of the Interior in 1849. The millions of farmers who carved out their homesteads on our western plains were served by a Department of Agriculture which achieved Cabinet status in 1889. The rapid industrialization of our country and the rise of the labor movement saw the creation of the Departments of Commerce and Labor in 1913. And the efforts of the New Deal to help each citizen to participation in the abundance of American life led to the creation in 1953, during a Republican administration, of a Department of Health, Education, and Welfare.

Today, many of our most important and perplexing problems are associated with the growth of the American city. We have changed from a rural society to an urban society. Seven out of every 10 Americans live in urban areas; only 1 in 10 lives on a farm.

This rapid growth of the city has left in its wake a host of problems with which our communities are struggling. They include clearing slums and building decent housing for low-income families; reserving adequate space for parks and recreational areas in our overcrowded metropolitan centers; designing and building transportation systems which are the servants and not the masters of their customers; guiding and controlling urban sprawl in order to serve the needs of the entire community; investing in basic community facilities to meet the requirements of future growth; rebuilding and revitalizing our central cities; and keeping our rivers, our lakes, and the air free from pollution.

Cities, Mr. President, were built for people, to serve the needs of people. They are not a cancer upon civilization, but the very expression of our society. Much of our wealth, talent, and cultural achievements are located in our great urban centers. The health of our Nation can be measured by the health of our cities. If we permit our cities to decay—if we fail to preserve their vitality and diversity—if we fail to accord urban problems their proper recognition at the Federal level—our entire Nation will falter and decline.

And so I welcome the proposal to create a Department of Housing and Urban Development. What this bill does is to elevate the existing Housing and Home Finance Agency to Cabinet status. We are not enacting any new programs nor are we creating a new bureaucracy. We are not even transferring or consolidating urban related programs in a single agency, although this certainly deserves further examination.

We are, instead, merely changing the name of the Housing and Home Finance Agency and raising it to Cabinet status. This is the Agency which has insured home mortgages for millions of American families through the FHA; it has helped thousands of impoverished families to obtain a decent place to live through the public housing program; and it is helping hundreds of cities and towns to make their communities better places in which to live.

The fact of Cabinet status, however, will do much to rededicate our efforts to help the American city solve its problems. It reaffirms our desire to continue our housing and urban programs. It increases the degree of importance we attach to urban affairs. It provides a long delayed recognition that the priority accorded urban problems is on a par with the other programs conducted by our established departments of Government.

I believe the time has come, Mr. President, to ratify the 20th century. I believe it is time we had a Department of Housing and Urban Development. This bill has my unqualified support and I commend it to all my colleagues.

Mr. MONDALE. Mr. President, the Senate is now considering a bill to create a Cabinet-level Department of Housing and Urban Development. Despite its title, this new Department is not simply for our large metropolitan cities alone. It is also of major importance to our fast-growing suburban areas and to the smaller cities of America.

The new Department of Housing and Urban Development will bring together under one roof existing agencies dealing with urban problems, for example, the Community Facilities Administration, the Federal Housing Adimnistration, and the Urban Renewal Administration. Streamlining the needlessly complex bureaucratic structure that presently exists will eliminate much waste, confusion, and inefficiency. And it will coordinate and improve the existing programs, bringing us out of the administrative horse-and-buggy age into the space age. Bringing these agencies together under one roof and giving the new agency high-level Cabinet status will allow us to focus our energies and efforts on the growing problems of urban and suburban life.

Beyond this advantage, the Department will be required to provide technical assistance and information, including a clearinghouse service, to aid non-Federal agencies in developing solutions to local urban growth problems. In addition, the Department will undertake to encourage State and local agencies to discuss and formulate comprehensive planning for the needs of their areas so that the problems of growth and decay can be discussed and met with full participation of those from the cities and the suburbs.

When our U.S. Constitution was adopted only 5 percent of our people lived in urban areas. Today 70 percent of us live in urban and suburban areas and within 35 years both the geographical size and the populations of our urban and suburban areas will double.

In the Twin Cities area, for example, nearly three-fourths of the people lived within the Minneapolis and St. Paul City limits in 1950. Today the population of the two cities remains constant, but the population of the suburban areas has nearly doubled.

And with the trend of population in Minnesota from rural to urban—from 66 percent rural in 1900 to less than 38 percent today—the problems of Minnesota urban and suburban areas have doubled and tripled.

Our cities are showing natural signs of old age, while our suburbs suffer from sprawling growth and boisterous expansion. Anoka County, once predominantly farm country but today a major Twin Cities suburban area, had a population increase of nearly 142 percent between 1950 and 1960. And it is still growing.

These booms create problems. And our local areas are hard pressed for the funds to meet the rising costs of providing such necessary municipal and local services as clean water, efficient sewage disposal, schools, roads and streets, snow removal, and police and fire protection. Local tax rates across the Nation this year are running about 140 percent higher than just 15 years ago. The same is true of State taxes.

These overwhelming pressures upon our urban areas are real and dangerous. Central cities have rundown and deteriorating housing and buildings—some lack plumbing, running water, and are substandard. Our suburbs across the Nation are consuming 1 million acres of new land each year, mushrooming beyond belief. They will soon be needing 2 million new homes a year, schools for 10 million additional children each year, transportation facilities for the daily movement of 200 million people and more than 80 million automobiles.

These needs are obvious and real. And they can only be met if State, local, private, and Federal initiative all combine in an intensive, concerted effort to solve these problems. The magnitude and complexity of these problems is so great that a fragmented and piecemeal approach will no longer be sufficient if the Federal Government is to be an equal partner with States, cities, and private groups in meeting these needs.

Many years ago we created a Department of Agriculture to deal with rural affairs. Today there is the same need to create a department to deal with urban affairs. Thus, I am most happy to be able to vote for a bill which will allow the Federal Government to fully and effectively meet its responsibilities in this area in partnership with our States and cities and suburbs.

Mr. KENNEDY of Massachusetts. Mr. President, the most remarkable thing about this piece of legislation, establishing in our executive branch a Cabinet-level Department of Housing and Urban Development, is that it is still pending legislation. Every Congress since the 84th has included a similar proposal. President Kennedy in 1961 sent Congress draft legislation on this subject, and reiterated its importance in messages to Congress in 1962 and 1963. And President Johnson both in 1964 and in March of this year reemphasized to Congress the need for such an establishment.

Each time the issue has come before us the case has been made and, I think, persuasively so, in favor of enactment. And, each time that we have hesitated, in my judgment, we have failed in our responsibilities to the 135 million Americans who live in urban America. We can ill afford to procrastinate any longer.

So much has been said and written in the last few years about the crisis of our cities that it would serve no good purpose for me to belabor what must be by now obvious to all of us.

The facts can be simply stated. Ours is an increasingly urban Nation expanding at an explosive rate. This massive expansion in urban population coupled with the problems created by an unplanned but rapidly advancing technology are placing enormous pressure on our cities, towns, counties, and States. There is an unending need for more and better facilities—schools, highways, hospitals, sewerage systems, reservoirs, and more and better planning programs for housing and community development.

The end objective of all these urban programs remains as Congress declared it in 1949:

> A decent home and a suitable living environment for every American family.

But our time is running out. This objective seems more distant today than when it was first proclaimed some 16 years ago. Unplanned growth and decay are outstripping our efforts at orderly planning and renewal. Our cities and local and State governments lack both the resources and often the jurisdictional authority to devise adequate solutions to this array of uniquely 20th century problems. The cost of local services often outstrip the capacity of the local taxpayers to support them, and metropolitan Boston provides a good illustration of how political jurisdictional limitations prevent areawide solutions. Although the Metropolitan Boston area includes more than 80 independent governments, the entire eastern part of the State from Newburyport to Worcester to New Bedford is really a single independent regional unit. The same could be said for virtually every other urban complex in our country. Yet these complexes lack the jurisdictional authority necessary to coordinate their planning.

The entry of the Federal Government into this area was thus inevitable. But Federal assistance efforts have been piecemeal and sporadic. Since the Housing and Home Finance Agency was created 18 years ago to coordinate FHA mortgage insurance programs and Federal aid to local public low-income housing projects, more than 40 Federal programs have been established—many widely different in techniques and subject matter—to deal with various facets of community development. Unfortunately the value of these programs has been substantially diminished by the lack of coordination among them.

During my service as a Senator, I have seen the difficulties which arise out of separate administration of these diverse programs. Time and again, mayors and officials of cities and towns in Massachusetts have come to Washington with comprehensive plans for their communities. These plans may involve urban renewal, slum clearance, housing, and other matters, but they are all part of one coordinated plan of community development. These officials find when they bring their unified plans to Washington they must apply at six or seven separate agencies, they must make separate applications and wait for separate decisions.

The end result of this fragmentation is an enormous waste of time and effort both on their part and on that of the Federal Government. But our urban problems are too serious to afford such waste.

Communities must be able to find in the Federal Government a central clearinghouse which can provide technical assistance and information and coordinate Federal assistance and planning of community development activities. Such a clearinghouse will make it possible, for the first time, for communities to be made aware of all the existing Federal aid programs available to them in their planning. A central urban Department will provide the encouragement and the incentive for each of our metropolitan areas to develop their own comprehensive development plans and such a Department would be equipped to conduct extensive creative studies in search of better urban programs.

Finally, and of most importance, giving this Department Cabinet-level status will make possible a three-pronged attack on urban problems. By placing in the highest council of the Federal Government a spokesman for the Nation's urban interest, we highlight what has been apparent for many years—that the measure of success of our American civilization will be a function of our capacity to create an urban life of high quality for our citizens.

At the same time, we make it possible for urban planning and development to be coordinated with the programs of other Cabinet departments which bear on the future of our cities.

Finally, and contrary to the views voiced by opponents of this legislation, I believe the creation of a Cabinet-level Department will strengthen, not weaken, the partnership between Federal Government and the States and cities.

As the report of the Committee on Governmental Operations explained:

> The establishment of the Department does not in any way connote any bypassing or reduction of the constitutional powers and responsibilities of the States under our Federal system of Government.

Indeed, it is my view that the effect of the establishment of the Department will be to stress the importance of urban development at all levels of government, thereby increasing the status of such Department at the State level and thereby increasing the degree of coordination possible at all levels.

It is for that reason that I applaud the committee's initiative in adopting an amendment to the bill expressly providing for cooperation between the new Secretary and the State governments. It may well be that these considerations will provide an important impetus to the development of the regional planning which many of us here in the Senate consider so vital to the future.

Similarly, those of us in the Senate representing States in the northeast corridor alone will be involved with the mass transit of 15 million people in an area covering less than 2 percent of our country. To accommodate these future needs we must be planning now and coordinating and integrating such transportation plans into an overall program for urban development.

I do not wish to be misunderstood. I am not suggesting that the mere creation of a Cabinet-level Department is the answer to all the problems associated with urbanization. Solutions to these problems will require all the leadership, patience, intelligence, and imagination of which we are capable. But the creation of such a department is most assuredly a move forward in the right direction.

More than a century ago, the Department of Agriculture was created to deal with the problems of rural America, and faced with the new frontier of the West, the Department of Interior was established to channel our territorial expansion in a constructive and equitable manner. Today, urban America is our new frontier and the time has long since passed when we can afford to ignore that basic fact.

We should pass this legislation without further delay.

A DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IS NEEDED

Mr. GRUENING. Mr. President, the bill we are considering today would create a new and needed Department of Housing and Urban Development. I support S. 1599 and believe its enactment will help the Nation develop a workable program under which our urban communities and metropolitan areas can be modernized and properly planned.

We know that the need exists for such a department. The vast majority of our citizens live in urban areas, and in the decades ahead we may expect the problems of these areas to increase.

The Committee on Government Operations, of which I am a member, considered S. 1599 carefully. The able chairman of the Subcommittee on Executive Reorganization [Mr. RIBICOFF] knows first hand the difficulties encountered in the heavily populated areas of the urbanized Atlantic seaboard.

But the headaches of urbanized living are not confined to the eastern sector of our vast Nation. We are an urban Na-

tion. More than two-thirds of our population today, more than 130 million Americans, live in urban areas which cross city, county, and State lines. Urban sprawl is not the exclusive possession of one community. East coast Americans in increasing numbers live nearly house to house, door to door from north of Boston as far south as Norfolk.

In the West, a similar sort of megalopolis covers much of the Pacific coast in the State of California.

In his eloquent message on the cities which President Johnson sent to the Congress on March 2, the President said that the modern city can be the most ruthless enemy of the good life, or it can be its servant.

The choice is ours. I believe we will make the proper choice and give our approval to S. 1599.

In his message on the cities the President said:

> In the remainder of this century—in less than 40 years—urban population will double, city land will double and we will have to build in our cities as much as all that we have built since the first colonist arrived on these shores. It is as if we had 40 years to rebuild the entire urban United States.

Our need is acute. The challenge we face is enormous, but I am convinced that we can meet it and meet it we must.

For far too long we have talked about meeting the needs of our urbanized areas.

In 1962 on February 20 I spoke in favor of the President's Reorganization Plan No. 1 of 1962 which proposed the creation of a department similar to the one we are discussing today. At that time I said:

> Commuters from Connecticut and New Jersey work in New York City offices. Their homes in urban areas are not in New York State. Similar conditions prevail as Philadelphia secretaries often live in nearby New Jersey, or as Chicago businessmen return home in the evening to their houses on the outskirts of Hammond, Ind.

These conditions exist today—3 years later. They have not changed, indeed, they have become aggravated because our population has not remained stable. The 184 million persons comprising our population have grown to more than 192 million.

We need to coordinate the services we have which can help communities plan to meet their growing needs. We need to make our Federal aids more manageable and we must let the communities know these aids exist and are obtainable, not bound in meaningless redtape.

Report No. 536 which accompanies S. 1599 contains a finding by the Congress that the establishment of a Department of Housing and Urban Development is desirable in order to—

> Achieve the best administration of the principal Federal programs which provide assistance for housing and for the development of our communities;
>
> Assist the President in achieving maximum coordination of the various Federal activities which have a major effect on urban or surburban development;
>
> Encourage the solution of problems of housing and urban development through intergovernmental cooperation at the State, regional, and local level and through private action; and
>
> Provide for full and appropriate consideration at the national level of the needs of the Nation's communities and their inhabitants.

The needs of the Nation anticipated in the less than 4 decades before we arrive at the year 2000 A.D. include new schools, new homes, and new roads, new sewers, new transportation systems, to name but a few. We can start down the road to meet these needs by approving S. 1599.

A Department of Housing and Urban Development would benefit Alaska. Farming there, thus far, has been limited so our rural population is sparse. Hence, the division between urban and rural scarcely exists in Alaska, though many communities are small, being only villages. Between them are vast, uninhabited spaces of national forest or public domain. Suburban areas have mushroomed near the larger cities along such highways as lead out from them.

Our League of Alaskan Cities endorsed the concept of uniting the programs for the urban areas some time ago because its able staff knows the value of such a department to our fast growing cities.

The legislation came up 3 years ago and was defeated by a small margin. But the problem that it aims to remedy has grown as has the public consciousness thereof. If more were needed to insure passage of this needed and overdue legislation it is supplied by President Johnson's dynamic leadership.

Mr. KENNEDY of New York. Mr. President, I hope the Senate will vote to approve the creation of a Department of Housing and Urban Development.

It is important to view this legislation not as an end in itself, but as a beginning. Cabinet-level status for all of the housing, urban renewal, and mass transportation planning functions of the Housing and Home Finance Agency is, of course, long overdue. Over 70 percent of our population now lives in urban areas. The Federal programs which affect the growth and decay of the environments of 135 million Americans deserve the added stature that Cabinet-level administration will give to them.

But S. 1599 offers more than that. It offers a hope for the development of coordination among all of the departments and agencies of the Federal Government which administer programs that relate to the urban development process. It specifically contemplates that the Secretary of Housing and Urban Development and his subordinates will play a part in coordinating the urban affairs of the entire Government. Full coordination will not be achieved immediately and automatically, but the bill does point the way. It makes clear that the Secretary of Housing and Urban Development is to be the President's sensory apparatus for all Federal programs which affect community development. And the committee report charges the new Secretary with a duty to engage in continuing evaluation of the relationship between the programs he administers and the complementary or overlapping programs that are administered elsewhere in the Government. The report further suggests the adoption of procedures and regulations to take account of these crossovers, so that a formal organization for coordination can be developed. This effort will take time, but at least we are now creating the mechanism for beginning it.

S. 1599 offers a starting point for at least four different kinds of coordination:

First. Coordination within the Federal Government as to broad policy aims in regard to community development.

Second. Coordination within the Federal Government in the administration of specific programs relating to community development.

Third. Coordination of Federal, State, and local efforts affecting community development.

Fourth. Coordination at all levels, particularly at the local level, in the planning of particular projects.

The bill is a starting point in another major aspect. It directs a continuing study of urban development programs throughout the Government, with a view to possible broadening of the mission of the new Department. Of course, it is not possible to bring every Federal program which affects the urban development process into this Department—the new Department would soon swallow up the rest of the Government if that were contemplated. Nevertheless, there are undoubtedly other programs which should be in the new Department, and the bill takes that possibility into account.

I want to compliment the Senator from Connecticut [Mr. RIBICOFF] on the able way in which he handled this matter in committee. I served under his chairmanship on the subcommittee which considered the bill, and I, therefore, had the opportunity to observe the manner in which he patiently resolved conflicting views and kept the bill on the track. The end result, in my judgment, is an improved bill, one which will be a major step forward in the Federal Government's way of dealing with urban problems.

I urge the Senate to pass this important measure.

Mr. RIBICOFF. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed with the distinguished minority leader, the Senator in charge of the bill, and other interested Senators, the possibility of a unanimous-consent agreement which I am about to propound.

Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow, there be a time allocation of 1 hour on each amendment, the time to be divided between the proponent of the amendment and the distinguished Senator from Connecticut [Mr. RIBICOFF],

the Senator in charge of the bill, and 1 hour on the bill.

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

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective after the prayer on Wednesday, August 11, 1965, during the further consideration of the bill S. 1599, to establish a Department of Housing and Urban Development, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Connecticut [Mr. RIBICOFF]: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

ORDER FOR RECESS UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is anticipated that later today the Senate will proceed to the consideration of the proposed amendment of the Atomic Energy Act of 1954; and shortly thereafter the Peace Corps conference report.

Following the conclusion of the consideration of the pending bill tomorow, the military pay bill will be made the pending business. We hope to dispose of that bill tomorrow as well.

DESIGNATION OF THE PERIOD FROM AUGUST 31 THROUGH SEPTEMBER 6 IN 1965 AS "NATIONAL AMERICAN LEGION BASEBALL WEEK"

Mr. MUNDT. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Senate Joint Resolution 100, which has now been reported to the Senate.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 100) to provide for the designation of the period from August 31 through September 6 in 1965 as "National American Legion Baseball Week."

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

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, the joint resolution is a well-deserved tribute to the State of South Dakota and to the city of Aberdeen, which has been a hotbed of American Legion baseball.

It is also a tribute to the sagacity, the perseverance, and the determination of the distinguished senior Senator from South Dakota, as well as the fulfillment of a promise kept by the distinguished Senator from Illinois [Mr. DIRKSEN], chairman of the Subcommittee of the Committee on the Judiciary, which reported the measure. The Senator from Illinois is a man who is known throughout the Nation for keeping his word, which he has just done again.

Mr. DIRKSEN. I thank the Senator.

Mr. MUNDT. I, too, thank the majority leader; and I may add that it is also a promise concurred in by our distinguished majority leader. No Senator could feel better and more reassured than one who had received the promise of the majority leader and the minority leader.

So while Senate Joint Resolution 66 was played in extra innings in an overtime game, I was never concerned about the final outcome. I am sure that the Senate will now approve Senate Joint Resolution 100, the successor joint resolution, which contains identically the same language as the original Senate Joint Resolution 66.

The purpose of the joint resolution is to authorize and request the President of the United States to issue a proclamation designating the period from August 31 through September 6, 1965, as "National American Legion Baseball Week." I think it is altogether fitting and proper that we do so, and I hope the Senate will join with me in giving deserved recognition to an event that is the culmination of a worthy program by the American Legion, for during that period the annual American Legion world series will be held in Aberdeen, S. Dak.

It was 40 years ago that a nationwide organization of American Legion junior baseball was first proposed as a program of service to the youth of America at the annual department convention of the American Legion held in Milbank, S. Dak. Today a monument commemorating the birthplace of this meritorious program stands in the city of Milbank.

As a result of this proposal the American Legion did provide such a service, and that service has in turn provided a fortunate Nation with the twin blessings of entertainment and worthwhile activity.

From this suggestion of the Legionnaires of South Dakota, a program has evolved that must take its place among the leaders for providing an opportunity for the youth of our Nation to acquire physical fitness, to develop personal responsibility and good citizenship, and to learn the value of teamwork and mutual cooperation. Since its inception more than 15 million youths of 18 years of age and under have participated in this worthy endeavor, and in so doing have been exposed to those elements of our national heritage which we all value and for which the American Legion has stood throughout the years.

In this regard I am reminded of a quote from a great American, the late General of the Army, Douglas MacArthur, on the value of athletics to the preservation of our Nation's freedom:

> Upon the fields of friendly strife are sown the seeds that upon other fields, in other days, will bear the fruits of victory.

In citing this, I do not think I am being remiss in mentioning the strictly baseball aspect of this program second, for in the context of today's world the values that I have just listed—fitness, responsibility, citizenship, cooperation—have taken on added significance. We hear much about the degeneration of the physical fitness of present day teenagers, a fact that is demonstrated by the report that one-third of our Nation's youth fail to pass military physical fitness tests. We have, in fact, inaugurated a national program to try and uplift the overall standards. We hear much about the increase in juvenile delinquency. We have, in fact, conducted studies to see if there in some way to solve this perplexing issue. While we struggle with these problems and belatedly admit they exist, here is an organization with a program that for 40 years has provided us with the tools to combat them and which today stands ready to continue its efforts in this field. Where we would be without the work that the American Legion has accomplished in this area is hard to determine, but we would undoubtedly face problems of greater magnitude than we do today. Without their assistance in the future, assistance that is volunteered by many at the expense of personal sacrifice, we would be faced with an even larger chore.

For this reason alone, I believe the Nation owes a public debt of gratitude—gratitude that could be manifested by the passage of this resolution honoring their efforts.

And yet, it is the game of baseball itself which will remain most closely associated with the American Legion Junior League program, and this is understandable for baseball has been accurately called the national pastime.

Who among us has not been caught up in the excitement of this sport that is native to our shores? Since its invention by Abner Doubleday it has occupied millions of Americans, either as participants or spectators. Indeed, the feeling of Americans toward this game is perhaps best summed up by Robert Smith in his book "Baseball," when he said:

> There are several million people in the country who will take baseball seriously as long as they are alive. There are men just past their youth who will brood for days over a sudden disappearance of their ability to bend quickly for a ground ball, meet a pitch squarely with the bat, or beat a slow throw to first base. There are girls, boys, women, and men who will abandon food, work, study, or play to hear how the local baseball team has done.
>
> And there are hundreds of thousands of Americans who count few things sweeter than to climb high in a baseball park, in

the gentle sun, to smell the baking dry wood of the bleachers; to hear close at hand the inimitable ringing clack when a bat meets a thrown ball with perfect timing and sends it true as a gunshot into the close-clipped field, to observe the ineffable grace with which an infielder moves from his position, scoops a swiftly bounding ball into his glove, cocks his arm, and slings the ball in a sizzling low arc across to the base; or to approve the magic agility with which an outfielder, traveling in the same direction as the ball, clutches the flying sphere and pulls it down like a trapped bird to make the out.

Here, for a little more than an hour, a man can forget the dread march of the months and be as young again as when he first stepped trembling into the batter's box or first made a frightened grab at an angry spinning ball and held it tight.

The American Legion baseball program has proven to be the chief ingredient in keeping this wonderful sport flourishing. It has provided entertainment for millions of local fans who follow their local teams and it has been the springboard to success for hundreds of major leaguers. Proof of this, I believe, is the caliber of ballplayer that is represented on the rolls of the American Legion Baseball Graduate of the Year, an award that was inaugurated in 1957. Included among the names are Warren Spahn, Bobby Richardson, Stan Musial, Ted Williams, and Brooks Robinson. When you include such recent stars as these with the giants of the past who were also graduates of this program, men such as Bob Feller, Kirby Higbe, Phil Cavaretta, et cetera, you have a veritable hall of fame all in itself.

If there is one clinching argument for the worthiness of this program, I believe it comes from the young men who participate themselves. Indicative of their feelings are these words of Richard Dash, of the Long Beach, Calif., 1963 team champions, voted the Legion's outstanding player of that year, who said:

This summer, the American Legion afforded over a quarter of a million boys invaluable lessons in sportsmanship, character development, and Americanism. * * * I was impressed with the cordial reception given to all members of every team by the fans, and the friendly relationship among all the players without discrimination. This attitude, I feel, is true Americanism.

Now the sponsors of this program have voted to bring it to South Dakota, the land of its birth, on this, its 40th anniversary. It is an event all South Dakotans look forward to with eager anticipation. It will be an event that all Americans will look backward at with justifiable pride. The State of South Dakota stands ready to roll out the red carpet and exhibit the hospitality for which we are so famous.

Spearheading the arrangements will be the Sidney L. Smith Post No. 24 of the American Legion which will act as the sponsor for this series. They are leaving no stones unturned in their efforts to make this homecoming of the American Legion Junior League program the best in the history of the series. Blessed with as fine a baseball park as you will find in the Midwest and possessing an inherent love for the game, the people of Aberdeen have responded magnificently to the challenge of playing host to the Nation's finest Legion baseball teams and their fans. Legion officials from the national headquarters have indicated their amazement with the rapid progress the city has displayed in setting up the organization for this gigantic spectacle.

While this will be the first national finals tournament ever played in South Dakota, Aberdeen has a long and successful history of tournament baseball sponsorship. The Hub City staged its first national level tournament in 1946, hosting a three-team sectional. In 1949, 1951, and 1953 they held regional tournaments and in 1962 hosted the South Dakota State tournament which set all-time high records in gate receipts and attendance for a 3-day State Legion tournament anywhere in the Nation.

It is fitting that the Sidney L. Smith Post No. 24 was chosen for the honor of sponsoring this event not only for its proximity to Milbank but also because they have been among the pacesetters in participating in the Legion program.

Over the years it has sponsored youth baseball far beyond the one-team limit of the national program. It had seven sandlot teams back in 1925 when the national program was conceived. By 1936, the Post was sponsoring 16 teams in local competition, with 1 certified for the national competition, and about 250 boys in the local program. Now, in 1965, Aberdeen Post 24, located in a city of only 25,000, has 1,400 boys playing sponsored ball. The team that is certified for national competition, the "Smitties," has carried the State's banner into regional play on numerous occasions and several times have advanced to national competition.

Mr. President, although we South Dakotans are proud of the fact that we were the founders of American Legion baseball and that its anniversary will be celebrated in our State this year, we are even more proud of the fact that the program has grown to be a nationwide event. We feel, and I am sure Senators will agree, that Junion Legion Baseball Week should be a national event. It will be a fitting tribute to the thousands of Legionnaires throughout America, who year in and year out, devote much time, leadership, and hard work to raise funds to field Legion teams and to provide the supervision that has accomplished the character-building qualities so notable in this most worthwhile program. It will be a fitting tribute to the young men who throughout the years have provided the thrills that make this game the great game that it is. It will be a fitting tribute to a national institution.

I, therefore, urge the adoption of this resolution.

I ask unanimous consent that an article entitled, "Legion Baseball Finals Set for Aberdeen, S. Dak., August 31," published in the August 1965 issue of News of the American Legion, be printed at this point in the RECORD.

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

LEGION BASEBALL FINALS SET FOR ABERDEEN, S. DAK., AUGUST 31

(NOTE.—Tourney returns to State where national program began 40 years ago; Post 24 in Aberdeen plays host, posted $18,500 guarantee in May; History of program over four decades reviewed.)

The American Legion's national youth baseball program marks its 40th anniversary this year. Appropriately, the national finals will be held in the State where it began—South Dakota. The eighth regional champions, survivors of thousands of teams in local tourneys, will compete for the national championship in Aberdeen, S. Dak., between August 31 and September 6, with Aberdeen's Sidney L. Smith, Post 24, as sponsor.

It was in Milbank, S. Dak., in 1925, that three men in particular started the wheels rolling to create the national program. American Legion posts all over the State had been sponsoring sandlot baseball teams for boys on their own. The training in teamwork that they'd been able to impart, and the gratitude of the youngsters and their parents and fellow townsmen toward South Dakota's Legion posts for their volunteer youth leadership, had convinced Deputy Commander Frank McCormick that the Legion should get out of the hit-or-miss sandlot stage and create an official youth baseball program. (This was long before Little Leagues, Babe Ruth Leagues, etc.) Maj. John L. Griffith felt the same. Major Griffith was a commissioner of the Western college athletic conference (Big Ten) and a vice president of the National Collegiate Athletic Association.

McCormick brought Major Griffith to the 1925 State Legion Convention, held in Milbank, S. Dak. Speaking with the authority of a national leader in athletics, Griffith urged the convention to approve a Legion-sponsored boys baseball program. Frank Sieh, of Aberdeen (where this year's tournament will be held), drafted a resolution to create such a program. The South Dakota convention adopted it, and Sieh, as a member of the Legion's National Americanism Commission, then shepherded the resolution through the National Convention of that year.

Major Griffith has since died, but both McCormick and Sieh will attend this year's tournament to view the climax of the 40th anniversay edition of their brainchild.

In the town of Milbank, where the 1925 Department convention was held, a monument was put up by Birch-Miller Post No. 9, bearing the following inscription: "In this city on July 17, 1925, by action of the South Dakota Department of the American Legion, the nationwide organization of Legion Junior Baseball was first proposed as a program of service to the youth of America." Milbank and its monument are situated on a major highway within an hour's drive of Aberdeen.

Aberdeen's Post No. 24 well merited sponsorship of the 40th anniversary little world series. Over the years it has sponsored youth baseball far beyond the one-team limit of the national program. It had seven sandlot teams back in 1925 when the national program was conceived. By 1936, the post was sponsoring 16 teams in local competition, with 1 certified for the national competition, and about 250 boys in the local program. The following year it had 460 boys organized. Now, in 1965, Aberdeen Post No. 24 has 1,400 boys playing sponsored ball, with 1 team, the "Smitties," certified for national competition.

The post's current Legion baseball program shows the following statistics: 14 paid supervisors; a 7-man athletic committee that operates the program; a budget of $12,000 made up of a $3,000 contribution from the city of Aberdeen; $3,800 from the Aberdeen Community Chest, and the balance made up by the post; and 51 uniformed teams playing a regular schedule.

In 1961 Post No. 24 received a national citation from the National Recreation

Association for its work with the youth of the community.

The post is also well qualified to host the national tournament. It ran a sectional tournament in 1946, regional tournaments in 1949 and 1953, and the South Dakota State tournament in 1962 which set all-time high records in gate receipts and attendance for a 3-day State Legion tournament anywhere in the Nation. It was awarded another regional tourney in 1950, but lost it when the ball park's grandstand burned down.

Having been awarded the 1965 national finals 2 years ago, the members of Post 24 went to work to make it a success with great energy. Four months before tourney time its general baseball chairman, Ed Ridgway, handed over a check to the national organization for the minimum guarantee of $18,500.

California teams have won the national Legion championship 10 times and have been runnerup 4 times in the 38 national tournaments. Upland, Calif., post No. 73 won last year in Little Rock, Ark., and Long Beach, Calif., post No. 27 won in Keene, N.H., in 1963.

In 1926, the first year of national Legion baseball, only 15 States were represented. Insufficient funds washed out the competition the following year—the national convention was being held in Paris. There was, however, enthusiasm in the department competitions.

In 1928, the director of the Legion's National Americanism Commission, Dan Sowers, presented the Legion's story to the executive council of major league baseball, which agreed to underwrite the Legion's program to the extent of $50,000 a year. Except for 2 years, the major leagues have since supported Legion baseball. They presently underwrite the national program up to $60,000.

The 1929 season founded every State in the Union in the competition, and the National Broadcasting Co. broadcast the finals nationwide.

In 1931 there appeared in Legion championship play a player who was to become a top leaguer. Kirby Higbe pitched a 14-inning final game for Columbia, S.C., and lost it, 1-0. Ten years later he was the National League's top pitcher. Then came Phil Cavaretta of Chicago, "Crash" Davis and Buddy Lewis of Gastonia, N.C., Howie Pollet of New Orleans, Jim Hegan of East Lynn, Mass., Herman Wehmeier of Cincinnati, and J. W. Porter of Oakland, Calif. Except for Pollet, each played for a Legion national championship team. Presently, about half of the players in the major leagues formerly played Legion baseball.

In 1938 the finals were broadcast over more than 3,000 radio stations, bringing the series to every part of the country. That year, major league umpires were used for the first time.

By 1941 American Legion baseball had become a way of life for many young Americans. The program was restricted in the World War II years, but thereafter it grew. In 1949 the selection of an "American Legion Player of the Year" was originated, with the cooperation of Robert Quinn, then director of the National Baseball Hall of Fame at Cooperstown, N.Y.

Each year at the conclusion of the Little World Series several awards are given. Cups and pennants go to the champion team and the runner-up. The batting champion of the finals and regionals is recognized. A player is chosen for the James F. Daniel, Jr., Memorial Sportsmanship Award. And the American Legion Player of the Year is selected and given an award. His photo is enshrined in the Baseball Hall of Fame at Cooperstown, and he is a guest of honor at the hall of fame game played at Cooperstown the following year.

What do the young men think of Legion baseball? Richard Dash, of the Long Beach, Calif., 1963 team champions, voted the Legion's outstanding player of that year said: "This summer, the American Legion afforded over a quarter of a million boys invaluable lessons in sportsmanship, character development, and Americanism. * * * I was impressed with the cordial reception given to all members of every team by the fans, and the friendly relationship among all the players without discrimination. This attitude, I feel, is true Americanism."

The young competitors who will play at Aberdeen in the finals starting August 31 are the survivors of a starting field of almost a quarter of a million Legion players. The 18-and-under athletes and their coaches and managers will be housed in Kramer Hall at Northern State College, a modern dormitory about 50 yards from the ball park. The teams will eat at the college cafeteria.

The 14 or 15 games of the finals will be played in Aberdeen Municipal Ball Park, normally inhabited by the Aberdeen Pheasants of the Northern League, a professional farm team of the major league Baltimore Orioles. The ball park is, according to E. W. Ridgway, Post 24's general baseball chairman, one of the best lighted fields in the Midwest and seats about 7,000. Ridgway, a former Legion player and past department vice commander, has shouldered the bulk of the promotion for these finals for the past 3 years.

Advance ticket sales are over $8,200, while more than $11,000 worth of advertising has been sold for the souvenir program. Local newspapers, radio and TV are promoting the finals.

A series book of tickets in the covered grandstand, which seats 1,836, will sell for $12.50. All grandstand seats are reserved. A series book of tickets for the unreserved bleachers will sell for $10. Mail orders may be sent to: American Legion Baseball Committee, Post Office Box 1328, Aberdeen, S. Dak. Tickets may be bought in person at the Veterans Memorial Building, Aberdeen.

Senators KARL MUNDT and GEORGE MCGOVERN and Gov. Nils Boe say they will attend the pretourney banquet (open to the public) to be held August 30 in the Aberdeen Civic Arena, which seats 1,500.

Governor Boe, a member of Sioux Falls Post No. 15, has proclaimed the week of August 29 to be American Legion Baseball Week. Representatives BEN REIFEL and E. Y. BERRY will also attend the banquet.

The Kyburz Construction Co. donated a polyethylene cover for the infield during the little world series. The Service Clubs of Aberdeen in a joint project will supply the baseballs for the series, and host the pretournament Ford Motor Co. banquet. Not to be overlooked is the South Dakota School for the Blind, adjoining the ball park. "Should any of the umpires working this tournament need asistance," says Post No. 24's brochure, "we will be able to cooperate with them through our blind school facilities."

Aberdeen, located about 125 miles west of the Minnesota line and 35 miles south of the North Dakota line, has a population of about 25,000. Temperatures range between 60 to 80° in August and 50 to 71° in September.

The city is served by North Central Airlines and the Milwaukee R.R., Greyhound Lines, and Jackrabbit Lines provide bus service. The city is located on two Federal highways. Highway 212 (The Yellowstone Trail) runs from the east coast to the west coast. The American Legion Highway (U.S. 281) runs north and south through Aberdeen from Canada to Mexico.

This sporting town is in the heart of the pheasant hunting belt. (Legion hunters last winter bagged 200 birds for veterans hospitals, and another 100 for a pheasant feed for the 8 Legion baseball teams.) All types of agriculture are prominent in the city's economy, the basis being livestock feeding and the growing of feed grains and wheat. Aberdeen's most famous family is the Andrew Fischers, who on September 14, 1963, produced quintuplets—four girls and a boy—to add to five older children.

AMERICAN LEGION BASEBALL'S NATIONAL CHAMPIONS

SITE, YEAR, WINNER

Philadelphia, Pa., 1926; Yonkers, N.Y.
(No National Tournament), 1927.
Chicago, Ill., 1928; Oakland, Calif.
Louisville, Ky., 1929; Buffalo, N.Y.
Memphis, Tenn., 1930; Baltimore, Md.
Houston, Tex., 1931; Chicago, Ill.
Manchester, N.H., 1932; New Orleans, La.
New Orleans, La., 1933; Chicago, Ill.
Chicago, Ill., 1934; Cumberland, Md.
Gastonia, N.C., 1935; Gastonia, N.C.
Spartanburg, S.C., 1936; Spartanburg, S.C.
New Orleans, La., 1937; East Lynn, Mass.
Spartanburg, S.C., 1938; San Diego, Calif.
Omaha, Nebr., 1939; Omaha, Nebr.
Albemarle, N.C., 1940; Albemarle, N.C.
San Diego, Calif., 1941; San Diego, Calif.
Manchester, N.H., 1942; Los Angeles, Calif.
Miles City, Mont., 1943; Minneapolis, Minn.
Minneapolis, Minn., 1944; Cincinnati, Ohio.
Charlotte, N.C., 1945; Shelby, N.C.
Charleston, S.C., 1946; New Orleans, La.
Los Angeles, Calif., 1947; Cincinnati, Ohio.
Indianapolis, Ind., 1948; Trenton, N.J.
Omaha, Nebr., 1949; Oakland, Calif.
Omaha, Nebr., 1950; Oakland, Calif.
Detroit, Mich., 1951; Los Angeles, Calif.
Denver, Colo., 1952; Cincinnati, Ohio.
Miami, Fla., 1953; Yakima, Wash.
Yakima, Wash., 1954; San Diego, Calif.
St. Paul, Minn., 1955; Cincinnati, Ohio.
Bismarck, N. Dak., 1956; St. Louis, Mo.
Billings, Mont., 1957; Cincinnati, Ohio.
Colorado Springs, Colo., 1958; Cincinnati, Ohio.
Hastings, Nebr., 1959; Detroit, Mich.
Hastings, Nebr., 1960; New Orleans, La.
Hastings, Nebr., 1961; Phoenix, Ariz.
Bismarck, N. Dak., 1962; St. Louis, Mo.
Keene, N.H., 1963; Long Beach, Calif.
Little Rock, Ark., 1964; Upland, Calif.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 100) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Whereas a nationwide organization of American Legion junior baseball was first proposed as a program of service to the youth of America at the annual department convention of the American Legion held in Milbank, South Dakota, in 1925; and

Whereas since the organization of this program, which has been established throughout the United States, there have been more than fifteen million youths of eighteen years of age and under who have participated in the program; and

Whereas the American Legion junior baseball program performs a vital service to our youth by offering them outstanding opportunities to acquire physical fitness, to develop personal responsibility and good citizenship, to learn the value of teamwork and mutual cooperation, as well as to acquire individual proficiency and an opportunity to advance to a professional career in the sport of baseball; and

Whereas the annual American Legion World Series for 1965 will be held at Aberdeen, South Dakota, during the period from August 31 through September 6: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the

fortieth anniversary of the founding of the American Legion baseball program, the President is authorized and requested to issue a proclamation designating the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week", and inviting the Governors of the several States to issue similar proclamations.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I should like to ask whether the ball game on this particular issue is now over.

Mr. MUNDT. It is one of those rare occasions when Washington wins the ball game.

Mr. DIRKSEN. I could not tell. Perhaps the ball game has only begun.

TRAGIC PARALLEL SEEN BETWEEN UNITED STATES AND ROMAN EMPIRE

Mr. THURMOND. Mr. President, on July 30, 1965, Mr. Al Willis, of Spartanburg, S.C., delivered a very eloquent and important talk before the Rotary Club of Gaffney, S.C. The talk was entitled "Tragic Parallel Seen Between United States and Roman Empire" and has been reprinted in the Gaffney Ledger of Gaffney, S.C., on July 30, 1965.

This is an address which should be read by every American and particularly studied by Members of the U.S. Congress. I therefore ask unanimous consent that the text of Mr. Willis' address be printed in the RECORD at the conclusion of these remarks.

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

TRAGIC PARALLEL SEEN BETWEEN UNITED STATES AND ROMAN EMPIRE

(The following talk was given before the Gaffney Rotary Club Tuesday by Al Willis, of Spartanburg.)

The philosopher Santayana put it much more succinctly than I when he said, "The man who does not know and understand history will be forced to relive it."

With your permission and indulgence, therefore, I would like to take you back into history for a few moments this evening, then draw for you what has been termed "a tragic parallel," a parallel that we cannot change. We have bungled the job. It is already too late for us to do anything about it.

Over 2,000 years ago was created on the face of this earth a republic, a great republic, a powerful republic: the Roman Empire. Still standing this very day, two centuries later, are remnants of Rome's greatness. The original pavement of her highways can still be seen across the length and breadth of Europe. Over 70 miles of the great wall she built for defense is still standing. In Italy, France, even parts of Asia, can still be found mosaic floors, evidence of centrally heated houses, great palaces, stadiums, large segments of her magnificent system of aqueducts, engineering marvels that could only come from a superior society.

What in the world happened to this great republic? Let us find out.

Rome was a deadly efficient nation. Its Government officers and employees became so efficient that they gradually began to take over local city and territorial governments, destroying all sense of social responsibility of the local leaders. "Let the Federal Government do it," they said. The submerged freeman of the lower classes began to exist on public relief, paid for by Roman taxes.

Early Rome was famous for its self-reliant and independent freeman. But as the size and the paternalism of the Roman Government grew, that rugged individualism swung to the other extreme and Rome became a nation of people dependent entirely upon the state to solve their problems for them.

As Rome gradually changed its form of government from a republic to a democracy, those in office found they could buy the votes of the people through state controlled programs of welfare.

During its latter years, in an effort to shore up the rotting timbers of a decaying nation, two Roman senators came up with an interesting program:

1. A moratorium was declared on debts.

2. Interest already paid could be deducted from the principal and the balance made payable over a period of years.

3. A small holdings act decreed that no landowner could own more than 300 acres of land.

4. A farm labor act was designed to require farmers to employ a portion of the unemployed on their farms.

5. A federal land bank was established, wherein farmers were paid for not planting. Does any of this sound familiar?

The politicians of Rome found that there were three important groups of voters they needed to retain power.

1. The small farmers who wanted support from the state because they were not capable of running their farms without help. And in an agrarian society such as theirs, the small farmers corresponded to the average man of today.

2. The unemployed, whose votes could be bought with "bread and circuses."

3. The shopkeepers and businessmen who controlled the money.

Consequently, the politicians tailored projects to buy the votes of these three classes. They developed a program of land allotment for the farmers. For the poor they provided for the sale of wheat below market prices. For the small businessman they granted money to establish businesses in new-conquered territories. For the big businessman they provided government contracts for public works and loans to relieve unemployment at government expense.

Rome devaluated its money by plugging the center of gold coins with lead and declaring them to be of the same value as the original coins * * * and the money soon became worthless.

And from that point in Roman history, the empire began its rapid decline. It repudiated its own system of checks and balances and limited government power and became dominated by the votes of pressure groups. And the people became apathetic and indifferent to politics as long as they got their share. In an abundant economy, the people began to lose their spiritual values and placed increasing importance on the material.

Abundance finally became more than the Roman people could handle and, from within, the Roman Empire crumbled. It had run the gauntlet from bondage to spiritual faith; from spiritual faith to great courage; from great courage to liberty; from liberty to abundance; from abundance to complacency; from complacency to apathy; from apathy to dependency and from dependency back to bondage.

And that is the capsule history of a proud and mighty empire.

And just what does this history have to do with you? Oh, how I hope, that you can see the "tragic parallel," the parallel between the history of Rome and the history of the United States of America.

The United States was once made up of self-reliant men who lived under limited government. But the United States, like Rome, is changing from a republic to a democracy, where votes of the people are more important than the principles under which those people are entitled to live. We, like the Romans, have decided that politics is something we can't fight, and what's the difference if we get our share? We have decided that it is easier to have the Government take care of us than it is to take care of ourselves. We have bought exactly the same program which was sold to the people of Rome 2,000 years ago. As the Romans lost their spiritual strength, so are the citizens of the United States losing theirs. And the ends will be exactly the same unless someone puts a stop to it.

And who is that someone? That's a good question.

And the answer is very difficult to come by. Obviously, it cannot be done by any individual in this room. Certainly, it cannot be done by all the people in this room, or in this city. Apparently, it cannot be done by anyone in this generation.

For this generation has gone too far in the wrong direction. We have conformed to the theory that a benevolent government can take care of us and do for us the things we are too lazy and too complacent to do for ourselves—and we should be thoroughly ashamed.

And make no mistake about the fact that our generation has chosen this theory of government and this way of life. It was not forced upon us. It was chosen in the true democratic fashion. And we confirmed our choice last November 3 in practically every ballot box across the Nation. We chose a Government which would take care of us. We decided ourselves. No Khrushchev or Kosygin or Castro took over the reins of our Government by violence. We chose to be wards of the state.

Over the last 30 years our generation has decided that security is more important than freedom. Our generation has decided that it is perfectly all right to foster a society in which a Bobby Baker or a Sherman Adams can amass a fortune through influence peddling and when the investigation touches people in high places it is quite easy to sweep the whole mess under the rug.

Our generation has decided that financial integrity means "spend yourselves rich, raise the national debt limit, and charge the whole thing off to our children and our children's children."

Our generation has decided that poverty can best be eliminated by taking away man's right to stand on his own feet and earn his own way. My generation will end poverty by giving to the poor, to the rich, to the young, to the old, to the successful and the unsuccessful, to the minority groups, and on and on.

Our generation has decided that prayer to the God under which this Nation was founded is illegal in the public schools and that the Constitution and the Bill of Rights are outdated documents which must be changed, not by the prescribed method, mind you, but changed by executive decree and judicial trickery.

Our generation has led itself to that part of the evolutionary process called apathy, and apathy is the legacy we leave to our young people today.

This very moment on July 27, 1965, we are adding to that legacy of dependence upon Government in the Halls of Congress. Right this minute, the House of Representatives is putting its rubber stamp of approval on a bill which will, among other things, subsidize rent for those the Government terms unable to pay.

(It works this way * * * anyone who qualifies for public housing and cannot find public housing will be paid the difference between 25 percent of their income and the rent they must pay.)

Finishing touches are now being placed on the new social security bill, medicare being only one part of the giveaways contained therein.

I don't recall that you in Gaffney have yet started your Project Head Start, but we in Spartanburg now proudly fly a third flag over city hall. It flies just under the American flag and the State flag, and proudly proclaims that we now provide tax-paid babysitting. (And, by the way, teachers and nurses in the New York State Project Head Start are now paid $9 and $9.20 an hour in these projects.)

Yes, the legacy grows—we trade freedom for security. Now, perhaps as individuals, you are now saying, "The man is an alarmist * * *. I'm a free American who doesn't depend on the Government for a thing." OK, let me take you through a typical day in your own life.

The coffee you drink for breakfast is controlled by a Government-negotiated world coffee agreement. The cream in the coffee and the milk the children drink is controlled by a Federal milk-marketing order. The sugar by a Federal Sugar Act. The corn for your cornflakes was raised on a farm whose farmer was told by a Federal bureaucrat how much he could raise and how much he would sell it for * * * the same for the wheat in your bread. And your eggs came from chickens raised on Government-controlled feed grains. While dressing after breakfast, please remember that the cotton in your shirt or dress is raised under Federal control. The wool in your suit has a Federal program and the manufacturer of the suit is controlled by the Interstate Commerce regulations.

There is not time even to touch on all the Federal regulations you will meet during your daily work (businessmen must now fill out over 1 billion Government forms a year—there are now 5 for every man, woman, and child.

Yes, my friends, the Federal Government is now with you 24 hours of every day. We began this dependency upon the Federal Government back during the days of the great depression of the 1930's * * * and we have continued to make ourselves ever more dependent until, under the guise of "social legislation for the good of all," we are becoming increasingly under the control of a strong central government all too willing to do for us the things we should do for ourselves. Then tell us how and when to do those things.

It has been well said that the greatness or weakness of a society depends in the final analysis, upon the outlook and attitude of the individuals which comprise it (and that the course and destiny of a society depends upon the individuals who make it up).

Our distinguished senior Senator, STROM THURMOND, in a recent speech in Aberdeen, S. Dak., has prescribed some guidelines by which we can attain that individual spirit of freedom. I would like to pass them along to you now.

We must choose to fight for a recognition of the supremacy of God in national and individual affairs; for without Divine guidance we can accomplish nothing.

We must choose to fight for constitutional Government, for our Constitution is the best charter men have yet devised by which they can govern themselves.

We must choose to fight for freedom rather than security, for without freedom our existence is meaningless.

We must choose to fight for honesty and integrity in public and private for without them our society is doomed to degradation.

We must choose to fight for law and order, for without these society is reduced to mob rule.

We must choose to fight to keep this Nation strong economically through the free system, for without responsible stewardship, we forfeit our stability.

We must fight to keep our Nation militarily strong, for without strength we cannot maintain freedom nor peace.

But most important of all, we must recognize that within ourselves are the most dangerous potential enemies, spiritual poverty, preoccupation with materialism, complacency, and apathy.

These are formidable guidelines. They demand sacrifice, they demand courage, they demand wholehearted participation in the affairs of government on local, State, and National levels.

Our generation has evidently chosen not to accept the challenge offered in these guidelines. Well, freedom for Americans began with one man firing a single shot, the shot heard around the world. No government fired that shot, no paid soldier pulled the trigger. The shot was fired by an individual, and the shot proclaimed "I am a free man." Yes, freedom began with an individual.

So, if there is in this audience today, someone with teenage children, perhaps you will be good enough to explain to them what I have tried to say to you.

Since this generation has chosen to abandon freedom, perhaps someone in the next generation will choose to stand up as an individual and fire a shot heard around the world, a verbal shot, if you please, which will choose freedom over security.

I dearly hope so.

A CHRISTIAN MINISTER SPEAKS OUT ON VIETNAM POLICY

Mr. THURMOND. Mr. President, because of the fact that a number of clergymen have been participating in some of the "peace at any price" demonstrations against taking a firm stand in Vietnam, an impression has been created that a firm stand in Vietnam may be un-Christian and does not, therefore, meet with the approval of the clergy in this country.

The Calhoun Times of St. Matthews, S.C., has printed in its August 5, 1965, issue an outstanding defense of U.S. involvement in Vietnam by Rev. Wallace N. Taylor, pastor of the First Baptist Church of St. Matthews.

I ask unanimous consent, Mr. President, that Reverend Taylor's statement be printed in the RECORD at the conclusion of these remarks.

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

[From the St. Matthews (S.C.) Calhoun Times, Aug. 5, 1965]

REVEREND TAYLOR SPEAKS OUT ON VIETNAM POLICY

(EDITOR'S NOTE.—The following letter was written by the Reverend Wallace N. Taylor, pastor of the First Baptist Church of St. Matthews. It was written by Reverend Taylor in response to a form letter he received from Edwin T. Dohlberg for the Clergymen's Emergency Committee for Vietnam. We commend Reverend Taylor for the stand he has taken on the matter. Our only wish is that we had more ministers for Christ who would also take this stand rather than joining in civil rights debacles and the like. Reverend Taylor's letter is as follows:)

SPEAKING OUT: A CLERGYMAN'S DEFENSE OF OUR INVOLVEMENT IN VIETNAM

In recent weeks we have had a great deal of discussion on the U.S. involvement in Vietnam. Recently many young men and women demonstrated in Washington, carrying placards upon which were printed "Get Out of Vietnam," "We Won't Fight in Vietnam," and so forth. In participating in this demonstration these young people have been encouraged from various sources.

One of these sources has been the clergymen. Many of the clergymen have been saying, "we should get out of Vietnam." Recently I received a letter from Dr. Edwin T. Dohlberg, former president of the National Council of Churches. I understand that this letter was sent to a number of ministers. Writing for the "Clergymen's Emergency Committee for Vietnam" of the Fellowship of Reconciliation, Nyack, N.Y., he urged us to express ourselves "as it was important that the President should know how the leaders in our Nation's religious life feel about this country's involvement in Vietnam." The religious leaders were being asked to help communicate this information to the White House. It was further stated that according to the New York Times, President Johnson "carries around in his pocket a series of private polls of public opinion on American policy in Vietnam."

In Dr. Dohlberg's letter we were asked to check one of the following:

1. I favor intensifying and extending the war in Vietnam.

2. I would like the United States to initiate efforts now to negotiate peace in Vietnam.

It may be noted that neither option gives any hint that there is anything evil about Communist aggression nor that the United States should be commended for coming to the defense of self-determination of a small nation. It might be pointed out that clergymen who are opposed to our involvement in Vietnam aren't always opposed to the use of Federal force. In the recent demonstration in Alabama many of these same clergymen—who oppose our involvement in Vietnam—were highly in favor of the show of Federal force in Alabama.

I strongly protest the kind of pressure now being exerted upon President Johnson by many ministers urging us to get out of Vietnam. Not long ago in Australia a group of ministers were reported to have made their protests of the U.S. involvement in Vietnam known to one of their national leaders. He rebuked them and told them they did not know all that was involved. Many clergymen appear today to think themselves to be infallible and qualified to speak on any subject.

We are in Vietnam because North Vietnam does not respect the sovereignty of South Vietnam and North Vietnam is committed to aggression. To permit Communist aggression in Vietnam is to say to the Communists, we will permit aggression anywhere in the world wherever you make a move. Many of our clergymen seem to want peace at any price and never condemn Communist aggression or ever seem to understand the nature of its threat. In Vietnam as elsewhere we should stand to defend freedom against aggression and slavery.

As a Christian I see no conflict in my position in regard to what the Bible teaches regarding war. In fact, while studying for the ministry in 1943, I left college and went into the Army. I served in combat in Europe with the 26th Infantry Division receiving three battle stars, the French Fourragere and the Purple Heart. I had four brothers who served in the Armed Forces and would have felt ashamed to stay home and let them offer their lives for my freedom. I see no conflict in a Christian serving in the Armed Force nor of using these forces anywhere they need to be used to stop aggression.

While I do not glory in war, I feel that there may be occasions when it is the lesser of two evils. There are occasions when a particular war may be a just war, and it would be a Christian's duty to engage in it. Sometimes we are confronted by two alternatives, neither of which is Christian, both are evil but one is less evil than the other. Sometimes it is less evil to go to war than to go and let the enemy hold in slavery millions who want to be free.

From a Biblical viewpoint we notice that the children of Israel were commanded to engage in warfare. In the New Testament there is no specific word against warfare. After Christ healed the Roman captain's servant (Luke 8:13), he commended the soldier for his faith and said nothing to him against his military profession. John the Baptist had Roman soldiers to ask him what they must do to prepare for the Messiah; he told them but gave them no lectures on the sinfulness of soldiering and the wickedness of war (Luke 3: 14). In the Book of Acts, chapter 10, is recorded the conversion of Cornelius. There is no mention that as a Christian he could no longer serve his country as a soldier.

If a nation would preserve its independence today, it is necessary for it to maintain a national police force. The purpose of such a force is to preserve order, peace, and to protect its rights and the rights of smaller nations. When justice, peace, and integrity are endangered, a nation must use its army.

In the world crisis today there are spiritual values that are at stake. We must resist that which would destroy us and destroy as well the faith that has made our Nation great. Judging from what communism has done wherever it now enslaves, we should face frankly the fact that should it control the world, the Christian witness could survive only through the suffering and martyrdom of faithful disciples. Freedom for ourselves and for our children are worth dying for. Thank God for our men now giving themselves in Vietnam for our freedom. We should stay in Vietnam as long as it takes to let the Communists know we won't stand for aggression. If need be we should intensify our efforts there to win the war against aggression.

Pacifism has been tried as a national policy by other nations throughout history only to find that sooner or later you have to stand up to aggression or a nation will lose its freedom. For a nation to be weak and irresolute is to invite failure. If the Communists understand only the language of military power then we must give them a lesson in their own language.

Should we get out of Vietnam? No, a thousand times no—not until the Communist world sees that we mean business and ceases their aggression.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT

The Senate resumed the consideration of the bill (S. 1599) to establish a Department of Housing and Urban Development, and for other purposes.

Mr. THURMOND. Mr. President, there is no stated need by which the creation of a new Cabinet Department of Housing and Urban Development can be justified.

Two words which are much in the news these days are appropriate in considering S. 1599, which would create such a department. These two words are "proliferation" and "escalation."

The creation of a new Cabinet-rank Department of Housing and Urban development is but a further step in the "proliferation" of Government agencies and resultant employees. The proposed new Department would perform no functions which are not already being performed by existing Government agencies. It must be assumed that the duties and responsibilities of existing agencies are being performed adequately, or else their continued existence or present staffing would have to be considered in jeopardy.

If this legislation is approved, "escalation" of the duties and responsibilities of the agency will naturally follow. The Cabinet-ranking Department has a way of generating proposals and ideas designed to extend its influence and further ingrain its power over new and expanded areas of concern. Many of these would be responsibilities and duties not contemplated upon the creation of the Department.

The bill presents a fundamental question of policy and constitutional authority. Although there is a multitude of Federal programs now on the books relating to urban and municipal problems, the primary authority and responsibility for dealing with these problems on a day-to-day basis remains with local officials. Over the past few years, the Federal Government has encroached upon these local responsibilities to an ever-increasing extent. The pending bill, if enacted, would indicate a shift in the primary responsibility from local to Federal officials. This would be detrimental to effective and responsive local government.

The primary justification advanced for the creation of the Department of Housing and Urban Development is the rapidly increasing urban population and the increased urban problems which are created thereby. This is said to require a Cabinet-level voice to represent the interests of this segment of our population. To fortify this conclusion, reliance is had on statistics which show that at the time of the adoption of the Constitution, only 5 percent of the population was in the urban areas. Today, the urban population has grown to 70 percent. From now to the year 2000, it is estimated that approximately 80 percent of the population increase will occur in urban areas.

Admittedly, these are impressive statistics. Nevertheless, an important point is conveniently overlooked in dealing with people only as statistics. The increase in urban population is accompanied by an increase in productivity and in the tax base needed to meet the financial burdens of the area. The increase in population provides all the potential resources required for the urban areas to meet their own responsibilities, if they are correctly utilized. By no means least among the potential gains from population increases is the manpower, both mental and physical, required to cope with the challenge.

Mr. President, I want to stress the use of the term "responsibility." Not only do the urban areas have the authority to solve their own local problems, but they have the duty and responsibility to do so.

The pending bill would do no more than to superimpose a Cabinet position upon existing Federal agencies. The Cabinet position is designed to be the focal point in the administration and coordination of urban programs now on the books. While the proper interagency coordination of urban programs is a desirable goal, this is not the best, or even a proper way of achieving the desired result. There are dangers inherent in such a position which mitigate against its creation.

Coordinating all Federal programs affecting urban areas under one department head would create a vehicle so powerful at the national level as to make a mockery of local authority and responsibility. Cities, towns, and counties would tend to rely more and more on assistance, both financial and otherwise, from the national level for the solution of local problems. Local initiative would take a back seat to Federal direction and supervision.

Another danger inherent in the proposal to centralize all urban affairs under a Cabinet officer is the bypassing of State officials. The Department of Housing and Urban Affairs would, in most instances, deal directly with local officials and the responsible officers of the State would have little, if any, voice in the affair. The better approach would seem to be encouraging the States to assume a more responsible attitude toward their political subdivisions. When the National Government is organized to exert more power over urban activities, State involvement will naturally decrease. The authoritative and responsible role of the States in assisting in local urban affairs would be ended. Intergovernmental relations would become a matter of two levels of operations, Federal-local, and lead to a dominance by the National Government, which must be avoided.

Mr. President, the proposed new Cabinet Department of Housing and Urban Development is not desirable because it prescribes a permanent expanding role for the National Government in areas where private enterprise would and should do the job. Urban renewal funds, which would be under the jurisdiction of the new Cabinet Department, are being increasingly used for nonhousing renewal. There are many Members of Congress who question the desirability of using a larger percentage of these funds to build office buildings and other such projects. There is a strong likelihood that an expanded urban renewal program under the Department of Housing and Urban Development will more and more concern itself with the construction of urban and commercial facilities rather than housing.

The Department of Health, Education, and Welfare is a striking example of the type of escalation which can be expected if this new Cabinet-level Department is created. In the few short years since its creation, the Department of Health, Eduaction, and Welfare with all its subsidiary agencies has increased its expenditures by more than 300 percent. The employment in the Department has more than doubled and the payroll costs have almost quadrupled. It is obvious that the same growth rate will result if Congress creates a new Cabinet-level Department of Housing and Urban Development.

Mr. President, aside from those reasons, I remind the Senators that many of the programs to be administered by the new Department are of doubtful constitutionality.

Nowhere in the Constitution of the United States is there reference to the authority of the National Government to subsidize city or county government,

or the government of any other subdivision of a State.

There is, therefore, very serious question as to whether a bill such as this would be constitutional.

For these reasons I am opposed to S. 1599. I ask the Senate to reject the bill.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The Senator from Oklahoma is recognized.

Mr. HARRIS. Mr. President, as a member of the Subcommittee on Executive Reorganization of the Committee on Government Operations, I should like to respond briefly to the arguments made by the distinguished senior Senator from South Carolina. These arguments are matters of substantial concern for us all. They were considered most carefully by both the subcommittee and the full Committee on Government Operations.

The pending bill is a very simple one. It would not increase the jurisdiction of the departments involved, nor would it carry with it the requirement that additional funds be spent. However, it would simply, for reasons of efficiency, responsiveness, and responsibility on the part of the Government, place these various activities concerned, functions already being performed by the Federal Government, under one department with Cabinet status, and, furthermore, focus emphasis upon the tremendous needs in the urban areas of the country.

The agricultural and rural needs of the country have long been recognized by virtue of the provision of Cabinet status for the Department of Agriculture. I come from one of the great agricultural States of the country. I believe that it is well for the rural and agricultural needs of the country to be handled by a department with Cabinet status. But, Mr. President, some 70 percent of the people of this country now live in metropolitan areas. It is estimated that before very long 80 to 85 percent of the people of this country will live in metropolitan areas.

I am not certain that that is a good thing. I wish that people still lived back in the rural areas and in the small towns to the degree they used to. Their problems then were much less than they are now in the great centers of mass population. However, the fact is that they do not live in the rural areas and small towns to the extent they once did. The people live in metropolitan centers. The Government must face up to the facts of life. I believe that the Government must today give Cabinet status to those functions of the Federal Government in which an attempt is made to come to grips with the great problems of our urban areas and the centers of mass population.

The other argument was that this would reduce the authority of the States and municipalities. Some other opponents consider that the new Department of Housing and Urban Development would be a rival to State and local governments.

I point out that the distinguished and able chairman of our subcommittee, the Senator from Connecticut [Mr. RIBICOFF], is himself a former Governor of his great State.

In addition to that service, and service in the U.S. Senate, the Senator from Connecticut has also served as a Cabinet officer. The Senator from Connecticut understands rather well the respective responsibilities of States, municipalities, and the Federal Government. That philosophy, recognizing the rights and responsibilities of all divisions of government, is written into this bill. Furthermore, the distinguished Senator from Maine [Mr. MUSKIE], a member of the full Committee on Government Operations, is chairman of another subcommittee of the Committee on Government Operations, the Subcommittee on Intergovernmental Relations. He also knows rather well the responsibilities of the various governmental divisions. That is very carefully protected in the bill.

The bill, and the new department, would in no way change either the Federal law or the State or local laws which govern the relationship between the Federal Government and States and localities.

The present program of Federal aid to localities in the field of housing and urban development requires federally aided projects to comply with State and local laws. Indeed, the aided projects are carried out either by private enterprise, which is subject to State and local law, or by State or local governmental agencies, which are themselves the creatures of State law.

All that the pending bill would do would be to organize Federal functions affecting urban development in such a way as to enable the Federal Government to work more efficiently with State and local governmental agencies.

Many State and local governments have already reorganized their own housing and urban development functions in a manner similar to that now proposed for the Federal Government.

Growing State interest in urban development is recognized by a provision of the bill which would require the Secretary of the Department to consult with State governments with respect to State programs for assisting communities in developing solutions to urban and metropolitan development problems.

Another provision in the bill makes it clear that the activities of the new department would run to the housing and other development problems of local communities, both large and small, without regard to their population or their corporate status, except as may be expressly provided by substantive law.

Being deeply concerned about the growing problems in the centers of mass population, I join many other Senators in support of this bill.

It has been pointed out time and again that most of our population now live in our cities, and that during the next 15 years, the population of our cities will increase by 30 million people.

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

Mr. HARRIS. I yield.

Mr. RIBICOFF. I commend the junior Senator from Oklahoma for the constructive work he has performed in helping to bring this bill to the floor of the Senate.

The Senator from Oklahoma attended our hearings. He worked diligently with us in the marking up of the bill. His amendments to the bill emphasizing the importance of free enterprise were highly constructive. They were agreed to by the subcommittee and the full committee.

The Senator from Oklahoma was deeply concerned that we did not forget the role of private enterprise in the developing of our great urban areas. We must not forget, that while Government programs and policies continue to grow, the problems of our cities need the help and cooperation of private enterprise and private industry.

It was this understanding of the basic problems of America, in our communities large and small, that prompted the distinguished Senator to introduce his amendments. I take this opportunity to commend the junior Senator from Oklahoma for the constructive work he has done on this bill.

Mr. HARRIS. I thank our distinguished chairman and more than reciprocate by saying his chairmanship was most fair and thorough in the consideration of this important measure. Except for his great interest and background, I am certain the bill would not be before the Senate in the fine form in which it now is.

We are not getting the job done now. The problems of our metropolitan centers are becoming more serious. All around us is evidence that we are not adequately meeting these problems, the shortage of housing—particularly in low-income brackets—the shortage of water in many areas, the traffic congestion, and the lack of adequate transportation systems in many major cities, the pollution of our streams, the dangerous pollution of the air we breathe, the crowded classrooms in our public schools, the spreading of slums, the strain on our present health and welfare facilities, all these are apparent to those who look closely at the situation.

Many of our cities are reeling under the burden of financing the rapid growth and fighting the forces of decay. Municipal taxes have increased 140 percent in the past 15 years, with similar increases in State taxes, and some cities are limited by law on the amount of revenues which they can raise.

Governmental activities seeking to cope with problems such as housing, transportation, water supply, and urban development now are handled by a myriad of uncoordinated Federal agencies. The purpose of this bill—S. 1599—is to bring these agencies together in a common and coordinated effort, with Cabinet status, and I believe that its passage will be most helpful in bringing about an orderly development and redevelopment of our major cities.

Transferred to the new Department of Housing and Urban Development under this bill will be the functions of the Housing and Home Finance Agency and its Administrator, including the urban renewal, urban planning, and open-space programs of the present Urban Renewal

Administration and the urban mass transportation program, the public facility and other loan programs of the Community Facilities Administration. Also brought under the new Department will be the authority now vested in the Federal Housing Commissioner and the Public Housing Commissioner. The Federal National Mortgage Association would be merged into the new Department.

This bill received close and careful study by the Senate Government Operations Committee and Executive Reorganization Subcommittee, on both of which I serve. The Executive Reorganization Subcommittee, under the able and thorough chairmanship of the distinguished Senator from Connecticut [Mr. RIBICOFF], held extensive hearings on the bill, hearings which, I believe, brought out the definite and immediate need for such legislation.

Several amendments were adopted, including one which I authored to encourage private enterprise in the housing field and another I was very interested in to preserve the identity of the Federal Housing Administration. I believe the bill was strengthened by committee amendments, and it is my hope these amendments will be retained.

For more than a decade Congress has considered bills to establish an executive department concerned with housing and urban development. Our cities have grown bigger, and their problems have grown bigger during this period. I submit, Mr. President, that the time for consideration has passed and the time for action has arrived.

NEW ERA FOR METROPOLITAN MAN

Mr. JAVITS. Mr. President, the forgotten man in America in the 1960's is the metropolitan man, and this bill, to establish a new executive Department of Housing and Urban Development, moves us today a long way toward helping to recognize the metropolitan man. The bill represents the dawn of a new era for the metropolitan man and offers new hope for the solution of his many complex problems.

To me today is analogous to the time when there was created a Department of Agriculture to represent an important productive part of our country; when we organized the Department of Labor and recognized the need for considering the desires and needs of organized labor on a Cabinet level.

The pending bill represents a recognition of the problems of the metropolitan man. The metropolitan man who lives in crowded housing, travels to work on an outdated and failing commuter train that is rarely on time, who struggles bumper to bumper to faraway recreational facilities has not received the attention which he deserves. The young family fleeing to the suburbs to escape slums, high crime rates, polluted air, and a myriad of other city problems deserves immediate help for his problems. Intelligent and resourceful planning by both government and private enterprise can solve these problems. The bill, of which I am presently a cosponsor and have supported in the committee and whose objectives are similar to S. 3292, which I first cosponsored along with Senators CLARK of Pennsylvania and WILLIAMS of New Jersey in the 86th Congress, gives long overdue recognition to the importance of metropolitan and urban problems in this Nation's economy. It provides machinery to assist the President in coordinating the many complex Federal programs—particularly in the housing and urban physical development fields—but also in other areas of urban interest.

Over 70 percent of our population—135 million Americans—live in urban areas. When the Constitution was adopted, 5 percent of our people lived in urban areas. Fifty years from now, it is expected that 320 million of a possible 420 million population will live in such areas. It is certainly time for the critical problems affecting this exploding segment of our population to be given the highest priority attention by a Cabinet department. As the President's message to the Congress on March 2, 1965, on urban problems depicts the metropolitan crisis—two giant and dangerous forces are converging on our cities—the forces of growth and decay. The strip of land from southern New Hampshire to northern Virginia contains 21 percent of America's population in 1.8 percent of its area. On the west coast, the Great Lakes and the Gulf of Mexico, other urban centers are growing. The problems of the metropolitan man in exploding America are deserving of the upgrading which this new executive department will provide.

The bill which we are working with today does not provide the answer to all the problems of the metropolitan man. As the then Director of the Budget, Kermit Gordon, testified before the Executive Reorganization Subcommittee on March 31, the bill does not seek to propose any new programs;

> It does not modify or repeal existing programs. It deals entirely with the President's need for an administrative instrument to facilitate both the formulation and the execution of public policy in the broad fields of housing and urban development.

The Senator from Connecticut [Mr. RIBICOFF] is to be highly commended for his outstanding work to secure favorable action on this bill and equally so for his recognition that much remains to be done with respect to the organization of a Department of Housing and Urban Development. The bill which the committee reported out is a stronger bill than in its original form in that it recognizes the need for considering the inclusion in the Department of other Federal agencies whose functions concern the development of urban areas. The bill also provides machinery through the creation of an Office of Urban Program Coordination, which I proposed, for the coordination of the some 60 Federal programs of various departments and agencies having a major impact on community development. This Office, created to assist the Secretary of the Department in carrying out his responsibilities, is intended to enable the Department to keep in touch and coordinate all urban development programs operated by the Department and those operated outside, such as the interstate highway program, the area redevelopment program, airport planning and development, transportation programs in the Department of Commerce, and physical development programs in the Department of HEW as well as the antipoverty program.

The need for increasing the coordination role of the Department had been strongly emphasized in the House of Representatives and in testimony before the Government Operations Committee of both Houses. In describing the purpose of this new Office of Urban Program Coordination, the committee report states:

> The committee believes that the Office will be an extremely important source of assistance to the Secretary in enabling him to carry out his coordinating responsibilities. In providing assistance to the Secretary of the Department, the Director of the Office would, under the committee amendment, make such studies of urban problems as the Secretary shall request, and would develop recommendations relating to the administration of Federal programs affecting community development. The Director would, in carrying out his responsibilities, (1) establish and maintain close liaison with the other Federal departments and agencies concerned, and (2) consult with State, local, and regional officials, and consider their recommendations with respect to community development programs.

The need for eventually bringing under the jurisdiction of the Department many of the other urban programs should not be overlooked in acting on the bill today.

Another amendment which I proposed was the creation of an Urban Interagency Advisory Council composed of certain Cabinet Secretaries and heads of independent Federal agencies concerned with community development programs to advise the Secretary of the new Department with respect to developing proposals for improving existing and creating new programs for the various Federal agencies. Rather than requiring that the composition of this advisory group be locked into the statute, it was suggested that such a body could be created with greater flexibility by means of an Executive order and in view of this belief the amendment was not pressed. Accordingly, I hope that such an Urban Interagency Advisory Council will be established to insure maximum effectiveness and coordination of programs affecting urban areas.

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

Mr. JAVITS. I yield.

Mr. RIBICOFF. I take this opportunity to commend the Senator from New York for his long interest and constructive work to make possible the proposed Department. In all fairness it should be pointed out that the Senator from New York realized that there are omissions from the bill and the fact that there remains much to be done in coordinating efforts.

I believe that the amendments of the Senator from New York, which were adopted unanimously by the subcommittee and the full committee, makes this a better bill. The Senator from New York, as always, is a constructive force in marking up his bill, and his suggestions were very much valued and I wish to praise the outstanding work he did to make the bill possible and to bring it to the floor today.

Mr. JAVITS. I am very grateful to the Senator from Connecticut. I know of nothing I would rather be commended for than for my interest in this bill. I am a child of the big city, and I know what it means to live there, and how complex and difficult are a city's problems.

The Senator from Connecticut has performed an outstanding job of leadership and creativity in marshaling the necessary support for the bill and in blending the ideas and in helping to construct a better bill than we have ever had before on this subject.

The pending bill may prove to be one of the finest efforts the Senator from Connecticut has ever made in his most distinguished career as Governor, Cabinet member, and Representative.

While the Federal Government can do much in solving the problems of the metropolitan man, State and local governments, closest to the people can do much also. The bill expressly encourages the role in community development of States and localities and sections 2 and 3 of the bill specifies that the new Department is intended to work with and assist the States and county governments in coping with their responsibilities to urban growth. The President's message on urban affairs recognized that the vast bulk of resources and energy, of talent and toil, in solving community development programs will have to come from State and local governments.

It is vitally important that the States and local authorities utilize to the fullest their capabilities and do not, merely because of the creation of this new Department, defer to the illusion that a new executive department in Washington will solve all their development problems. Local government enterprise as well as private enterprise have important roles in the problems of our metropolitan areas as S. 1599 clearly recognizes, and such efforts must be stimulated. Local creativity should not be impeded by the philosophy of "let Washington take care of the whole problem." The constructive partnership of Federal, State, and local governments in this area must grow. We cannot afford a let down of local and private initiative.

The Federal Government has not moved as quickly as some would have wanted to meet the Nation's responsibility to the cities. Today millions of Americans live in giant metropolitan areas which ignore State lines. For example, the metropolitan area of New York extends into Connecticut and New Jersey—with each State having its own problems in the fields of housing, transportation, community facilities, recreation to name only a few. It is clear that no one State can legislate for such a metropolitan area.

I believe that the newly created Department ought to place a major focus on regional planning for our metropolitan areas. While S. 1599 does expressly encourage regional planning, it is vitally necessary that efforts to further implement regional development be undertaken by the Department. While a number of programs such as the section 701 planning grants under the Housing Act, mass transit assistance, and community facilities programs operated by the Department contain regional planning requirements, the Department should, on its own, implement regional coordination and planning. I believe this might be carried out by the new Department through creation of metropolitan councils established within each of 12 geographical regions, similar in size to the Federal Reserve System areas, composed of Federal, State, local, and community leaders. Each metropolitan council would concern itself with the particular problems of its area and would provide specific regional planning recommendations for the tailoring to the respective area of Federal programs such as urban renewal, community facilities, area redevelopment, interstate highways, and mass transportation. The regional councils would study the particular area problems and provide reports and information to the Secretary of the new Department. The metropolitan councils could also operate grant programs financed by the respective areas.

In the New York area, several regional authorities already exist: The bistate Port of New York Authority, and the tristate Committee of the Governors of New York, New Jersey, and Connecticut to coordinate transportation planning. Metropolitan councils could work along with such existing authorities and supplement their contributions.

I hope that the Secretary of the new Department will give careful study to this proposal of metropolitan regional planning machinery such as metropolitan councils and will do all possible to implement the express intent of S. 1599 to further this concept.

Mr. President, with further reference to the serious need for coordination of urban programs to which I referred, I ask unanimous consent that there may be made a part of my remarks a list of some 60 programs in the various Government agencies concerned which might be coordinated by the Office of Urban Program Coordination within the new Department. A compilation of such programs is contained in the report of the Government Operations Committee of the House of Representatives on a similar bill, in pages 46 to 49 of that report.

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

HOUSING AND HOME FINANCE AGENCY

Housing for the handicapped.
Community facilities grants and loans.
College housing loans.
Public works planning.
Low-income housing demonstrations.

Office of Transportation

Mass transit.

Public Housing Administration, Urban Renewal Administration

Urban renewal.
Open space and land preservation.
Urban planning.

AGRICULTURAL DEPARTMENT

Agricultural Marketing Service

Special milk program for children.
School lunch program.
Direct distribution of surplus food.
Food stamp program.

COMMERCE

Area Redevelopment Administration

Public works acceleration.
Public facility grants and loans.
Industrial and commercial loans.

Bureau of Public Roads

Interstate Highway System.
Relocation payments.
Highways.

Community Relations Service

Civil right disagreements.

DEFENSE

Department of the Army

Civil defense.
Flood emergencies.
Flood control land revenue sharing.
Water reservoirs.
Park and recreational facilities.
Beach erosion control and shore protection.
Flood control and prevention.

HEALTH, EDUCATION, AND WELFARE

Office of Education

Civil defense.
Federally affected public schools.
Manpower development and training.
Higher education facilities.
Vocational education—specific fields.
Vocational training.
Sciences, mathematics, and modern foreign languages.
Educational guidance, counseling, and testing.
Educational statistics of State and local governments.
Education of mentally retarded and other handicapped children.
Captioned films for the deaf.
Library services and construction.
Educational research, surveys, and demonstrations.
Educational television, radio, motion pictures, and related media.
Student loan funds.
Guidance institutes.
Institutes for advanced study.
Work-study programs.
Adult basic education.
Desegregation of public education.
Basic scientific education grants.
Basic research grants.

Public Health Service

Community mental health centers.
Mental health activities.
Mental retardation facilities.
Community health services.
Community health activities.
Air pollution control and prevention.
Radiological health research and institutional training.
Radiological health.
Waste treatment works construction.
Water pollution control programs.
Occupational health.
Vital statistics.
Health professions education.
Hospital and medical facilities.
Health research facilities construction.
Narcotics.
Nurse training.
Public Health personnel.

Welfare administration

Public assistance programs.
Training of public welfare personnel.
Child welfare services.
Maternal and child health services.
Crippled children's services.
Juvenile delinquency and youth offenses control.
Teaching materials for the blind.
Work experience programs.
Refugee assistance.

INTERIOR DEPARTMENT

Outdoor recreation

Outdoor recreation projects.

Bureau of Reclamation

Water reservoirs.
Irrigation.
Water resources research.

LABOR DEPARTMENT

Bureau of Employment

Unemployment compensation.
Employment Service and Unemployment Compensation Administration.

Bureau of Labor Standards

Labor standards.
Work training programs.
Manpower development and training.

FEDERAL AVIATION AGENCY

Airport planning and development.

OFFICE OF ECONOMIC OPPORTUNITY

Community action

Assistance for migratory agricultural workers.
Community action programs.

Job Corps

Vocational training and basic education.

Mr. JAVITS. The other point which I should like to mention is the fact that the new Department is directed—and I emphasize the word "directed"—by section 3(b) to do two things:

First. To consult and cooperate closely with State governments—and I hope that the mandate will be taken seriously by the new Secretary.

Second. Provision in 3(b) which is important, is the encouragement given to private enterprise. We specifically spell it out—that private enterprise serve a larger part of urban development needs. Again I hope that the Department will understand the seriousness with which we take this particular provision.

Mr. President, I hope very much that whoever the President appoints as the Secretary, whose nomination will be confirmed by the Senate, will have a deep understanding of the fact that perhaps the hallmark of this whole century will be the culture and development of the cities in art, music, literature, education, as well as in the physical development and that millions of people in close relation to each other can live together not only in peace and mutual understanding, but also in comfort and happiness. This will be one of the greatest things which will have been proved by this century; and the new Department of Housing and Urban Development upon which we are acting today will go a long way toward helping make it a reality.

AMENDMENT TO ATOMIC ENERGY ACT OF 1954

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business may be laid aside temporarily, and that the Senate turn to the consideration of Calendar No. 513, H.R. 8856.

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

The LEGISLATIVE CLERK. A bill (H.R. 8856) to amend section 271 of the Atomic Energy Act of 1954, as amended.

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

There being no objection, the Senate proceeded to consider the bill.

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

Mr. PASTORE. Without losing my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. PASTORE. Mr. President, H.R. 8856 would amend section 271 of the Atomic Energy Act of 1954, as amended. The five-member Atomic Energy Commission unanimously supports this bill, as does the Justice Department. The Joint Committee on Atomic Energy unanimously recommends that this bill be enacted, and the House of Representatives passed it overwhelmingly on July 29, by 275 to 125—to use a worn-out statement, better than a 2 to 1 vote.

H.R. 8856 would amend section 271 of the Atomic Energy Act for the purpose of clarifying the language of that section to conform to the intent of Congress. I might add, incidentally, that this bill is identical to a bill—S. 2103—presently on the calendar, cosponsored by Senator HICKENLOOPER and myself. As amended, section 271 would provide that nothing in the Atomic Energy Act of 1954, as amended, shall be construed to affect the authority of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power produced through the use of nuclear facilities licensed by the Atomic Energy Commission. This bill would also make it clear that nothing in section 271 shall be construed to confer on any Federal, State, or local agency any authority to regulate, control, or restrict activities of the Atomic Energy Commission.

This bill is necessary because of a decision last May by the U.S. Court of Appeals for the Ninth Circuit—overruling a lower Federal court—which held that Congress had intended by enacting section 271 of the Atomic Energy Act to subject the Atomic Energy Commission to local ordinances pertaining to the generation, sale, or transmission of electric energy. The court was of the view that absent such congressional intent, the AEC would not be subject to such local ordinances, because of AEC's immunity as a Federal agency under the supremacy clause of article VI of the Constitution.

I ask unanimous consent that the statement of the Senator from Iowa [Mr. HICKENLOOPER] on the subject of the intent of Congress be printed in the RECORD at this point. The statement is found at pages 51 to 53 of our committee's hearings.

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

STATEMENT SUBSEQUENTLY PLACED IN THE RECORD BY SENATOR HICKENLOOPER

Mr. Chairman, I wish to submit a statement concerning S. 2035, the bill which Senator PASTORE and I introduced on May 25, 1965, to amend section 271 of the Atomic Energy Act of 1954. The purpose of my statement is to explain why I joined in introducing this bill and what I believe it would accomplish.

As you know, Mr. Chairman, the Stanford linear accelerator project was recommended by the joint committee and authorized by Congress in 1961 at a cost of approximately $114 million. When it is completed in 1966 it will be the world's largest electron accelerator. This accelerator will be a tremendously valuable research tool for scientists of our country and should contribute significantly to our understanding of some of the most fundamental questions of nature. The Federal Government has a huge investment in this project. I understand that every day's delay in putting this project into operation would cost the Federal Government many thousands of dollars in interest alone on its investment in this facility.

There has been considerable controversy over the construction of the electric powerline necessary to service the Stanford linear accelerator. I do not feel it would be useful at this time to review the pros and cons of AEC's position on constructing an overhead powerline for this purpose. This committee has explored this subject in great detail. We held a hearing devoted to this matter in January of last year.

As you know there has also been considerable litigation on this subject. The latest development in this litigation is a ruling by the U.S. Court of Appeals sitting in California, on May 20, 1965, to the effect that a provision of the Atomic Energy Act of 1954—section 271—prevents the AEC from constructing or operating an overhead powerline to service this facility. It is because of this decision, and its sweeping effect, that I cosponsored S. 2035.

I have looked over the court's opinion and decision and have discussed it with the staff of the joint committee. Frankly, I do not understand why the court has interpreted section 271 the way it has—that is, to subject the AEC, in performance of its statutory responsibilities, to the regulatory authority of a local subdivision of a State. I think section 271 is clear. It says exactly what we intended it to mean at the time I cosponsored the Atomic Energy Act of 1954 which contained this section.

"Nothing in this act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power."

It is clear to me that this language does not confer any authority on any "Federal, State, or local agency." It was intended neither to add to nor detract from any existing power which such a body had. As I said during the Senate debates on the bill containing this section:

"Section 271 of the bill already covers the authority and regulations of the Federal Government through the Federal Power Commission, which already exists over electricity, and its transmission; and it recognizes the rights of the States, where their rights occur, and recognizes the rights of the local agencies where their rights exist. Now, that is already in the bill.

* * * * *

"What section 271 does is to make clear that this act does not interfere in any way with the jurisdiction of the Federal Power Commission * * * or with State agencies where they have jurisdiction, or with local agencies where they have jurisdiction.

* * * * *

"We say that nothing in this act shall interfere with or affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power. We say that this act does not interfere with the rights and the power and the authority of any Federal, State, or local regulatory body whatever; and the power and the authority which may

be there now for the transmission of electricity or the generation of electricity or whatever the authority may be is not changed." (CONGRESSIONAL RECORD, vol. 100, pt. 9, p. 12198.)

I might add, incidentally, that what we were specifically concerned with when we included section 271 in the bill was the regulation of persons producing electric power by nuclear means. Our intent was to make it absolutely clear that the Atomic Energy Act's special provisions on licensing of reactors did not disturb the status quo with respect to the then existing authority of Federal, State, and local bodies to regulate generation, sale, or transmission of electric power.

Notwithstanding what I am convinced was our intent in passing section 271, the court apparently has interpreted this language to confer authority upon local governmental bodies (which they otherwise would not have had), in this particular case, the city of Woodside and the county of San Mateo, Calif., to regulate a Federal agency—the Atomic Energy Commission. The court also says that unless section 271 can be read to confer this authority upon these local bodies, they would not have jurisdiction over the AEC because of the general sovereign immunity of the Federal Government, including its agencies and instrumentalities, from State or local control under the supremacy clause of the Constitution.

Since the court has interpreted section 271 to confer a positive authority upon governmental bodies, I thought it was imperative that I join in introducing S. 2035 which simply restates what section 271 said all along; namely, that this section shall not be deemed to confer upon any Federal, State, or local agency any authority to regulate, control, or restrict any activities including those of the Commission, which authority such Federal, State, or local agency did not otherwise possess.

I think it is important that this bill be adopted, to make it clear that section 271 of the Atomic Energy Act of 1954, as amended, does not confer any authority upon any agency—Federal, State, or local—which such agency did not have before. Moreover, it is important that Congress act quickly on this because the implications of the court's decision go far beyond this particular controversy involving the Stanford linear accelerator powerline. If the court's interpretation of section 271 should be permitted to stand without correction, other vital activities of the AEC, many of them directly related to the national defense and security, would be subjected to the control of local bodies. I don't think we can afford to allow this incorrect interpretation to stand as an open invitation to attempts to regulate Federal defense activities at other installations around the country.

In summary, Mr. Chairman, I urge favorable consideration of the bill which the distinguished senior Senator from Rhode Island and I have introduced.

Mr. PASTORE. Mr. President, the net effect of the court's decision is that AEC cannot construct and operate an overhead powerline for the Government's $114 million Stanford linear accelerator at Palo Alto, Calif., and that this line must go underground instead at vastly increased cost to the Government. Perhaps more important, the court's decision creates the possibility that other local governing bodies around the country may attempt to regulate defense installations operated by the AEC.

If the interpretation of section 271 set forth in the court's decision became binding generally, major adverse consequences throughout the entire range and scope of the AEC's programs could result. In the opinion of all the members of the Joint Committee, including all of us who participated in the drafting of section 271 and the debates on this language, the court misunderstood the intent of Congress underlying this section. This misunderstanding led the court to the erroneous conclusion that Congress intended to waive the AEC's constitutional immunity from local ordinances. The reasons why this section was included in the law are explained in detail on pages 5 and 6 of the committee's report, and are also concisely summarized in the statement in support of the amendment of this section by my distinguished fellow committee member, Senator HICKENLOOPER, which appears on page 51 of our hearing record, which is now a part of the RECORD.

H.R. 8856 would simply provide further guidance to the courts by clarifying the language of section 271 to conform to the original intent of Congress. The language would then make it completely clear that Congress did not intend by this section to subject the AEC to local ordinances governing generation, sale or transmission of electric energy. AEC would therefore be placed on a par with other Federal agencies in this respect. Accordingly, the AEC could proceed to construct and maintain an overhead powerline for the Stanford Linear Accelerator notwithstanding local ordinances which purport to require that this line be placed underground.

Mr. President, the effect of this bill, and the reasons why the Joint Committee on Atomic Energy recommends its enactment, are fully explained in the comprehensive report filed by our committee. I will therefore simply point out a few salient facts about H.R. 8856.

IMPACT OF THE COURT DECISION ON ALL AEC ACTIVITIES

Because of the interest which has been generated concerning the dispute over the Stanford accelerator powerline, it is easy to overlook perhaps the most pressing reason for the passage of this bill. I refer to the potential threat that is posed by an interpretation of the Atomic Energy Act which would allow every local governing body to control AEC's own facilities for the generation or transmission of electric power. The effect of such an interpretation of congressional intent is most serious. The Chairman of the AEC, Dr. Glenn Seaborg, again called this to the attention of our committee in a letter dated July 14, 1965 which was inserted in the daily RECORD on July 27, at page A4121. Dr. Seaborg said:

In reviewing the debate on the floor of the House last Monday concerning the bill to amend section 271 of the Atomic Energy Act, we noted confusion on the part of some participants concerning the urgency of the need for passage of this legislation.

I want to make clear that the Atomic Energy Commission is greatly concerned that if the bill is not passed, there may be, at any time, interferences with the conduct of major AEC program missions due to the limitations placed on this agency's authority by the decision of the Ninth Circuit Court of Appeals. Many AEC installations, including those involved in production of weapons and weapons materials, which are heavily dependent upon the availability of reliable sources of electric power, have been placed in jeopardy by that decision. The subject bill would remove that potential threat and restore to AEC the same powers possessed by other Federal agencies. The Atomic Energy Commission therefore supports the early passage of this bill because of its impact on the national defense and security.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD another letter written by Dr. Seaborg, addressed to me, dated August 3, 1965, which is more or less the same in substance.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., August 3, 1965.

Hon. JOHN O. PASTORE,
U.S. Senate.

DEAR JOHN: As you know, the bill to amend section 271 of the Atomic Energy Act passed in the House by a vote of 275 to 125. The Atomic Energy Commission strongly urges its passage in the Senate as soon as possible.

The Commission is greatly concerned that without this legislation there may be, at any time, interferences with the conduct of major AEC program missions due to the limitations placed on this agency's authority by the decision of the Ninth Circuit Court of Appeals. Many AEC installations, including those involved in production of weapons and weapons materials, which are heavily dependent upon the availability of reliable sources of electric power, have been placed in jeopardy by that decision. The bill would remove that potential threat and restore to AEC the same powers possessed by other Federal agencies. The Commission therefore supports the early passage of this bill because of its impact on the national defense and security.

The essential facts as to the urgency of the need for additional power for the SLAC project are as follows:

The existing 60-kilovolt power supply will be inadequate for project needs by the end of calendar year 1965. Construction of the accelerator is expected to be completed by about March 1966. Unless 220-kilovolt power is available by then from an additional power line, maximum scientific productivity of research from this $114 million national facility will not be obtained and will not be reached until adequate power is obtained. An overhead transmission line can be constructed in about 6 months time. An underground line will require approximately 24 months to construct. Even if started now, undergrounding of the line would result in a delay in commencement of productive operation of the accelerator by approximately 18 months.

As you know, the Commission has already testified as to the foregoing, but I believe it important to reiterate these points.

Cordially,

GLENN T. SEABORG.

Mr. PASTORE. Mr. President, as stated in our committee's report, even if there were no dispute over the Stanford powerline this bill should be enacted without further delay.

I wish to emphasize that we are not using this as a subterfuge. I wish to make it abundantly clear that this law does affect the area in California which is in dispute, namely, Woodside, and San Mateo.

THE NEED FOR LEGISLATION NOTWITHSTANDING THE POSSIBILITY OF FURTHER JUDICIAL REVIEW

There have been questions raised as to why Congress does not simply do nothing

about clarifying section 271 until all possible judicial remedies have been exhausted by the Government.

I have made the recommendation that the AEC pursue this case to the Supreme Court. Whether or not they will do so, is an administrative decision.

Some have asked whether it is proper for Congress to reaffirm what it meant when it enacted section 271, until the Supreme Court has passed on this matter. There have been charges that this is ex post facto legislation; that Congress is wrongly being asked to "change the rules of the game"; and so forth.

In answer to these questions I shall reiterate several essential points.

This bill merely clarifies what Congress meant all along when it passed section 271. Is it reasonable for Congress to sit back and leave to the courts the resolution of a problem which involves solely the intent of Congress? Of course not. To do that would be to abdicate our responsibility.

I emphasize at this point that we have not come to this conclusion in hate or in haste. We have debated it thoroughly. The Joint Committee is composed of nine Members of the House—Republicans and Democrats—and nine Members of the Senate—Republicans and Democrats—and there was not one vote that this should not be done in the public interest.

What is being proposed here is fully consistent with established legal principles and past practices.

We have authorized and we have appropriated and we have practically spent already $114 million for this 2-mile accelerator, which is a longer distance than is to be covered by the lines in the town of Woodside.

We have unanimously reached the conclusion that what we have proposed should be done in the public interest.

I wish to emphasize at this point that there is nothing more disconcerting, more distasteful, or more obnoxious to me than to become the protagonist for an issue and to find on the other side of that issue serious, sincere, and beloved Senators such as the senior and the junior Senators from California. I wish them to understand that while I realize that they disagree with the proposal, I have the highest respect and regard for their point of view. If I came from the State of California, perhaps I would be standing in the position which they now occupy. But they must understand that we are not being parochial; we are not being hateful; we are not being vengeful. We are trying to do our job in good conscience. What the proposal amounts to is a question of $4 million which the taxpayers would have to pay, and that we feel they should not have to pay, if the installation goes underground rather than above ground.

I have on my desk a cutaway section of the conduit that would have to go underground. It is about 9 inches in diameter. There are three cables inside the conduit. It is heavily insulated cable. Senators will notice that the cable itself is about an inch in diameter.

What would have to go underground? What kind of installation would be necessary to put the conduit underground? All the air would have to be sucked out of the conduit, and dry oil would have to be injected. It cannot be oil having any moisture in it, because then there would be the danger of a short circuit. The dry oil would have to be pumped through the conduit in order to keep the wires cool. That is an operation which would not have to be employed if the installation were kept above ground.

Mr. President, we have not reached our conclusion frivolously and hastily. A question of money is involved.

The argument is being made that we would destroy the esthetic qualities of that region. That argument grieves me. I can understand why such an installation would disturb the people in that area who have invested, in some instances, perhaps, a quarter of a million dollars in their homes. I say, "God bless you if you can own that kind of home."

But the State of California is studded with high tension wires. If the precedent that all very high voltage wires—220 kilovolts and higher—must be placed underground were accepted, then I say to the Senators from California, "Do you realize that such a precedent would mean the crucifixion of industry in your State?"

High voltage wires of 220 kilovolts run alongside the town of Woodside today. At one point, as the chart in the rear of the chamber shows, they touch and go through the town of Woodside. I am indicating on this large chart that a high voltage line touches and runs through the edge of the town of Woodside today.

There are 2,488 poles existing today in the town of Woodside. I am indicating them on the chart.

I hold in my hand a picture of poles that exist in that area. I say, "Since 1956, when you became a township, you have built over 200 poles."

That is no new experience. After the town passed an ordinance, I understand that certain exceptions were granted to build other poles above the ground.

Mr. Clapp, who represents people in that area, is a dedicated lawyer. I do not blame him for taking the position which he has taken. I, too, was once a lawyer and tried cases. I compliment Mr. Clapp for his enthusiasm and his logic. But, after all, it is not his responsibility to spend the taxpayers' money. He does not have to account for the money. We do. We must account for it. That is the responsibility of the Congress.

When it was suggested to him, "You have built poles in that area after you incorporated the town in 1956" he replied, "Oh, but that serves our people."

The disturbance can be tolerated when the installation serves the people of that area, but not if it serves all the people of the country.

People in that area cannot stand the overhead lines if they are to serve the linear accelerator, which has been installed to do what? Will it help the national defense? Who knows? We are living in a highly scientific age. We are building ships to bring man to the moon. I have yet to find a scientist who can tell me why we should go to the moon. But I have not talked with one who has not said, "When we get there, we do not wish to find a Russian there." That is the challenge of our times.

We are speaking about a linear accelerator which is the largest electron accelerator in the world. It has been built to train whom? To train our scientists.

To do what? To give supremacy—supremacy in this highly scientific and technical world, so that we shall not be out-run by Moscow and Peiping.

That is the reason why our Government has invested $114 million in the accelerator. We could have gone any place else in the country. It disappointed me when I learned that the accelerator did not come to Rhode Island. While we, too, in Rhode Island have some aesthetic qualities we like to defend, we would have accepted the poles.

But it went to Stanford University. Why? Because we thought it was one of the best educational and cultural colleges in our country. I say "Thanks" to the men who funded the facility and endowed it, and "Thanks" to the State of California for keeping it up. That is the reason why we put it there.

I now yield to my friend the junior Senator from California.

Mr. MURPHY. Mr. President, first, I wish to compliment the distinguished Senator from Rhode Island for a most dramatic presentation.

Mr. PASTORE. One never knows—he might be a great actor himself.

Mr. MURPHY. In the last 30 years in California I have seen some great artists. There are some on the West Coast who have not seen everything until they have seen my good friend from Rhode Island.

In representing the people of my State of California, I point out that it is unfortunate that the discussion is at present concentrated on the town of Woodside, and we are debating 6 miles of overhead powerline in Woodside.

California has a long seacoast. From time to time more and more atomic energy installations will be built. The construction of atomic installations is of great concern to the people of the State of California. They are concerned about the selection of such locations.

Stanford University was an ideal location for the linear accelerator. Incidentally, Stanford University is a privately endowed institution. It is not kept up by the taxpayers of the State. The work that the university has done in this field and in these areas made it wise to see that the accelerator was put in that location.

I am sure that my senior colleague will have much more to say on the subject than I have, but the question I should like to raise is related to the location of future installations. At the present time two or three such locations are of concern. There is one installation that is not far from my hometown. It has been built on what has been declared by 50 well-known geologists to be a very dangerous fault. It has been located there arbitrarily and against the wishes of the people of the community which surrounds it.

Plenty of other locations might be as practical, usable, and available.

There is one below it at San Onofre, which is part of the Marine Corps camp at Camp Pendleton. There has been some concern as to the location there. About 20 miles of beach line are available at that location. It belongs to the Government.

I am sure that there are 8, 10, or 12 other locations that might have been selected.

My concern, and that of my senior colleague, result from a great deal of pressure, through letters received from people in our State who are concerned about the particular installation at Woodside. But there is the overall picture which I hope the distinguished Senator will realize is of concern to me, and which is not particularly involved with Woodside or Stanford, but is involved in the overall development. I am certain that as the years pass there will be more and more of these installations.

Mr. PASTORE. I realize that, but the Senator must realize that we have achieved supremacy in nuclear and thermonuclear weapons, and we have installations operating all over the country. I know of no AEC installation where high-voltage lines of this kind have gone underground.

I realize this is not an atomic energy installation in the sense that weapons are being made there. I hope I will not be misunderstood as to that; but after all, the question of beautification arises. I have received many letters and have read some editorials written by persons who say, "If this proposal is to be included in a beautification program, why not put the wires underground?"

First, there was a conference at the White House, and the panel which was considering this subject was clear in stating that a distinction must be made between a distribution line and a high-voltage line.

As I have already explained, the trouble in this instance is heat. When the lines are placed underground, it is necessary to take many factors into consideration. In case of a breakdown, a monumental task ensues.

Mr. MURPHY. I understand.

Mr. PASTORE. There might be a delay of approximately 1 month.

I realize that the people in Woodside and San Mateo would rather not have this line at all. Perhaps they do not care whether the accelerator is located at Stanford University. Perhaps they could care less. That is water over the dam. A strong pitch was made for this accelerator to be located in California and specifically at Stanford University.

We have believed in it. We have authorized the money, and we have appropriated the money. There it is.

I went out there and looked at it. I have been talking about this installation for a long time.

The junior Senator from California will recall that when I introduced the bill, I apprised him of the fact that this subject would be coming up. Nothing has been swept under the rug. Nothing has been pushed under the table. There has been no deception. We have been open and above board, because we are all interested in the same objective—the public interest.

I discussed the subject with my good friend the senior Senator from California [Mr. KUCHEL]. Last year he asked me to visit the location during the summer recess. I went out of my way to go to Woodside.

I realize that some people would rather not have the installation there, but it is not so bad as they are making it seem.

First, we are taking great pains. Consider the monstrous towers such as have been erected in California. They are there by the hundreds because much of the current comes from Boulder Dam. I do not have to get into that; we can take judicial notice of it.

The fact is that I went there and looked at the arrangement. In the beginning the discussion was about the monstrous towers, and that it would cost about $668,000 to install them. A dispute arose. It was suggested that they be streamlined. Now it is estimated that the expense will be about $1,050,000.

What is planned is shown on the pictures in the rear of the Chamber. They show the approximate design of the poles. The structures will be similar to those on the picture in the rear of the Chamber and will consist of one-pole, two-pole, or three-pole structures, depending on the curve that has to be made. There would be only three such structures in Woodside.

The number of structures would be: 11 in San Mateo, 3 in Woodside, and 22 in Stanford.

The length of the line in San Mateo would be 2.1 miles, in Woodside it would be .6 miles, and in Stanford it would be 2.7 miles.

The trustees of Stanford University are much interested in the esthetic beauty of the arrangement, because most of the poles are to be placed there.

Ordinarily the undergrowth is cut away so as to provide a walkway for better accessibility. Every precaution possible is being taken.

The plan is to string the wires by helicopter, and only those trees that interfere with the wire itself would be trimmed. Every precaution possible would be taken.

The argument is made that the wires should go underground. If they are placed underground, it will be necessary to take another route. All along the route which the town of Woodside wants the Federal Government to go underground shown in the picture are the existing Woodside poles. They are the poles erected by the community. But the community wants the Government to place the Government's lines underground.

I say that if it were a brand new innovation to put up poles in Woodside or San Mateo County, we might say that the people had never seen a pole before. But see the poles they already have there, as shown by the picture. Poles are already there.

But it is asked: "Must you add insult to injury?" Of course not.

I repeat. We are talking here of substantial added cost to the Government. We have talked and talked and talked. We have negotiated, negotiated, and negotiated. We have not reached a conclusion. What will happen?

The Government brought a condemnation suit in the Federal district court, and the Federal district court sustained the Government. An appeal was taken to the court of appeals. The court of appeals overruled the district court and gave its interpretation of section 271, which brings us here. This is fresh in our minds because I helped manage the bill in Congress. I was in Congress in 1954. I knew what the intent of Congress was. We discussed it pro and con. It was clear why we did this. We wrote section 271 into the law as a protection. We provided that a nuclear facility that is licensed by the Government and begins to sell electricity from that nuclear facility is subject to supervision so far as rates and distribution are concerned, like any other electricity manufactured by conventional or fossil fuels. That is why that section was placed in the law.

What did the court of appeals say?

The court of appeals said that when Congress passed section 271 it took away from the AEC the right under the supremacy clause of the Constitution that is enjoyed by every other agency of the Government.

The AEC is the agency that makes nuclear weapons. It is the agency that makes sure that we can overwhelm our adversaries. Yet it is said in effect that in 1954 Congress deliberately took away the power of the AEC to condemn.

I ask, how far can we get away from the legislative intent? Frankly, if that is what we said and meant we should have had our heads examined. But let me be clear—we did not mean that at all.

It is clear why section 271 was included in the act. All that is necessary is to read the statement made by the distinguished Senator from Iowa [Mr. HICKENLOOPER]. He explained what was meant by this language. He was very clear.

Mr. BENNETT. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. BENNETT. As a Republican member of the Joint Committee on Atomic Energy I wish to indicate my support of the position taken by our vice chairman, who has been discussing the whole problem.

I believe it might be interesting to have all the figures appear in one place in the RECORD.

Mr. PASTORE. That is satisfactory.

Mr. BENNETT. There is no need to restate the arguments in favor of the legislation, but I believe it would be useful to dispel some of the illusions that are sought to be created by the local opponents of an overhead powerline for the Stanford accelerator.

They have tried to picture this powerline as a blight upon a community struggling to maintain its rustic character against the encroachments of civilization.

The fact is that there are already about 2,488 powerline and telephone

poles in Woodside today. The town of Woodside has informed the Joint Committee that 277 poles were erected between 1956, when the town was incorporated, and 1964. Twenty-six poles were erected in Woodside between June 1963, when a land use permit for the Stanford accelerator powerline was applied for, and April 1964. Four poles were actually erected in Woodside since March 1964, the date of enactment of Woodside's first ordinance prohibiting construction of overhead wires, and an additional 59 poles were erected in adjoining San Mateo County within about 5 miles from the proposed overhead line route.

Mr. President, the poles have been going up in these communities at the very time that the local residents have been complaining about the AEC's ornamental pole structures, of which there would be only 36 in the area. As the vice-chairman has stated, there are to be only 3 within the town of Woodside. They have been trying to make the Federal Government pay an extra $4 million, minimum, to bury the lines.

Incidentally, I believe that we should understand that there is no posible basis for comparison between the cost of burying distribution lines, underground—the ordinary distribution lines that are found in communities—and the cost of burying very high-voltage lines which have to be treated in the manner illustrated by the vice chairman.

Moreover, the latest information available to the Joint Committee on Atomic Energy indicates that the town of Woodside is still operating under a temporary ordinance which prohibits overhead lines. This temporary ordinance will expire in less than a year.

Those people apparently do not yet have enough faith in the system to enact a permanent ordinance or require that hereafter all poles shall be placed underground.

There was one temporary ordinance passed in April 1964 for 1 year. As I understand, the year expired, and it has been extended for another year in the hope that the problem will be solved. About April 1966 it will expire and they could then allow their own citizens to continue to erect lines above ground as they have done in the past.

I believe that the facts brought out in the report of the committee, and in the hearings, should portray this dispute in its proper perspective. The facts should serve to demonstrate that any claims for special treatment for the Woodside residents, as distinguished from residents of other communities, are without foundation.

Mr. President, if the senior Senator from Iowa [Mr. HICKENLOOPER] were present, he would make a statement at this point. However, the senior Senator from Iowa is in South America on official business with a group from the State Department. Therefore, I ask unanimous consent that the statement which the senior Senator from Iowa would have made be printed at this point in the RECORD.

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

STATEMENT OF SENATOR HICKENLOOPER RELATIVE TO H.R. 8856

I support the enactment of H.R. 8856 and endorse the explanation of this bill which has been made by the vice chairman of our committee, Senator PASTORE.

The reasons why I cosponsored this bill are set forth in my statement on page 51 of our committee's hearing record. Basically, I feel this bill should be enacted because the court of appeals misunderstood the intent of Congress underlying section 271 of the Atomic Energy Act.

I was vice chairman of the Joint Committee and the Senate floor manager of the bill which added this section to the Atomic Energy Act in 1954. We included section 271 in the law to make it explicit that licensees of the AEC who produced power through the use of nuclear facilities would otherwise remain subject to the authority of all appropriate Federal, State, and local authorities with respect to the generation, sale, or transmission of electric power. There was no intention, by including this section in the law, in any way to limit the sovereign immunity possessed by the AEC as a Federal agency, by virtue of the supremacy clause of article VI of the Constitution.

As has already been explained by the distinguished senior Senator from Rhode Island, the court's misunderstanding of congressional intent has raised the specter of local attempts to regulate Federal defense activities at other AEC installations around the country. In addition, the net effect of this misunderstanding is to prevent AEC from supplying power to the Stanford accelerator unless many additional millions of Federal funds are expended to place the necessary powerlines underground.

For all these reasons, I urge prompt enactment of this bill.

Mr. PASTORE. Mr. President, I yield to the distinguished Senator from New Mexico.

Mr. ANDERSON. Mr. President, I am most happy that the Senator from Utah has had the statement from the senior Senator from Iowa [Mr. HICKENLOOPER] printed in the RECORD.

The Senator from Rhode Island recognizes, as does the Senator from New Mexico, that the senior Senator from Iowa is the senior member of the committee on the Republican side, of both the House and Senate Members.

I was present at the committee meeting when the Senator from Iowa stated his understanding of what the record was. The Senator from Rhode Island has stated his recollection of it.

I was impressed to hear the senior Senator from Iowa speak out as forcefully as he did and state that the Congress intent was completely contrary to the dictum of the court.

I am happy that the Senator from Utah has had printed in the RECORD the statement of the Senator from Iowa. I believe that it is very important.

Mr. PASTORE. Mr. President, I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, the Senator from Utah came to the Senate at a later time than did his colleague. Was not the senior Senator from Iowa a member of the Joint Committee at the time when the bill was passed in 1954?

Mr. PASTORE. He was one of the original members when the committee was formed in 1946.

Mr. BENNETT. There is no question as to the extent of his knowledge concerning this field.

Mr. ANDERSON. Mr. President, not only was the senior Senator from Iowa a charter member of the committee, but he also took a great interest in the passage of the current law in 1954. Many questions were raised during the debate on the law in 1954. At that time there was a sharply divided Senate. We passed the measure. It went to conference. The conference report was rejected.

The Senator from Iowa was vitally concerned with the entire question. He knows of his personal knowledge what each section of the bill meant. He went over the ground time and time again, not only in the committee, in which there was violent argument, but also on the floor of the Senate, where there was also violent argument.

The senior Senator from Iowa knows what section 271 of the bill meant; and he knows what I believe the bill meant.

Mr. PASTORE. Mr. President, I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, it may be that I find myself in a little peculiar position today. To the best of my knowledge, I have never been accused of carrying a torch for any utility company. I do not like power poles. I greatly prefer trees to these poles that are being set in the ground to carry power to the atomic energy research plant at Stanford.

I very much sympathize with the citizens of Woodside who have come to a belated decision that they do not like poles either, although a great many of them seem to have been planted up to this time.

I am rather afraid that we have a situation here in this area which is not too uncommon. A condition which prevails in many other parts of the country as well has occurred. An area will go after a Government installation hammer and tongs, and when they get it, they seem to be a little unwilling to accept some of the disadvantages that go along with it.

I am sure that the county in which the atomic energy research plant is located—and I am inclined to think the city of Woodside and the county of San Mateo—would fight like everything if anybody were to try to take the plant away from them. However, it appears that there is a price to be paid.

In this case, Woodside will have to look at three more structures in addition to the 2,488 poles that they now have. They do not have any admiration for the utility poles in that village. San Mateo County will have 11 more structures in addition to thousands of poles they now have. However, under the circumstances, inasmuch as the House overwhelmingly passed the bill, and inasmuch as the Joint Committee on Atomic Energy presided over by one of California's distinguished citizens—has approved the bill, I feel it is my duty to support the amendment to section 271 pending before the Senate.

Mr. PASTORE. Mr. President, I yield to the Senator from California.

Mr. MURPHY. Mr. President, I have spoken to the Representative from that area of California. So that the record will be in accordance with the facts, there have been no poles placed in disregard of the ordinance at Woodside. They had not been ordered to be placed previous to the adoption of the ordinance by the citizens of Woodside.

In other words, these are poles that were placed in the ground since the passage of the ordinance. These are the poles that were discussed in the House of Representatives.

In order to keep our record straight, there have been no poles added in disregard of the ordinance.

I point out also that in California, as is the case with many other things, our State moves forward very quickly. It will be found that it is becoming the custom to place facilities underground so as to eliminate the condition which has been exhibited by the distinguished Senator from Rhode Island in the carefully selected photograph on the far side of the Chamber. This custom has been pursued so that the condition will be eliminated in the future.

We have tried to go along with the President's program on beautification. It will be found that the facilities in most of the new developments—in community after community—which were overhead in the past, will be placed underground in the future.

These are conditions which have existed in the past. We are trying to change them, just as we are trying to change the pollution of our rivers and trying to work on the air pollution program in California.

We want to conform with the conditions that are best.

I want the Senator to understand—and I speak also for my senior colleague—that there is no intention on our part, in standing here, to do anything other than what we consider to be to the best interest of our constituents in the State of California.

There is no desire on our part in any way to take away any needed power of the Federal Government. There is no desire on our part to hamper any future progress of atomic energy.

On the contrary, our State of California can boast of having provided much of the progress that has been achieved in the past.

There was reference to the picture of the moon. Most of the work done in this effort has been originated and consummated in the State of California.

As I stated earlier, it is not a consideration. As I read the bill, I do not find the name of the town "Woodside" mentioned in the bill. Yet we have continually talked about the town of Woodside and one 6-mile area.

Woodside happens to be experiencing a condition which was brought to my attention, and I am sure to the attention of my senior colleague. It has to do with the actual conditions of future Government installations.

I believe the Senator from Rhode Island will agree with me that the ideal way is that the Federal Government, the local governments, and the communities should act together in a friendly fashion.

About 22 or 23 years ago, at the beginning of World War II, an important installation for photography was built in the hills back of Hollywood. It was built there because the facilities were easily obtainable. It was built back in the hills because it was to be secure. It was secret. Some people objected to it. Some troublemakers spread the story that it was going to be a bomb installation. I went with a colonel in the Air Force and helped with the community facilities, just as I did with respect to the representatives of Stanford University, the communities, and representatives of the Atomic Energy Commission, to try to reach a solution, where the three together could consider the problem and try to find an answer.

I am certain that this idea did not originate with me. I am certain that my senior colleague envisioned it before I ever came to the Senate.

It is not our intent to impede the progress of an accelerator or a reactor which will be built, but to express the hope that when this bill is finally passed it will be in such condition that the installation can conform to local conditions, that it will not be a question of changing completely the character of the countryside and community, and that installations of the Atomic Energy Commission will not go in highly populated centers.

These matters will have to be settled and need the attention of the committee.

There are two or three locations, one of which I am objecting to strenuously now, because it is in the kind of community where there should not be an atomic reactor.

It is not my purpose to impede atomic research. I want that to be clear on the RECORD.

Mr. PASTORE. I thank the Senator from California. I quite agree that in this case there is more involved than Woodside. That is the reason why we are here with this bill. I had hoped this entire problem could have been adjusted. I have been trying to adjust it.

I could not possibly accept an amendment that would exempt Woodside; and I will tell the Senators why.

Geographically, this country is very large. We are the most highly industrialized nation in the world. We have a great affluent society, the greatest in the world. There is a greater demand in this country for electric power than there is in any other nation of the world, for obvious reasons which I do not have to elaborate on. In this whole country, how many miles of underground high-tension wire is there? It is a small amount. Los Angeles has some. There is some in San Francisco and some in New York City. The State of California is studded with high-voltage and low-voltage lines. If California did not have high-voltage lines, it would die industrially.

Mr. MURPHY. If the Senator will yield, the Senator's statement is a little overdramatized.

Mr. PASTORE. I am a dramatic man.

Mr. MURPHY. There are high tension wires in California from Boulder Dam, but California is a large State. When the Senator says it is studded with those lines, I think he is overemphasizing.

Mr. PASTORE. The Senator has said he is not as much concerned about Woodside as about Malibu and other places he mentioned. The question remains—and I will leave this to the Senator's judgment, and I am not indulging in a cliche—Are we going to say it is all right to install high tension lines in a less affluent community, but we must install them underground in a more affluent community? Are we going to put all the very high voltage wires underground? It would cost many billions of dollars. When we make an exception for a U.S. installation with regard to atomic energy, does the Senator think we would ever be able to go above ground, once having gone below ground? Once we started it, where would be the end? There may be much merit in the argument of the Senator, but the fact remains that the Senate is a permanent body, and I hope it will be so to eternity. The precedents that are set here are the precedents of the people.

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

Mr. PASTORE. I yield.

Mr. BENNETT. The Senator started pointing out how few high-voltage lines of 220 kilovolts and above were below ground, but he went on to something else without giving us the figures. Will the Senator tell us how many miles of underground very high voltage lines there are in the United States?

Mr. PASTORE. I would say about 25 miles; and one town is applying for 5.4 miles of underground installation—one-fifth, or 20 percent of those existing.

The Senator has said we should comply with the wishes of the people. I live within a stone's throw of an airport in my State. I know every plane that takes off and every plane that lands there. Does the Senator think I like it? But that airport has to be somewhere. Somebody has to endure the hazards. This is a responsible decision to make.

The Senator from Utah [Mr. BENNETT] came to the Senate at about the same time I did. My friend the Senator from New Mexico [Mr. ANDERSON] has been here more years than I have. The dean on the Republican side, the Senator from Vermont [Mr. AIKEN] is also on the committee. We listened and we studied. This action is unanimous. So do not tell us we are unreasonable, or that what we are doing is unreasonable.

Whom are we trying to protect? The U.S. Government. We do not want to spend millions of dollars more than necessary. If we do it here, it will cost much more on other installations. There is not one other agency of the Government that has lost its power under the supremacy clause of the Constitution. But the court has said that AEC has lost this power under section 271 of the act. How ridiculous can we be? If we did it—which I do not believe we did—let us right it today. That is the reason why

I am pleading the way I am, because we do not know what we have to face in the future. The interest of the people is paramount, not the interest of Woodside alone.

Consider what Stanford means to Woodside. I talked this over with Mr. Clapp, the attorney for Woodside, who said, "We do not look at it that way. Consider what Woodside means to Stanford." I said, "I heard that one before about General Motors."

Mr. ANDERSON. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am glad to yield.

Mr. ANDERSON. The Senator from Rhode Island referred to the fact that the precedents are important. I remind the Senator that there is consideration to build a 200-Bev. accelerator somewhere in the United States. Would the Senator bar supplying overhead power to the 200-Bev. accelerator wherever it may be built or for that matter any power because someone objects?

Mr. PASTORE. I hope that the Senator from New Mexico realizes what that interpretation means, that any community can pass a law and say, "You cannot go above ground. You cannot go below ground." We could not do anything about it. As it stands now, we cannot even go underground. We have no authority, according to the court. How stupid can we be? Where are we going to go to defend this Nation? Where are we going to preserve the peace of the world, if we are being told that we do not have existing power in this agency? I am astonished.

I believe that I have said everything that needs to be said.

Mr. MURPHY. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. MURPHY. I should like to reiterate, at the risk of becoming redundant, that I have not mentioned Woodside. I have not seen it mentioned in the bill.

Mr. PASTORE. I realize that.

Mr. MURPHY. I have not suggested, nor do I suggest, that in all future construction by the Atomic Energy Commission, that powerlines, transmissions in or out, have to be underground. I have merely talked about the rights of the communities concerned—the State and the local communities, at least, to be properly considered so that the Atomic Energy Commission will not, as they have in at least one instance besides Woodside, come into a community and said, "Here we will locate an installation, regardless of whether the people object."

There is no necessity for it being there. It will mean locations which are much more and much better. I am sure the whole thing at the outset was a misunderstanding and was due to the eagerness on the part of someone, not the Federal Government. But this is a new experience that we are going through.

Mr. PASTORE. I would not say that, let me say to the Senator from California. I was Governor of my State, and we never——

Mr. MURPHY. If the Senator will yield further——

Mr. PASTORE. We never used any property for any public purpose without some remonstrances.

Mr. MURPHY. I am talking about the whole aspect of atomic energy. I asked my office 10 days ago for a series of answers to questions from the Atomic Energy Commission having to do with past performance in these installations, not Woodside, but the ones already built, because I wish to find out exactly what the conditions are, what the progress has been, and what has been the output of the efficiency. I know all the problems concerned with the work. I repeat, this program is not concerned with Woodside. It was brought to my attention because they happen to be constituents, but it has to do with future policy so that the Government and Federal officers in local organizations can act together with the least possible friction.

Let me say to the distinguished Senator from Rhode Island that I come lately to the Senate. I am from the outside. We might say that I am a "new boy."

I am sensitive to the reaction from the outside. From time to time, people get the feeling that the Federal Government now says, "We are going to do it, regardless." I do not believe that is the meaning. I do not believe that is what the Senator from Rhode Island and other members of the committee had in mind. I believe they say "We are going to do it" where it is necessary, where it is practical, and where it is in the best interests of the people to do so.

Mr. PASTORE. We have tried that. We have been in negotiations with——

Mr. MURPHY. It has worked, has it not?

Mr. PASTORE. No; it has not worked.

Mr. MURPHY. The Senator is talking about Woodside.

Mr. PASTORE. I am talking about Woodside.

Mr. MURPHY. I am excluding Woodside.

Mr. PASTORE. I know. Perhaps we can go to another community.

Mr. MURPHY. No; that is not my intention. What I am trying to do is to exclude this particular community from consideration of the bill. As I pointed out, this community is not mentioned in the bill.

Mr. PASTORE. What are we going to do with the $114 million in Stanford? Who is going to sustain that loss?

Mr. MURPHY. I presume that it will be decided to rebuild the reactor out there, and that the powerline will be connected. We could then——

Mr. PASTORE. When? We have been trying it for more than a year. When?

We have exhausted every channel. Several members of the Joint Committee and staff have visited the location. I was there. The Senator from California [Mr. KUCHEL] asked me if I would not go out there and take a look. I did take a look. I talked with many people and went to many meetings. We have exhausted every remedy. The question is precisely this: Shall we go above ground, or shall we go below ground?

Woodside says, "Below."

The United States says, "Above."

Who is going to win this battle?

That is the situation at present.

Mr. MURPHY. If the Senator from Rhode Island insists that the whole battle is on Woodside——

Mr. PASTORE. Yes, in this particular case.

Mr. MURPHY. That is the only one of many questions that will arise. I might suggest to the Senator, as the youngest Senator from California, that I have not been to Woodside. Perhaps I shall go there.

Mr. PASTORE. I wish the Senator would.

Mr. MURPHY. After the experience I have had in the Chamber today, I may find somewhere the power of persuasion to tell those people that they had better understand that this has to be done in the public interest.

Mr. PASTORE. The minute the Senator returns, if he is successful, I shall introduce a resolution to grant the Senator the Carnegie medal.

Mr. ANDERSON. If we try to eliminate—or put in a provision eliminating Woodside from the bill—they could say, "We were specifically excluded in the bill; we are exempt."

Mr. PASTORE. We could have done that if we had wished to exclude Woodside. However the $114 million installation is standing still. Something has to happen one way or the other. We have been trying to get this thing to happen for a long time. We have talked to and fro. We have had meetings. Representative HOLIFIELD went out there. Representative HOSMER accompanied him. He is a Republican. Republicans and Democrats on both sides of the aisle have been out there. Representative HOSMER and HOLIFIELD come from California. We do not wish to do anyone any injury. How far can we go before we resolve this problem?

We have reached the point where we must do something.

Mr. JACKSON. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. JACKSON. I wish to associate myself with the remarks of the Senator from Rhode Island. He went into this subject in great detail. I should like to observe that the estimates we had in the committee hearings indicated that the cost ratio between following what the people of Woodside had in mind, and the costs of the overhead transmission line were up to 10 to 1. This is the estimate submitted by Mr. Joseph Swidler, Chairman of the Federal Power Commission. He made that estimate in a letter which he sent to the committee and which was included in the RECORD.

I point out also that the estimate submitted by the California Public Utilities Commission—this is the California agency—indicated that the cost ratio would be approximately 5 to 1. This is the estimate of the California Public Service Commission.

Mr. PASTORE. If I may interrupt the Senator at that point, the minute we spend one-half million dollars a mile as against the basic cost of going above ground, we must add that to the rate.

That will mean $200,000 a year that the taxpayers will have to dish out for the added charge for the electricity rate. It does not end alone with the construction.

The investment becomes greater, the maintenance becomes greater, and the base is predicated on a fair return to the investor which will increase; and when that increases, the amount of money we have to pay in the rates will increase as well with that; so that is what we are up against, too. Let us realize that this does not only mean $4 million in construction. This means an added charge of $200,000 a year in increased rates to pay for the added construction and maintenance costs.

Mr. JACKSON. The Senator is absolutely correct. It has a direct impact on the rate structure. It seems to me that the precedent which would be established here would be one that would haunt the Senate for a long time to come. I believe that we all wish to be reasonable. This is what the committee endeavored to do. It seems to me that the resulting decision is sensible and reasonable, under all the circumstances.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Justice Department to Representative HOLIFIELD; also a statement entitled "New Distribution Poles Installed in Woodside Since March 9, 1964." The latter is to document the fact that Woodside has permitted poles to be installed in the town after passage of their temporary ordinance of March 1964 prohibiting any additional overhead lines.

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

DEPARTMENT OF JUSTICE,
Washington, D.C., July 16, 1965.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to the request of counsel for your committee of our views as to the propriety of changing the language of section 271 of the Atomic Energy Act of 1954, as amended (42 U.S.C. sec. 2018), despite the fact that its interpretation is presently before the courts. We have also been asked for an estimate of the time required to resolve this question in the courts, assuming further proceedings are to be taken by the Federal Government, in the absence of clarifying legislation.

The proposed legislation now under consideration is intended to clarify the law in order to make clear the original intent of Congress in enacting section 271. We are informed that the Atomic Energy Commission is of the opinion that its program requires that the transmission facilities become available without further delay and that the Commission supports the early passage of this bill because of its impact on the national defense and security. In view of this, the enactment of the proposed legislation at an early date would not be improper despite the fact that further judicial review of the ninth circuit decision could yet be sought and would provide the only means of meeting the emergency situation.

The time involved in seeking further judicial review of the court of appeals decision absent clarifying legislation can only be estimated. Though such petitions are normally denied, there is a possibility that the court of appeals might grant a petition for rehearing. The Government has until August 18, 1965, to file such a petition. A decision by the court of appeals as to whether to grant any such application might reasonably be expected within 10 days or so after the filing of a petition for rehearing. If such a petition were granted, additional time for briefing might be allowed and thereafter a date for oral argument would be set by the court of appeals. A ruling could reasonably be expected within about 30 days after the oral argument.

If the court of appeals denies a petition for rehearing, or if it is granted and the decision is unchanged, further judicial review of the decision by the court of appeals could be had by the filing in the Supreme Court of a petition for a writ of certiorari. The time for filing such a petition would expire 90 days after final action by the court of appeals. The Supreme Court would probably not act on a petition for a writ of certiorari until sometime between December 1965 and February 1966, depending upon the time consumed by the foregoing processes. If certiorari were granted, considering the time required for briefing and argument, it is possible, under normal procedures, that the Court would not dispose of the matter until June of 1966, or, under some circumstances, until the latter part of 1966. Thus, absent clarifying legislation, the delay in pursuing further judicial review would be substantial.

Very truly yours,

EDWIN L. WEISL, JR.,
Assistant Attorney General, Lands Division.

NEW DISTRIBUTION POLES INSTALLED IN WOODSIDE SINCE MARCH 9, 1964

1. A 40-foot pole at 2000 Portola Road (Mountain Home Ranch) at the north end of the large structure being erected on the old sawmill site behind the historical monument on Portola Road (Schroll). This pole was erected after a variance to the underground ordinance had been granted by the city council. (See council minutes of July 13, 1964, and Aug. 10, 1964.)

2. A 35-foot pole at 198 Churchill Avenue located at the entrance of the W. E. Jason property. This pole was set on April 13, 1964.

3. A 30-foot pole at 85 Robles Drive (G. P. Kimball) located west of Mountain Home Road and south of Roberta Drive. This property known as the Los Robles subdivision is being parceled out to individuals. A variance was granted by the city council in this instance after appeals were made on January 11, 1965, February 8, 1965, and March 8, 1965.

4. A 25-foot pole at 1255 La Honda Road opposite to the entrance to the Blackington property. This pole was set in October 1964 to relieve strain along the existing line.

* * * * *

Since March 9, 1964, there have been replacement distribution poles set in Woodside that Pacific Gas & Electric estimates to be somewhere between 40 and 50.

Mr. PASTORE. Mr. President, to conclude my remarks, we must also consider the effect of our ignoring this problem on the operation of the Government's accelerator at Stanford. This facility must have power. I will quote again from Dr. Seaborg's July 14 letter to our committee appearing at page A4121 of the July 27 daily RECORD:

The existing 60-kilovolt power supply will be inadequate for project needs by the end of calendar year 1965. Construction of the accelerator is expected to be completed by March 1966. Unless 220-kilovolt power is available by then from an additional powerline, maximum scientific productivity of research from this $114 million national facility will not be obtained and will not be reached until adequate power is obtained. An overhead transmission line can be constructed in about 6 months' time. (An underground line will require approximately 24 months to construct. Even if started now, undergrounding of the line would result in a delay in commencement of productive operation of the accelerator by approximately 18 months.)

Our committee unanimously believes all the facts in this case point to the need for Congress to act now to clarify this law, even though the Government might still secure further judicial review of this case. This is the best procedure to follow from the standpoint of the national interest and a proper legislative-judicial relationship.

The executive branch supports this view. I have already read the statement of the AEC's Chairman. I also wish to refer again to a portion of a letter to our committee from the Justice Department, dated July 16, 1965, which was first placed in the daily RECORD on July 26, at page A4052:

This is in response to the request of counsel for your committee for our views as to the propriety of changing the language of section 271 of the Atomic Energy Act of 1954, as amended * * * despite the fact that its interpretation is presently before the courts. We have also been asked for an estimate of the time required to resolve this question in the courts, assuming further proceedings are to be taken by the Federal Government, in the absence of clarifying legislation.

The proposed legislation now under consideration is intended to clarify the law in order to make clear the original intent of Congress in enacting section 271. We are informed that the Atomic Energy Commission is of the opinion that its program requires that the transmission facilities become available without further delay and that the Commission supports the early passage of this bill because of its impact on the national defense and security. In view of this, the enactment of the proposed legislation at an early date would not be improper despite the fact that further judicial review of the Ninth Circuit decision could yet be sought and would provide the only means of meeting the emergency situation.

The Justice Department also estimated the time which would be consumed in further judicial proceedings and concluded:

Absent clarifying legislation, the delay in pursuing further judicial review would be substantial.

It is apparent that a failure on the part of Congress to act now would be a serious repudiation of our responsibility both to the judicial and the executive branches of the Government.

NATURAL BEAUTY AND RELATIVE COSTS

Those who favor an underground powerline for the Stanford accelerator have made much of the supposed inconsistency between the action of the Government in this particular instance, as compared with other Federal programs designed to preserve the natural beauty of our surroundings.

I wish to make it quite clear that we on the Joint Committee feel the Federal Government has a responsibility to take every reasonable step to preserve and enhance the natural beauty of the area to be traversed by the Stanford powerline. The actions taken by our committee over the last few years—including

public hearings, conferences, and visits to the area—are concrete evidence of our committee's continuing concern with this matter and the views of the local residents. We believe the Federal Government has taken every reasonable step to accomplish this goal, including the AEC's announced willingness to spend large amounts to construct relatively short, esthetically designed, ornamental powerline structures and to avoid cutting a swath through the trees and other growth in the area.

Mr. President, our committee also has a responsibility to assure that our Nation's atomic energy program is conducted efficiently and without waste of public funds. An overhead powerline, on standard towers, could have been provided for this project for only $668,000. This would have provided not only the cheapest, but also the most reliable power for the accelerator. To improve the esthetic appearance of this overhead line the AEC is willing to erect the line on ornamental power poles at a cost of about $1,052,000, even though this is somewhat more expensive than using standard towers. However, the cost of underground powerline is about $5.4 million, without even counting the costs associated with the delay involved in constructing such a line. Our committee cannot, in good conscience, after weighing all of the factors, recommend to the Senate that the American taxpayer assume the burden of the additional costs for an underground line—estimated at well over $4 million.

Moreover, our committee's recommendation is fully consistent with the recommendations of the panel on underground installation of utilities of the White House Conference on Natural Beauty. The White House conference panelists were very careful to distinguish between low-voltage distribution lines, typical in residential communities, and high-voltage transmission lines of the type in question here—that is, 220 kilovolts—insofar as burial of these lines is concerned.

In short, the experts have concluded that the burial of high-voltage transmission lines for so-called esthetic reasons is not warranted, because of the greatly increased costs.

Mr. President, all of what I have said points to a simple conclusion—Congress should pass this proposed legislation without further delay. I reiterate that the Joint Committee unanimously recommends this bill and that the other body has already overwhelmingly approved it.

I strongly urge that the Senate pass this bill.

Now as to how this legislation will affect the Woodside controversy, let me say that during the hearings before our committee on H.R. 8856, and elsewhere, there have been claims made by lawyers for the town of Woodside that there are various statutory and even constitutional objections to the AEC's proceeding to condemn land and to construct and maintain an overhead powerline to service the Stanford linear accelerator, apart from the court of appeals' interpretation of section 271 of the Atomic Energy Act.

I want to make it crystal clear that our committee does not believe these arguments by the town's lawyers have any validity. Neither did the court of appeals, which decided this case, nor the lower Federal court. Neither does the Justice Department nor the Atomic Energy Commission.

More recently, the town's lawyers have argued that, if enacted, H.R. 8856 somehow would have no applicability to the particular proceeding which led to the Ninth Circuit Court of Appeals' decision of May 20, 1965, concerning the Stanford powerline; and that Congress cannot pass a law which would apply to the existing powerline controversy between AEC and the town of Woodside and county of San Mateo. Those arguments are equally baseless.

As stated in our committee's report:

> The bill (H.R. 8856) would make it clear that Congress did not intend to strip AEC of the power it would normally possess, under the Atomic Energy Act of 1954 and in accordance with the supremacy clause of article VI of the Constitution, to construct and operate an overhead transmission line to service this facility. Accordingly, the AEC could condemn the necessary easements for an overhead electric power transmission line for this purpose, and could construct and maintain such powerline, either with its own forces or through contractual arrangements, notwithstanding any State or local laws or regulations to the contrary, including those of the town of Woodside and the county of San Mateo at issue in the case before the court of appeals (p. 6).

Our report further states:

> The committee also unanimously favors this bill because it will allow the AEC to proceed expeditiously with its present plans to construct an overhead line to service (the Stanford linear accelerator) (p. 7).
>
> The amendment of this section (sec. 271) effected by this bill is intended as a clarification of the meaning of section 271 as originally enacted. Accordingly, it does not represent a change in this law applicable only to future judicial proceedings, but is intended to apply equally to any judicial proceedings currently in existence (p. 10).

Mr. President, Woodside has no special exemption from this proposed legislation. Enactment of H.R. 8856 will demonstrate clearly that the intent of Congress conforms with these excerpts from our committee's report.

Mr. KUCHEL. Mr. President, I regret very much that a controversy now arises in Congress which pits the might of the Government of the United States against a city in the State from which I come.

It seems to me that the city of Woodside, Calif., should be saluted for trying to protect the scenic beauty that Almighty God gave to the area in which Woodside is located, and for trying to improve the surroundings of the citizens who live there.

In that respect, the city of Woodside, Calif., is not unique. Cities, large and small, in my State in recent years have gone forward to enact local laws and local ordinances in an attempt to improve the environment of their citizens.

I note also that cities across the entire Nation have done likewise.

Not very long ago the President of the United States, sent to Congress his recommendations that Congress adopt legislation giving local communities an incentive to beautify the areas of their people. That legislation is pending in Congress.

Let me read a paragraph from President Johnson's message to Congress on February 8 of this year:

> There is much the Federal Government can do, through a range of specific programs, and as a force for public education. But a beautiful America will require the effort of government at every level, of business, and of private groups. Above all it will require the concern and action of individual citizens, alert to danger, determined to improve the quality of their surroundings, resisting blight, demanding and building beauty for themselves and their children.

I very much doubt that any apology need be entered on behalf of the city fathers of Woodside for trying to improve the beauty of the area in which their own citizens live.

The other day, on July 12, 1965, Federal Housing Administration Commissioner Philip N. Brownstein announced that the FHA will require the burial of utility lines in future subdivisions.

That is a governmental agency setting down a new policy with respect to utility lines.

If the Government of the United States, through a Federal agency which is interested in housing, lays down that sort of prospectus for the future, how can we berate the people of Woodside for trying to do the same thing in their area?

What are the facts? The facts are that the Atomic Energy Commission saw fit to choose a great educational institution in California in which to place a 2-mile-long nuclear accelerator for the benefit of the people of the United States and perhaps, beyond that, for the benefit of mankind generally.

All of us in California are proud that my State, and a university in my State, should become the recipient of that decision.

However, it was a national decision. It was made by the Atomic Energy Commission and in the national interest.

In the negotiations which subsequently took place, the Atomic Energy Commission determined that it needed to purchase great quantities of electricity, and it turned to a great private utility in my State, the Pacific Gas & Electric Co. It entered into a contract with the Pacific Gas & Electric Co. to furnish electricity to the nuclear accelerator, located on the Stanford University campus.

The Pacific Gas & Electric Co. agreed that it would negotiate for all the local permits necessary to bring the electricity to the Stanford linear accelerator. It appeared before the San Mateo County Planning Commission, and the planning commission of Woodside. Both the city and county had ordinances which made it illegal to erect new overhead powerlines.

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

Mr. KUCHEL. I shall yield in a few minutes. First I should like to spell out my case.

Mr. PASTORE. I should like to have the Senator yield to me on that particular point.

Mr. KUCHEL. I shall yield in a few moments, and then the Senator can cross-examine me.

Both the county and city told the utility company that it would have to comply with the ordinances. Of course it would have to comply with the ordinances. What happened?

The Atomic Energy Commission said to the company, "Step aside. We will do it for you."

I see my friend, the able Senator from New Mexico [Mr. ANDERSON] on the floor. Let me repeat what happened. The Atomic Energy Commission said, "Step aside. We will go in and we will do the condemnation, and we will bypass the attempts of the local government." They said they would bypass the attempts, however meager they were, of the local government in my State to enhance the beauty of the surroundings.

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

Mr. KUCHEL. I should like to spell out my case first.

Mr. PASTORE. I suggest that the Senator spell it out correctly.

Mr. KUCHEL. At that point the matter went to court.

On the 20th of May 1965, the second highest court in the land, the circuit court of appeals, ruled with the city of Woodside.

Four days later, into the Senate and into the House of Representatives Members of Congress introduced bills to reverse the decision of the circuit court of appeals. That is what is being attempted now. The attempt here is to bypass the court.

I recognize the indispensable necessity of the supremacy clause of the U.S. Constitution. I recognize the great importance of the Atomic Energy Commission. I have the greatest respect for the Chairman of that Commission, Glenn Seaborg. I also have respect for what the President of the United States is trying to do in the field of beautification of America.

I have the same respect for the cities of America, including the city of Woodside in my State, for attempting to reach the same goal.

I have before me a letter, which I shall insert in the RECORD, from the Pacific Gas & Electric Co., which shows that the powerlines can be placed underground with an additional expenditure of $1,600,000. I wish to repeat that figure. The Pacific Gas & Electric Co. says that the cost of putting the lines underground will be an additional $1,600,000, not $4 million, to which the Senator from Rhode Island has referred. Let the record be clear.

Mr. PASTORE. The Senator has used my name. Will he yield to me on that point?

Mr. KUCHEL. In about 2 minutes I shall start yielding.

Mr. PASTORE. After that, I do not care whether the Senator yields to me or not.

Mr. KUCHEL. I have a number of comments that were made in the free press of America.

I ask unanimous consent that the letter from the Pacific Gas & Electric Co., and a copy of the letter which I wrote to the President, and several editorial comments be placed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KUCHEL. What I had hoped I might do would be to appeal to my colleagues and to the Atomic Energy Commission to approve an amendment to the bill which would authorize the expenditure of $1,600,000 for the purpose of supplying a part of the money to accomplish the intent of the local ordinances and to place these powerlines underground.

Let the record clearly show that the city of Woodside—a small community—has agreed to raise from its own people $150,000 as its payment, with the Pacific Gas & Electric Co. prepared to pay the rest of the money, over and above the $1,600,000, necessary to accomplish placing the powerlines underground.

I regret that I have been unsuccessful in attempting to find such a happy solution.

Earlier it was said that the proposed legislation would do more than affect Woodside. Of course it would. I hope that some day in all our land all new powerlines will be placed underground. I hope that some day in all our land, as new people come into the area of the Senator from Rhode Island or into my area they will enter communities which take pride in whatever beauties God Almighty gave to them and will desire to preserve and protect them.

Earlier in the debate the distinguished Senator from Rhode Island read a letter in which some comment was made with respect to the necessities of defense. Defense is No. 1 for the life of our Republic. No one denies that. The Senator from California has voted for every single nickel that has ever been asked for by an agency connected with the defense of our country, and he intends to continue doing so.

I wish to read a part of the letter which the able Senator from Rhode Island previously read:

> Many AEC installations, including those in the production of weapons and weapons material, which are heavily dependent on the availability of reliable sources of electric power, have been placed in jeopardy by the decision.

Referring to this decision. Surely placing powerlines underground in California will not place in jeopardy the defense posture of the Government of the United States or the Atomic Energy Commission.

I have talked with the distinguished Senator from Rhode Island. He understands as easily and as clearly as I do the problem that is raised. But since I have met with rebuff in relation to the type of amendment which I hoped might be offered, I shall ask my able friend a question. After asking the question, I shall be glad to try to answer any questions he has. I wonder if the Senator would consider accepting an amendment which would add at the end of the bill the following language:

> *Provided further,* That nothing in this section shall be construed to affect any zoning ordinance of the State, or local subdivision thereof, which prohibits overhead electric powerline transmission facilities, unless the Commission determines that the enforcement of any such ordinance would adversely affect the security or defense interests of the Nation.

If the Senator would accept that amendment, there would be no question in the debate or in this controversy that the defense and security interests of the American people were involved. If they were, the Commission would say, "We will not comply." But if they were not, the Commission ought to comply, and the proposed language would indicate that it would be required to comply.

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

Mr. KUCHEL. I yield.

Mr. BENNETT. Does the Senator feel that the transmission of power to the Stanford accelerator—the case we are discussing today—is outside the defense needs of the United States, and that his amendment therefore would exempt the city of Woodside?

Mr. KUCHEL. I merely wish the Commission to respect local zoning ordinances, unless it finds that the security and the defense interests of the United States are involved. Otherwise I want the local zoning ordinances to be respected in that field.

Mr. BENNETT. Then the Senator would leave it to the Commission or the President to decide whether the transmission of power to the Stanford accelerator is in the interest of national defense?

Mr. KUCHEL. Yes.

Mr. BENNETT. Suppose the President or the Commission should say, "Yes; we find it in the interest of national defense." Then the town of Woodside would again shriek to high heaven that no weapons are being made at Stanford, and that there is no relation between the accelerator and national defense. I do not believe the proposal would solve our problem.

Mr. KUCHEL. I respectfully suggest that the amendment would go a long way toward solving our problem. I have offered it in good faith. I ask my able friend, the chairman of the committee, if he would accept it.

Mr. PASTORE. The Senator from California knows that I could not possibly accept the amendment for the obvious reason that was posed in the question asked by the Senator from Utah. If the Senator from California [Mr. KUCHEL], astute as he is, did not think the amendment would exempt Woodside, he would not offer the amendment.

Let us face it. I cannot accept the amendment for the reasons I have already stated. I do not know how clear I can make it. We have a situation on the floor of the Senate. The Senator from Utah [Mr. BENNETT], the Senator from Vermont [Mr. AIKEN], and the Sen-

ator from Iowa [Mr. HICKENLOOPER] are Republican stalwarts on the Joint Committee on Atomic Energy. From the House there are Representative HOSMER, Representative ANDERSON of Illinois, and Representative BATES. We all were in on the study, and we studied the question thoroughly. We were hopeful that something could be agreed upon. We have not been able to accomplish it, and I do not believe that it will be accomplished.

I regret very much to say that I cannot accept the amendment for the reasons I have already stated. Let us face it. If we make an exception with relation to Woodside, we shall have fixed a precedent that would come back to haunt us.

Let me say this to my good friend, the senior Senator from California: I do not know anyone who could have tried harder or work as diligently as he to try to help the town of Woodside and San Mateo County. Since this controversy arose over 2 years ago, he has spoken to me and other members of the committee on many occasions. He succeeded in interesting Dr. Glenn Seaborg and each of the Commissioners personally in this matter. He has been an articulate and strong advocate for his constituents. He could not have done more.

It is perhaps too bad that originally we decided to go to Stanford. Perhaps we would have avoided the problem if we did not go to Stanford. But we went to Stanford. It is too bad that we invested $114 million in a project that is not being used. As I understand, even if we decided to place the installation underground, 18 to 24 months would be required to install the conduit. That is not the point that disturbs me. I should like to answer the question of the Senator from California as to what is disturbing me. The Senator said that the ordinance had already been passed when the Pacific Gas & Electric Co. negotiated with the township. That is not correct. In the report there is a chronology, which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Is there objection?

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

APPENDIX 1—POWER TRANSMISSION FOR STANFORD ACCELERATOR CHRONOLOGY

January 7–9, 1963: P.G. & E. was granted use permits by the planning commissions of San Mateo County and the city of Menlo Park for the 60-kilovolt wood pole line required to supply electric power for the construction of the Stanford linear accelerator.

January 10, 1963: P.G. & E.-AEC contract for supply of power required for the construction and operation of the accelerator was signed. The contract stipulates a 60-kilovolt wood pole line, and a 220-kilovolt powerline along the Searsville route.

January 24, 1963: P.G. & E. had a preliminary meeting with the Woodside Planning Commission. It requested that P.G. & E. consult with Woodside's staff planner and with the planning officials of San Mateo County to develop the best possible location for an overhead line.

June 1963: P.G. & E. filed applications with the planning commissions of Woodside and San Mateo County for use permits for a double circuit, 220-kilovolt line, capable of delivering 300 megawatts to SLAC over either of the two circuits. The estimated cost of this line was $668,000.

June 27, 1963: The Woodside Planning Commission held a hearing on P.G. & E.'s application. The Woodside Planning Commission requested additional data. It also asked why the overhead line could not parallel the proposed Junipero Serra Freeway.

August 7, 1963: P.G. & E. filed an amended application to cover, also, a line along the Junipero Serra route, either on towers or on dual circuit poles. The estimated cost of the tower line adjacent to the proposed freeway was $951,000, and the estimated cost of the tubular steel poles on this route was $1,012,000.

August 15, 1963: Upon being informally advised that P.G. & E.'s applications were encountering serious opposition because of a desire that the transmission line be placed underground, AEC's general manager wrote to the Woodside Planning Commission to state his belief that the extra cost that AEC would be compelled to bear if the line were buried could not be justified. He reviewed the history of the project and stated other facts bearing on the problem.

August 22, 1963: The Woodside Planning Commission held another hearing to consider the additional data and the alternate application. At this hearing P.G. & E. presented a study of the problem of installing an underground line to SLAC. Among other things, this study indicated that the estimated cost of an underground line equivalent in capacity to the overhead tower line was $6,440,000.

September 26, 1963: The Woodside Planning Commission denied P.G. & E.'s applications for a use permit for an overhead line on either the Searsville or the Junipero Serra route. Findings were to be prepared to this effect.

October 24, 1963: The Woodside Planning Commission made findings and formally denied P.G. & E.'s applications for both routes. The following are pertinent excerpts from the minutes fo this meeting of the Woodside Planning Commission:

"The proposed use is not needed to serve any portion of the town of Woodside and is intended to serve only the Stanford Linear Accelerator Center (SLAC).

"The proposed use will not contribute directly to the general well-being of the neighborhood or community in that its only purpose is to supply power to a facility which is located outside the town boundaries. It is recognized that SLAC may prove to be of benefit nationally, and thereby very indirectly contribute to the general well-being of residents of the town of Woodside; however, this does not appear to be a sufficiently certain or direct benefit to justify the granting of the permit, particularly in view of the fact that the major adverse effects of the transmission lines would be borne by the town of Woodside while any benefits resulting would accrue to the Nation as a whole."

October 19, 1963: The Woodside Planning Commission sent its recommendations to the Woodside Town Council.

November 13, 1963: P.G. & E. appealed the planning commission's decision to the Woodside Town Council. During this appeal, Mr. Herman Halperin, an independent consulting engineer on electric power, proposed a compromise single circuit, 220-kilovolt, 300-megawatt line on a new type of tubular steel poles rather than towers. P.G. & E., Stanford, and AEC were willing to accept this compromise line.

January 2 and 7, 1964: P.G. & E. filed applications for use permits for the compromise line on tubular steel poles with the Planning Commissions of Woodside and San Mateo County.

January 9, 1964: AEC staff met with Mr. Paul N. McCloskey, Jr., special counsel for the town of Woodside, at his request. He represented a group of citizens who were opposed to an overhead line.

January 22 and 23, 1964: The Planning Commissions of Woodside and San Mateo County denied use permits for the compromise line.

January 29, 1964: Hearing before the Joint Committee on Atomic Energy.

February 14, 1964: Woodside Town Council approved a resolution to raise funds for placing a powerline underground. The town proposed to raise $150,000 if this could be done legally.

February 1954: P.G. & E. appealed to the county board of supervisors the denial by the Planning Commission of San Mateo County of P.G. & E.'s application. P.G. & E. also appealed to the Woodside Town Council the denial of the Woodside Planning Commission of a use permit for a single circuit line on tubular steel poles along the Searsville route.

February 27, 1964: At a special meeting the San Mateo Board of Supervisors returned to the county planning commission for reconsideration P.G. & E.'s applications for a use permit.

March 7, 1964: The Chairman of the AEC wrote to the mayor of Woodside and to the county manager of San Mateo County, recounting the background facts and explaining AEC's position.

March 9, 1964: The San Mateo Planning Commission granted the conditional use permit to P.G. & E. for tubular steel poles along the Searsville route. The Woodside Town Council denied P.G. & E.'s appeals from the denials by the Woodside Planning Commission. The town of Woodside passed a temporary interim zoning ordinance prohibiting the overhead installation by anyone, including the United States, of electric lines of 50,000 volts or greater capacity.

March 16, 1964: The Chairman of the AEC wrote to the mayor of Woodside and to the county manager. This letter indicated that AEC was hopeful that it would not be necessary for the Government to acquire portions of the right-of-way in the unincorporated area of the county, and that a county use permit to P.G. & E. would enable AEC to construct, through Woodside, the tubular steel poles that P.G. & E. would install in the unincorporated area of the county under a county use permit.

March 24, 1964: Condemnation action was begun by the U.S. attorney.

April 13, 1964: Town of Woodside enacted temporary interim zoning ordinance prohibiting all overhead transmission or distribution lines, effective for 1 year.

April 21, 1964: Conditional use permit issued by San Mateo County Planning Commission on March 9, 1964, denied by San Mateo County Board of Supervisors, 5 to 0.

April 30, 1964: Declaration of taking for necessary right-of-way both in the town of Woodside and in San Mateo County filed in U.S. district court in San Francisco by Department of Justice at request of AEC.

June 12, 1964: Federal district court dismissed answers of town of Woodside and other defendants in condemnation proceedings. Court rule that section 271 does not bar the Government's action. The town of Woodside and others subsequently appealed this ruling to the Court of Appeals for the Ninth Circuit.

July 17, 1964: AEC notified the Joint Committee that it had decided to proceed with design of tubular steel poles for use in carrying a single-circuit, 220-kilovolt line over the Searsville route.

July–August 1964: Hearings held on complaint by town of Woodside and others against Pacific Gas & Electric Co. to compel

construction of an underground line to SLAC, before California Public Utilities Commission.

February 9, 1965: California Public Utilities Commission ruled that complainants are not entitled to any relief.

March 4, 1965: AEC advised Joint Committee of final design for power poles.

March 8, 1965: Town of Woodside extended its temporary interim zoning ordinance for another year.

April 15, 1965: Bids received for construction of Government portion of SLAC powerline.

May 20, 1965: Court of Appeals reversed lower court decision, and ruled that section 271 of the act prevents AEC from constructing and maintaining powerlines.

May 25, 1965: H.R. 8443, H.R. 8444, and S. 2035 introduced to clarify intent of Congress underlying section 271.

May 27 and June 2, 1965: Hearings held before Joint Committee on Atomic Energy on H.R. 8443, H.R. 8444, and S. 2035.

June 14, 1965: Town of Woodside passed resolution reaffirming its willingness and intention to make an equitable contribution to the undergrounding of electric distribution and/or transmission facilities and allocating the sum of $150,000 therefor.

June 17, 1965: Stanford University trustees adopted resolution reaffirming their position of February 20, 1964.

Mr. PASTORE. Negotiations were started in 1963 by the Pacific Gas & Electric Co. The Woodside ordinance before the court of appeals was passed on April 13, 1964. Condemnation started on March 24, 1964, and the town of Woodside adopted that ordinance about a month later.

The problem is not as simple as the Senator has suggested. The Government has been thwarted. There is no question about it.

The people of Woodside do not want the high-voltage wires in their area. I understand that. I understand that I must be pitted against my two distinguished friends the Senators from California. I understand that as well. But, after all, the Senator from California [Mr. KUCHEL] must understand, too, that on the Joint Committee on Atomic Energy are 18 members of both branches of Congress. They represent both parties. Two members are from California. They are unanimous in their views. How can I at the present time accept an amendment which would defeat the very crux of the bill? I could not possibly do it.

Mr. KUCHEL. May I inquire, as I am trying to assemble my records whether it is not true that the county of San Mateo had a similar ordinance at some date in 1950?

Mr. PASTORE. On March 9, 1964, the San Mateo Planning Commission granted a conditional-use permit to the Pacific Gas & Electric Co. for tubular steel poles along the Searsville route.

The town of Woodside passed a temporary interim zoning ordinance prohibiting the overhead installation by anyone, including the United States, of electric lines of 50,000 volts or greater capacity. This was superseded by the April 13 ordinance I have already mentioned.

Mr. KUCHEL. All I wish to say——

Mr. PASTORE. The Senator is talking about San Mateo?

Mr. KUCHEL. I was at that point. All I wish to do is to read from the text of the opinion.

Mr. PASTORE. Of the court?

Mr. KUCHEL. Of the circuit court of appeals in this case, as follows:

At least as early as 1950, San Mateo County had a zoning ordinance——

Mr. PASTORE. Will the Senator read that again, please?

Mr. KUCHEL. I will start again.

At least as early as 1950, San Mateo County had a zoning ordinance which required a public utility to secure a conditional use permit from its planning commission——

Mr. PASTORE. That is different.

Mr. KUCHEL. I continue reading:

and the board of supervisors if it sought to construct power transmission lines. Upon its incorporation in 1956, Woodside continued the county pattern of regulation. In 1958, the town adopted a zoning ordinance prescribing the same regulatory procedure.

I say to the Senator from Rhode Island that was what I relied upon.

Mr. PASTORE. That is true, but that refers to the authority to grant a use permit. Under that authority P.G. & E. made application.

Mr. KUCHEL. Am I not correct in my understanding that, also under that authority, the local city and county said, "No, not unless the wires are put underground"?

Mr. PASTORE. I cannot answer that question categorically. I have no particular information on that point and would not want to engage in a discussion of it.

However, it strikes me that apart from that, section 271 is part of a law, passed in 1954, that granted certain authority to the Atomic Energy Commission. It made certain exceptions as well. We were conscious that it was not desired that the AEC should engage in the business of regulating electricity as such. That is how this question arose. There was a prolonged debate on the floor of the Senate.

I was in the vanguard of that debate because I was a member of the committee. We were trying to keep the AEC out of the business of regulating electricity. That is what gave birth to section 271.

We provided that nothing in the act would affect the local supervising authority's right to control the manufacture of electricity generated by nuclear facilities.

Does the Senator see what I mean? We were trying hard to avoid any differentiation. That is where the Senator from Iowa [Mr. HICKENLOOPER] came in the picture. That is not the construction the circuit court of appeals gave it.

The circuit court of appeals said in effect that notwithstanding electricity was needed to serve an essential establishment of the Atomic Energy Commission, the AEC's right to condemn an easement—or a transmission line—and to construct and operate the line, had been given away by Congress. Why would we ever have done such a thing?

Mr. KUCHEL. May I answer the Senator?

Mr. PASTORE. The Senator from California says that this is interference with the judicial process. Is it? Is not that our responsibility?

There are 435 Members of the other body, many of whom are intimately familiar with the background of this law, and the same is true of the 100 Members of this body. We were here. We wrote the words. We argued the point.

The 18 Members of the Joint Committee, 9 from the House and 9 from the Senate, are unanimous. But the circuit court of appeals said, "Congress gave away the essential authority under the supremacy clause for the Atomic Energy Commission to operate."

Does the Senator from California believe that we did that?

Mr. KUCHEL. I will tell the Senator from Rhode Island what I think. I think the Senator is wrong in the comments just made.

I did not believe that Congress desired at any time to put the Atomic Energy Commission in the position of transshipping electricity. Indeed, the Atomic Energy Commission entered into a contract with a private utility to deliver the electricity to the accelerator.

It was at that point that the public utility, obviously required to accede to local ordinances, found that it could not proceed without putting the lines underground and, therefore, stepped aside and permitted a Federal agency to announce, "We are going to condemn. We wanted a private company to go ahead and get the approval of the local city and county; but since the private company cannot do it, we will do it."

Mr. PASTORE. Oh, but the Senator misses the point completely. Does the Senator realize that under the ruling of the circuit court of appeals we could not even condemn to go underground if the local authority would not permit this? The court said we would not have the authority.

Let me ask the Senator whether we could in view of this ruling, put the wires above or below ground unless we got the consent of the people from Woodside? The answer is: No; we could not do it. We have been stripped clean. We have no authority under the supremacy clause. You talk about aboveground and underground. We could not condemn now and go underground, under the Senator's interpretation. We would be required to get the consent of the township even to go underground.

We never meant to strip the authority of the Atomic Energy Commission in the fashion stated by the court. I want to make that completely clear.

Mr. KUCHEL. I do not interpret the decision as the Senator from Rhode Island just indicated he does. I shall read some of the closing paragraphs from the decision.

Mr. PASTORE. I shall be pleased to have the Senator read it.

Mr. KUCHEL [reading]:

Had the construction of this transmission line been left with the P.G. & E., that company would have been obliged to comply with the ordinances in question, notwithstanding

the fact that the line is to serve AEC. The Government concedes this much. Had P.G. & E. built underground lines in conformity with the local authority and regulations, it could have recovered the cost thereof from AEC. The Federal agency proposes to avoid this cost by constructing the line itself.

Since the easements being acquired are assignable, that agency will be able to turn the operation of the line over to P.G. & E. At the oral argument, counsel for the Government stated that it was hoped that such an arrangement could be made.

Mr. PASTORE. The Senator is not now talking about legal jurisdiction; he is talking about an "arrangement." That is an agreement.

Mr. KUCHEL. I am merely reading a decision. These are not my words.

Mr. PASTORE. That is true. But what the Senator has read proves my point.

Mr. KUCHEL. I continue to read:

In the process, and solely for that purpose, there will have been accomplished a complete disregard of local ordinances pertaining to the character and operation of electric power transmission lines.

What I am saying is that the court has taken all the facts it should have taken in the case, including the fact that the Atomic Energy Commission will condemn and then turn around and let a private utility operate. Taking all those facts into account, the court then said:

We hold that section 271 precludes the AEC from, in this manner, proceeding in defiance of the ordinances of Woodside and the county, ordinances not challenged as to validity and operative as to any other public utility operating in the area.

I shall make one further comment. I should like to have the Atomic Energy Commission given clear authority in this field. I speak as an American. When the national interest is not subverted or broken by cooperating with local government, what is wrong with the National Government undertaking to cooperate with local government?

A few moments ago, my able colleague from California spoke about the areas along our 1,100-mile coastline.

Our State is attracting additional people each year to go there and live. We are interested in beautification, not only from the standpoint of one particular city, but also from the standpoint of our entire State. Nineteen million people live in our State today. They are coming from other States at the rate of 600,000 a year.

Should we not salute the leaders of local government for trying to make it a little more decent for their citizens to live in the Californian communities, and, when it is possible, for the Federal Government, the Atomic Energy Commission in this case, to cooperate with local government? Why should it not do so?

Mr. PASTORE. The point that the Senator from Rhode Island raised a moment ago was that there is no intention to hand the line back to the P.G. & E. We asked AEC this, and on page 63 of our 1965 hearings, AEC's Deputy General Manager said:

However, any such sale—of the line—would have to be conditioned on P.G. & E. securing the necessary local permits and whatever else might be necessary for it to own the line. There are no plans for sale of the line.

In the beginning it was anticipated that there would be no difficulty connected with supplying electricity to two accelerators. It was left up to P.G. & E. The P.G. & E. is one of the biggest utilities in the country.

It was left up to the P.G. & E. to negotiate with the authorities. When they were rejected, they came back to the AEC. The Atomic Energy Commission has a problem. The lines must be built. The AEC began condemnation proceedings only after trying to resolve this dispute.

After the AEC commenced condemnation proceedings, the township passed a law which would prohibit the installation of any wires above ground. However, the fact is that all that the Senator from Rhode Island is saying is that when the circuit court of appeals made its decision, it stated unequivocally that under section 271, any rights of supremacy under the Constitution were taken away from this particular Federal agency.

That means that there cannot be condemnation for lines above ground or underground, if the local authorities do not consent.

I realize that we can enter into an agreement, a satisfactory bilateral agreement with the township to go underground. Perhaps they would grant permission. However, the point I make is that the opinion of the circuit court of appeals in effect took away from the AEC any rights which they had to condemn.

Mr. KUCHEL. I deny that.

Mr. PASTORE. I know that the Senator denies that. However, that does not prove anything.

Mr. KUCHEL. It merely means that the Senator from Rhode Island and I do not agree.

Mr. PASTORE. The Senator does not shock me with that statement.

Mr. KUCHEL. We do not agree.

Mr. PASTORE. If we agreed, I would have had an easy job.

Mr. ANDERSON. Mr. President, the Atomic Energy Act of 1954 was probably more thoroughly debated and more carefully discussed than was any piece of legislation since the Atomic Energy Act of 1946.

It was the Cole-Hickenlooper Act.

The Senator from Iowa [Mr. HICKENLOOPER] handled the bill on the floor. There was a prolonged debate. It was referred to as a filibuster. I participated in the debate.

Mr. KUCHEL. It was a filibuster.

Mr. ANDERSON. I participated in the debate. I did not think it was a filibuster. There was a great deal of discussion.

The only way that we were able to break the deadlock was to divide some of the amendments among various Senators.

The former Senator from Oklahoma, Senator Kerr, took charge of one of the amendments which had to do with REA. The former Senator from Colorado, Senator Johnson, handled an amendment which had to do with the power to condemn.

We thought we knew what we were doing. We carried the day finally on the floor.

This situation involved 10 Republican Senators and 8 Democratic Senators. The Republican majority was in control.

The measure went to conference. Even though we passed the measure in the Senate, we were turned down in the conference. The measure was sent back in a form which we did not want.

Then the Senate conferees came to the Senate floor and there was another debate, which lasted for several more days. We rejected the conference report and sent the measure back to conference.

Mr. KUCHEL. Was the Senator from New Mexico filibustering then?

Mr. ANDERSON. I was not. I was engaged in a rather long debate. We had a fine time. The claim was made that it was a filibuster.

The senior Senator from Iowa had his name on that bill. It was the Cole-Hickenlooper bill. The Senator from Iowa knows exactly what we were doing. He testified that nothing of the nature suggested by the court was involved.

From my knowledge of what we intended when we drafted and passed section 271 back in 1954, I can only say the Ninth Circuit Court of Appeals misconstrued our intent.

Mr. KUCHEL. Mr. Presidtnt, I say to my able friend that I have read the decision of the circuit court of appeals not once, but several times. I agree with it.

I believe that the logic that it raises is irresistible.

Mr. ANDERSON. If the Senator would take the time to read the debate that was had in 1954 in the Senate, he would understand what the Senate was trying to do. It was not what the court said.

Mr. KUCHEL. Mr. President, I do not believe that the Senate or the House of Representatives, in the wildest stretch of their imagination, ever conjured up a series of facts under which the Atomic Energy Commission would want to have a private utility proceed and, finding that the private utility could not proceed, do it itself and then enter into another agreement with the private utility.

Mr. ANDERSON. The Atomic Energy Commission does not intend to do that. I refer you to page 63 of our hearing record on this point.

It happens that when the AEC got part of the way along with the project, the town of Woodside passed the ordinance. Then, of course, the P.G. & E. had to step out.

Mr. KUCHEL. At the time of the decision, the ordinance of the town of Woodside had been adopted.

Mr. ANDERSON. What happened was that originally the P.G. & E. built their loop lines. However, they built the lines around 1956. It was after they got that line built and tried to tap off from it that we had trouble. It had nothing to do with underground lines. Not a word was said about underground lines until after

an attempt was made to obtain power for the accelerator.

Mr. KUCHEL. It is the ordinance referred to in the circuit court of appeals decision that is the basis for the entire litigation.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a letter from the acting mayor of the town of Woodside, together with some comments from the distinguished television and radio commentator, Edward P. Morgan.

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

(See exhibit 2.)

Mr. KUCHEL. Mr. President, on behalf of my colleague from California, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed by the senior Senator from California [Mr. KUCHEL] and the junior Senator from California [Mr. MURPHY] as follows:

On line 2, page 2, strike "." and add the following:

"*Provided, further,* That nothing in this section shall be construed to affect any zoning ordinance of a State, or local subdivision thereof, which prohibits overhead electric powerline transmission facilities, unless the Commission determines that the enforcement of any such ordinance would adversely affect the security or defense interests of the Nation."

Mr. KUCHEL. Mr. President, I ask Senators to agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. KUCHEL. Mr. President, before and during this debate, I have not been entirely unaware of the avalanche of power which has been arrayed against us in favor of the pending legislation.

My able colleague from California and I have tried to the best of our ability to find an honest and decent solution along the lines we have discussed today. It is a tragic thing to brush aside the attempt of a city, large or small, trying to improve itself and the lot of its people by preserving—or attempting to preserve—the beauties of nature within its boundaries.

I ask my able friend, the senior Senator from Rhode Island, if there is anything that he could say to the Senate, and to my colleague and me, with respect to any possibility of a solution.

Mr. PASTORE. Mr. President, I would point out that, taking everything into account, and realizing the sensitivity of people in this area of the country—and I repeat that theirs is a serious and a sincere position; I do not question that at all—we did not act frivolously or lightly in this matter. We studied that very point. We even visited the area. We considered the problem from every possible angle to make sure that equity and justice would be done.

I would hope that if, after the passage of this bill, it is the intention of the AEC and the administration to continue condemnation proceedings, before they do so, they would have exhausted every avenue of reasonable compromise to see if some agreement could not be reached, always remembering that we have a tremendous investment in the accelerator which must be properly utilized.

Mr. ANDERSON. Mr. President, I have discussed this amendment with Dr. Seaborg, the President of the United States, and others. I would hope the passage of the legislation would settle the issue. I would hope that the Atomic Energy Commission will proceed in every possible way to see if the matter can be settled by compromise, rather than by condemnation. There are only 36 pole structures, at the most, involved. Maybe they can cut down the number of poles. But we must have this power.

I see this bill as a mandate to the Atomic Energy Commission to try to accomplish its purpose by peaceful means. I hope the people of Woodside will cooperate.

Mr. KUCHEL. I thank my colleagues for their comments in this regard.

EXHIBIT 1

PACIFIC GAS & ELECTRIC CO.,
San Francisco, March 24, 1964.

Re Stanford Linear Accelerator Center 220 kilovolt line.

Mr. PAUL N. MCCLOSKEY, Jr.,
McCloskey, Wilson & Mosher,
Stanford Professional Center,
Palo Alto, Calif.

DEAR MR. MCCLOSKEY: In order that the record may be clear, it seems desirable to comment on your letter of March 11, 1964, to me and others suggesting a combination overhead-underground line:

1. As I stated in the postscript to my letter to you of March 9, 1964, service from Ravenswood station has been considered and does not provide a practical solution for this problem. The logical source of a line involving underground construction would be Jefferson substation. Such being the case, I would call attention to the fifth paragraph of your letter. The figures it ascribes to P.G. & E. and its implication of company acceptance of a route from Ravenswood substation are inaccurate.

2. With respect to the Jefferson-SLAC route, P.G. & E. estimates the cost of a single circuit, 180 megawatt, combination overhead (1.71 miles)—underground (4.75 miles) line from Jefferson substation to be $2,217,000, and the cost of a single circuit, 300 megawatt line, along the same route to be $2,762,000.

3. As stated in (1) above, even if the Jefferson-SLAC route were agreed upon, over $800,000 still must be raised to finance a 180 megawatt combination line.

Very truly yours,

R. W. JOYCE.

[From the Redwood City (Calif.) Tribune, Feb. 20, 1964]

LET US NOT FORGET: P.G. & E.'S FINEST HOUR—S. O. S. WOODSIDE—THE POWERLINE FIGHTS ELECTRICITY VERSUS ESTHETICS—HIGH TOWERS SCAR HILLS, FOES CLAIM

(By Bruce B. Brugmann)

A scar on the jugular of the deep peninsula * * * we have irrevocably committed the most beautiful part of the county to esthetic rape for all time * * * live in infamy forever * * * a travesty of justice * * * annihilate the beauty.

These were the angry words of opposition which preceded the building of the Monte Vista-Jefferson powerline.

The sequel is now being argued in San Mateo County Superior Court.

The fascinating thing about any power play involving lines and towers and poles is the rigid stance which the defense and the prosecution inevitably assume. Everybody may seem affable and amenable to compromise, but the issues quickly reach bedrock: The problem of trying to reconcile the provision of electricity with the retention of natural beauty.

The surfaces may seem technical and complicated, but the issues center upon often irreconcilable essentials—economics versus esthetics, necessity versus amenity, the power of eminent domain versus the public opinion of neighborhoods.

Woodside partisans abhor the overhead powerlines—"the goddamn lines," as a well-dressed man exclaimed at the town meeting the other night—as something which offers neither pleasure nor pride.

Representatives of the Pacific Gas & Electric Co. and the Atomic Energy Commission often seem amazed and annoyed at the atttiude their products create, in their view, the towers and lines are functional, utilitarian, productive and not that bothersome. After the town voted to quadruple its tax rate to stave off overhead lines, a P.G. & E. official privately expressed disappointment that the council didn't seriously discuss an alternative proposal to use tubular poles.

Since 1952, the friction generated between these two attitudes could, if properly transmitted, produce enough power to maintain the Stanford Linear Accelerator for the foreseeable future.

Events leading to the current power Armageddon started about 12 years ago when the county granted a use permit for a 110-kilovolt powerline on a 50-foot easement. The line would run from its Monte Vista subdivision to the Jefferson substation, on Canada Road, about 19 miles through largely forested hillside country. It has since become known as the Monte Vista-Jefferson line.

P.G. & E. first proposed to locate the line along the route of the proposed Junipero Serra freeway, but this location was opposed by the San Mateo County planning commission, according to P.G. & E. The utility complied with the commission's request that the line be placed in the foothills far from a residential area, a P.G. & E. spokesman said.

Hearings were lengthy and stormy, but the permit was approved by the county planning commission on March 19, 1952, and confirmed by the board of supervisors on April 29, 1952.

The permit specified that the line be kept as much as possible out of sight of motorists on Skyline Boulevard.

The disputed Woodside tap is proposed to drop 6 miles from the line to the accelerator.

P.G. & E. decided to increase the size of this line from 110 to 220 kilovolts about the time Congress approved accelerator proposal in 1961. (This change was significant. A 220-kilovolt overhead line is capable of transmitting more than 300 megawatts while a 110-kilovolt line can transmit only 80 megawatts. Correspondingly, while a 110-kilovolt line can be constructed on a 50-foot easement, the 220-kilovolt line requires a 100-foot easement.)

P.G. & E. applied to the county for amendments that would accommodate this larger line. They were granted, but not before residents complained that the utility was clearing land on much of the route, including property where easements had not yet been acquired.

P.G. & E. claims the right to cut any trees which might hamper its lines.

"During the last 3 days," Donald Aitken told the planning commission, "property owners have been kept busy chasing off workers one by one, all down the line." He said one resident was shocked to find a 100-foot swath already had been cut across his land.

The chasing was not effective. P.G. & E. with the help of helicopters and a crash work schedule, had its line in before residents could stop the utility in the courts.

Residents complained bitterly that P.G. & E. had railroaded in the line, that it was not needed and that the power could have been supplied by a route which did not intrude on scenic areas. One boy took matters into his own hands and shot out some insulators.

Long-time observers of the power fight maintain that the notable lack of success of opposition to the Monte Vista-Jefferson line was because the residents, though tightly and vocally organized, were few in number and without the support of neighboring municipalities or conservation groups. Woodside did not take up the call to arms until the tap line threatened to cross its boundaries.

P.G. & E.'s condemnation suits are being fought now in San Mateo County Superior Court. P.G. & E. is seeking to condemn an extra 25 feet on either side of its towerline, largely for maintenance purposes. The condemnation is opposed by 20 landowners representing seven parcels. Their attorney is Paul N. McCloskey, Jr., who also is tilting with P.G. & E. over the disputed Woodside routing.

The court cases are being watched closely because they provide much of the emotional and factual background to the present controversy over lines to feed the accelerator.

McCloskey is contending in court that P.G. & E. decided, in effect, to build the bigger powerline under the guise of servicing the accelerator. He has introduced minutes of a meeting of P.G. & E.'s electrical engineering advisory committee on January 30, 1962, in which this statement appears:

"It is believed that the present route is the last major overhead right of way which can be obtained through this area."

McCloskey is arguing that P.G. & E. thus decided to make use of the original permit for the right of way rather than bring in power from existing substations—Cooley Landing, Bair, San Mateo or Martin—or some alternate route. McCloskey has suggested a line from the proposed Ravenswood substation in East Menlo Park to the Jefferson substation near Redwood City.

Frank P. Schullert, P.G. & E. underground transmission expert, testified last week that an underground line from the proposed Ravenswood substation to the accelerator would have no greater problems than an underground line from the Jefferson substation to the accelerator.

McCloskey said that Victor Siegfried of Atherton, an engineer used by Stanford in its planning phase for the accelerator, has recommended a double circuit-220-kilovolt underground line from Ravenswood. This line would be capable of transmitting the full 300-megawatt ultimate needs of the accelerator at a cost of roughly $3.2 million, Siegfried said.

P.G. & E. has long contended that it needed the big line to serve the accelerator and the coast and hills area and that it could best be done on the original right of way.

The California Public Utilities Commission ruled on May 7, 1963, that the line was "not averse to the public interest."

McCloskey has argued that the effect of bringing these lines into the Jefferson substation has been to create a capacity there of 1,600 to 1,800 megawatts—about five times as much power as all of the other substations combined in 1963.

McCloskey insisted that alternate routes could have been used so as to avoid building the Jefferson station into "a forest of poles" and intruding into wooded areas.

John Burton, P.G. & E. esthetics expert, testified yesterday that high voltage transmission lines with a carrying capacity of 220,000 volts have been installed in public streets within the past year in Phoenix, Ariz. The lines were erected on modern tubular steel poles, the first time in history that a powerline of this magnitude was built in public streets on such poles.

[From the New York Times]

HIGH POWER

Apparently word of President Johnson's concern for conserving the natural landscape has not reached the Atomic Energy Commission.

The AEC is determined to win its fight to string high-power transmission lines anywhere it pleases. For more than a year, the commission has been engaged in a struggle over this issue with the residents of Woodside, Calif., a town 30 miles south of San Francisco. The agency wants to take possession of a strip of land 100 feet wide and 5.3 miles long, running through picturesque hills and heavy woods, and erect an overhead line on poles and towers ranging from 70 to 120 feet high. The line would carry electricity to a linear accelerator being built at Stanford University.

The residents of Woodside, pointing out that county zoning forbids overhead powerlines, urged the AEC to place the lines underground, rather than scar the countryside. Instead, the AEC went to court—and lost. On May 20, the Federal court of appeals upheld Woodside, basing its decision on a section of the 1954 Atomic Energy Act. Undaunted, the AEC turned to its friends in Congress. On May 25—the same day that the White House Conference on Natural Beauty opened—Senators PASTORE and HICKENLOOPER and Representative HOLIFIELD, the ranking members of the Joint Committee on Atomic Energy, introduced a bill to exempt the AEC from such local and State zoning regulations. Hearings were scheduled immediately with no advance notice.

Estimates of the cost of putting the lines underground range from $2 to $4 million, but either figure is small compared to the total cost of the linear accelerator. Moreover, Woodside, a wealthy town, has offered to quadruple its taxes for the next year to help pay part of the added costs for the underground line.

These local considerations, however, are less important than the principles involved. Even in the absence of a Presidential push for protecting the natural environment, Federal agencies should respect local conservation requirements. No committee of Congress should attempt to rush through a law with the imperiousness the Joint Committee on Atomic Energy is showing. The public looks to Congress to curb rather than to abet high-powered bureaucratic arrogance.

[From the Press-Courier, June 2, 1965]

WOODSIDE AND GOLIATH

It's hard for David to rise up and smite Goliath when Goliath is a glamorous agency of the powerful Federal Government. Yet, the little city of Woodside has done just that in fighting a proposal of the Atomic Energy Commission to cut a 100-foot swath through the town and erect huge steel towers to carry 220 kilovolts of power down a mountainside to a nuclear gadget at Stanford.

Woodside is a plush community whose residents live there partly because of the beauty of their surroundings. The beauty would be utterly destroyed by the powerline. Residents are willing to quadruple their tax rate, from 25 cents to $1 per $100 of assessed valuation, to raise $150,000 toward the additional $1.5 million estimated cost of burying the powerline underground. Meanwhile they have won a case in the U.S. Circuit Court of Appeals, which ruled that the Federal AEC Act forbids transmission of power by means forbidden by local ordinance. And Woodside has an ordinance prohibiting transmission lines of over 50 kilovolts.

The Atomic Energy Commission's answer to the court decision will be an attempt to have the law changed. We hope Congress listens to Woodside instead.

In relation to the total $114 million cost of the AEC project at Stanford, the $1.5 million extra to bury the line is small. One suspects that the AEC opposes the extra expense mainly because it was someone else's idea.

President Johnson recently asked for a national campaign to beautify the countryside. The seriousness of his interest will be subject to question if he permits one of his own agencies to scar an already lovely area.

More important, however, is the issue of the extent to which Federal agencies should be forced to respect local interests. Since the powerline can be brought in without harm to Woodside, there is no excuse for not doing so. To continue with the idea of transmission powers portrays the Federal Government as a mindless dinosaur blundering along on nothing but its own momentum.

EXCERPTS FROM NEWSWEEK, JUNE 7, 1965

And in a classic case of public-private conflict, the Atomic Energy Commission is preparing to ram a transmission line through the rolling hills of Woodside, Calif.

[From the Redwood City (Calif.) Tribune, June 1, 1965]

POINT OF NO RETURN: CONSERVATION'S FINEST HOUR NEAR IN POWERLINE BATTLE?

(By Bruce Brugmann)

Conservation's finest hour may be near in the deep peninsula.

If the green garland goes to those with the stoutest hearts and the sharpest swords, then it should hang forever above the front door of Neuman's general store in Woodside. This is indeed the town that shows 'em how.

The powerline fight is back where it all began, in Washington, but this time Woodside marches to a different drummer. Behind Woodside there is a stunning victory in the Federal courts, an immense thrust of public opinion, almost unanimous editorial endorsement in the bay area and President Johnson's policies to keep America beautiful.

For months, the triumvirate of P.G. & E., the AEC and Stanford University has been treating Woodside partisans on the basis, as one Woodsider put it, "of us and all you idiots." Woodside's pastoral concerns were, by turn, amusing, nettlesome, antagonistic, and absurd when they weren't, in the words of P.G. & E. and Stanford's David Packard, a self-serving attempt to "save the land for the developers."

The court decision has changed all this. A three-man panel of the U.S. circuit court of appeals, in a unanimous opinion handed down only a week after oral arguments, upheld Woodside on three key points. The crucial paragraph:

"In their effort to preserve the natural integrity of this area, Woodside and the county and pursuing the same goals as those sought under established Federal policy, as manifested in other acts of Congress.

"What both the Federal Government and these local units of government are striving for in this direction is in the highest tradition of forward-looking government and fully compatible with, if not compelled by, the general public interest."

In upholding Woodside's legal arguments, the opinion cited a special provision of the congressional act which established the AEC in 1954:

"Nothing in this chapter shall be construed to affect the authority or regulations

of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power."

Thus, the opinion stated, "it would appear that section 271, by necessary implication, precludes the AEC from constructing and operating this overhead line." The Government had argued that section 271, in the light of its legislative history, referred only to the transmission of energy by nuclear means.

The opinion quoted Senator BOURKE HICKENLOOPER, Republican, of Iowa, Senate sponsor of the 1954 act, as saying that "electricity is electricity" and that, once it is produced, it is subject "to the proper regulatory body." These remarks, the opinion continued, "fairly indicate that the prime purpose of Congress in adding section 271 * * * was to make it clear" that nuclear-produced power was subject to the same regulation as conventionally produced power.

In concluding this point, the opinion said that "there is no indication" that, if the AEC is required to conform to local ordinances, "any overall objective of the act will be defeated or impaired."

In short: The AEC must abide by local underground ordinances. In upholding Woodside's argument that an underground line was feasible and its cost was reasonable, the judges said this:

"Considering the magnitude of the SLAC project as a whole, and the fact that no engineering or other practical difficulty seems to be involved, the $2 million or so (possibly $5 million) of additional money which would have to be expended to go underground can hardly be regarded as constituting a substantial impediment to this AEC research program."

(Like all such research programs, the cost of this facility has mushroomed to $114 million and, just recently, has increased another $5 million.)

"On the other hand," the opinion said in upholding Woodside's crucial conservation points, "if sights are raised above the specific objectives of the Atomic Energy Act itself, to encompass national policy generally, there is good reason for believing that Congress meant what it said when it enacted (the section requiring local controls)."

The opinion quoted from the 1961 Federal Housing Act (which establishes standards for preserving open space) and the recent Interstate Defense System Act (which restricts billboards and allows 3 percent of the total highway outlay to go for purchasing adjacent strips of land). Needless to say, the application of this 3-percent formula to the accelerator would provide upward of $3,420,000 for an underground line.

The judges concluded that Woodside's position was "fully compatible with, if not compelled by, the general public interest." They quoted from Supreme Court Justice William O. Douglas' historic 1954 decision, a document which ought to be required reading for every peninsula city council and city attorney:

"The concept of the public welfare is broad and inclusive * * * The values it represents are spiritual as well as physical, esthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled."

In its concluding argument, the opinion noted that P.G. & E. could not have built an overhead line in defiance of underground ordinances and that it could be built overhead only through the Federal condemnatory powers of the AEC. The Government, the opinion pointed out, admitted in oral arguments that it was planning to build the line, then assign its operation to P.G. & E.

"In the process, and solely for that purpose," the opinion stated, "there will have been accomplised a complete disregard of local ordinances pertaining to the character and operation of electric power transmission lines."

There you have it. The second highest court in the land has agreed with Woodside that an underground line is proper, reasonable and in the general public interest. This is a historic decision that will have repercussions where people flick on a light switch or pick up a telephone.

EXCERPT FROM THE READER'S DIGEST

In California, there are plans for aiming a high-voltage power line smack through the beautiful residential community of Woodside.

[From the Washington (D.C.) Post, June 8, 1965]

BEAUTY AND THE AEC

The threats to the American landscape include, unfortunately, the Federal Government itself. While President Johnson is very emphatically a defender of the continent's natural beauty, the Government over which he presides is notoriously a house of many mansions. Its great regulatory powers, and its massive construction budgets, are most commonly controlled by agencies of specific and narrow interests that offer no very profound consideration to the esthetics of the countryside.

When a New York power company decided to build a massive generating complex at Storm King Mountain on the Hudson River, protesting citizens discovered that their only appeal lay with the Federal Power Commission. But that Commission is primarily responsible for guaranteeing sufficient generating capacity. Now the Atomic Energy Commission wants to string a high-voltage line, in violation of local laws, across a strikingly beautiful mountainside not far from San Francisco. The opponents, who are numerous, have discovered that their last appeal lies with the Joint Congressional Committee on Atomic Energy, which is preparing legislation to permit the Atomic Energy Commission to override the local ordinances. The Joint Committee appears, not unnaturally, a great deal more concerned with hooking up the new high-energy accelerator at Stanford than with protecting the Pacific skyline.

The President cannot be expected personally to take up every intricate dispute between beauty and the builders. But he can devise an appeals procedure so that single-minded Federal agencies and congressional committees would no longer sit as the final judges of their own construction projects.

HELP NEEDED FROM JOHNSON

In contempt of local interests and laws, in the face of a decision by the second highest court in the land, and in direct conflict with President Johnson's program of national beautification, the Joint Committee on Atomic Energy has drafted a measure that would nullify existing laws and court decisions and permit the AEC to ignore all efforts of all Federal, State, and local agencies to regulate control or restrict its activities.

The act which created the AEC specifically acknowledges its subservience to such authority and the U.S. circuit court of appeals recently upheld the authority of the city of Woodside to enforce an ordinance that would compel the AEC to place a disputed transmission line underground. It is this act and this decision that the AEC would evade through the proposed congressional action.

This attempt to confer supreme powers upon the AEC and thus stultify the law is of a piece with an earlier bit of trickery employed in connection with the Woodside powerline. Construction of the line was at first a project of the Pacific Gas & Electric Co., and would thus be plainly and indisputably subject to the local regulations requiring an underground installation. To escape the additional costs, the AEC thereupon took over the construction, but with the admitted intention and hope of turning over operation of the line to P.G. & E.

With this kind of devious manipulation doubtless in mind, Senator KUCHEL recently spoke out against the AEC as "wrong as a matter of policy and wrong as a matter of law." He intends to lead the fight against the Joint Committee's bill when it reaches the floor of the Senate, and Congressman J. ARTHUR YOUNGER will lead the opposition in the House. But the AEC has powerful friends in Congress, as attested by the Joint Committee's action. Thus, hopes for preserving the peninsular hillsides seem to rest with President Johnson, who is asking Congress for hundreds of millions to conserve natural beauty.

The AEC defends its stubborn insistence upon overhead installation purely on the grounds of economy. But as Senator KUCHEL has observed, the American public would not begrudge the proportionately small sums required to set the line underground. Deep and wide opposition in this matter is not directed against the project itself, but against the high-handed, defiant, and imperious methods the AEC and Joint Committee are employing. Public resentment and antagonism have been aroused by what the New York Times sees as "high-powered bureaucratic arrogance."

[From the Los Angeles (Calif.) Times]

POWER PLAY: WOODSIDE VERSUS THE AEC

Woodside, Calif., has a very small population but a very large sense of principle.

Residents of Woodside, for instance, believe that even the Atomic Energy Commission should obey the Federal statutes requiring compliance with local ordinances. Specifically, they insist that the Commission should not violate Woodside city laws by installing overhead powerlines to the AEC's linear accelerator project at Stanford University.

The second highest Federal court in the land agreed with Woodside. In a unanimous decision, the U.S. circuit court of appeals ruled that under the Atomic Energy Act of 1954 the Commission does not have the power to override local ordinances "with respect to the generation, sale, or transmission of power."

AEC officials had protested that underground installation of the powerlines as required by Woodside (and other surrounding communities) would substantially increase the cost of the service. This is true, although the estimates vary. Pacific Gas & Electric said it would help make up some of the difference and the town of Woodside voted to contribute $150,000 by quadrupling its municipal tax rate.

The Atomic Energy Commission, however, decided that instead of complying with the law, it would change it.

Bills were quickly introduced to amend the current statute to allow the AEC to ignore local regulations. This week the ex post facto legislation was heard by a Joint Atomic Energy Subcommittee, where it received predictably strong support.

The arguments, however, smacked more of expediency than equity. In effect, the bills would set the pattern for any Federal agency to demand overhead powerlines whatever the local regulations. President Johnson's plea to preserve natural beauty had apparently fallen on deaf ears—or on ears more sensitive to demands for an unnecessary expansion of AEC power.

Woodside may lose its fight, if the AEC bills can be pushed through Congress. But a lot of other cities, big and small, also will have lost.

JUNE 10, 1965.

The PRESIDENT,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: On May 20, 1965, the U.S. Court of Appeals for the Ninth Circuit

handed down a decision holding that section 271 of the Atomic Energy Act of 1954, as amended, precluded the Atomic Energy Commission from acquiring by condemnation in Woodside, Calif., and adjacent unincorporated areas in San Mateo County, easements for the purpose of constructing electric transmission lines, in defiance of the zoning ordinances of Woodside and the county. The zoning ordinances prohibit construction of overhead electrical transmission lines of 50,000 volts or greater capacity.

I quote two paragraphs from the decision which I believe clearly set out the activity contemplated by the Commission and the position taken by the court:

"Had the construction of this transmission line been left with P.G. & E. that company would have been obliged to comply with the ordinance in question, notwithstanding the fact that the line is to serve AEC. The Government concedes this much. Had P.G. & E. built underground lines in conformity with the local authority and regulation, it could have recovered the cost thereof from the AEC. The Federal agency proposes to avoid this cost by constructing the line itself. Since the easements being acquired are assignable, that agency will be able to turn the operation of the line over to the P.G. & E. At the oral argument counsel for the Government stated that it was hoped that such an arrangement could be made.

"In the process and solely for that purpose there will have been accomplished a complete disregard of local ordinances pertaining to the character and operation of the electric power transmission lines. We hold that section 271 precludes the Atomic Energy Commission from in this manner proceeding in defiance of the ordinance of Woodside and the county, ordinances not challenged as to validity, and operative as to any other public utilities operating in the area."

On May 25, 1965, only 5 days after the court's decision, several members of the Joint Committee on Atomic Energy introduced legislation to amend section 271 of the act of 1954 to, in effect, reverse the ruling of the court and "correct a misinterpretation of the Atomic Energy Act." On May 27 and June 2 hearings were held by the Joint Committee.

The apparent determination by the Joint Committee to overrule the court of appeals, and to permit condemnation of the property in the city of Woodside and the surrounding unincorporated areas in San Mateo County to construct overhead electric transmission lines in violation of the local ordinances has caused great concern in my State of California. This concern has been expressed by many editorials, articles, telegrams, and letters from all areas in California, including the League of California Cities and the National Association of Counties.

I sincerely believe that the Atomic Energy Commission has acted unwisely in this matter and that the Joint Committee on Atomic Energy is acting unwisely in seeking to amend the act of 1954 in this manner. I believe that you should consider seriously the effect this legislation will have on your policies respecting the maintenance of the natural beauty of our great country.

I would like to repeat here a portion of the remarks I made in my appearance before the Joint Committee on June 2:

"We introduced an amendment in the U.S. Senate to provide that States in the American Union might be given an incentive to protect the natural beauty through which the interhighway would thereafter travel. One by one States have acceded to the policy of the Federal Government as enunciated in that legislation and I think it has been in the interest of this country. At any rate, just last week the President of the United States, referring to that legislation, asked this Congress to appropriate moneys not in millions, not in tens of millions, but in hundreds of millions of dollars in an attempt to further a program of beautification in this Nation. I support that kind of legislation and I think the members of this committee likewise do.

"I must say, and I have said it earlier this week, in my mind I think it is ludicrous at the same time the administration with one hand recommends a greatly enlarged policy by the Congress of beautifying this country and preventing its despoliation, another agency comes here and attempts to have the Congress shear away a decision which was rendered just a few days earlier by the Circuit Court of Appeals.

"I recognize the supremacy of the Federal Government but I suggest that if we are about ready to come of age in this land, if we are to think of something more than building great buildings and great superhighways, if we are about to embark on a program of keeping what nature has given to us, if we are in the interest of mankind and science undertaking the expenditure of $114 million to construct a wonderful great, scientific, 2-mile-long nuclear accelerator I suggest that the people of the United States will not begrudge the appropriation of that small percentage of additional dollars by which we will respect the local ordinance of a local city which is following and which has been following, and which tries now to follow the same policy which the President laid down just a few days ago."

If it should be determined to be in the best interest of the welfare of the United States to give to the Atomic Energy Commission the power to overrule local ordinances, it also should be made clear that such authority should not extend to override zoning ordinances adopted to protect the beauty of our countryside if, as here, a reasonable alternative is available.

I know that it is the policy of your administration to seek Federal-State cooperation in attaining a beautiful America. As you so correctly stated in your message to the Congress on February 8:

"There is much the Federal Government can do, through a range of specific programs, and as a force for public education. But a beautiful America will require the effort of government at every level, of business, and of private groups. Above all it will require the concern and action of individual citizens, alert to danger, determined to improve the quality of their surroundings, resisting blight, demanding and building beauty for themselves and their children."

I think it is to the credit of the cities of California that one by one they are adopting this kind of ordinance in order more to sustain, to maintain and to enhance the beauty of their own municipalities where people live. I think it would equally be to the credit of the Federal Government to cooperate in this endeavor and to appropriate sufficient funds to put underground the unsightly power poles and lines that would mar the outstanding beauty of the town of Woodside and the hills and countryside of the county of San Mateo in California.

The court very clearly expressed my feelings in this matter as follows:

"Considering the magnitude of the SLAC project as a whole, and the fact that no engineering or other practical difficulty seems to be involved, the $2 million or so (possibly $5 million) of additional money which would have to be expended to go underground can hardly be regarded as constituting a substantial impediment to this AEC research program. On the other hand, if sights are raised above the specific objectives of the Atomic Energy Act itself, to encompass national policy generally, there is good reason for believing that Congress meant what it said when it enacted section 271.

"The described route lies in a scenic mountainside area characterized by steep gradients, a thin crust of soil, heavy rainfall, acute erosion problems, fire hazards, and stands of redwood trees more than 100 years old. Congressman HOSMER told Congress that the area surrounding the campus of Stanford University, where the overhead line would be built, 'is one of the loveliest areas of California and perhaps the Nation.' He added, 'one finds many beautiful homes placed on 3-acre minimum lots.' As before stated, utilization of the easements contemplates not only erection of power transmission lines but the denuding of the 100-foot wide easement of trees and vegetation.

"In their effort to preserve the natural integrity of this area, Woodside and the county are pursuing the same goals as those sought under established Federal policy, as manifested in other acts of Congress. What both the Federal Government and these local units of government are striving for in this direction is in the highest tradition of forward-looking Government and fully compatible with, if not compelled by, the general public interest. As the Supreme Court said, in *Berman* v. *Parker*, 348 U.S. 26, 33, in speaking of the legitimate purposes of Federal condemnation:

" 'The concept of the public welfare is broad and inclusive * * *. The values it represents are spiritual as well as physical, esthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.' "

I would, therefore, urge you to review carefully the hearings of the Joint Committee on Atomic Energy and, if you should determine that the legislation proposed should be adopted, that you should also consider the advisability of requesting an appropriation sufficient to comply with the ordinance of Woodside and San Mateo County, and the wishes of the vast majority of those residing in northern California, to place the transmission lines underground.

With sincere respects,

THOMAS H. KUCHEL.

EXHIBIT 2

TOWN OF WOODSIDE,
Woodside, Calif., August 2, 1965.

Hon. THOMAS H. KUCHEL,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: There has entered into the Woodside powerline controversy considerable emotionalism on the part of the AEC and, in fairness, on the part of Woodside. We know you have made every effort to sort out the facts and properly weigh the real issues. Perhaps you will take a moment of your busy time to review our viewpoint. We are admittedly biased but we too try to be realistic and fair.

Some time ago it became evident that consideration must be given to environment and to the esthetics of our environment if we shall continue and prosper and advance civilization. The recognition of this is easy. The difficult problem is assessing the proper balance between the cost and the value of esthetics. It is natural, and to be expected, that we in Woodside weigh the value of maintaining the beauty of the mountainside above our community greater than does Congressman HOSMER or HOLIFIELD.

Much has been made of the fact that we have approximately 2,400 transmission poles in Woodside. We don't think it fair to condemn us for this. This community has a history as early as any in California and our poles were nearly a necessity. No we are not proud of them and we want to get rid of them. Because an expressway has a number of unsightly billboards is no valid argument to allow more to be built.

In 1950 we successfully fought a high tension line that was proposed through Woodside and managed to have it rerouted. This

was one of the principal factors in bringing about our incorporation in 1956. We felt the need for local government in order to control our destiny and ward off the efforts of those who would place too great a value on the dollar profit by development and too low a value on the esthetics of our environment.

We have not been blind to our 2,400 poles. We do feel, however, we have moved as fast as is practical on doing something about them. The cost of undergrounding has been reduced many fold since our incorporation. Regardless of the legislation that will be enacted by Congress we will proceed to eliminate overhead transmission of power and communication lines. As a result of meeting with the P.G. & E. on June 28, July 6, and July 12, they will advise us a week from today their costs and contribution policy toward undergrounding existing lines.

With regard to the plans to place but three new poles within Woodside we contend we have a legitimate interest in our view. The community, not necessarily bounded by Woodside's territorial limits, is effected by the change and the view the transmission line would create. We would be as opposed if the line bypassed Woodside but would, of course, lack any jurisdiction by the town.

It is hoped that in your wisdom as our representative you can come up with a solution to the problem. Perhaps the AEC could be given powers which they believe they should have tempered by the review of an appropriate committee charged with the protection and development of the esthetics of our environment.

Sincerely,

ROBERT F. GILL,
Acting Mayor.

EDWARD P. MORGAN AND THE NEWS, MAY 27, 1965

It's all very well for poets to rhapsodize about beauty but until politicians, promoters, and the public get the message that there is profit in it, of one kind or another, the country's commitment to preserving and restoring America the beautiful will only be skin deep. This perhaps was the central lesson of the recent 2-day White House conference on natural beauty and as such it was an important one.

We are not going to save the face of America merely by putting potted geraniums on a street corner of the Harlem slums here in New York or cutting down the hideous forest of highway signs that obscure the views of the countryside—commendable as these small steps themselves may be. What is called for is a change in our environment—not just our physical but our mental environment. This can and must be done but it will take some doing in depth. Two current developments vividly illustrate how perilously easy is the slip between the cup and the lip or, if you please, between the lip of promise and the cup of fulfillment.

Yesterday President Johnson fired off to Congress four bills aimed at clearing the clutter of billboards from the Nation's highways, eliminating unsightly auto junkyards, beautifying roads, and increasing recreation areas. However to take just one aspect of this bundle, there was, to quote an editorial in today's New York Times, a loophole as big as a billboard in the legislation to combat highway advertising. It would not prevent the "commercial" zoning of a farmer's field which could then still grow a bumper crop of billboards. Oddly enough, the White House panel report on outdoor advertising made recommendations stronger than the administration's bill but, without explanation, they were watered down before they reached the President. His own position was reportedly closer to that of the panel's solitary dissenter, Philip Tocker, of Waco, Tex., who also happens to be board chairman of the Outdoor Advertising Association whose lobbying against highway billboard regulation has been highly effective in Congress for years. It may well be the President was using his fine art of compromise to avoid a Capitol Hill fight and still strike a substantial blow against the encroachment of advertising on major road routes. Whatever the case, progress is going to be difficult.

The other set of circumstances is even more ironic in terms of trying to protect beauty from the beastlines of progress. California's rich San Mateo County and several communities in it, including the town of Woodside, now have ordinances in effect rigidly controlling and in some instances banning outright the construction of overhead light, power and telephone lines. But Woodside lies directly in the projected path of high-voltage cables to power the nearby multi-million-dollar linear accelerator being built by the Atomic Energy Commission for Stanford University. Overhead construction would cut a swath 100 feet wide and approximately 6 miles long along a skylight ridge between the Pacific Ocean and the upper reaches of San Francisco Bay through a magnificent stand of 100-year-old redwood trees, over a scenic little lake and across a new interstate highway—which President Johnson is now determined to beautify.

Woodside city fathers said the line had to be built underground. The AEC balked but last week the U.S. circuit court of appeals upheld the Woodside ordinance. Now the administration, of all people, is trying an end run around the court and the town. With impressive speed the Joint Atomic Energy Committee opened hearings in Washington today on a bill to amend the atomic energy code so the Commission could, in effect, construct power lines wherever it wished. Paradoxically the White House Conference on Natural Beauty itself developed evidence that more research is needed on burying high-voltage lines, that as of now the cost ratio may be as high as 20 to 1 over stringing them above ground. This evidence was introduced at today's hearings, dramatizing the dilemma for Lyndon Johnson between beauty and the budget.

But two central facts emerge from these two situations just cited. One is that in the past whenever and wherever conservation and esthetic values were confronted with the established American pattern of free enterprise, the latter almost invariably won—hence the polluted rivers, denuded forests, disfigured highways, standardized uglification of town and countryside, all in the name of growth and good business.

The other fact is that the juggernaut of governmental bureaucracy, either on its own or coupled with some industrialized or institutionalized power complex, can ride roughshod over the most carefully laid plans for conservation and beautification. Witness the powerful informal alliance of the Bureau of Public Roads, Detroit automakers and the roadbuilding industry; or, in this case between the Atomic Energy Commission and Stanford University. This does not mean the case for a more beautiful America is hopeless. It does dictate a radical change in our sense of values. We can afford the improvements we need. We must realize it is profitable, in both the esthetic and the material enrichment of life, to demand them. President Johnson has begun the reassessment. Now it's up to everybody to follow through.

This is Edward P. Morgan saying good night from New York.

Mr. ANDERSON. Mr. President, I support the enactment of H.R. 8856.

This legislation is necessary for reasons which transcend the dispute over the Stanford accelerator powerline. Although the desire of the local residents to safeguard their private interests is understandable, Congress must act in the interest of all Americans.

Moreover, it is important for Congress to act now to avoid the possibility of more lawsuits springing up around the country as the result of the court of appeals decision in this powerline controversy. If we were to follow the line of reasoning that nothing should be done pending final decisions in all these lawsuits, the result of our failure to act could make this problem far worse than it is now.

We must also carefully consider the effect of delay in providing power to the Stanford accelerator. The accelerator's construction has proceeded on schedule. As of January 1966, there will be a requirement of approximately 25 megawatts of electrical power for the accelerator.

The Pacific Gas & Electric Co. presently guarantees only 18 megawatts of power to SLAC on the existing line. Thus, we can see that beginning in January 1966, only 5 short months from now, more power will be required for this $114 million U.S. investment than is currently available. Construction of an overhead 300 megawatt powerline will take 6 months from the initiation of the construction activity. We are, therefore, already late in being able to provide the necessary power to SLAC by the first of January. Providing this power by the end of January is possible if we start the construction of an overhead powerline now. It is also possible that the 60 kilovolt line which now goes to the accelerator can be made to provide 30 megawatts of power.

It is expected that the requirement for 30 megawatts of power will be exceeded by the Stanford accelerator prior to March of 1966. Thus, 7 to 8 months from now the Stanford Linear Accelerator will necessitate more than 30 megawatts of power. This is more power than can be brought in with existing lines and facilities. If an overhead line is available by March of 1966—and it can be if construction were to start soon—there would be no power problems for this unique research facility.

If the AEC were forced to go underground, however, the Pacific Gas & Electric Co. has estimated that the construction time, including the design and engineering, would take 18 to 24 months. If AEC goes underground starting now, the earliest time that the required power could be available for Stanford Linear Accelerator would be February of 1967. This is almost a year later than the power is required and, as Pacific Gas & Electric Co. has pointed out, the construction of an underground line may take even 6 additional months beyond this minimum period, delaying until August 1967 required power for Stanford Linear Accelerator.

The Atomic Energy Commission has stated that the costs for personnel for the Stanford Linear Accelerator, whether it is in operation or not, is $1.5 million per month—$18 million per year. This $18 million per year, without power, may keep the scientists together in the laboratory, but it will not provide the re-

search information that this facility was designed to produce.

You are aware of the fact that capital unused is money lost. At 6 percent simple interest per year, a $114 million investment represents almost $7 million per year. In addition, therefore, to the $18 million per year to maintain this facility in a state of idleness, we will also be wasting the equivalent of $7 million per year on the unused capital investment.

Twenty-five million dollars per year then is the cost rate of delaying the construction of an overhead powerline to the Stanford Linear Accelerator. The minimum delay for going underground is 1 year, and it may be a year and a half. The comparable cost in the latter event would be $37 million. It should be clear from what I have said that any further delay in enactment of H.R. 8856 will be very costly to the American taxpayer.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 8856) was passed.

Mr. PASTORE. Mr. President, I ask that the Senate bill, S. 2103, which is identical to this bill, be indefinitely postponed in view of passage of the House bill.

The PRESIDING OFFICER. Without objection, the Senate bill will be indefinitely postponed.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7997) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes, and it was signed by the Vice President.

APPORTIONMENT OF APPROPRIATIONS FOR NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Mr. McNAMARA. Mr. President, I ask the Chair to lay before the Senate the amendments of the House to Senate Joint Resolution 81.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the resolution (S.J. Res. 81) to authorize the Secretary of Commerce to apportion the sum authorized for the fiscal year ending June 30, 1967, for the National System of Interstate and Defense Highways, which were, to strike out all after the resolving clause and insert:

That subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $2,900,000,000 for the fiscal year ending June 30, 1967," and inserting in lieu thereof "the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1967,".

SEC. 2. The Secretary of Commerce is authorized to make the apportionment for the fiscal year ending June 30, 1967, of the sum authorized to be appropriated for such year for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5 of House Document Numbered 42, Eighty-ninth Congress, but the Congress reserves the right to disapprove the cost estimate for completion of such National System submitted by the Secretary on January 11, 1965, and contained in such document.

SEC. 3. The Secretary of Commerce is authorized to make a comprehensive study of the needs of the Federal-Aid Highway System, including the National System of Interstate and Defense Highways, after 1972. Such study shall be made in cooperation with State highway departments and shall include but not be limited to costs, possible extensions of such Interstate System, and such other considerations as the Secretary may deem advisable. The Secretary shall submit a report of his findings to Congress not later than January 1, 1967.

SEC. 4. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 135. Highway safety programs

"After December 31, 1967, no funds shall be apportioned under section 104 of this title to any State which does not have a highway safety program, approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom, on highways on the Federal-aid system. Such highway safety program shall be in accordance with uniform standards approved by the Secretary and shall include, but not be limited to, provisions for an effective accident records system, and measures calculated to improve driver performance, vehicle safety, highway design and maintenance, traffic control, and surveillance of traffic for detection and correction of high or potentially high accident locations. Funds withheld under this section from apportionment to a State shall immediately be apportioned among the other States in accordance with section 104 of this title."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"135. Highway safety programs."

And to amend the title so as to read: "Joint resolution to amend the Federal-Aid Highway Act of 1956 to increase the amount authorized for the Interstate System for the fiscal year ending June 30, 1967, to authorize the apportionment of such amount, and for other purposes."

Mr. McNAMARA. Mr. President, I move that the Senate disagree to the amendments of the House and ask for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the presiding officer appointed Mr. RANDOLPH, Mr. McNAMARA, Mr. MUSKIE, Mr. FONG, and Mr. PEARSON conferees on the part of the Senate.

COMMENDATION OF POLICE FOR PROTECTING THE CAPITOL

Mr. THURMOND. Mr. President, I rise to commend our Capitol Police force, the Metropolitan Police and all other law officers who assisted yesterday in protecting the Capitol against a purported takeover by the so-called Assembly of Unrepresented People. Our policemen were prepared for this onslaught against the Capitol, starting at 6 a.m., and many continued on their duty stations until 2 o'clock this morning. They had to take much abuse from the members of the mob, and efforts were made to provoke the policemen. However, the policemen conducted themselves in a most exemplary manner and accomplished their mission.

The U.S. Government cannot permit a march on the Congress by a group bent on taking over and producing a state of anarchy. Long ago it was determined in this country that our people were going to govern themselves through a system of representative government which would be based on the rule of law. In the interest of freedom, national security, and stability, we can never submit to mob rule in America.

We are witnessing today a breakdown of law and order in this country primarily because leaders of our Nation have encouraged mobocracy and anarchy by giving the green light to demonstrations and riots in the name of civil rights and peace at any price.

These people who attempted to march on the Capitol yesterday—and I understand they are to march again today—should be shipped over to Vietnam where they could be permitted to march in the frontlines with our fighting men who have as their mission the establishment of peace and order for the South Vietnamese people who are fighting to maintain their freedom against Communist aggression. In fact, the editor of the Greenville News of Greenville, S.C., Mr. Wayne Freeman, has made a very good suggestion for use of these demonstrators in Vietnam. He says they should be recruited "for labor battalions digging latrines and trenches as close to the enemy positions as would be safe for the guard details that would be necessary to get them there."

Mr. President, I endorse this suggestion, and I feel quite confident that the police that have to wrestle with these beatniks and pacifists would probably also endorse this editorial suggestion.

In closing these remarks, Mr. President, again I extend my heartiest congratulations to our police force and to the Sergeant at Arms, Mr. Joe Duke, for their dedicated and effective service in preserving law and order on Capitol Hill.

Mr. President, I ask unanimous consent to have the full text of the editorial I cited from the Greenville News of August 9, 1965, and entitled "Reaping What They Have Sown," printed in the RECORD at the conclusion of these remarks.

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

REAPING WHAT THEY HAVE SOWN

It is written in the Book of the Prophet Hosea that, "They have sown the wind, and they shall reap the whirlwind," and in the Book of Galatians that "Whatsoever a man soweth, that shall he also reap."

By their actions, their words and deeds, the Federal courts, the Congress, and the executive branch of Government as well, have sown among susceptible and opportunistic segments of the population of the United States a disrespect for law and order for the established institutions of the Republic.

They and, unfortunately, the majority which depended upon them for reason, balance, and protection, are beginning to reap

in at least a small measure that which they have sown. And part of the reaping is taking place in the Capitol itself.

There is something bitterly ironic, tragic, and pathetic in the steps which Congress has been hastily taking to protect its own hitherto sacrosanct halls from a threatened invasion of draft-card-burning nonviolent demonstrators chanting slogans pertaining to peace and civil rights.

The irony is that what has been happening in Washington during the last few days is only a natural result of what the judicial, legislative, and executive branches did to encourage peaceful civil rights demonstrations in the South and in striking down local laws with which local and State police tried to deal with the demonstrators.

The pathos is that, all of a sudden, Congress realizes that the same techniques used against city halls and courthouses in small towns in the South—and few up there seemed to care much—can also be used against the White House and the Capitol itself. And the creators of the faceless mob seem to be panicky about it.

The tragedy is that the nonviolent civil rights movement has now grown into something quite different—a Communist dominated conspiracy, for the events in Americus, Bogalusa, the west coast ports of embarkation, and now the National Capital, are related.

More Members of Congress seem to realize this now. They should have paid attention when southern leaders and the southern press were trying to tell them what was going on.

President Johnson recently expressed great concern over the rising rate of both minor and major violations of the law and has called for a war on crime.

Does he not realize that the drastic increase in the crime rate is due in no small measure to the Federal court decisions granting immunity to civil rights demonstrators and punishing the police rather than the violators—and to the long series of decisions freeing murderers, rapists, and robbers on legal technicalities?

Some groups in their ignorance have become convinced they are immune to the law, especially local law. Others are convinced that a smart lawyer can get them out of any kind of mess. So they ignore the law and insult the law enforcers when they pay them any attention at all.

The draft-card-burning bit came to light in Mississippi's Freedom Democratic Party which tried to displace that State's delegation at the 1964 convention and, even now, is trying to unseat the State's delegation to Congress.

But that group was not alone in the conspiracy. Other civil rights groups had a part in it also, and behind them is something more sinister.

The mob which tried to block the way of troops being moved from a train to a ship to go to Vietnam and elsewhere in southeast Asia shouldn't be hard to identify as to origin and leadership. Who but the Communists had anything to gain?

The demonstrations in Washington over the weekend seem to have fallen short of what the leaders boastfully predicted and the politicos feared. But they were big enough to indicate that there may be a lot more to the iceberg than appears above the water.

And the fact that any group can threaten to defy the selective service law and to occupy the House Chamber shows the utter folly of the Supreme Court decisions which have gutted Federal laws aimed at forbidding individuals or groups to teach or advocate the violent overthrow of the Government.

Congress has been rushing laws aimed at making destruction of draft cards a major crime. We doubt that it would stand a court test, unless the Supreme Court, too, has finally gotten the message.

The situation is grave enough for the Federal authorities to invoke the existing laws against sedition and treason. Congress has not so declared it but the Nation is at war. A soldier in uniform who did what the agitators are trying to get Negroes subject to the draft to do, and who are urging Negroes in the services to stage hunger strikes, would be subject to a court-martial at least.

A soldier who behaved in such a fashion in battle would be subject to being shot to death on the spot by the nearest ranking officer.

As for the draft-card burners, they deserve to be drafted, not for service in uniform alongside honorable men, but for labor battalions digging latrines and trenches as close to the enemy positions as would be safe for the guard details that would be necessary to get them there.

MAN ARRESTED FOR FOURTH TIME THIS YEAR ON CHARGE OF RAPE IN THE DISTRICT OF COLUMBIA

Mr. THURMOND. Mr. President, I call to the attention of my colleagues an article from the Evening Star of August 9, 1965, reporting on a man being arrested for a fourth time this year on a charge of rape in the District of Columbia. This time the man was actually caught in the act of committing the crime. According to another report in the Washington Post of this morning, the police brought in the arrested man on three previous occasions, but one indictment was dismissed by the District Court on a technicality and another indictment was dismissed because the complainant committed suicide prior to the time of the trial.

Mr. President, on June 29, 1965, I made a speech in the Senate on the increasing crime rate in America and my remarks were based around an article from the Evening Star reporting on the release of this same man who has been arrested for the fourth rape charge this year. This article reported that the judge had to release the defendant "reluctantly." In commenting on the action, Judge George L. Hart, Jr., refuted the idea that decisions of the courts in the District of Columbia have nothing to do with the crime rate in Washington. He stated, and I quote:

> The U.S. court of appeals sets the law. This court has to follow it * * * this man has not been found guilty, but certainly justice seems to cry out that he should face a jury of his peers.

I do not know all of the specifics in this matter, Mr. President, but this case is illustrative of many of the cases here in the District of Columbia and throughout this country in which the rights of the individual have been placed above the rights of society in administering justice in our land.

J. Edgar Hoover, the president of the American Bar Association, and countless others who are learned in the law and who are recognized authorities in the field of law enforcement have warned time and again against decisions by the U.S. Supreme Court which have served to effectively tie the hands of our police officers in trying to bring criminals to justice and protect the public against the ever-increasing crime rate in this country.

I ask unanimous consent, Mr. President, that this article from the Evening Star be printed in the RECORD at the conclusion of these remarks.

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

MAN SEIZED ATTACKING WAITRESS

A laborer with three arrests for rape this year was charged with rape and robbery early today after police said they found him attacking a woman in a garage in Northeast Washington.

Police charged Thomas H. Washington, 22, of the 200 block of Kentucky Avenue S.E., with rape and robbery of a 24-year-old waitress.

The woman told police she was walking home at 3:30 a.m. when a man approached her in the 1000 block of C Street NE., threw his arms around her neck and told her he would kill her if she screamed.

As she struggled with the man her hand was cut by a linoleum knife he held, and as he dragged her into an alley garage with his hand over her mouth she left a trail of blood from her wound.

Meanwhile, someone had called police and reported seeing a woman being dragged into the alley. Detectives, uniformed officers, and members of the canine corps responded and followed the trail of blood to a garage in the 300 block of 11th Street, where they found the attack taking place.

Police said that as they came upon the pair Washington put $24 he had taken from the woman back into her hand.

Police said Washington had been charged with raping two women in February and raping one of them a second time in May.

Mr. THURMOND. Mr. President, I wish to thank my friend the distinguished Senator from Oregon for his courtesy in yielding to me.

Mr. MORSE. It is always a pleasure to cooperate with the distinguished Senator from South Carolina.

VIETNAM

Mr. MORSE. Mr. President, yesterday, the White House sponsored another of its attempts to disguise the war in Vietnam to make it palatable to Members of Congress. All the same old dogmas were repeated, just as though nothing had changed since Mr. McNamara went over to Vietnam in October of 1963, and told us when he returned that things looked so good the boys would all be back home by 1965.

Ambassador Taylor went through his customary ritual of evading the entire issue of why and how the United States has flopped completely in the Taylor-inspired enterprise of aiding and advising the Vietnamese in a guerrilla war. The Taylor concept of fighting insurgencies has totally failed in Vietnam, under his guidance and direction. He has proved that the United States cannot win guerrilla wars, at least not under the policies of a Taylor. All we do is what we have done in South Vietnam, and that is to drop all pretense of helping one side, and making the war a western-style affair with large conventional American forces, including use of the Strategic Air Command.

Thanks to General Taylor and Secretary McNamara, the Communists have proved to the world that the United States cannot cope with insurgency on its

own terms, but can only fight it by turning a guerrilla war into a conventional one fought by American forces.

Of course, nothing of that kind was admitted at the White House yesterday. General Ky was pointed out to us as still being the titular head of South Vietnam. It is a largely honorary office, of course, and General Ky must always bear in mind what happened to President Diem when Henry Cabot Lodge arrived in Saigon as American Ambassador.

But the war is an American war. No longer do we advise; in fact, we give some status to the South Vietnamese Army as advisers. They are to conduct their end of war by being attached to American Army units to interpret and give us advice on how to proceed in relations with the local natives.

The recitation of how things are improving in Vietnam is a depressing thing to hear when a comparison with a year ago, or 2 years ago, or 4 years ago, or 10 years ago, shows only that the American position and the position of the South Vietnam Government have steadily eroded and deteriorated. It is a remarkable thing to be able to go up to the White House periodically and hear how things are improving when each visit is occasioned by a new step the United States has had to take in order to stabilize a deteriorating situation. It is an Alice-in-Wonderland exhibition of how the unpleasant can be evaded and the failures ignored.

POLITICAL FRAMEWORK OF WAR EFFORT BEING IGNORED

In light of this most recent exhibition, I have no hope or confidence whatever that the conventional war we are now undertaking in Vietam under the same men who failed to win a guerrilla war, will have any more favorable result. For another element in the so-called briefings of the administration is a total vacuity on the political surroundings of the struggle itself.

It has been the ignorance of the politics of war that has brought us into this situation. But the same ignorance continues at the highest levels, and one need only report that no mention was made of the collapse of Malaysia at the White House briefings until the question was raised by a Senator.

To the administration, the war in Vietnam is a matter of military tactics. That is the sad but plain truth. We have based our policy there on nothing more than military tactics and we have been losing. We are continuing to base our policy there on military tactics and we are going to continue to lose.

Look at the map of Asia, at the famous dominoes. If the dominoes are falling, they are all falling on top of the United States. The Malaysian federation is collapsing. The American effort to hold up Vietnam as a bulwark against Communist expansion has been completely outflanked. All that were left of the dominoes on the Asian continent were Thailand, South Vietnam, and Malaysia. Now, it appears to be only a matter of weeks before the only ones will be Thailand and South Vietnam.

Press reports today indicate not only that Singapore expects to establish trade and diplomatic relations with Indonesia and China, but that other noncontiguous areas of Malaysia may very likely break away also. The disposition of the large British military installations in Singapore is in total abeyance, and there is already talk that Britain may abandon those installations and reestablish its defenses on Australia.

The implications of the dissolution of Malaysia brings into question the entire purpose of the American war in Vietnam. The ramifications are truly far reaching. Malaysia is still held up as a model of how guerrilla war can be fought and won. I have no quarrel with the model. But it is obviously no model for how a victory over guerrillas can be consolidated. It leaves totally unsolved the question of how a Western nation—be it Britain or the United States—can arrange to leave behind it an Asian political organization of its own choosing.

I do not suppose that the Malay peninsula itself will again become the battleground of a Communist insurgency. I pray it will not. But the failure of the various ethnic and widely scattered states to make a go of nationhood is not simply a victory for China or Indonesia, but a total defeat for the Western concept that governments of Asians can be controlled and manipulated to serve Western purposes.

Malaysia was an artificial state, created by Britain to serve British interests. In that respect, it was the Jordan of the Far East. Now, its wealthiest element is gone, and the racial balance that held the country together this long is destroyed. Indonesia, which is totally anti-West and pro-Chinese, has scored an undeniable political victory. Anyone who thinks that Sukarno is not going to be vastly more influential in Asian affairs as a result of these events is whistling past the graveyard. And anyone who thinks that the war in Vietnam is unaffected by these events, not to mention the events that may yet flow from them, is deluding himself.

Yet all this caused not an eyebrow to be raised down at the State Department. The Secretary of State did not even see fit to mention it in his turn at the briefing yesterday. When asked about it, he dismissed the whole affair as relatively insignificant. Obviously, the State Department, too, sees the war in Vietnam as one of military tactics. Its virtual resignation from its duties is a major reason why no large nation anywhere in the world has joined us in Vietnam. The Secretary of State is gratified that Thailand and the Ivory Coast are expressing verbal support for us. He is delighted that 36 flags are "with us" in Vietnam, although he neglects to mention that they do not fly over much more than 36 flagpoles.

Mr. President, he talks about some contribution from Australia. But, by and large, when the State Department talks about 36 flags flying in South Vietnam, the manpower those flags represent is insignificant.

I find no sense of feeling that we are getting any allied support by way of token support.

Let the American people also recognize that a vast propaganda drive has been directed toward those nations by the Government of the United States.

Let the American people understand that the Government of the United States has been putting great pressure upon government after government to give us at least some symbolic support in South Vietnam so that the Secretary of State can make the statement that we have so many flags there, that now there are 36 and it may very well go up to a larger number. But, the test so far as the mothers and fathers of America are concerned, and so far as the boys of America who are dying in South Vietnam are concerned, is how much manpower, muscle, and blood those flagpoles represent in South Vietnam.

I am not going to be hoodwinked by State Department and Defense Department propaganda. Nor am I ever going to be silenced as a result of the deception of the State Department and the Defense Department in regard to their propaganda, short of a declaration of war.

Only when that war is made constitutional and the President and the Congress live up to their constitutional obligations by putting before the American people the issue as to whether or not we shall go to war, by way of a declaration of war, and such declaration is passed by Congress, will the lips of the senior Senator from Oregon ever be silenced in the continual plea for peaceful approaches to this threat of a third world war.

We are making history. I want my country to write a different chapter of history than it is writing now in respect to its absolutely inexcusable and illegal course of action in Asia. We stand not only in violation of the Constitution of the United States, but, in open violation of the Charter of the United Nations.

One must ask the administration, Where are India, Pakistan, Japan, and Indonesia?

These are the five great non-Communist powers that will dominate Asia for decades and decades to come. They oppose U.S. intervention in Asian affairs, and I include Japan because her people oppose it. I would have the American people remember my warning again today that if we continue this policy, no matter how many decades it takes for them to drive us out of Asia, they will eventually drive us out of Asia. We shall finally end reaching the negotiated settlement that we ought to seek to reach now without the sacrificing of thousands of Americans whom we are on the way to sacrifice in the months ahead, unless the American people say to this administration, "Halt your war in southeast Asia."

Only the American people are the remaining power that can stop this tramp, tramp, tramp to world war III, being led primarily by the United States.

So where are India, Pakistan, Japan, and Indonesia? There is not a mention of them from the Secretary of State, though they are the great powers of Asia. Canada, France, Germany, Italy, the Netherlands—where are they? No mention of them either, although they are

the great powers of Western Europe. Not even a mention of Great Britain, although she is the only significant country in the world that is actively supporting our activities in Vietnam, and now her support, too, is drawn deeply into question.

We reached the stage yesterday where the Secretary of State drew encouragement from the fact that Burma and Cambodia were not opposing us as bitterly at the moment as they have in the past. That is the most than can be said for the state of our relations among affected nations on the question of Vietnam.

ROLE OF UNITED NATIONS

The most depressing aspect of the administration's position is its continued failure to lay the Vietnam war before the United Nations. Some lipservice was given to our obligation to the Organization in recent weeks by the exchange of letters via Ambassador Goldberg. But they have been nothing but a buck-passing. They have sought to pass the buck to the Secretary General, U Thant.

In his capacity as Secretary General, U Thant has consistently reflected the position of his own country of Burma. He wants to be left alone in his neutralism. Like Burma, and like so many other new nations of Asia and Africa, Thant gives me the impression of having no capacity at all for dealing with the issues among the great powers. To him, the issues for the U.N. are those affecting emerging nations, particularly their economic and cultural development.

But problems of war and peace are too much for him, because the real threats to world peace are the conflicts among the United States and Russia or the United States and China.

Burma is a small country; like Cambodia and many of its other neighbors, it senses that it must accommodate to the prevailing presence of a large and powerful nation. It does not want to be torn apart, like Vietnam has been torn apart, by becoming a battleground for American and Chinese interests and conflicts.

U Thant reflects his country's position exactly. He appears to be afraid of great power issues, as are so many of the new nations and their representatives at the United Nations. To them, the U.N. is a place to come to condemn all Western countries, Communist and non-Communist alike, for the paucity of their economic aid. But it is not an organization to keep peace. That, in their view, must be done by the great powers.

If we take any question to the United Nations which might lead to giving more and more American money to more and more small nations, we get an enthusiastic response. However, when we take to the United Nations the issue of peace, involving the threat to peace which exists because of the conflict that has developed among the great powers of the world, the small nations want to be left alone.

We cannot justify leaving any member of the United Nations alone, in respect to its clear treaty obligations to follow a course of action through procedures of the United Nations that will help create and enforce peace.

This is why I have been heard to say before that the only advantage to the great powers of the U.N. is its peacekeeping function. If it fails this mission, then the U.N. has little value for the United States, or for the Soviet Union, or Western Europe, either.

It is traditional to have a Secretary General from a relatively neutral country. But the Secretaries General from Norway and Sweden were not afraid to tackle the big issues. They may have felt themselves above the battle in terms of their personal views, but they never felt above the great power battles in terms of the function of that organization.

So we heard it said at the White House that the United States had asked the U.N. and U Thant to make any contributions they could to the settlement of the war, and they had come up with nothing. I do not know why they think U Thant would come up with anything, anyway. He never has exercised any capacity for dealing with issues that have threatened world peace. I think he prefers not to have the United Nations exercise any peacekeeping function at all.

That is the position of many new nations. They want China and Russia, and the United States to settle their differences between themselves and leave the new nations out of it.

What will befall all these bystanders if Russia and China and the United States fail to settle their differences peacefully—as we have failed in Vietnam—is something they prefer not to think about.

They prefer not to consider what will happen to Burma and Cambodia if the war in Vietnam continues to escalate, and results in a massive war between the United States and China or between the United States on one side, and China and Russia on the other.

But whatever the inadequacies of the Secretary General to deal with the main purpose of the United Nations, the United States has no out in leaving the matter up to him. We are a party to the dispute in Vietnam, and as such we have clear and definite obligations under the U.N. Charter to lay such a dispute before the Security Council. U Thant is not a party to the dispute; other U.N. members are not parties to the dispute. But we are. And as such, article 37 applies directly to us. How many times in the last 2 years have I read this article and other articles of the charter to the Senate? How many times during the last 2 years have I pointed out that, after all, the procedure for laying this threat to the peace of the world before the Security Council is a very simple procedure? All the President needs to do is to instruct his Ambassador to send a letter to the current President of the Security Council, asking for a meeting to consider the threat to the peace in Vietnam. It is that simple. We do not even have to propose a solution, or a particular U.N. action.

Listen again to article 37. It states:

> Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that article, they shall refer it to the Security Council.

There is nothing permissive about that language; it is mandatory language. The United States has failed to carry out the mandate of article 37 of the charter, and therefore stands in violation of it.

We are constantly being told that we are not the only violator. Of course not. The Communists violate it, too. But that is some company to be keeping.

Mr. President, it does not make any difference, so far as our legal obligations are concerned, how many other nations are also violators. We profess to stand for an order of law. We ought to practice our professings.

So I say all the letters to U Thant asking him to help us bring North Vietnam to the negotiating table will not fulfill that American obligation under article 37.

Today's New York Times reports:

> The search for a Vietnam peace formula undertaken by six Security Council members has reached a standstill, diplomatic sources said tonight.

The story indicates that the six nonpermanent members of the Security Council were divided on whether Vietnam should be made the subject of debate.

The six nations are Jordan, Malaysia, Netherlands, Ivory Coast, Bolivia, and Uruguay.

The New York Times story continues:

> Privately, some diplomats have expressed irritation that the United States has placed the Council members in an impossible situation. They complain that, without asking for a debate, the United States has seemed to be expecting some action from the Council and they do not see what the Council usefully can do at the moment.

Of course, what the Security Council can usefully do at the moment is to fulfill its obligations under the United Nations Charter to take under consideration threats to the peace. That is what it is there for. In fact, that is all in the world it is there for.

I should like to say to those members of the Security Council, the nonpermanent as well as the permanent members, "Each and every one of you has the clear legal obligation to raise the matter before the Security Council. The fact that you have not, or, if it is true as the New York Times story seems to indicate, you are not anxious to, my country, as a belligerent, under article XXXVII has a clear duty to raise it."

We have walked out on that obligation.

The Security Council has no other function, I say, under the United Nations Charter. If it is unwilling or afraid even to debate the greatest threat to peace which exists in the world today, then I suggest that it disband and that its members go home and stop pretending to be representatives of the United Nations.

The Security Council, the Secretary General, and the United States of America are trying to outdo each other in the passing of the buck. Among them, they are signing the death warrant of the United Nations. It already has little enough international respect without this

game of musical chairs over the question of who has the first responsibility.

They all have a responsibility which they are failing to live up to. Their failure must be the despair of mankind.

But as a U.S. Senator, I have no control or authority over the actions of the Secretary General or the other members of the Security Council. I do have a voice, however small, in the Government of the United States, and I shall continue raising it to demand that the United States not proceed further into this Asian war in disregard and in disobedience to the solemn treaty which we signed in 1945.

I am not interested in the feeble excuses offered by this administration, which are no more than the feeble excuses for the past 2 years that U Thant has not come up with any ideas. U Thant is not the idea man of the U.S. Government. We are supposed to have people in our own Government with ideas, and I hope we have one or two left somewhere who still have the idea that the United States ought to live up to its U.N. Charter obligations.

Oh, we are told that delicate negotiations must be undertaken on a private basis among members of the Security Council to work out some course of action that can produce progress. Well, that is normal procedure. But why have we been fighting a war for 4 years, and only now saying that some delicate negotiations would be necessary before we could go to the U.N.?

It is obvious that even now we have not made any decision to seek United Nations jurisdiction, because if we had, we would be engaged in such negotiations ourselves and would not be leaving the matter up to U Thant and to the six nonpermanent members of the Security Council. If we were intending to fulfill our obligations under the charter, we would be deeply engaged in negotiating with other members of the Security Council on taking up the Vietnam problem and working out some possible action for the Council to take.

My question is, What does our administration have to say about article 37? How long is it going to be willing to follow a policy that is every bit as much in violation of the charter as was the Soviet Union in Hungary? Indeed, our record in Vietnam shows that we are making war with as much disregard for the United Nations as are the Vietcong and North Vietnam.

When he was majority leader, the Senator from Texas, now President of the United States, was renowned for refusing to let anything come to a vote until he had worked out some compromise that he knew would guarantee success. We hear that policy applied now to the Security Council, and the public is told by the Secretary of State that it would be embarrassing to the United States to have an acrimonious debate at the Security Council and a veto of a proposed course of action.

But this can only mean the administration is not embarrassed at being an outlaw nation under the charter. It can only mean that we are less embarrassed at embarking on war in violation of our treaty commitment to the U.N. than we would be at having a U.N. peace move turned down.

This is nothing but doubletalk. It is pure doubletalk to say that we cannot go to the U.N. until everything is worked out in advance. We are not even trying to work anything out. We have only asked U Thant and other members for some ideas.

The United Nations is not the U.S. Senate; and a conflagration in Asia is not a piece of proposed legislation in the American Congress. Surely even the former majority leader would not be embarrassed to be vetoed in the United Nations on a sincere peace proposal.

I know the sotto voce argument that is being made. It is that relations with the Soviet Union are at stake, and if we press anything at the U.N. without prior Soviet approval, we will only exacerbate other pending issues with Russia, such as disarmament.

In my judgment, that is a complete non sequitur. I find it hard to understand the argument that we must not do anything to put Russia on the spot. I am for putting Russia on the spot. For 2 years, I have urged putting Russia on the spot. I have urged my Government to take this issue to Russia in the Security Council—and to France, too. No one knows what the position of France would be in the Security Council. We should find out which nation, if any, in the Security Council is not willing to observe the peacekeeping obligations of the charter. I do not buy the argument that that would make it difficult for Russia in regard to her relations with China.

It is important that we make clear to Russia that we think Russia and the United States should each and both assume their obligations under the United Nations.

That is a good lesson for China also.

No, Mr. President, I have never bought the argument of the Department of State that we must not proceed because it would mean in effect that being a law-abiding nation and keeping our obligations might make it difficult for poor Russia.

Such an argument would be almost humorous if it were not such a tragedy. It would be almost humorous if it were not for the fact our failure to prosecute to the maximum extent possible our obligation under the procedures of the United Nations involves the killing of American boys.

I find myself aghast at the statements of spokesmen for this administration that we have got to continue as we are for the time being. For that "time being" and for that period, I say that many American boys are going to die—and not only American boys, but thousands of other human beings.

I am aghast that so many persons seem to think that because political ideology of a group of human beings is not liked, it is all right with God to kill them. Every human being is a creature of God, and every human being is a child of God. I cannot reconcile this philosophy of this administration, at least with the religious teachings on which I was nurtured in the development of my spiritual beliefs.

I believe we have a clear moral and spiritual obligation to follow our obligations under the charter to which our country has affixed its signature; that we ought at least to exhaust all the procedures available to us in an endeavor to reach peace through the application of the procedures of international law before we accelerate a war which will lead to the killing of increasing numbers of human beings on each side of that war, undeclared and illegal, in the months ahead, while apparently we wait for U Thant to come up with an idea that would lead us to peace.

In my judgment, we shall wait a long time, and the blood will flow in streams, before we get a solution through the present policies of the United States in the United Nations.

Our relations with the Soviet Union are already poisoned by the war in Vietnam. The Soviets have already put into the deep freeze almost every subject under discussion between our countries. They are using the disarmament discussions as a forum to attack us for our war in Vietnam.

Each escalation of the war in Vietnam will see a further deterioration in our relations with the Soviet Union. The more we put into the war against North Vietnam, the more the Soviet Union is obliged to come to their aid. Keeping the war out of the U.N. so that we can fight it unencumbered by opinions that might be expressed there is only another case of ignoring the political surroundings of the whole issue in southeast Asia.

If the war continues on its present course, and the escalations by the United States are matched by North Vietnam, and ultimately by China, we shall not have anything more to worry about in our relations with the Soviet Union because she will be a belligerent on the other side.

So I am astonished, and I fear much of the world is astonished, to hear the Secretary of State say that for an American-sponsored peace proposal to be vetoed at the U.N. would be embarrassing to the United States. Apparently, to the State Department it is another case of saving face. But the face of peace does not need saving. To make a bona fide peace proposal to the Security Council, whether it is vetoed or not, will save a lot more face for the United States than more war in violation of the U.N. Charter will save.

CONGRESS MUST REMAIN IN SESSION

I restate to the American people today that they must make clear to the Members of Congress that it is their job to stay on the job until January 1, when the 2d session of the 89th Congress will convene.

The administration is presenting us with sophistries and excuses for the prosecution of the war.

The only conclusion that can be drawn from the briefing given Congress yesterday is that the war will continue as before for some time. The President has already counted the days that Congress will be out of Washington, assuming it leaves on Labor Day. He is willing that the war be prosecuted at existing levels during that time, while we give U Thant

a chance to persuade North Vietnam to negotiate.

We do not plan to make the job any easier by halting the bombing or by easing our own war effort. But we would give U Thant 116 days to make a peace in Vietnam.

After that, when Congress returns in January, I am satisfied that the American war in Asia will be put into high gear. That is the warning that I issue to the American people today.

I urge the American people to make perfectly clear to Members of Congress that they should remain in session all this fall to carry out their constitutional obligation to be available at all times to exercise constitutional checks upon the President, the State Department, and the Department of Defense in connection with the prosecution of the war in Vietnam.

I am not asking for any sacrifices from Members of Congress. They are all well paid. I do not know of any of us who is underpaid. We ought to earn our money. We will not be earning our money in days of great national emergency when we are outside Washington.

The major business of the Government, as far as the vital interest of the people of this country is concerned, happens to be the war in southeast Asia.

My advice to Members of the Congress is that they will find, if they adjourn sine die on Labor Day, or shortly thereafter, large numbers of their constituents will want to know why they are back home and why they are not in Washington attending to the business of Congress in connection with its responsibility to maintain its congressional checks under our form of government, in days of emergency, upon the executive branch of the Government.

I am satisfied that if we follow a program of adjourning sine die on September 1, and coming back 116 days later, that then the national emergency will be declared. Reservists and Guardsmen will be called up and all the statutory powers that come into play upon the calling of a national emergency will be exercised. The United States will be placed on a war footing that will be entirely comparable to that which existed during the Korean war.

I base that judgment and opinion on the fact that, unless we remain in session and do what we can to check the escalation of that war, preparation for the escalation will go on. As the preparations continue, we are more and more endangered of returning in January only to be faced with an accomplished fact.

I also predict that all of this will take place without the United States ever once laying the war before the United Nations in accordance with the United Nations Charter.

After that, there will be no turning back, and there will be no effort to seek United Nations or other third party negotiation. After that, it will be a war to the end, but to the end of what, the White House briefing does not yet say.

Under the best possible circumstances, the use of a million or so U.S. troops could suppress the Vietcong. That assumes that North Vietnam does no more than she is doing now to help them, and it assumes that neither China nor Russia steps up their aid to the Vietcong.

These are assumptions that are a million-to-one shot. I do not believe for a minute that North Vietnam, China, or Russia will limit their aid to the Vietcong to current levels when we increase our participation.

I warn the American people that they and their Congress are being prepared for an all-out war in Asia. That is what it will be, if third parties do not succeed in achieving negotiations before the end of this year. We are being prepared for the sending of hundreds of thousands of our forces into southeast Asia, where they will die like flies unless China and North Vietnam and Russia do us the favor of staying out of a war that is being fought on their doorstep.

Even if they do stay out, what are the prospects for the future? What are the chances that South Vietnam can ever maintain itself as an independent nation? The example of Malaysia darkens what was already a very dim outlook. Malaysia was an artificial creation, just as South Vietnam is an artificial creation. I do not believe that the United States will do any better with its handiwork than Britain has done.

Eventually we, too, will be faced with the necessity of drawing our military outposts back out of the Asian mainland to areas where our way of life not only is better understood and received than it is on the mainland of Asia, but also where it is politically and militarily more defensible.

The United Nations could help us to do that. But the Strategic Air Command and a million American marines will never help us remain on the Asian mainland. They will only swell the number of Asians who will fight to the death to drive us out.

The American people had better start warning Congress to remain in session this fall. They had better begin to communicate to their representatives in Congress whether they contemplate a costly, long-term Asian war in their future and in the future of their children.

The administration has served warning on Congress that it is eager to see it leave town so that the war can proceed and the halfhearted efforts to encourage someone else to find a negotiated settlement can remain undisturbed in their present rut until January.

The administration desires to be free of criticism during that period so that when Congress returns in January, the administration can say that all peace efforts have failed and there is nothing to do but to make a real war out of it. That is the prospect. Only the American people can change the course of the war in Asia. The time remaining for changing the course of the war is fast running out.

Mr. President, I close by making the same suggestion that I have made over and over again for 2 years. The United States, through its Ambassador, should send a letter to the Security Council of the United Nations in accordance with the procedures of the charter itself, which we signed, in which we should ask that there be laid before the Security Council, for its jurisdiction, the threat to the peace in Asia and the world which has been created by the warmaking that is going on in Vietnam. We should make clear in that letter that we will cooperate with the Security Council in carrying out whatever peacekeeping policies are agreed upon by the Council for bringing an end to the war and substituting the force necessary, on a multilateral basis, to keep the peace.

Those forces will occupy an entirely different status. They will not be warmaking forces. They will be peacekeeping forces. True, they will fight if fired upon, just as similar United Nations peacekeeping forces in the Gaza strip have functioned for years and prevented, in the Middle East, an outbreak of a major war; just as the United Nations forces now on Cyprus are functioning to keep the peace. They are not there to make war. However, they will respond if fired upon.

The same procedure was followed by the United Nations peacekeeping force in the Congo when the United Nations moved into the Congo.

We have other examples, but of a lesser degree, in which the Security Council has intervened to keep the peace when there was a growing threat of breach of the peace.

This is the course of action I plead that my Nation follow. This is the course of action which is the treaty obligation of my Nation. It is this course of action that my Nation has defied ever since it has been making war in Asia, seeking to alibi its action on the ground that the Communist nations, too, are making war. That fact does not change the fact that we are a member of the U.N. and an open violator of its charter.

So I say most respectfully to my President, for whom I have great admiration personally, and with whom I find myself in agreement on most issues, but completely in disagreement with respect to this aspect of our foreign policy, "Change your instructions to Ambassador Goldberg." Stop making him a letter carrier. Send him back to the United Nations with a resolution to be submitted in behalf of the Republic of the United States and its people to the United Nations, asking the United Nations, through the Security Council, to formally take jurisdiction over the threat to world peace in southeast Asia, and carry out its obligations to maintain peace in this area of the world, where a war is going on that may very well develop into a nuclear war that will endanger the survival of most of mankind.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an article from this morning's New York Times entitled "U.N. Peace Hunt at a Standstill," written by Kathleen Teltsch; another article from this morning's New York Times entitled "Singapore Plans To Seek Accords With Communists," by Seymour Topping; and another article from this morning's New York Times entitled "Britain Assesses Singapore's Move—Review of Defense Accord With Malaysia Indicated." These are articles that I cite as background

supporting material for some of the observations in my speech.

I also ask unanimous consent that there be printed in the RECORD statements and the program of the Assembly of Unrepresented People that met in Washington to protest the war in Vietnam.

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

[From the New York Times, Aug. 10, 1965]

U.N. PEACE HUNT AT A STANDSTILL—SIX COUNCIL MEMBERS SPLIT ON FULL DEBATE OF VIETNAM

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., August 9.—The search for a Vietnam peace formula undertaken by six Security Council members has reached a standstill, diplomatic sources said tonight.

Private negotiations will go on, these sources said. However, it was reported that the six were split on whether the Vietnam issue should be aired at an open, formal meeting of the Council.

The six—Jordan, Malaysia, the Netherlands, Ivory Coast, Bolivia, and Uruguay—began their private talks in response to a letter July 30 from Arthur J. Goldberg, the U.S. delegate. This letter did not ask for a Council session but appealed to members to help find an acceptable solution and was taken up by some states as compelling them to respond.

The Soviet Union is known to have been sounded out by at least one of the six over the weekend, but a delegation source would say only that the Soviet attitude was not very encouraging.

In considering a U.N. debate, at least some members expressed reluctance to see the Council summoned because it would precipitate a Soviet-American clash. Others have insisted that they have a commitment to fulfill and should seek a meeting, regardless of this possibility.

IRRITATION EXPRESSED

Privately, some diplomats have expressed irritation that the United States has placed the Council members in an impossible position. They complain that, without asking for a debate, the United States has seemed to be expecting some action from the Council and they do not see what the Council can usefully do at the moment.

Disputing this view, a U.S. spokesman has indicated that the intention was to put the matter "in the lap of the Council," not with the idea that it would act at once but that it would gear itself for future needs.

As an alternative to a formal debate with its dangers of cold-war wrangling, some of the six Council members hope for private negotiations either by Secretary General Thant or by outside mediation efforts. However, a diplomatic source said Mr. Thant had indicated that he saw no immediate prospect of following up the initiatives he has made in the past, which have been rejected by one side or the other.

[From the New York Times, Aug. 10, 1965]

UNITED STATES DENIES IT REJECTED BID

WASHINGTON, August 9.—The State Department denied today that the Johnson administration rejected last fall a proposal by North Vietnam for peace talks aimed at ending the Vietnam war.

"We are not aware of any initiative that could have been described as a bid for peace talks," said the State Department press officer, Robert J. McCloskey, at a news conference.

He had been asked for comment on an article published by the New York Herald Tribune Sunday that said such a Communist peace overture was made through a non-Communist Asian diplomat and was rejected by the administration.

Mr. McCloskey was then asked about reported Communist approaches through Secretary General Thant and through Adlai E. Stevenson, the late U.S. delegate to the United Nations.

"There had been reports of feelers and soundings," Mr. McCloskey said. "We have had contacts through third parties, but were not satisfied we had ever received a bid for peace talks."

[From the New York Times, Aug. 10, 1965]

SINGAPORE PLANS TO SEEK ACCORDS WITH COMMUNISTS—BUT NEW INDEPENDENT STATE WILL CONTINUE COOPERATION WITH BRITAIN IN DEFENSE—INDONESIAN TIE WEIGHED—SECESSION FROM FEDERATION LAID TO TENSION BETWEEN CHINESE AND MALAYS

(By Seymour Topping)

SINGAPORE, August 9.—Prime Minister Lee Kuan Yew declared today that newly independent Singapore would cooperate with Britain in defense matters, but would seek new understandings with Communist countries and with Indonesia.

The Prime Minister said Singapore wanted trade ties with all Communist countries, would accept a trade mission from the Soviet Union and was ready to reestablish consular relations with Indonesia. He made these arrangements conditional on respect for Singapore's sovereignty.

The 43-year-old Prime Minister, who is of Chinese parentage, made his policy statement during a tearful explanation of the weekend events that resulted in the surprise withdrawal of Singapore from the Federation of Malaysia at 12:01 a.m. today and its establishment as an independent nation.

RELATIONS STRAINED

The secession has put a severe strain on relations between the three remaining members of the Federation of Malaysia, which was founded September 16, 1963, under the aegis of the British Commonwealth.

The remaining members are Malaya and the Borneo States of Sarawak and Sabah. Indonesia, in a militant "crush Malaysia" policy has sought to detach the Borneo States, which are defended by more than 7,000 Commonwealth troops, from the Malay-dominated federation government in Kuala Lumpur.

Speaking at a televised news conference in an emotion-choaked voice, Prime Minister Lee asserted that the Malay Government had forced the secession of his island state of 2 million people, predominantly Chinese. He said that Prince Abdul Rahman, the Malay leader who is Prime Minister of the Federation of Malaysia, had indicated that communal strife might explode between Chinese and Malays if Singapore insisted on remaining in the federation.

In Kuala Lumpur, Prime Minister Rahman said he had found it impossible in secret talks Saturday and yesterday to reach agreement with Prime Minister Lee.

"Obviously," he said, "the present setup could not go on."

The Prince has been under strong presure from ultra-nationalist Malay leaders of his Alliance party to take militant action to block efforts of Mr. Lee to expand his political influence from Singapore into the rest of the federation.

The ultranationalists have interpreted Mr. Lee's activities as a challenge by the Chinese residents to Malay political paramountcy.

COMMUNAL VIOLENCE FEARED

Prince Rahman, who has sought to moderate the quarrel, noted in a speech this morning before the Malaysian Parliament that irresponsible people, "unfortunately from both sides," had been making utterances that might cause a communal holocaust.

The Malaysian police in Singapore, now transferred to the control of Prime Minister Lee, reinforced patrols tonight in Geylang and other sensitive areas of the city where rioting last year between Malays and Chinese resulted in the killing and wounding of hundreds. No serious incidents were reported.

Singapore's population is 75 percent Chinese and 12 percent Malay, Indians, Pakistanis and Ceylonese, who make up about 10 percent, and the rest, mostly Eurasians, have not been directly in communal tensions.

Prime Minister Lee appealed tonight to the Malay population to remain calm.

"We shall be united regardless of race, religion, or culture," he said. "We are going to have a multiracial nation. We shall set the example."

Under the Independence of Singapore Agreement, reached between the Government at Kuala Lumpur and Singapore, there will be close cooperation in matters of commerce and defense between the two states. However, passports soon will be required to pass over the causeway that links the island of Singapore with Malaya.

Singapore is obligated under the agreement to continue to afford to the British Government bases on the 217-square-mile island "for the purposes of assisting in the defense of Singapore and Malaysia and for Commonwealth defense and for the preservation of peace in southeast Asia."

The British maintain their Far East military headquarters in Singapore under the command of Air Chief Marshal Sir John Grandy. They also operate the Changi Air Base and the Singapore Naval Base.

MOVE SURPRISED AMERICANS

The secession announcement made in Singapore and Kuala Lumpur shortly after 10 o'clock this morning, produced stunned reactions throughout Malaysia. British officials had only a few hours' notice and American officials were caught completely by surprise.

In Kuching, the Sarawak Government announced after an emergency Cabinet meeting that Singapore's secession would "not in any way affect our policy and position within Malaysia." The Sabah Government reserved comment until the return of Peter Lo, the Chief Minister, from Kuala Lumpur.

Political observers were dubious that the federation would survive the shock of Singapore's withdrawal. Apart from the pressures exerted by Indonesia through the threat of guerrilla raids, Singapore's secession upset the political balance that pulled the federation through past crises. With the two million Singaporeans out, the Malays have become heavily preponderant over the indigenous peoples of the Borneo States.

One of the aims of the Malay leaders in forcing Singapore out had been to overtake the Chinese, who had gained a slight edge in numbers in the total Malaysian population of about 10 million.

[From the New York (N.Y.) Times, Aug. 10, 1965]

RAHMAN CITES TENSIONS

(By Seth S. King)

KUALA LUMPUR, MALAYSIA, August 9.—Prince Abdul Rahman told a stunned House of Representatives today that Singapore was being "separated" from the Federation of Malaysia because it was impossible to go on working with the ethnic Chinese leaders of the island state.

Both houses of the Malaysian Parliament voted later, without opposition, to reject Singapore and recognize her as an independent country.

The move came as a complete surprise. Even the British upon whom Malaysia is almost totally dependent for protection against Indonesia, were not told of the plan until

last night. Prime Minister Rahman said some of his own Cabinet members did not know about the move until today.

Prime Minister Rahman said the decision was made by a small group of Government leaders Friday night, a day ofter he returned from 2 months abroad. On Saturday, Prime Minister Lee was summoned to Kuala Lumpur. An agreement on separation was signed that night.

RELATIONS HAD DETERIORATED

Prime Minister Rahman told Parliament that relations between Kuala Lumpur and Singapore had become so bad that he had had only two courses of action open. One to take "repressive measures" against the leaders of the Singapore government. The other was to amend the constitution and drop Singapore from the federation.

"I believe the second course of action is the right one, sad as it may be," he said. "We had pledged to form Malaysia with Singapore. But having given it a trial, we found that if we persisted in going on with it there would be more trouble to Malaysia than what Singapore is worth to us."

CHALLENGES BY KUALA LUMPUR

In recent months the People's Action Party, led by Prime Minister Lee and centered in Singapore, had been challenging the multiracial Central Government on many issues. Mr. Lee had become the principal spokesman for the scattered small parties making up the opposition.

The disagreements had an undertone of racial discord between the Malays and the ethnic Chinese.

In a speech following Prince Rahman's, Tan Siew Sin, an ethnic Chinese who serves as Minister of Finance, said:

"A Chinese-Malaya clash in Malaysia, with the two races roughly equal in numbers and in many places inextricably mixed, would have been the kind of holocaust beside which racial riots in other countries would be a mere picnic."

Singapore and Kuala Lumpur agreed to continue cooperation in economic affairs "for their mutual benefit." They also agreed to establish a joint defense council.

Singapore will now be free to conduct her own foreign affairs. At a news conference Prince Rahman said Malaysia would sponsor Singapore's application for membership in the United Nations and the British Commonwealth.

At present, Singapore is economically self-sufficient. But her promising industrial growth has been based on the prospect of a Malaysian common market in which Singapore's goods would be sold without duty in the three other states. Singapore is also totally dependent on reservoirs in Malaya for her water supply.

One clause of the separation agreement stipulates that neither Singapore nor Kuala Lumpur will sign treaties or other agreements affecting both without the agreement of the other state.

This, in theory, would prevent Singapore from unilaterally making peace with Indonesia or signing a treaty with Communist China.

But Mr. Lee faces a Peiping-oriented opposition that could, now that the Malaysian plan has been overturned, seriously threaten the People's Action Party's control of the Government.

[From the New York Times, Aug. 10, 1965]

BRITAIN ASSESSES SINGAPORE'S MOVE—REVIEW OF DEFENSE ACCORD WITH MALAYSIA INDICATED

LONDON, August 9.—Singapore's decision to leave the Malaysian federation thrust a wide range of problems at Britain today.

It called into question Britain's defense agreement with Malaysia, British policy in the area and Singapore's relationship with Britain as a member of the Commonwealth.

Although many of the members of the government were on holiday when the news came, the Commonwealth Relations Office said it had been informed of Singapore's decision in advance.

[Radhakrishna Ramafil, the Malaysian representative at the United Nations, was stunned when he heard a radio report of Singapore's secession. Later, at his office, he found a cablegram from his government instructing him to advise the Secretary General, U Thant, of the move.]

WILSON ON VACATION

There was no indication that Prime Minister Wilson, on holiday in the islands off Britain, was planning to return to London.

Arthur Bottomley, Secretary of State for Commonwealth Relations, was in Accra, Ghana, and Michael Stewart, the Foreign Secretary, left for the Scilly Islands today.

Despite the statement by the Commonwealth Relations Office, it was believed that any advance notice had come only hours before the announcement from Singapore.

DEFENSE PACT TO BE STUDIED

The office said Britain's defense agreement with Malaysia "and possibly other aspects of our relations may have to be reconsidered, but we cannot say anything definite or indicate what changes, if any, may be needed until the matter has been considered in detail."

One of the "other aspects" of relations with Singapore, which has been associated with Britain since 1819, when it was ceded to the British East India Co. through the efforts of Sir Stamford Raffles, is whether Singapore will remain in the Commonwealth, of which Malaysia is a member. Observers here assumed that Singapore would want to remain.

The big problem is Britain's defense policy in Malaysia as it pertains to Indonesia, which contends Malaysia was set up by Britain as a device to encircle and eventually overwhelm her. Indonesia has sent guerrillas into Malaysia and fierce clashes have ensued. British troops have helped Malaysia under the defense pact.

Late tonight the Commonwealth Relations Office issued a statement announcing British recognition of Singapore as an independent state.

Britain's interest in eventually shifting her strategic base in the Far East from Singapore to Australia was viewed here as having received strong new impetus from Singapore's secession.

The British base is now an economic necessity for Singapore, whose trade with Indonesia has stopped.

The secession agreement provides for the continuation of the base.

But observers believe that if Indonesia recognizes Singapore's independence, as seems likely, trade will be resumed so that ultimately the base will not be so important to Singapore's economy.

[From the New York Times, Aug. 10, 1965]

AUSTRALIANS DISMAYED

SYDNEY, AUSTRALIA, August 9.—News of Singapore's withdrawal from Malaysia was greeted with dismay today by Australians.

It was feared that the break would weaken the capacity of both Singapore and Malaysia to resist Indonesian pressure and make more difficult Australia's commitment to assist them militarily and economically.

Paul M. C. Hasluck, Minister for External Affairs, issued a statement in Canberra expressing regret that the union "had not worked out" but voicing the hope that "there security and stability would remain sound."

Australia has dispatched a battalion of troops and air force and naval units to help protect Malaysian territories from Indonesia and has also been providing economic aid.

[From the New York Times, Aug. 10, 1965]

JAPANESE SURPRISED

TOKYO, August 9.—Singapore's secession caused surprise and concern in the Foreign Ministry and in some business quarters here.

Foreign Ministry sources said there seemed to be no legal problems involved in Japan's recognizing Singapore as an independent state. But they said Japan faced further difficulties in her efforts to mediate the dispute between Malaysia and Indonesia.

The sources said Japan's business ventures in the region might feel major effects from the secession, depending on the future course of economic relations between Malaysia and Singapore.

[From the New York Times, Aug. 10, 1965]

UNITED STATES WEIGHS RECOGNITION

WASHINGTON, August 9.—The State Department has under consideration recognition of Singapore as an independent nation.

U.S. officials privately expressed concern that the secession would weaken Malaysia's capacity to resist Indonesia incursions. This concern was heightened with the news that Singapore would follow a neutral policy and recognize both Indonesia and Communist China.

ASSEMBLY OF UNREPRESENTED PEOPLE

This assembly does not contain representatives. Nobody has been elected to it. It might be better called an assembly for unrepresented people.

We hope people who take part in workshops will talk about the work they are doing or would like to do. We think there are a lot of people doing good work that other people do not know about. We hope the assembly will help these people find out about each other. We hope they will discuss concrete ways in which they can support each other. We hope that groups who already have plans for the late summer and fall will circulate them so that other people can see how they can support them. We hope new programs will come from some of the workshops.

HOUSING

If you do not have housing tell a registrar. There will be a central registration table at the Sylvan Theater (indicated by X on the map) Saturday and Sunday. There will be a registrar at each workshop.

At the registration desk a card with your host's name, address, and telephone number will be given you. Call your host and tell him when you are coming. Get directions to his house. The host is expected to give you a place to sleep. You must provide your own food.

For those who can afford it, housing is available at: Gauntt House, 1716 North Street NW., HU 3–9791, $2 per night. Cairo Hotel, 1615 Q Street NW., HO 2–2104, $6 per night (double).

FRIDAY, AUGUST 6, SCHEDULE

The 4-day Assembly of Unrepresented People begins with a solemn, silent, unmoving vigil line in front of the White House in prayerful commemoration of the 20th anniversary of the dropping of the atomic bomb on Hiroshima.

At 11 a.m.: Assemble in front of White House (registration). Watch for wandering registrars with armbands.

Noon: Silent prayer vigil in front of White House.

At 12:30: Mass meeting at the Federal Office Building or in Lafayette Square across from White House.

Speakers: (1) Joan Baez; (2) Rabbi Feinstein; (3) Robert Parris; (4) A. J. Muste and others.

SATURDAY, AUGUST 7, WASHINGTON MONUMENT

At 9 to 11 a.m.: Assemble at Sylvan Theater (on the Monument Grounds) for folksing.

(Registration will also be at this time. Register at information table by Sylvan Theater or with roving registrars.) (Refer to map X, not printed in the RECORD.)

At 11 to 12: Lunch break (bag lunches will be sold in the area).

At 12 to 6 p.m.: Workshops (number indicates location, see map).

1. The House Un-American Activities Committee.
2. Washington, D.C.: Area problems.
3. Apartheid in South Africa.
4. ———.
5. Dominican Republic.
6. Conscientious objection to war.
7. Religion and social action.
8. Puerto Rico.
9. ———.
10. The congressional challenge and the Mississippi Freedom Democratic Party.
11. Community organization.
12. Free university.
13. Free student union.
14. ———.
15. ———.

At 8 to 10 p.m.: Possible regional meetings in area churches.

WASHINGTON MONUMENT, SUNDAY, AUGUST 8

At 9 to 11: Folk-sing at Sylvan Theater on the monument grounds.

At 11 to 12: Lunch break (lunches will be sold in area).

At 12 to 5: Constituency workshops. (Letters designate areas on map.)

A. Community people: (7) Union members; (8) unorganized labor; (9) community organizers; (—) Housewives (next to 9).

B. Academic community: (1) College faculty; (2) high school teachers; (6) grade school teachers.

C. Student community: (3) High school students; (5) college and university students.

D. Other: (10) Folk singers; (11) doctors; (12) lawyers; (13) labor organizers and labor people; (14) writers, artists; (15) peace workers and peace people.

At 7 p.m.: Meeting of all participants with reports from all the workshops. The agenda for the assembly on August 9 will also be decided on at this meeting. Any action to be taken on Monday will be the decision of the assembly on Sunday night. Place of meeting will be announced Saturday morning.

MONDAY, AUGUST 9

At 11 a.m.: Assemble at area to be designated Sunday night. Declarations of peace will be read on this day.

DECLARATION OF PEACE, AUGUST 9, 1965

Because for 20 years the people of Vietnam have been tortured, burned, and killed; because their land and crops have been ruined and their culture has been destroyed; and because we refuse to have these things done in our name, we declare peace with the people of Vietnam.

Because millions of Americans had hoped and expected that their votes in the 1964 presidential election would move our country away from war toward peace, and because these hopes and expectations have been betrayed in Vietnam, we declare peace with the people of Vietnam.

Because the Congress of the United States, without adequate discussion, has permitted the waging of an undeclared war, we symbolically assume its responsibility for this day in the name of those people of the United States and of the world who oppose this war, and declare peace with the people of Vietnam.

Because we believe that the steady escalation of the war in Vietnam threatens all people with nuclear death, we declare peace with the people of Vietnam.

Because we believe that people all over the world must find ways to make peace with each other and to keep their governments from ever waging war, we declare peace with the people of Vietnam.

We commit ourselves to a continuing effort to implement this declaration of peace.

You are invited to write a declaration of your own.

In case of emergency, call: Washington Summer Action, 819 Independence Avenue SE., phone: 543–2203.

Mr. MORSE. I yield the floor.

THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. COOPER. Mr. President, the Elementary and Secondary Education Act of 1965 will be administered under regulations issued by the Office of Education. I understand draft regulations have been circulated to State superintendents of schools and others, discussed at local meetings throughout the country, and that final regulations may soon be issued by the Secretary.

I am deeply concerned that under these regulations a principal purpose of the act—to lift the quality of education in the neediest school districts, those having the largest proportion of children from low-income families—may not be met. I am worried that the funds provided by the act may be diverted from the first priority needs of these districts. Supplemental projects, however desirable, are not fundamental it seems to me, and in many of these neglected areas should follow and build upon improvements made in the regular, basic educational program.

I understand that representatives of the Office of Education have reiterated and emphasized that the act is not a general aid-to-education bill, is not a school construction bill, and is not a teacher salary bill.

It is true that the formula in the act is directed to school attendance areas having large numbers of "educationally deprived children"—defined as those from low-income families. For example, title I of the act contains in section 205 (a) the requirement that payments will be used for programs and projects "designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families."

But section 205(a) also requires that these programs and projects be of "sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting those needs." In many districts, I believe that requirement would comprehend a general improvement in the regular school program.

I can understand that in a comparatively wealthy State such as New York or California—where the numbers of children from poor families in any school district may amount to 4, 5, or 6 percent, or even 12 or 14 percent, of those in the school district—the purposes of the act can best be accomplished by designing special projects for those children.

But in States like Kentucky, West Virginia, and many others, the first priorities are often school construction and teacher salaries. The committee's own tabulations, secured through the Office of Education, show county after county in such States having eligible children amounting to 35, 40, even 50 percent of the school-age population.

I fail to see how any program can meet the needs of the children in many of these districts unless it can be directed to the general improvement of the whole school and its regular program—including classroom construction and better salaries for teachers, if those are the most pressing problems.

The needs of these schools, with their large proportions of "educationally deprived children" to use the terms of the act, surely can not be met simply by superimposing special-purpose projects, important as they are, on a foundation fundamentally weak in facilities or staff.

I do not believe it was the intention of the Congress in enacting the Elementary and Secondary Education Act to insist that the neediest school districts in the Nation—those having one-room or old wooden buildings, the lowest paid teachers, and the largest numbers of children from poor families—use the Federal funds allocated to them by this act solely for the kind of special-purpose projects which can usefully supplement the curricula of other school systems which have already met minimum basic standards.

I say this because page 9 of the Senate committee report, discussing the use of funds under the act, states:

> There may be circumstances where a whole school system is basically a low-income area and the best approach in meeting the needs of educationally deprived children would be—
>
> And I emphasize—
>
> to upgrade the regular program.

I am deeply concerned that this intention is being ignored by the Office of Education. I hope the Senate and House committees will consult with the Office of Education respecting the proposed regulations, to determine whether they will carry out this intention as expressed in the committee report. For I think it would be unfortunate if in the neediest districts in the Nation—having the oldest, most overcrowded buildings and the most overburdened teachers—local officials were prohibited from using the assistance provided by the Congress to meet their most immediate problems first.

I urge the Commissioner of Education to write into the regulations now under consideration specific provisions for any school attendance area in which 35 percent or more of the school-age children meet the criteria established by the act. Such provisions could insure that these schools will be encouraged to use the Federal assistance, as approved by the States, for the general improvement of their facilities and regular program—at least in those places where the school building or quality of instruction does not now meet minimum standards established by the State.

It seems to me that a provision of this kind would help provide the sound and proper basis for any effort, to use the terms of the act, "of sufficient scope to give reasonable promise of substantial progress" toward meeting the needs of educationally deprived children in these areas.

I hope that interested Senators, including the distinguished chairman of the Senate Committee on Labor and Public Welfare, Mr. MORSE, will examine this question, and consider whether the regulations formulated by the Office of Education have been directed solely to the supplemental needs of groups of "educationally deprived children" in well-established school districts, or whether they properly take into account the basic and fundamental needs of the neediest school districts having the highest population of such children.

HOUSTON SPACE MUSEUM—RESOLUTION

Mr. YARBOROUGH. Mr. President, the phenomenal success and achievements of this Nation in pioneering in the field of space exploration is well known to all of us who have been fortunate enough to personally witness these accomplishments. However, I have concern for the future generations of Americans who will know of these feats only through historical means and will not be able to personally view the achievements of this age of pioneering in space.

For this reason I have supported and urged that a space museum be established to preserve the evidence of this marvelous age, and the citizens of Houston, Tex., share that same interest. Due to the proximity of the NASA Center to Houston, and the major part which that city has played in our space efforts, I feel that the location of a space museum in that area would be an excellent action.

To illustrate the interest which the city of Houston has in establishing such a museum, I ask unanimous consent that a resolution which the city council has passed be printed at this point in the RECORD.

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

RESOLUTION EXPRESSING THANKS AND APPRECIATION TO CONGRESSMEN ALBERT THOMAS AND BOB CASEY AND SENATORS RALPH YARBOROUGH AND JOHN TOWER FOR THEIR HELP IN ATTEMPTING TO ESTABLISH A SPACE MUSEUM IN HOUSTON AND PLEDGING SUPPORT TO THEM

Whereas the city of Houston is undisputably the space capital of the United States; and

Whereas it would be only fitting and proper that a space museum be established in this city so that present and future generations may more fully inform themselves of the achievements of the United States of America in the field of space exploration; and

Whereas various proposals have been made as to the form such a museum might take, either as an entirely new structure or as an adjunct to the present Houston Museum of Natural Science and the Burke Baker Planetarium, which are located on 4½ acres of Hermann Park ground; and

Whereas regardless of the site eventually chosen, the establishment of such a museum is of vital concern to all the citizens of Houston; and

Whereas both of the distinguished Congressmen from the city of Houston, the Honorable ALBERT THOMAS and the Honorable BOB CASEY, and both U.S. Senators from the State of Texas, the Honorable RALPH YARBOROUGH and the Honorable JOHN TOWER, have worked diligently for the establishment of such a museum in the city of Houston; and

Whereas the mayor and City Council of the City of Houston are willing to do all that is possible to assist in the efforts to establish the aforementioned museum: Now, therefore, be it

Resolved, That the mayor and City Council of the City of Houston, Tex., do hereby express their thanks and appreciation to all of the aforementioned officials, Congressmen THOMAS and CASEY, and Senators YARBOROUGH and TOWER, for their past efforts in behalf of the aforesaid museum and do hereby pledge their support in any future efforts in this regard.

(Passed and approved by the unanimous vote of the entire city council in regular meeting this 28th day of July 1965.)

LOUIS WELCH,
Mayor of the City of Houston.
ROBERT S. (BOB) WEBB,
Councilman, District A.
ARTHUR L. MILLER,
Councilman, District B.
LEE M. FERRAN,
Councilman, District C.
THOMAS HAND,
Councilman, District D.
FRANK O. MANCUSO,
Councilman, District E.
BILL ELLIOTT,
Councilman at Large, Position No. 1.
FRANK E. MANN,
Councilman at Large, Position No. 2.
JOHNNY GAYEN,
Councilman at Large, Position No. 3.

Attest:

M. S. WESTERMAN,
City Secretary.

VETERANS' ADMINISTRATION PROCLAIMS SUCCESS OF GI BILLS

Mr. YARBOROUGH. Mr. President, even though the Veterans' Administration has failed to extend its full support to the cold war GI education bill (S. 9), it nevertheless recognizes the unparalleled success of the GI bills of the past. In an article by Mr. Cyril F. Brickfield, Deputy Administrator of Veterans' Affairs in the Veterans' Administration, the economic and intellectual benefits of the GI bills of World War II and the Korean conflict are clearly set out.

It is more than strange that the Veterans' Administration does not urge a GI bill for the future, though in article after article it has extolled the benefits of the GI bills of the past. It sends uncounted tens of thousands into combat, but is not willing for the survivors to go to school under a GI bill.

Mr. President, I ask unanimous consent that this article by Mr. Brickfield appearing in the June–July 1965, issue of Employment Service Review, a publication of the Department of Labor, be printed at this point in the RECORD. The article is entitled "The GI Bill Paid Off," and argues convincingly for enactment of a new GI bill for the modern-day veteran.

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

THE GI BILL PAID OFF

(By Cyril F. Brickfield) [1]

(NOTE.—The impact of the GI bill on veterans and their families and on society as a whole is beyond measurement, but the benefits accrued can be expected to be felt for years to come.)

It is generally agreed that the GI bill was one of the most successful pieces of legislation ever enacted. At the Veterans' Administration, we have put some men and machines to work to get an answer in dollars and cents. Some recapitulation and reminiscing are in order to determine the GI bill's real worth.

Some 10 million World War II and Korean conflict veterans enrolled for education or training under the various GI bill programs at a total cost to the U.S. Government of $19 billion.

An analysis of incomes of veterans and nonveterans in the same age groups, made with the help of the Department of Labor and the Department of Commerce, shows that incomes of veterans who received GI bill help in education averaged from $1,000 to $1,500 a year more than of those who did not. On this basis, we estimate that the trained and educated veterans paid additional income taxes in excess of $1 billion a year.

The GI bill provisions for education covered a period of 20 years; the estimate of $1 billion annually in added taxes totals a $20 billion return in taxes alone on the $19 billion cost of the program.

In a larger sense, the benefits of the GI bill cannot be objectively measured as to their total impact on society. It is not likely they ever will be. But we do have an abundance of empirical evidence which provides a basis for sound judgment as to their contributions over the years.

The immediate postdemobilization effect of the GI bill was the removal of millions of veterans from the labor force as a result of their entrance into education or training. These veterans would otherwise have been clamoring for jobs that were not yet available (as industry needed time to convert from a wartime to a peacetime economy).

By June 30, 1948, some 7.5 million veterans had applied for educational benefits and 6.7 million had already been enrolled. Their subsequent return to the labor force became a gradual process, giving industry time to retool and to create the jobs for expanding peacetime production. Consequently, the transition of World War II veterans from military to civilian life was orderely and in decided contrast to conditions after World War I.

To go even deeper, following World War II, this Nation was being propelled into a challenging era by the convergence of powerful forces—the explosion of knowledge and population, a burst of technological and economic advance, the uprooting of old political and cultural patterns, and a never-before-experienced demand for more and better trained professional and skilled workers.

Through the GI bill provisions for education, the skill levels of those who participated were raised significantly. Thirty-one percent of World War II veterans and 12 percent of Korean conflict veterans had 8 years or less of formal schooling when they entered training under the GI bill.

The Nation's resources of skilled manpower were raised by the training of veterans as follows: 451,000 in engineering, 238,000 in teaching, 197,000 in health fields, such as medicine, dentistry, and nursing, 96,000 in physical and biological sciences, 699,000 in business administration, and 2,500,000 in skilled trades, crafts, and industrial pursuits.

The GI bill was a tremendous boon to our educational institutions. In December 1949, a total of 20,500 schools, colleges, and universities were taking part in the program, as well as 400,000 employers in the on-the-job training program.

Expansion of educational facilities throughout the Nation presented a staggering problem, with the need for more physical

[1] Cyril F. Brickfield is Deputy Administrator of Veterans' Affairs in the Veterans' Administration.

facilities, more teachers, and improved teaching techniques. The successful solution to this problem contribtued in large measure to the capability of today's educational facilities to cope with the increasing demands of the rapidly growing population of youngsters of school and college age.

The influx of an enormous number of veterans—older and more mature than the usual students—into the classrooms changed the pattern of education throughout the United States and gave rise to the adult education programs that are carried on by all higher educational institutions today.

The GI bill also stimulated widespread acceptance of, and improved practices in, apprentice training; improved agricultural practices; contributed to the general knowledge required for the successful administration of large federally sponsored educational assistance programs; opened the way for an ever-increasing number of educational assistance programs, such as those now administered through the Office of Education, the National Science Foundation, the Atomic Energy Commission, and the Departments of Agriculture and Labor; laid the foundation for an effective partnership between Federal and State agencies in the advancement of education.

When the GI bill came to an end in January 1965, we in the Veterans' Administration had good reason to believe that we had shared in a historymaking endeavor in the area of Federal-State relationships through a federally sponsored program of education and training.

MR. R. W. AKERS APPOINTED DEPUTY DIRECTOR OF THE U.S. INFORMATION AGENCY

Mr. YARBOROUGH. Mr. President, the recent appointment of Mr. R. W. Akers, as Deputy Director of the U.S. Information Agency, is a perfect case of having the right man for the right job.

Mr. Akers is the former editor in chief of the Beaumont Enterprise, the daily newspaper of Beaumont, Tex. During the time he was editor of the paper, the Beaumont Enterprise was considered one of the top four or five newspapers in Texas, and many people, even those who resided outside the Beaumont area, believed that it was the best Texas newspaper.

With more than 40 years of newspaper experience, Mr. Akers is an experienced and enlightened editor, writer, and publisher, which is a practical and responsible background for his new position.

As a tribute to this fine Texan, I ask unanimous consent that an editorial entitled "An Excellent Choice" from the Wednesday, August 4, 1965, Beaumont Enterprise, be printed at this point in the RECORD.

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

AN EXCELLENT CHOICE

With characteristic promptness, R. W. Akers accepted the call to public service and energetically plunged into the intricacies of the new job.

His appointment as Deputy Director of the U.S. Information Agency is effective as of September 1 and the formality of Senate confirmation is a foregone conclusion. Meanwhile, he already is moving ahead full steam with his accustomed enthusiasm.

We naturally applaud President Johnson's selection of the former editor in chief of the Enterprise and the Journal. But our approval goes far beyond that.

We know, in ways others would not be privileged to know, that the USIA has in Bob Akers a man who can put across its peculiarly demanding and often sensitive story. This is the story of the "American idea"—as he, himself, so well expressed it—presented for the understanding of the other peoples of the world. Its proper telling is critically important.

This, then, is his biggest story and his greatest challenge. The point was well made that he is the first newspaper editor to occupy this position. For 40 years, beginning when he was quite a young man, he has reported and edited the American story as it poured across his desk in its myriad forms. News story objectiveness has been a keystone of his career.

On top of that, he has followed the world story with a student's inquisitiveness and understanding, and he has exchanged views on the spot with the peoples of many nations.

This is a solid, practical background for a top hand in the USIA.

Due to the very nature of the USIA mission, the people of America do not have much contact with this program of the National Government. What we have seen of it has, at times, caused us to wonder just how correct and how effective it has been.

This reorganization of its directorship is reassuring. We feel that our story will be in safe hands, truly told and in a manner that should redound to the benefit of both ourselves and those abroad who will hear.

These are reasons for our endorsement of this Presidential action. And with this commendation go our most genuine best wishes—as he steps out on his biggest assignment—to Bob Akers.

CAPTIVE NATIONS WEEK

Mr. YARBOROUGH. Mr. President, during this week which was designated as Captive Nations Week, we recognized the great injustices which have been perpetrated against the once free nations of Europe—Lithuania, Latvia, Estonia, Poland, Hungary, East Germany, Czechoslovakia, Rumania, Bulgaria, and Albania. All of these countries fell victim to the iron grip of communism, all against their will. Now more than 100 million Europeans, who once enjoyed freedom under their own sovereign and independent governments, are imprisoned in their homelands, trapped behind the Iron Curtain.

Yet we become more aware every year of the desire of these peoples to seek their freedom. Their histories as nations show a record of captivity, but not submission; of superimposed authority met with resistance; of oppression, yet an outspoken defiance. The peoples of these nations are continually undergoing courageous struggles to free themselves from the yoke of tyranny, although for many it means hardship and even imprisonment.

The courageous spirit of these people, their fortitude, their faith and hope for the future, their undying desire for independence and their love of freedom are an inspiration for all free nations of the world.

Mr. President, I have attended the annual dinner of the Assembly of Captive European Nations for the last several years, and have worked with this admirable organization in their fight for freedom. Last year I was presented with the 10th Anniversary Commemorative Medal of the Assembly of Captive Nations, an honor which I treasure very much. This group continues its work for freedom and for liberation. May their dreams of liberation come to pass.

RECESS

Mr. YARBOROUGH. Mr. President, I move that the Senate stand in recess until 12 o'clock tomorrow, Wednesday, August 11, in accordance with the previous order.

The motion was agreed to; and (at 5 o'clock and 36 minutes p.m.) the Senate, under the previous order, took a recess until tomorrow, Wednesday, August 11, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 10, 1965:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR PERMANENT PROMOTION

To be assistant sanitary engineer

Douglas L. Johnson
Donald R. Kaiser
Richard H. Mosbaugh

IN THE AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major generals

Brig. Gen. William E. Creer, 1742A, Regular Air Force.
Brig. Gen. Loren G. McCollom, 1632A, Regular Air Force.
Brig. Gen. Thomas B. Whitehouse, 1677A, Regular Air Force.
Brig. Gen. James W. Humphreys, 19928A, Regular Air Force, Medical.
Brig. Gen. Joseph L. Dickman, 1656A, Regular Air Force.
Brig. Gen. Thomas R. Ford, 2065A, Regular Air Force.
Brig. Gen. William W. Wisman, 4990A, Regular Air Force.
Brig. Gen. Joseph J. Cody, Jr., 5126A, Regular Air Force.
Brig. Gen. Richard S. Abbey, 1992A, Regular Air Force.
Brig. Gen. William D. Greenfield, 1899A, Regular Air Force.
Brig. Gen. Howard A. Davis, 3860A, Regular Air Force.
Brig. Gen. Timothy F. O'Keefe, 4608A, Regular Air Force.
Brig. Gen. George S. Boylan, Jr., 4836A, Regular Air Force.
Brig. Gen. Lawrence S. Lightner, 5219A, Regular Air Force.
Brig. Gen. Richard H. Ellis, 36867A (major, Regular Air Force), U.S. Air Force.

To be brigadier generals

Col. Roger E. Phelan, 1659A, Regular Air Force.
Col. Daniel E. Riley, 3768A, Regular Air Force.
Col. Sterling P. Bettinger, 3842A, Regular Air Force.
Col. Stephen W. Henry, 3907A, Regular Air Force.
Col. Arthur E. Exon, 3940A, Regular Air Force.
Col. James H. Thompson, 4023A, Regular Air Force.
Col. Russell A. Berg, 4376A, Regular Air Force.

Col. James D. Kemp, 4517A, Regular Air Force.
Col. Archie M. Burke, 4642A, Regular Air Force.
Col. John E. Frizen, 4706A, Regular Air Force.
Col. Leo A. Kiley, 4953A, Regular Air Force.
Col. John W. Kline, 5084A, Regular Air Force.
Col. David I. Liebman, 5164A, Regular Air Force.
Col. Carroll H. Bolender, 5243A, Regular Air Force.
Col. Lee M. Lightner, 18923A, Regular Air Force, Dental.
Col. Thomas L. Hayes, Jr., 4672A, Regular Air Force.
Col. Herman Rumsey, 4723A, Regular Air Force.
Col. George V. Williams, 7733A, Regular Air Force.
Col. Edward M. Nichols, Jr., 7805A, Regular Air Force.
Col. Leo P. Geary, 8037A, Regular Air Force.
Col. John A. Des Portes, 8199A, Regular Air Force.
Col. Henry B. Kucheman, Jr., 8353A, Regular Air Force.
Col. Francis W. Nye, 8418A, Regular Air Force.
Col. Gerald W. Johnson, 8671A, Regular Air Force.
Col. John R. Murphy, 8944A, Regular Air Force.
Col. James F. Kirkendall, 9092A, Regular Air Force.
Col. Frank K. Everest, Jr., 9100A, Regular Air Force.
Col. Frederick E. Morris, Jr., 9166A, Regular Air Force.
Col. Rockly Triantafellu, 9504A, Regular Air Force.
Col. Louis T. Seith, 9756A, Regular Air Force.
Col. David C. Jones, 9887A, Regular Air Force.
Col. Sherman F. Martin, 9963A, Regular Air Force.
Col. William V. McBride, 10077A, Regular Air Force.
Col. John S. Chandler, Jr., 10102, Regular Air Force.
Col. Henry L. Hogan III, 10151A, Regular Air Force.
Col. August F. Taute, 4256A, Regular Air Force.
Col. Frank J. Collins, 9330A, Regular Air Force.
Col. Charles W. Carson, Jr., 10113A, Regular Air Force.
Col. Burl W. McLaughlin, 10624A, Regular Air Force.
Col. Russell K. Pierce, Jr., 18118A, Regular Air Force.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 10, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with this verse of Scripture: II Timothy 4: 17: *Notwithstanding the Lord stood with me, and strengthened me.*

Eternal God, whose throne of mercy and goodness we approach in our littleness and our many needs, we beseech Thee to endow us with that insight and understanding which will give us a larger vision of Thy spirit and the way of life for us.

We pray that Thou wilt set our minds and hearts in a lofty room of outlook and aspiration and may there be instilled in us a reverent desire to love Thee and to help heal the hurts that divide our humanity.

Inspire us to live out our days in service and may we belive that if everyone would every day do some kind act to some other person the burden of the world would be lifted. Let us not wait for others to begin.

Hear us in Christ's name and urge us to follow Him. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

GENERAL SUBCOMMITTEE ON EDUCATION

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the General Subcommittee on Education may be permitted to sit this afternoon during general debate, to hear outside witnesses.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to know if this request has been cleared with the ranking minority members of the committee?

Mr. PERKINS. The request has not been cleared with the ranking minority members of the committee. I have tried—just a few moments ago—to get in touch with the ranking minority member, and I have not been able to get in touch with the ranking minority member.

Mr. HALL. Further reserving the right to object, inasmuch as we are not going immediately into the Committee of the Whole House on the State of the Union, may I respectfully request that the gentleman withhold; otherwise, I shall be constrained to object.

Mr. PERKINS. Mr. Speaker, I withdraw my request.

PEACE CORPS ACT AMENDMENTS

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, I trust that the gentleman from Pennsylvania will take at least a few minutes to explain the conference report in lieu of the expenditure of time in the reading of the report.

Mr. MORGAN. I will certainly try.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. 728)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out '1965' and substituting '1966', and by inserting before the period at the end thereof a comma and the following: 'of which not to exceed $500,000 shall be available for carrying out research'.

"SEC. 2. Section 5 of the Peace Corps Act, as amended, which relates to Peace Corps volunteers, is amended as follows:

"(a) Subsection (c) is amended by adding at the end thereof a new sentence as follows: 'For purposes of the Internal Revenue Code of 1954 (26 U.S.C.), a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this Act to the fund from which such readjustment allowance is payable.'

"(b) In subsection (e):

"(1) In the first sentence, strike out 'and such health examinations and immunization preparatory to their service,' and substitute therefor 'applicants for enrollment shall receive such health examinations preparatory to their service, applicants for enrollment who have accepted an invitation to begin a period of training under section 8(a) of this Act shall receive such immunization and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service,'.

"(2) In the second sentence, strike out ', examinations, and immunization' and strike out 'for volunteers'.

"(c) In the first proviso of subsection (g), strike out 'one' and substitute therefor 'two' and strike out 'in the aggregate'.

"(d) In subsection (h), immediately after '(5 U.S.C. 73b–5),' insert 'the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a),'.

"SEC. 3. In section 6(3) of the Peace Corps Act, as amended, which relates to the provision of health care to the spouses and minor children of volunteer leaders, immediately after 'accompanying them' insert ', and a married volunteer's child if born during the volunteer's service,'.

"SEC. 4. Section 7 of the Peace Corps Act, as amended, which relates to Peace Corps employees, is amended as follows:

"(a) Strike out subsections (a) and (b).

"(b) Redesignate subsection (c) as subsection (a) and in the subsection as redesignated:

"(1) In the introductory phrase:

"(A) Insert '(1)' immediately before 'For the purpose of'.

"(B) Strike out '—' immediately after 'may'.

"(2) In paragraph (1) strike out '(1)'.

"(3) In paragraph (2):

"(A) Amend the first sentence to read as follows: 'The President may utilize such authority contained in the Foreign Service Act