merce to apportion the sum authorized for the fiscal year ending June 30, 1967, for the National System of Interstate and Defense Highways (Rept. No. 778). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHELF: Committee on the Judiciary. H.R. 7357. A bill for the relief of Dr. Felipe V. Lavapies, without amendment (Rept. 779). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 10386. A bill to provide continuing authority for the protection of former Presidents and their wives or widows, and for other purposes; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 10387. A bill protecting the members of the Armed Forces and their families from threatening and harassing communications; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 10388. A bill to amend title 39, United States Code, to extend certain third-class postage rates to civic organizations and associations; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 10389. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. MATTHEWS:

H.R. 10390. A bill to amend section 317 of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. ROBERTS:

H.R. 10391. A bill to amend title 38 of the United States Code to provide increases in the rates of disability compensation; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPRINGER:

H.R. 10392. A bill to establish a Federal Boxing Commission to exercise surveillance over professional boxing matches broadcast or disseminated by wire in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON:

H.R. 10393. A bill for the relief of the town of Blackville, S.C.; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 10394. A bill to provide free mailing privileges for members of the Armed Forces in certain combat zones, and reduced postage rates for the air shipment of small parcels to members of the Armed Forces in those combat zones; to the Committee on Post Office and Civil Service.

H.R. 10395. A bill to amend title 38, United States Code, to provide a program of death indemnification for persons serving in combat zones; to the Committee on Veterans' Affairs.

By Mr. DUNCAN of Tennessee:

H.R. 10396. A bill to amend title 38 of the United States Code to prevent loss of veteran pension benefits as a result of increases in social security benefit payments under the Social Security Amendments of 1965; to the Committee on Veterans' Affairs.

By Mr. McDOWELL:

H.R. 10397. A bill to amend the Federal Water Pollution Control Act to implement plans to provide for the creation of a water resources and pollution control district to assist in dealing with the problems of water resources and pollution control in the waterways of Dover, and Kent County, Del.; to the Committee on Public Works.

By Mr. ST GERMAIN:

H.R. 10398. A bill to permit Federal employees to purchase shares of Federal—or State—chartered credit unions through voluntary payroll allotment; to the Committee on Banking and Currency.

By Mr. ROBERTS:

H.R. 10399. A bill to amend title 38, United States Code, to provide a program of death indemnification for persons serving in combat zones; to the Committee on Veterans' Affairs.

By Mr. RODINO:

H.R. 10400. A bill to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interests; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.J. Res. 619. Joint resolution to authorize the President to issue a proclamation commemorating the 200th anniversary of the Stamp Act Congress, held at New York, in the Colony of New York, Oct. 7–25, 1765; to the Committee on the Judiciary.

By Mr. WELTNER:

H.J. Res. 620. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. FALLON:

H. Res. 513. Resolution amending House Resolution 141 relating to investigations by the Committee on Public Works; to the Committee on Rules.

H. Res. 514. Resolution to amend House Resolution 142 relating to expenses of investigations conducted by the Committee on Public Works; to the Committee on House Administration.

By Mr. MULTER:

H. Res. 515. Resolution providing for the consideration of the bill (H.R. 4644) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII:

359. Mr. ANNUNZIO presented a resolution adopted by the 74th General Assembly of the Senate of the State of Illinois respectfully requesting that the U.S. Congress take action to extend GI benefits, which was referred to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 10401. A bill for the relief of Ionnis Makropoulos; to the Committee on the Judiciary.

H.R. 10402. A bill for the relief of Luigi Serpico; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 10403. A bill for the relief of Edward F. Murzyn and Edward J. O'Brien; to the Committee on the Judiciary.

H.R. 10404. A bill for the relief of Lt. Col. James E. Bailey, Jr., U.S. Air Force (retired) to the Committee on the Judiciary.

H.R. 10405. A bill for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 10406. A bill for the relief of Sister Mary Stanislas (Concetta Minolo); to the Committee on the Judiciary.

H.R. 10407. A bill for the relief of Sister Mary Yolanda (Grazia Alercia); to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10408. A bill for the relief of Giuseppe Fecci; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 10409. A bill for the relief of Phillip G. Duffy; to the Committee on the Judiciary.

By Mr. HAGEN of California:

H.R. 10410. A bill for the relief of Mathew James Richard McDermott; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 10411. A bill for the relief of Gloria de la Jara; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 10412. A bill for the relief of Dr. Francisco G. Japzon; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 10413. A bill for the relief of Mrs. Rita Buralgia Cavalotti; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 10414. A bill for the relief of Ryoko Matsumoto; to the Committee on the Judiciary.

By Mr. REINECKE:

H.R. 10415. A bill for the relief of Josefina Abutan; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 10416. A bill for the relief of Nick Bonis; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 10417. A bill for the relief of Jose Maria Ferreira and his wife, Maria Jose de Sousa Ferreira, and their daughter, Maria de Fatima de Sousa Ferreira; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 10418. A bill for the relief of Snezanka Stankovic, Zivorad Stankovic, and Jasmina Stankovic; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 10419. A bill for the relief of Mrs. Wilhelmina Franken; to the Committee on the Judiciary.

SENATE

WEDNESDAY, AUGUST 11, 1965

(Legislative day of Tuesday, August 10, 1965)

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

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

Merciful Father, whose faithfulness is constant in the face of all our fickleness, whose forgiveness outlasts all our transgressions against Thy holy love: We bemoan the delusions which so often have led us to mistake shadows for substance. We confess that by the opiate of our own achievements we have been lulled again and again into cushioned optimism.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Now with jarred and jolted minds we see the whole circle of the world grown somber and terrible with the fires of battle and honeycombed with subversion by the forces which would enslave man's spirit.

In this day when Thou art sifting out the souls of men before Thy judgment seat, give us, we pray, that penitence for our own sins, that contempt for our own narrow prejudices, that hatred for our own hate, that shall enable us to put on the whole armor of God as we fight against the rulers of the darkness of this world, and against spiritual wickedness in high places.

We ask it in the name of the Prince of Peace. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting nominations, was communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

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

MESSAGE FROM THE HOUSE

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

H.R. 1153. An act to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint labor-management product promotion programs in certain instances or a joint labor-management committee or board empowered to interpret provisions of collective-bargaining agreements;

H.R. 10306. An act to amend the Universal Military Training and Service Act of 1951, as amended; and

H.R. 10323. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes.

HOUSE BILLS REFERRED

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

H.R. 1153. An act to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint labor-management product promotion programs in certain instances or a joint labor-management committee or board empowered to interpret provisions of collective-bargaining agreements; to the Committee on Labor and Public Welfare; and

H.R. 10323. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes; to the Committee on Appropriations.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 1599) to establish a Department of Housing and Urban Development, and for other purposes.

The Senate resumed the consideration of the bill (S. 1599) to establish a Department of Housing and Urban Development, and for other purposes.

CORRECTIONAL REHABILITATION STUDY ACT OF 1965

Mr. MANSFIELD. Mr. President, will the Senator in charge of the bill yield me 1 minute?

Mr. RIBICOFF. I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 527, H.R. 2263.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2263) to provide for an objective, thorough, and nationwide analysis and reevaluation of the extent and means of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 1, line 5, after "SEC. 2.", to strike out "The" and insert "Section 12 of the"; in line 6, after "(29 U.S.C.", to strike out "41 (b)" and insert "ch. 4"; in the same line, after the word "amended", to strike out "by redesignating section 13 as section 14 and inserting after section 12 the following new section" and insert "to read as follows:"; on page 2, line 3, after "SEC.", to strike out "13" and insert "12"; in line 4, after the word "on", to strike out "Vocational Rehabilitation" and insert "Correctional Manpower and Training, established by subsection (b) of this section,"; in line 8, after the word "the", to insert "personnel practices and"; on page 3, line 2, after the word "resources,", to strike out "methods" and insert "needs"; after line 8, to insert:

(b)(1) There is hereby established in the Department of Health, Education, and Welfare a National Advisory Council on Correctional Manpower and Training, consisting of the Secretary, or his designee, who shall be Chairman, and twelve members, not otherwise in the regular full-time employ of the United States, appointed without regard to the civil service laws by the Secretary after consultation with the Attorney General of the United States. The twelve appointed members shall be selected from among leaders in fields concerned with correctional rehabilitation or in public affairs, four of whom shall be selected from among State or local correctional services. In selecting persons for appointment to the Council, consideration shall be given to such factors, among others, as (1) familiarity with correctional manpower problems, and (2) particular concern with the training of persons in or preparing to enter the field of correctional rehabilitation.

(2) The Council shall consider all applications for grants under this section and shall make recommendations to the Secretary with respect to approval of applications for and the amounts of grants under this section.

(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

On page 4, at the beginning of line 15, to strike out "(b)" and insert "(c)"; in the same line, after the word "For", to strike out "such purpose" and insert "carrying out the purposes of this section"; in line 22, after the word "of", to insert "any"; and on page 5 at the beginning of line 4, to strike out "(c)" and insert "(d)".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 543), explaining the purposes of the bill.

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

The crime rate has doubled in the United States since 1940. It has increased nearly six times as fast as our population growth since 1958. The total direct and indirect cost of crime and delinquency is estimated to exceed $27 billion annually. Two million offenders—1 percent of our population—are incarcerated each year in our adult and juvenile correctional institutions and jails. Yet there are only 100,000 persons engaged in the field of correctional rehabilitation—a ratio of 1 for every 60 incarcerated offenders.

The purpose of H.R. 2263 is to provide Federal assistance for a 3-year study of the shortage of qualified manpower, and the educational and training needs in the field of correctional rehabilitation.

H.R. 2263 would authorize the Secretary of Health, Education, and Welfare, with the advice of a 12-member National Advisory Council on Correctional Manpower and Training, to make grants for the carrying out of a coordinated program of research and study of the personnel practices and current and projected personnel needs in the field of correctional rehabilitation; the availability and adequacy of the educational and training resources for persons in, or preparing to enter the field; the availability of educational opportunities for persons in, or preparing to enter the field; the adequacy of the existing curriculum and teaching methods and practices involved in the preparation of persons to work in the field; the effectiveness of present methods of recruiting personnel for correctional rehabilitation; and the extent to which personnel in the field are utilized in the manner which makes the best use of their qualifications.

The Federal Government would pay only a part of the costs of such studies, and grants would be made to nongovernmental organizations composed of representatives of leading national correctional and other pro-

fessional associations and agencies in the field of corrections.

The bill would authorize $500,000 to be appropriated for fiscal year 1966, and $800,000 for each of the 2 succeeding fiscal years. Under the terms of the grants, the research and study must be completed within 3 years from the date it is inaugurated. Annual reports and a final report must be filed by the grantee with the President, the Congress, the Secretary of Health, Education, and Welfare, and the Governors of the States.

Grantees are authorized to accept, and are expected to secure, additional financial support from private or other public sources.

NEED AND BACKGROUND FOR LEGISLATION

Staffing the commitments of the Great Society in the war on poverty, disease, and ignorance is no small task. The need for trained manpower in all the human services occupations has become increasingly evident with the adoption, over the last 5 years, of many new Federal programs in the fields of education, manpower training, public health, poverty, and other social welfare fields.

While the field of correctional rehabilitation is but one of many areas in which professionally trained manpower is in short supply, it is an area which until quite recently has suffered from a lack of public recognition and almost complete neglect on the part of those whose occupational specialities collectively comprise the "corrections professions."

The successful and effective rehabilitation of criminal offenders depends upon services ranging from that of the prison guard on the cell block to the psychiatrist. Correctional services include teaching, social work, guidance and employment counseling, psychology, medicine, and nursing, in addition to those provided by parole and probation officers and the supervisory, custodial and administrative personnel in our correctional institutions.

The short supply of correctional services personnel is revealed by a few representative statistics: There are, for example, only 50 full-time psychiatrists in all our adult correctional institutions—a ratio of 1 to every 4,400 offenders. The ratio of psychologists to offenders is about 1 in 2,000; of teachers, 1 in 400. The need for social workers, vocational instructors, counselors, nurses, and other skilled manpower is similarly unmet.

These critical shortages are further magnified by the rate of turnover. Between 25 and 50 percent of the personnel in most correctional facilities at any given time have been less than 1 year on the job.

Those few who serve in the field are inadequately prepared for their work. Less than 8 percent of the 100,000 people employed in corrections have received any professional education. The remainder depend upon inadequate inservice training programs.

While the needs and shortages are recognized by those in the field, there has been little or no agreement on what must be done to provide qualified correctional manpower, or the kinds of training needed for service in correctional rehabilitation. Schisms exist, for example, between those who work with juvenile offenders and those in adult corrections; between those who would emphasize the penal and custodial aspects of corrections and those who believe the principal task of the correctional officer to be the reformation and rehabilitation of offenders to make them useful, productive members of society.

There is also a need for consensus among the experts as to the duties and responsibilities of correctional personnel and the skills they must have to carry out their appointed tasks.

The studies to be undertaken pursuant to H.R. 2263 are expected to develop appropriate curriculum and teaching methods for use in established educational institutions and in possible future training centers for correctional workers.

Once the shortages are assessed, the goals defined, and the educational and training requirements agreed upon, methods of recruitment must be studied. Correctional rehabilitation is seldom thought of as a career opportunity by the aspiring high school or college student. It has been the "poor cousin" among the occupational specialties of the many professional disciplines involved.

The outlook, however, is promising. Correctional manpower problems received nationwide recognition in June 1964, when 61 national organizations sent delegates to a conference on manpower and training for corrections at Arden House in New York. The Arden House conference unanimously recommended the establishment of a 3-year nongovernmental joint commission on correctional manpower and training to undertake a comprehensive and intensive program of research and study. The organizations represented at Arden House unanimously agreed that an independent, federally financed study was needed to establish future guidelines for their professions and to determine the role of each of the occupations involved in the field of correctional rehabilitation.

The major recommendations of the Arden House conference are embodied in H.R. 2263.

The readiness for this undertaking on the part of educators, correctional practitioners, and State and local officials was further evidenced by the testimony of witnesses before the Subcommittee on Employment and Manpower. In 4 days of hearings, the subcommittee heard representatives of the leading professional associations in the corrections field, administrators of State, local, and private correctional services and educators in social work, criminology, and sociology—all of whom enthusiastically endorsed this legislation. In addition, supporting statements were received from 27 Governors, and more than 50 State and local officials and representatives of correctional associations expressing the view that the proposed 3-year study and research program is necessary.

In summary, the committee believes that there is clear evidence, and a growing consensus, that the key to the improvement of our correctional rehabilitation services lies in the increase of well qualified and properly trained personnel who will enter the field of corrections as a permanent career.

COMMITTEE AMENDMENTS AND RECOMMENDATIONS

In addition to technical and comforming amendments, the committee amended H.R. 2263 to establish a National Advisory Council on Correctional Manpower and Training to advise the Secretary of Health, Education, and Welfare with respect to the approval of applications and the making of grants under the act. As passed by the House of Representatives, H.R. 2263 would authorize grants with the advice of the National Advisory Council on Vocational Rehabilitation. The committee feels that a separate council composed of leaders in the fields concerned with correctional rehabilitation would be more appropriate.

Accordingly, the new Advisory Council would consist of 12 members appointed by the Secretary from among correctional rehabilitation leaders, 4 of whom would represent State or local correctional services. In making appointments, the Secretary is directed to consult with the Attorney General of the United States.

This legislation singles out for special study one area in which the shortage of qualified personnel is particularly acute. There are other fields served by the human services professions in which skill shortages may be equally acute. Few, however, encompass the broad spectrum of professional disciplines involved in correctional rehabilitation.

It is to be hoped that the studies undertaken pursuant to H.R. 2263 will help stimulate the prompt assessment of the skilled manpower shortages and training needs in other human service fields through the coordinated efforts of Federal, State, and local government agencies and private organizations.

Ample statutory authority for such research, and for actual training programs, is contained in the Manpower Development and Training Act and other legislation.

In this connection, the committee is mindful that research alone will not provide skilled manpower for corrections. Thus, although manpower and training for correctional rehabilitation is singled out for special attention in the belief that the groundwork must be laid for the best possible education and training for career service in the field, the committee expects that demonstration and action programs under appropriate public and private auspices will be proposed and undertaken as the 3-year study progresses and conclusions are reached.

This will require coordination and cooperation among the Federal departments and agencies which are now and which may in the future be involved in the development and training of manpower for service in law enforcement, criminal rehabilitation, and other fields concerned with the prevention and control of crime and delinquency.

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

The VICE PRESIDENT. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 2263) was read the third time, and passed.

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. DIRKSEN. Mr. President, under the bill I yield 15 minutes to the distinguished Senator from Texas [Mr. TOWER].

The VICE PRESIDENT. The Chair recognizes the Senator from Texas [Mr. TOWER] for 15 minutes.

Mr. TOWER. Mr. President, last week we took a further step toward the elimination of State boundaries when we denied the people of each State the right to determine the basis of representation in their State legislatures.

Today we may be taking another major stride toward eliminating such boundaries by placing in the hands of a Federal Department Secretary more power to govern cities than was ever given any State authority.

If we approve this bill establishing a Department of Housing and Urban Development, we will give its Secretary the powers contained in the recently signed Housing Act plus the inherent powers of a Cabinet officer.

I supported much of the recently passed Housing bill because there are provisions mixed into that hodge-podge, catch-all which I felt could be administered at the local level to the benefit of the total community. There were, of course, some programs which I felt could be better handled at the Federal level than at the local level.

However, Mr. President, those programs in the latter category are not of such magnitude as to require the creation of a new Department of Government.

Let us analyze the need for this Department as outlined in the committee report accompanying the bill:

The report points out the tremendous population growth in urban areas and contends the cities, faced with increasing complex problems, are appealing more and more to the Federal Government for assistance in meeting these problems, because the cities have reached the limit of their financial resources.

I believe the record will show that the egg came before the chicken in this case.

The golden egg was laid in the laps of the cities in the guise of slum clearance and after 5 years the egg was hatched into a scramble called urban renewal.

With urban renewal has come the clamor to rebuild the central cities with Federal funds. There is no longer interest in building homes in the cities to take care of the population explosion; the interest now is to rebuild the central cities into fancy trading areas. We have seen in recent years, constant reductions in the housing bills, of the share of urban renewal funds to be used for housing, and a corresponding increase in the share to be used for commercial structures.

The claim that cities are without sufficient financial sources to meet the demands of growth is not tenable. The cities are reaping tax profits from the increased property valuations growing out of the Federal urban renewal program.

The committee report on this bill makes the growing need for city housing a prime reason for establishing this Department, but let us look more closely at the history of housing financing, particularly in the big cities.

First of all, FHA insurance covers a very small percentage of one- to four-family dwellings. The percentage is about 15. Veterans' Administration guarantees cover about 8 percent of that class of dwellings and the balance of about 77 percent are covered by conventional mortgages.

A study of the use of FHA insurance by the savings and loan associations, which issue about half of the one- to four-family dwelling mortgages each year, demonstrates rather clearly that the Federal Government's part in the overall housing picture does not warrant a Cabinet-level Department on Housing.

In the whole New York State, New Jersey, and Puerto Rico Home Loan Bank district, for example, only 7.3 percent of the total home mortgage value on one- to four-family dwellings issued in 1963 by savings and loan associations was insured by FHA. Only 16 percent carried Veterans' Administration guarantees. The balance of home financing, 76.7 percent, was carried by conventional mortgages.

In the Dallas metropolitan statistical district the FHA share of the savings and loan mortgage total on the same class of homes, one to four family, was only 3.7 percent as shown in the 1964 report of the Federal Home Loan Bank Board.

In Chicago, Mr. President, the FHA insurance was but 1 percent of the total. In the Philadelphia district, including a portion of New Jersey, it was 8 percent.

Another great city in Texas, Houston, used but 2.1 percent.

In four of the largest California metropolitan districts, the totals were from 0.3 to 0.9 percent.

Mr. Robert C. Weaver, the HHFA Administrator and probable Secretary of the new Department if the bill is passed, does not agree with the sponsors in their use of more-city homes propaganda in support of the bill. He said in a letter to Senator JOHN J. SPARKMAN, the Senate's "Mr. Housing":

> Of course, it must be recognized that the bulk of construction of new housing financed with the FHA-insured loans is located in the suburbs.

Mr. President, I wish to make it clear that I have been a consistent supporter of the Federal Housing Administration.

Never in its history, which began in 1934, has FHA required a single dime of appropriations to meet defaults or foreclosures despite the fact that in its history it has insured nearly 6½ million mortgages of the type we have been talking about, with a face value of more than $61 billion. The insurance fund maintained through premiums paid by mortgagors has been more than sufficient to pay the losses.

Let us turn to other arguments that have been used in support of the bill. We have heard much about the lack of Cabinet-level representation of the city folks in Washington.

This is an insult to the Labor Department, the Health, Education, and Welfare Department, the Commerce Department, and the Justice Department.

Many wage earners in every city are union members and live daily under union regulations and laws that are amply protected by the Department of Labor. Those who are nonunion also benefit from total labor representation of the Department of Labor in such things as minimum wages, for example.

We are fully aware that many city workers benefit from being classed in interstate commerce and thus derive most capable representation through both the Labor and Commerce Departments.

The Health, Education, and Welfare Department has scads of programs to watch over to assure full benefits to the city folks—and to suburban folks as well.

There are the hospital programs, public health stations, old-age security, medical care, contributions to certain disability programs within the States, school assistance programs, school lunches, and numerous other activities of benefit to those who live in crowded metropolitan centers as well as to those in the smaller cities, the towns, and the hinterlands.

In the area of crime control, the Federal Government provides help through the many services of the Justice Department. Also, the President has just recently appointed a National Commission on Crime.

Aside from the social lives of the urban people, which is also determined to a degree by the Treasury Department, the lone remaining phase of daily life in the big city we have not touched upon is transportation.

This brings us to one of the activities which will come under the jurisdiction of the proposed Department.

The attempt to solve the admitted problem of moving the masses in the big cities has gone off in several directions and as a result there are no results.

For example, the Senate Banking and Currency Committee in 1964 authorized a total of $375 million for mass transportation grants—grants, mind you—over a 3-year period with carryover rights for unused authorizations.

The 1964 total authorization was for $75 million but only $60 million was appropriated.

This year the HHFA requested appropriation of the authorized totals of $150 million for each of the 1966 and 1967 fiscal years, made possible through special consideration in the 1964 bill.

The appropriation conference committee agreed on $130 million for each of the 2 years. This leaves $55 million of the original total authorization unappropriated, but still subject to 1968 fiscal consideration.

The significant point is this:

Despite the fact the omnibus housing bill signed into law a few days ago was identified as a 4-year bill, not a single word was spoken of any great clamor for mass transportation giveaway funds and no effort was made to readjust the authorizations to conform with the termination of the housing bill.

It is obvious the solution to the mass transportation problem in the cities does not lie in the program the proposed new Department would be called upon to administer.

We have covered here in a few minutes all phases of life which, by the most liberal stretch of the imagination, might need Washington representation at Cabinet level.

To add further confusion to a conscientious study of the need for a Department of Housing and Urban Development, we find much of the legislative responsibility which would come under the proposed new Department directed toward areas other than the larger cities and swollen metropolitan districts.

In the recent housing bill many programs are designed for small communities, such as the community facilities

program. I hurriedly admit that pressure has expanded many of those programs, which only serves to create a doubt as to the attention the smaller communities would get from a department that is oriented to big cities and big population areas.

Would this attention to bigness reach into the college housing program, for example?

Then, midst the confusion, the question is certainly raised as to what is to happen to the other Government-assisted housing programs which are not accounted for in the plans for the proposed new Department, as for example, the Farmers Home Administration and the Veterans' Administration.

The two greatest boons to housing in this country are FHA and the savings and loan associations. Yet, we find that the Federal Home Loan Bank Board, which supervises the savings and loan associations and their vast housing financing efforts, remains an independent agency.

Mr. President, I fear the Department of Housing and Urban Affairs could become at some time in the future, political in nature, a sop to the heavy voting areas of the country.

In any event, I feel S. 1599 is not a wise approach and will not be in the best interests of our proven governmental structure.

I believe we are seeing in this proposal another mass intrusion on the part of the Federal Government into the affairs of State government and local government. After all, a city is a corporate entity created by a State and is a political subdivision of a State. I do not believe we have the right to intrude the Federal Government into the affairs of our States and cities.

I yield back the remainder of my time.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the Subcommittee on Public Roads of the Committee on Public Works be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. BASS in the chair). Without objection, it is so ordered.

On request of Mr. MORSE, and by unanimous consent, the Subcommittee on Public Health, Education, Welfare, and Safety of the Committee on the District of Columbia was authorized to meet during the session of the Senate today.

OBSERVANCE OF 91ST BIRTHDAY ANNIVERSARY OF THE LATE PRESIDENT HERBERT HOOVER

Mr. DIRKSEN. Mr. President, under the bill I yield 1 minute to the Senator from Iowa [Mr. MILLER].

Mr. MILLER. Mr. President, yesterday a memorable meeting took place at West Branch, Iowa, to commemorate the 91st birth date of the late President Herbert Hoover.

The event included the formal issuance of a commemorative postage stamp in honor of Mr. Hoover and appearances by former President Eisenhower and former Vice President Nixon.

Mr. Nixon made a truly outstanding address to the 22,000 people assembled. Because of its timeliness, its complete bipartisanship, and its importance with respect to the outlook on the war in Vietnam, I believe that the address merits the attention of all of our citizens.

Accordingly, I ask unanimous consent that the full text of the address delivered by Richard M. Nixon yesterday at West Branch, Iowa, be printed in the RECORD.

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

TEXT OF ADDRESS BY RICHARD M. NIXON AT THE HERBERT HOOVER 91ST BIRTHDATE COMMEMORATIVE PROGRAM, WEST BRANCH, IOWA, AUGUST 10, 1965

This distinguished gathering, honored by the presence of General Eisenhower, is, in itself, an eloquent tribute to one of America's greatest leaders. The honor which has been accorded me to add to that tribute provides a wide and rich choice of subjects.

For over 50 years Herbert Hoover walked as an equal among the giants of the earth. We could honor him for his service as President of the United States. We could honor him for his achievements as an engineer and as an author. We could honor him for his contribution to the cause of more efficient government through the reports of the Hoover Commissions on Government Reorganization. We could honor him for the selfless service which earned him worldwide recognition as the great humanitarian of the 20th century.

But, great as were his achievements, Eugene Lyons was probably correct in concluding that Herbert Hoover will be remembered more for what he was than what he did.

In terms of public esteem, never has one man fallen so low and risen so high. Thirty-three years ago he left the White House vilified by his enemies and forsaken even by some of his friends. Like Secretary Rusk, he had learned how viciously cruel so-called scholars can be in writing of their contemporaries.

In that dreary March of 1932, Herbert Hoover could well have been described as the "man nobody knows." This warm, kind, generous, shy, witty, and progressive humanitarian was painted as a cold, heartless, selfish, aloof, humorless reactionary.

But time has a way of healing the wounds inflicted by excessive partisanship. If the commentators of the decade were cruel, the historians of the century will be kinder. Before his death he became a living example of the truth of the words Sophocles wrote 2,000 years ago: "One must wait until the evening to see how splendid the day has been."

His legion of friends can be forever grateful that Herbert Hoover was one of those rare leaders who lived to hear the overwhelmingly favorable verdict of history on his public career.

No words can add luster to the special place he has earned in the hearts of his countrymen. But let it be noted that for generations to come his magnificence in adversity will be an everlasting example to those who would achieve greatness. A lesser man would have lashed back at his critics. But, Herbert Hoover was one of those unique individuals who was capable of great anger against corruption, brutality, and evil but never against people.

His serenity, in the face of the most brutal attacks, in the end made his detractors seem like pygmies and allowed his fellow Americans to see even more clearly the great character of the giant who walked among them.

To limit my remarks on this occasion to a discussion of his achievements would certainly be appropriate. But the highest tribute a nation can pay to one of its great men is to honor his principles in the adoption of national policy. In that spirit, let us test our policy in Vietnam against the foreign policy principles of Herbert Hoover.

It would be presumptuous to say what position he would take on Vietnam if he were alive today. But the principles which would guide him in making that decision ring out true and clear from the record of his public statements.

Speaking at the Republican Convention in Chicago in 1944, he said:

"We want to live in peace.

"We want no territory.

"We want no domination over any nation.

"We want the freedom of nations from the domination of others.

"We want it both in the cause of freedom and because there can be no lasting peace if enslaved people must ceaselessly strive and fight for freedom."

There was no fuzzy-mindedness in his analysis of the cold war. To him the choice between communism and freedom was crystal clear. He said: "The world is divided by opposing concepts of life. One is good, the other is evil."

Yet, while he hated the Communist idea, the great humanitarian had no hatred for the Russian people. It was his leadership after World War I which helped feed and save the lives of millions of Russian children.

In summary, the principles which Herbert Hoover would apply in making a foreign policy decision could be summed up in one sentence. He wanted peace, freedom, nonintervention, self-determination, and progress for all peoples and all nations.

America's critics at home and abroad contend that our policy at Vietnam is diametrically opposed to every one of these principles.

They contend that America is intervening in a civil war.

They contend that we are fighting a losing battle to perpetuate white colonialism in Asia.

They contend that we are on the side of reaction, resisting the forces of change and progress.

They contend that we are increasing the danger of world war III.

Even among the majority of Americans who support our policy too many seem to believe that we had no business getting involved in Vietnam in the first place and that all we can hope or try to do is to make the best of a bad situation.

There is no reason for Americans to be defensive or apologetic about our role in Vietnam. We can hold our heads high in the knowledge that—as was the case in World War I, World War II, and Korea—we are fighting not just in the interests of South Vietnam or of the United States but for peace, freedom, and progress for all people.

This is not a case of American intervention in a civil war. We are helping South Vietnam resist Communist intervention.

We are not attempting to impose American colonialism in Vietnam. We are there to prevent Communist colonialism and to preserves the rights of self-determination without outside intervention for the people of South Vietnam.

We are fighting on the side of progress for the Vietnamese people; the Communists are fighting against progress. One of the reasons the South Vietnamese have been willing to fight so long and so bravely against the Communists is that they know that North Vietnam, under communism is an economic slum. The per capita income of South Vietnam under freedom is twice as high as that of North Vietnam.

The greatest fallacy is the contention that U.S. policy in Vietnam increases the danger of war. On the contrary, stopping Communist aggression will reduce the danger of war. Failing to stop it will increase the danger of war.

This is true because if the Communists gain from their aggression, they will be encouraged to try it again.

It is true because if aggression is rewarded those who advocate the hard line in Peiping and Moscow will have won the day over those who favor "peaceful coexistence" and we shall be confronted with other Vietnams in Asia, Africa, and Latin America.

It is true because if the Communists gain from their aggression in Vietnam all of southeast Asia would come under Communist domination and we would have to fight a major war to save the Philippines.

A crucial issue is being decided in Vietnam: Does the free world have an answer to the Communist tactic of taking over a free country not by direct attack as in Korea, not by winning a free election, but by fomenting and supporting a revolution? If this tactic proves unsuccessful in Vietnam, the steady Communist march to world domination will be halted. If it succeeds, the Communists will have the green light for conquest by support of revolution all over the world and we will be helpless to stop it.

This is one of those critical turning points in history. Today, Russia and Red China are not allies. Red China without Russia is a fourth-rate military power with no significant nuclear capability. Five years from now the two Communist giants may have patched up their differences. Even if they have failed to do so, Red China will then have a dangerous nuclear capability.

Time, therefore, is not on our side. If the Communist aggressors are not stopped now the risk of stopping them later will be infinitely greater.

Too much of the discussion on Vietnam has been in the dreary terms of day-to-day tactics, of targets to be hit or excluded, of the cost involved.

It is time for all Americans to raise their eyes proudly to the great goals for which we are fighting in Vietnam.

We are fighting in Vietnam to prevent World War III.

We are fighting for the right of self-determination for all nations, large and small.

We are fighting to save free Asia from Communist domination.

We are fighting for the right of all people to enjoy progress through freedom.

We are fighting to prevent the Pacific from becoming a Red sea.

To achieve these goals, Americans must be united in their determination not to fail the cause of peace and freedom in this period of crisis.

The noisy minority which constantly talks of the need to make concessions to the Communist aggressors in order to gain peace are defeating the very purpose they claim to serve. This kind of talk discourages our friends, encourages our enemies, and prolongs the war.

The Communists do not have to be told that we are for peace; they have to be convinced that they cannot win the war.

We shall agree to any honorable peace but on one issue there can be no compromise: There can be no reward for aggression.

Forcing the South Vietnamese into a coalition government with the Communists would be a reward for aggression.

Neutralizing South Vietnam would be a reward for aggression.

Forcing the South Vietnamese to give up any territory to the Communist aggressors would be a reward for aggression.

History tells us that a coalition government would be only the first step toward a complete Communist takeover.

Neutralization, where the Communists are concerned, as we learned in Laos, would mean—we get out, they stay in, they take over.

Attempting to buy peace by turning over territory to the Communist aggressors would only whet their appetites for more.

We welcome the interest of the United Nations in seeking a settlement. But we must insist that where the security of the United States is directly threatened by international Communist aggression, the final policy decision must be made by the United States and not by the United Nations.

We respect the views of nations who choose to remain neutral in the struggle between communism and freedom. But in evaluating those views let us remember that no nation in the world could afford the luxury of neutrality—if it were not for the power of the United States.

The struggle will be long. The cost will be great. But the reward will be victory over aggression and a world in which peace and freedom will have a better chance to survive.

Herbert Hoover's record gives us guidance also with regard to our future policy when peace finally comes in Vietnam.

The man who hated communism helped save the lives of millions of Russian people living under communism after World War I.

The man who hated dictatorship set up the Committee for Small Nations to aid the people forced to live under Hitler's dictatorship in World War II.

Herbert Hoover took a dim view of trade or aid programs which might strengthen the power of dictatorial governments over their people. That is why he insisted that American aid to the starving Russian people be administered not by the Communist government but by the American Relief Administration which he headed.

We must continue to step up our air and sea attacks on North Vietnam until the Communist leaders stop their aggression against South Vietnam. But completely consistent with that policy would be the establishment now of an American Committee To Aid the People of North Vietnam.

What I am suggesting is not a government-to-government program which would simply strengthen the domination of the Communist Government of North Vietnam over the people of that unhappy country but a people-to-people program. The American people through contributions to such a committee would send to the people of North Vietnam food, medicine, clothing, and other materials which would help them recover from the devastating destruction of war.

If the Government of North Vietnam raised objections to allowing an American agency to administer the program, the distribution of supplies could be undertaken by an independent agency like the International Red Cross.

Certainly a program of this type would be in the great humanitarian tradition of Herbert Hoover.

As we consider the problems we face, let us not overlook one great factor which is working in our favor in Asia.

Twelve years ago, the Communist propaganda in Vietnam and in other free Asian nations was based on one major theme—choose communism and you will enjoy a better way of life.

Today that propaganda line no longer has any credibility. Those who join the Vietcong in Vietnam do so not because they like communism, but because they fear it.

In the past 12 years the only nations in southeast Asia and the Pacific which have enjoyed sustained economic progress are those in which freedom has been given a chance—Japan, South Korea, Taiwan, the Philippines, Thailand, and Malaysia. The economic failures have been Communist China and Communist North Vietnam, and Burma and Indonesia—both of which chose the socialist road to economic bankruptcy.

There is a lesson in this record for America. At a time when other nations are turning toward freedom, let us not turn away from it.

Herbert Hoover spoke eloquently on this subject at West Branch on his 75th birthday:

"A splendid storehouse of integrity and freedom has been bequeathed to us by our forefathers. Our duty is to see that that storehouse is not robbed of its contents.

"We dare not see the birthright of posterity to independence, initiative, and freedom of choice bartered for a mess of a collectivist system."

Again on his 80th birthday he returned to the same theme:

"It is dinned into us that this is the century of the common man. The whole idea is another cousin of the Soviet proletariat. The uncommon man is to be whittled down to size. It is the negation of individual dignity and a slogan of mediocrity and uniformity.

"The greatest strides of human progress have come from uncommon men and women.

"The humor of it is that when we get sick, we want an uncommon doctor. When we go to war, we yearn for an uncommon general. When we choose the president of a university, we want an uncommon educator.

"The imperative need of this Nation at all times is the leadership of the uncommon men or women."

And, just 1 year ago on his 90th birthday, he reminded his fellow countrymen again for the last time: "Freedom is the open window through which pours the sunlight of the human spirit and of human dignity."

We were privileged to have lived in the same century with this uncommon, extraordinary man. As we meet in this typically American town, in the heartland of our country, may we honor his principles as we pay tribute to his memory.

Mr. RIBICOFF. Mr. President, I yield 1 minute to the distinguished majority leader.

AUTHORIZATION FOR CONTRIBUTION TO CERTAIN INHABITANTS OF THE RYUKYU ISLANDS FOR DEATH AND INJURY TO PERSONS, AND FOR USE OF AND DAMAGE TO PRIVATE PROPERTY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar Order No. 547, Senate Joint Resolution 32.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 32) 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 omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952.

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 was reported by the Committee on Foreign Relations unani-

mously. It has the approval of members on both sides.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Hawaii [Mr. FONG] may be added as a cosponsor to the measure.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 564), explaining the purposes of joint resolution.

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

PURPOSE OF RESOLUTION

The main purpose of the Senate Joint Resolution 32 is to authorize a contribution of not to exceed $23 million to certain inhabitants of the Ryukyu Islands for claims based on death or injury, and for use of and damage to private property, arising from acts and omissions of members of the U.S. Armed Forces after August 15, 1945 (the date of the Japanese surrender), and before April 28, 1952 (the date of the treaty of peace with Japan).

In addition, the resolution provides that the funds are to remain available for 2 years from the date of their appropriation for distribution to the claimants or their legal heirs by the Department of the Army. None of the funds may be used to pay claims which have been satisfied by contributions made by the Government of Japan. The resolution also limits attorneys' fees to 5 percent of the amount paid on each claim, and any such fees which have already been paid are to be deducted from the amount authorized under the joint resolution. Violators of this latter provision are subject to a fine of not more than $5,000 or imprisonment of not more than 12 months, or both.

BACKGROUND

The presence of U.S. Armed Forces in the Ryukyu Islands constituted a military occupation from June 21, 1945, until April 28, 1952. During this period, certain damages were caused to residents of the Ryukyus by various acts and omissions of the U.S. Armed Forces or their members. These damages ranged from the uncompensated use of real and personal property, taken over for the use of the occupying forces, to tortious acts by members of the forces.

It should be noted, however, that the United States has no legal liability for the payment of these claims. American liability for claims arising during the period in question was formally extinguished by article 19(a) of the treaty of peace with Japan which provides as follows:

"Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present treaty."

On the other hand, no provision was made in the treaty to compensate Japanese nationals for such actions in territory occupied by the United States during the pretreaty period. In this connection, although the Government of Japan denies legal liability for pretreaty claims in the Ryukyu Islands, in 1957 it made solatia payments to some of these claimants in the amount of approximately $2.8 million. This amount has been deducted from the amount of the claims covered by Senate Joint Resolution 32.

In 1961, after receiving numerous petitions regarding Ryukyuan pretreaty claims, the U.S. Government agreed to review the entire problem. In order to carry out the review, the High Commissioner of the Ryukyu Islands established a joint Ryukyuan-American Committee which completed its study and submitted a unanimous report on March 23, 1962. The High Commissioner reviewed the Joint Committee's report, supported its conclusions, and recommended that appropriate action be taken to obtain congressional approval for the payment of the pretreaty claims.

Senate Joint Resolution 32, which has the approval of the Departments of State and Defense, and the Bureau of the Budget, is a direct result of the Joint Committee's review and the High Commissioner's recommendation.

COMMITTEE ACTION

The Subcommittee on Claims Legislation of the Committee on Foreign Relations held a public hearing on August 4, 1965, to receive testimony on Senate Joint Resolution 13, introduced by Senator FONG, and Senate Joint Resolution 32, which was introduced by Senator FULBRIGHT (by request) for himself and Senator INOUYE. Both resolutions are substantially the same, but since Senate Joint Resolution 32 (the executive branch proposal) had the support of all interested parties, the committee decided to report it favorably to the Senate.

At the time of the hearing, testimony in support of Senate Joint Resolution 32 was received from Senators INOUYE and FONG, as well as Mr. Stanley R. Resor, the Secretary of the Army; Lt. Gen. Albert Watson II, the High Commissioner of the Ryukyu Islands; and Mr. Samuel D. Berger, Deputy Assistant Secretary of State for Far Eastern Affairs. Full background information is contained in their statements which are printed as an appendix to this report. No witnesses appeared in opposition to Senate Joint Resolution 32.

CONCLUSIONS AND RECOMMENDATIONS

The eight-member Joint Ryukuyan-American Committee (established in 1961) examined very carefully all of the evidence which was submitted in connection with the claims covered by Senate Joint Resolution 32 and concluded that they were meritorious (see Joint Committee's report in appendix). The committee agrees. Certainly the individuals who suffered damages as a result of the activities of the U.S. Armed Forces are entitled to adequate compensation. In the opinion of the committee, the payment of the claims in question will not only advance the welfare of the people involved, but will promote the security and foreign policy interests of the United States. Accordingly, the committee recommends that the Senate approve Senate Joint Resolution 32 without delay.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. J. RES. 32

Joint resolution to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the United States Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952

Whereas certain persons of the Ryukyu Islands suffered damages incident to the activities of the Armed Forces of the United States, or members thereof, after the surrender of Japanese forces in the Ryukyus on August 15, 1945, and before the effective date of the Treaty of Peace with Japan on April 28, 1962;

Whereas article 19 of the Treaty of Peace with Japan extinguished the legal liability of the United States for any claims of Japanese nationals, including Ryukyuans, with the result that the United States has made no compensation for the above-mentioned damages (except for use of and damage to land during the period from July 1, 1950, to April 28, 1952);

Whereas it is particularly consonant with the concern of the United States, as the sole administering authority in the Ryukyu Islands, for the welfare of the Ryukyuan people, that those Ryukyuans who suffered damages incident to the activities of the United States Armed Forces, or members thereof, should be compensated therefor;

Whereas payment of ex gratia compensation, by advancing the welfare of the Ryukyuan people, will promote the security interest, foreign policy, and foreign relations of the United States; and

Whereas the High Commissioner of the Ryukyu Islands has considered the evidence regarding these claims, and has determined, in an equitable manner, those claims which are meritorious, and the amounts thereof: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States should make an ex gratia contribution to the persons determined by the High Commissioner of the Ryukyu Islands to be meritorious claimants, in the amounts determined by him, and that the Secretary of the Army or his designee should, under regulations prescribed by the Secretary of Defense, pay such amounts to the claimants or their legal heirs, as a civil function of the Department of the Army; and be it further

Resolved, That no funds appropriated under this joint resolution shall be disbursed to satisfy claims, or portions thereof, which have been satisfied by contributions made by the Government of Japan.

SEC. 2. There is authorized to be appropriated not to exceed $22,000,000 to carry out the provisions of this joint resolution, which funds are authorized to remain available for two years from the effective date of their appropriation. Any funds unobligated by the end of that period shall be covered into the Treasury of the United States.

SEC. 3. No remuneration on account of services rendered on behalf of any claimant in connection with any claim shall exceed 5 per centum of the total amount paid, pursuant to the provisions of this joint resolution, on such claim. Fees already paid for such services shall be deducted from the amounts authorized under this joint resolution. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

The preamble was agreed to.

Mr. SPARKMAN subsequently said: Mr. President, this is a most important measure. It is one that is overdue.

The resolution has to do with maintaining friendly relations with the people who have cooperated with us rather well in the maintenance of our far western defense lines.

The Committee on Foreign Relations reported the resolution unanimously.

I am delighted that we are able to bring this resolution to passage.

I ask unanimous consent that excerpts from the report of the Committee on Foreign Relations be printed at this point in the RECORD.

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

PURPOSE OF RESOLUTION

The main purpose of Senate Joint Resolution 32 is to authorize a contribution of not to exceed $22 million to certain inhabitants of the Ryukyu Islands for claims based on death or injury, and for use of and damage to private property, arising from acts and omissions of members of the U.S. Armed Forces after August 15, 1945 (the date of the Japanese surrender), and before April 28, 1952 (the date of the Treaty of Peace with Japan).

In addition, the resolution provides that the funds are to remain available for 2 years from the date of their appropriation for distribution to the claimants or their legal heirs by the Department of the Army. None of the funds may be used to pay claims which have been satisfied by contributions made by the Government of Japan. The resolution also limits attorneys' fees to 5 percent of the amount paid on each claim, and any such fees which have already been paid are to be deducted from the amount authorized under the joint resolution. Violators of this latter provision are subject to a fine of not more than $5,000 or imprisonment of not more than 12 months, or both.

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It should be noted, however, that the United States has no legal liability for the payment of these claims. American liability for claims arising during the period in question was formally extinguished by article 19(a) of the Treaty of Peace with Japan which provides as follows:

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Senate Joint Resolution 32, which has the approval of the Departments of State and Defense, and the Bureau of the Budget, is a direct result of the Joint Committee's review and the High Commissioner's recommendation.

COMMITTEE ACTION

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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 ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

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

DEMOCRATIC, REPUBLICAN, INDEPENDENT VOTER EDUCATION DIVISION—ESSAY CONTEST WINNER

Mr. DIRKSEN. Mr. President, the Democratic, Republican, Independent Voter Education Division of the International Brotherhood of Teamsters sponsors an essay contest each year and provides a tour for each of the State winners, which tour includes a week in Washington.

This year, the subject assigned was "Government Snooping."

The winner for the State of Illinois was Beverly J. Edgar, Local 371, East Moline, Ill.

While the essay is short, it is to the point, and I ask unanimous consent to have it printed at this point in the RECORD.

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

INVASION OF PRIVACY

(Essay by Beverly J. Edgar)

Clarence Darrow once said, "You can only protect your liberties in this world by protecting the other man's freedom. You can only be free if I am free."

If this is true, then we should be doubly vigilant of our personal liberties and resist all invasion and encroachments of our individual freedoms, life, the pursuit of happiness, and equal rights at the bar of justice.

We must keep ever before us the fact, if our Government proceeds with lies to convict James Hoffa, then they can use the same practice to attack any of the rest of us.

Let us be aware, alert, and speak out for justice through DRIVE.

IS THE FAMILY FARM BEST FOR OUR TIME?

Mr. DIRKSEN. Mr. President, on July 17, the Prairie Farmer, published in Chicago, carried an interesting column by Paul C. Johnson, under the challenging question: "Is the Family Farm Best for Our Time?"

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

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

IS THE FAMILY FARM BEST FOR OUR TIME?

(By Paul C. Johnson)

When I mention the family farm to anybody in the city or in the country I get a reaction of approval. Whenever I travel by airplane, observing the well-tilled fields, the evenly scattered farmsteads, and the good roads of the Midwest, I get a proud feeling that this system of farming and living is good.

We all like the idea of the family as an independent unit, working together, running a business, lending its support and leadership to church, school, and community. We are disturbed if the question is raised whether the family farm can adjust itself successfully to modern conditions. Many believe firmly that this institution is so important nothing should be permitted to disrupt or destroy it.

It is indeed true that the family farm system has come under severe strain in recent years. The invention and adoption of new machinery and methods enables the farm family to handle a unit of production three times as big and six times as productive as was possible in grandfather's day, thus upsetting the old idea of a 160-acre homestead. Children up to the age of 20 or above now spend most of their time in school, so they don't have the economic value to the family that they used to have. Furthermore, once they get to the higher schools and are exposed to dozens of other vocations and professions, they are less likely to want to follow in the footsteps of their father. This and many other divisive influences have loosened the family ties and made family farming difficult.

Yet the family farm has done very well in our day, in spite of the shortage of labor, growing cost of enlarged units, and growing demands of management. The bigger family farm is solidly entrenched here in our part of the country. It shows no real sign of not being able to hold its own against the "factory-on-the-farm" corporation which many fear may take its place.

The surest way to kill the family farm would be to insist that it set itself against the tools and needs of our time. In the long run our institutions are shaped by their usefulness. The individual too has a stewardship to fulfill. The farmer's job is essentially the job of raising food. There are other kinds of usefulness, it is true, such as serving as citizen, father, church member. But these are the pluses that come after a man has done a good day's work in his chosen field.

The family farm can't be forced to survive. It will be judged by its performance. It is not intended primarily as a means of keeping people out of the cities or as a kind of game preserve where children can grow up more safely.

The system of farming is most likely to survive which serves its main purpose best. If the family farm fails to use the best available science and management to raise raw products efficiently, it will be replaced by the corporation farm or some other system. No amount of legislation is likely to save it for very long.

Right now our emerging system of larger family farms seems to be a good one. Therefore we should keep it good, not just keep it. Certainly in the Midwest big-time corporation farming has not been more successful than adequate family farming. Our management records show that the farm which provides fruitful employment for two able-bodied and intelligent adult men comes closest to the efficiency which is our inevitable yardstick. Efficiency begins to drop off as the farm grows beyond this.

Whether we retain this position of dominance for family farming will depend pretty much on how we handle ourselves and our businesses. In the next issue I will talk about some of the suicidal tendencies that lie in high-efficiency farming.

PURPOSE AND GOALS OF STATE BLOOD BANK ASSOCIATIONS

Mr. DIRKSEN. Mr. President, the president of the Illinois Association of Blood Banks, Dr. James B. Hartney, has made a very interesting statement with respect to the purposes and goals of State blook bank associations.

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

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

PURPOSES AND GOALS OF STATE BLOOD BANK ASSOCIATIONS

(By James B. Hartney, M.D.)

Why should State blood bank associations exist? Why cannot all matters pertaining to blood banks in our State be left to our national organizations? Why should there not be one national organization, perhaps made up of independent banks as in the case of the AABB, or a single, monolithic, national, if not nationalized system, perhaps operating under a congressional charter, as I have heard suggested that some believe we should have?

I think the answer to these questions is to be sought in the basic nature of our Federal system. We are an organization of united States, each autonomous in its own sphere, each doing what can be done best at the local level, and with the central authority exercised in those areas involving relationships between the States. Ideally, perhaps, the Federal authority is exercised only when a problem arises which involves two or more States, or when needs require the combined resources of all of the States because the need exceeds the capability of one. By analogy, we can say that the function of a State association of blood banks is to mobilize the resources of individual banks in the State in the same manner that the Federal Government can mobilize the resources of the individual States.

The resources of our State associations are not tax funds; the first resource of a State association is its members, with their individual and combined professional and technical skills. Their next resource is the physical facilities in which these individuals exercise their skills; these involve the total blood collection capability within the State and the current blood inventory on the shelves of the blood banks of the State at any given time.

What are the immediate purposes of a State blood bank association? Basically, we can say that it is to improve the care of the sick as exercised through the blood banking facilities within the State. The Illinois, Iowa, and Wisconsin Associations of Blood Banks all embody similar provisions in their constitutions. They provide for the exchange of ideas and material, the dissemination of information among their members, for disaster planning, and the fostering of cooperation among member banks. They profess that it is one of their functions to serve as a clearinghouse on problems affecting personnel training. They encourage high standards of service, and they all proclaim that they exist to foster the extension of blood bank services. We may summarize these purposes as goals which are to be achieved through the application of basic techniques of communication, education, and coordination.

COMMUNICATION

Communication exists between individual members of the State blood bank association and between members of a State blood bank association, or the association as a whole, and the public which it serves. An example of prime means of communication is a newsletter or a State blood banking journal. As one example of what this communications technique can do, I refer to a problem recently brought to the attention of the Illinois Association of Blood Banks by the Community Blood Bank of Kansas City, which has been very deeply embroiled in a controversy involving an arm of the Federal Government. With the resources of the Federal establishment to combat, financial assistance was needed. It was possible through the Newsletter to bring their appeal to the attention of our members and individually and collectively to make contributions to that organization.

Annual or even more frequent meetings of State blood bank associations help to bring us abreast of the latest technical developments in our field and thus are a major tool of communication. As a further communication technique, information on donor recruitment may be disseminated to the public through the mechanisms of the State association. Perhaps it may carry more weight with the public if it emanates from a State association of blood banks rather than coming from a single bank. Perhaps such a method of dissemination of information might avoid some of the allegations of self-interest which are occasionally leveled at blood banks.

EDUCATION

Education involves education of our members and of the public. Although our State meetings are a traditional educational mechanism, I think that perhaps in our State associations we should place greater emphasis on small group workshops carried on at the local level to reach those individuals who cannot attend National or State meetings. I am sure we have all heard the saying that it is the people who most need to come to meetings who are least able to do so.

Our experience in Illinois in the last few years has been that the so-called "wet-workshops" are extremely expensive in terms of reagents, equipment, and instructor time. This is by no means a unique experience; the same conclusion has been reached by others elsewhere. One of the solutions is the greater exploitation of audiovisual techniques. I would refer you to the instant workshops which have been a recent feature of IABB meetings and to the filmstrips of the Commission on Continuing Education of the ASCP. I hope that the instant workshop concept can be expanded in future years. Its present status in Illinois represents really heroic effort on the part of a single dedicated individual. It is to be hoped that in the future some form of grant support may be found which will make it possible to expand this concept so that more than one person can participate in the preparation and carrying on of this program. Greater expansion of the ASCP audiovisuals, and particularly of the program material for the teaching machine, I think, offers a great deal. It is to be hoped that an activity of State blood bank associations may be the development of traveling "dry workshops" which might take the form of kits of instant workshop material, filmstrips, and teaching machines. These might be passed on from the central office of the State organizations to pathologists or others working in smaller communities for their use in putting on educational programs for those who are least able to get away to take part in another program at some distance.

As a form of education of the public, I think that one of our prime efforts, best carried on at the State level, should be the education of the public in the need for expansion of the available donor panel, to foster the predeposit and blood assurance program mechanisms, and to discourage the spread of blood insurance to provide dollar coverage for reimbursement of penalty or responsibility fees. Recently, the Illinois State Medical Society announced a new group major medical insurance program for its members. To the horror of blood bank workers, when that document was reviewed, it was discovered that it provided dollar coverage under the insurance principle. In Illinois, we are fortunate to have five physicians active in blood banking in the House of Delegates of the Illinois State Medical Society. It was possible to introduce and pass a resolution calling on the insurance committee of the State medical society and the insurance carrier to take action to delete this provision.

Another example to which I would refer is the hoped for development of a blood bank council for Metropolitan Chicago which has been proposed to the Chicago Medical Society and which is now under consideration by the board of trustee of that organization. Some of the activities in which it might engage would include the dissemination of public information on behalf of all participating blood banks with regard to donor recruitment, and other problems involving communication with the public. Perhaps it would be possible for such an organization to coordinate blood inventory information, with actual blood exchange to be carried out between individual blood banks utilizing the clearinghouse mechanism. It might be possible to maintain a central file of reaction and disease transmittal information which, with due respect to the rights of privacy of the individual, could still be made available to blood banks in their dealings with patients and potential blood donors.

A major need in the field of public education is dissemination of greater information on the economics of blood banking. The public must be taught to distinguish the cost of providing blood transfusion service from the responsibility or penalty fees which necessity forces hospitals to levy in connection with transfusion. There is a need for informational material which can be distributed to identify these costs. Perhaps this

is an activity which might be carried on through our State organizations, particularly for use by the smaller blood banks. I emphasize the desirability of identifying separately, on bills which go to patients, the charges for services in connection with blood transfusions and penalty fees. Recently, the Chicago Medical Society adopted a series of "Guiding Principles for the Operation of Blood Banks in the Chicago Metropolitan Area". One of the principles proposed for hospital blood bank programs is that funds derived from the collection of responsibility or penalty fees for blood used but not replaced should be accounted for separately from service charges in annual statistical and financial reports. I think that the separate identification of these charges would make it easier to answer allegations of profiteering on the sale of human blood.

COORDINATION

A major activity which our State associations can carry on is coordination of certain efforts of their members, whether institutional or individual. Here we recall that an objective of all three of our associations is the improvement of standards. I would point to the existence of the inspection and accreditation program carried on for a number of years by the Illinois Association of Blood Banks before the AABB program became active. This was an example of effective cooperation between the State department of public health and private institutions because the actual inspections of member banks were carried on by the head of the Bureau of Laboratory Evaluation of the Illinois State Department of Public Health. All of us in the Illinois association were most grateful for the efforts of Dr. H. E. McDaniels in this program. There are dangers to such programs arising out of the report of the hearing examiner for the Federal Trade Commission in the Kansas City Blood Bank case. When we take action to improve standards, it seems we are now faced with possible allegation of conspiracy, boycott, and restraint of trade. This specter will haunt us until right reason prevails, and it is recognized that blood is not a commodity bought and sold in the marketplace, that fees collected are fees for services rendered, and not the price of blood.

An example of dissemination of information is the informal meeting of the Illinois Association of Blood Banks held in Chicago in December 1964 immediately following the AMA Conference on Blood Banking. The establishment of a new blood assurance program in Chicago under the auspices of the Mid-America Chapter of the American Red Cross had been announced. The Chicago Medical Society had recommended that the American Red Cross make its contributions to the Chicago Blood Program by cooperation with existing facilities and services since the need for additional collection facilities had not been established. The American Red Cross replied that in establishing supplemental blood programs, the approval of the local medical society was no longer sought. This contravenes a longstanding agreement between the American Red Cross and the American Medical Association, in existence since the end of World War II. These facts were brought to the attention of the Illinois Association of Blood Banks members at the meeting cited, and a critique of a memorandum of understanding calling for direct exchange of blood between the American Red Cross Mid-America Center and hospital blood banks, both within and outside of the city of Chicago was discussed. The possible effect of such direct exchange on the clearinghouse program was brought into sharp focus. To date, the proposed new Red Cross program has not been implemented. It is greatly to be hoped that in the establishment of any new programs in Chicago or elsewhere in Illinois, the American Red Cross will communicate and coordinate with Illinois Association of Blood Banks member banks and will secure the advice and cooperation of the county medical society.

Another form of coordination which may be carried on by State blood bank associations is in the field of disaster planning. At the State level, we must deal with the development of a broad framework within which local banks can elaborate their own disaster programs based on local situations and potential needs, perhaps related to the industrial concentrations in a given area. An example is the liaison between the Illinois Association of Blood Banks and the Committee on Disaster Medical Care of the Illinois State Medical Society.

Liaison with other organizations may be formal through mutual discussion by committees, informal through the mechanism of interlocking committee appointments, or through the activities of individual members of State associations in medical societies, hospital associations, and the American Association of Blood Banks. The members of the State blood bank association, informed of the purposes and goals of their own organization, can interpret these to other groups and attempt to modify plans or operations to harmonize with the purposes of the association and what the providers of blood care may recognize as the most effective means of making such care available. Let me refer again to the document, "Guiding Principles for Blood Banks in Metropolitan Chicago" as an example. This was developed by the Committee on Blood Banks of the Chicago Medical Society, some members of which are also active in the State blood bank association and the American Association of Blood Banks. In the guiding principles, reference is made to preference for the nonprofit corporation; exception is made for individual physicians who carry on a nonincorporated blood bank as their own practice. The call for hospitals to identify separately their service charges from responsibility and penalty fees has been referred to. The nonprofit principle which we would apply to supplemental blood banks should also apply to hospitals in their fiscal transactions in relation to the provision of blood service. Those physicians who practice chiefly in hospitals are well acquainted with accounting procedures which tend to offset deficits incurred in one area by the development of surpluses elsewhere. In the case of blood banking operations, the development of these surpluses may bring unfavorable attention from the public.

An important coordination activity is liaison between the State association of blood banks and the legislature. As new legislation is proposed, we must be on the lookout to intercept that which is bad and foster that which is good. In Illinois 2 years ago, one of our State legislators proposed a bill which would have licensed clinical laboratories and blood banks. This legislation was opposed by the Illinois Association of Blood Banks and other professional organizations since a clear need for such legislation had not been shown. Perhaps at least partially as a result of this opposition, the legislation was modified so that it provided for the registration of laboratories and blood banks and the formation of a Commission on Clinical Laboratories, Blood Banks, and Blood Bank Depositories to study and report in 2 years. Three physicians experienced in blood banking were members of that commission. New legislation has been proposed and has been supported by the State society of pathologists and the State blood bank association. The Illinois Association of Blood Banks has not only affirmed its support of this legislation but has offered assistance in implementation.

It should be noted that in the coordination of activities of member blood banks so that the association can speak before the legislature with one voice for all, caution must be exercised that the tax exempt status of the organization is not jeopardized by expending its funds to influence legislation. Advice of legal counsel must be sought. Officers or individual members of associations of blood banks can reflect the views of the association while speaking in an individual capacity, or appearing at the request of the legislative group to provide it with information.

SUMMARY

The basic purpose of a State blood bank association is to attempt to insure, insofar as possible, that no patient suffers for want of blood when needed or sustains injury by reason of improper collection, preparation of technical utilization of blood or blood components. The State association does this through its members, acting both individually and collectively. They utilize techniques of communication, education and coordination among themselves and with the public. Efforts within the organization must focus on the weakest members of the group, recognizing that the strong can help themselves and have additional capability to be of assistance to others. Activities outside the organization will stress public education concerning blood needs and how the public can best utilize the services of blood banks and blood bankers to assure its needs. Legislative liaison is a constant and proper concern which can never be neglected except at our peril. The price of liberty, we have been told, is eternal vigilance. State blood bank associations have a major role to play in assuring our people that their needs are best served when their blood bank needs are met locally, by locally controlled organizations, sensitive and responsive to local requirements. Our failure to so assure the public by words and especially by deeds can cost us the control of our services, the professional freedom which is one of our most pressing personal needs and which is at the same time one of the best safeguards of the public against the subservience of its interests to central bureaucracy. The attainment of the goals implicit in the constitutional objectives of our State blood bank associations can strengthen local control of blood banking services and should be constantly before us.

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. DIRKSEN. Mr. President, I propose to vote against the pending measure, and I shall do so for two reasons. The first reason is that, if I should fail in my second endeavor on the question of reapportionment—which I expect to renew this afternoon—the ultimate result would be an urban oriented legislature, and that, together with what is contained in the pending measure, would give us quite a lopsided pattern in the country before we were through. The matter is so transparent that it requires no further elaboration from me.

Second, I never yet saw the time when a department was set up that did not grow and proliferate. It would start with a modest personnel, but growth is inevitable, and vast growth is really inevitable in the whole field of government.

When Maurice Stans was Director of the Bureau of the Budget in the Eisenhower administration, he did make a statement with respect to what we really owe in this country.

First he pointed out the public debt. At that time, Secretary Dillon, the Secretary of the Treasury, was asking for an $8 billion increase in the debt, in two chunks; but it is far beyond his estimates now, because we have increased it once more in the present Congress.

The interest is growing rapidly. I have not looked at the current budget figures, but it occurs to me that we have to pay about $1 billion a month for the privilege of using the citizens' money when they buy bonds, which are representative of our public debt.

I pointed out the other day that this Government owes the civil service retirement fund $44 billion. Somehow, it did not bring a blink of an eyelash. I pointed out that the guaranteed military pensions are now in excess of $40 billion. Those are unfunded, like the $40 billion civil service retirement obligation.

I pointed out also that our commitments to veterans, looking down the years, will exceed $300 billion. They are also unfunded.

In the field of contracts, subsidies, and guarantees, our commitments will run about $150 billion, and probably in excess of that. Those are unfunded, also.

It is not certain at all, notwithstanding the increased wage base, that the social security fund will not have a debt somewhere along the line. At one time it was estimated at $300 billion.

The net result is that our public debt, with which people are generally familiar, and our unfunded debts, with which the general public is not generally familiar, will add up to well over $1 trillion. I propose to bring these figures up to date to show what they amount to.

I presume, by rule of thumb, that it adds up to $25,000 for every American family in the land.

Now we come to new programs that are going to cost money. We are considering the creation of a new department that is going to proliferate and cost money. I do not know where it is going to end.

When the medicare proposal was before us, the first estimate was that there would be added perhaps 3,000 people to the Department of Health, Education, and Welfare. I think that estimate has now been raised to 7,000 people. If anybody thinks that is the end of it, he may as well dispel himself of the foolish notion that that will do the job. While the number of farmers is decreasing and the Secretary of Agriculture is wrestling with their problems, the number of persons employed in the Department of Agriculture is increasing, and is now estimated at 122,000.

This is an amazing kettle of fish, and I am not going to contribute to it if I can help it.

I have voted for many of these programs, but the second verse in the song is going to be, "How do they work?" I have not seen any significant results from the Economic Opportunity Act. I have seen little that has been documented to show how we are getting along under the Appalachia program. There will be an accounting. We will ask for an accounting of how they work, and how much deeper into debt we are going to go, lest we play ducks and drakes with the solvency of the United States.

I mentioned the subject of debts when I was on the House Banking and Currency Committee. An unnamed spokesman for the White House had indicated that $55 billion was not too much of a debt for this country to carry. Of course, there was not mentioned the unfunded liabilities, that now take us well above the trillion-dollar mark. At that time, Marriner Eccles was Chairman of the Federal Reserve Board. I believe I am the one who asked the question. What did he say as to what a safe debt limit might be? He said, "You do not express it in that way. It comes to a question of when people start taking their money out of the banks, liquidating their assets, and putting it in their socks and mattresses." In other words, it is a psychological question.

The people are not aware of the stupendous funded and unfunded debt of this country. It is no wonder that capable European bankers marvel at the ease with which we plunge ourselves into these commitments and debts, and fail to deal realistically with the debt of America.

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

Mr. DIRKSEN. I yield myself 1 additional minute.

Some people point to our gross national product of $660 billion. Sometime, somebody is going to take that figure apart, when he gets the time, to show the duplications in it. Reference is made to a trade balance. When commodities come into this country, and they are put on the import side of the ledger, we discover that insurance coverage and other contingencies are never included. I made that point in the Senate Finance Committee. I know the Department of Commerce is beginning to give attention to it, because when these items are put on the port side of the ledger, they deserve another look.

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

Mr. RIBICOFF. Mr. President, if the Senator will yield, I will ask that the time be taken out of the time on our side.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired. How much time does the Senator yield?

Mr. RIBICOFF. I yield myself 5 minutes.

Mr. President, while I disagree with the distinguished minority leader's view as to whether this bill should pass, I am sympathetic with much of what he has said. I believe that by establishing this new Cabinet-level department we will achieve results the minority leader would like.

What creates an ever-increasing number of new employees or new programs at the Federal level is not the mere existence of departments, but the programs that are voted by the present Congress, past Congresses, and future Congresses.

Consider the Area Redevelopment or Appalachia programs, which were mentioned by the distinguished minority leader. These programs stand by themselves. Programs which apply to urban problems are scattered throughout the Government. There are some 115 programs in the Government that provide aid to cities and States. The organization of these Federal programs should be updated and modernized by the Congress.

I am completely sympathetic with the remarks of the Senator from Illinois when he points out that the numbers of employees in some departments may rise, even though there are fewer persons affected by the programs. He pointed out in particular the Department of Agriculture. When we begin proliferating one disorganized program on top of another, the operation becomes inefficient. We are 30 years behind in the organizational structure of the Federal Establishment.

We are dealing now with a Federal Government based on an organizational pattern which was established some 30 years ago. To me, it is absolutely foolish to have problems of the cities dealt with in 115 different programs scattered throughout 40 or 50 different agencies. This means separate personnel, separate bookkeeping, and separate records and increased costs of administration. It is my hope that the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations will dig into the duplication and waste which have taken place and endeavor to eliminate them.

When I was Secretary of HEW, much of my time—and the time of every other Cabinet Secretary—was spent in serving on interdepartmental committees. There are departments in this Government duplicating work which is being done in other departments.

Basically, the creation of the new Department would not add new jobs. It would not change any substantive programs. It is our hope that what we would be doing is assuring more effective and more economical operations in the programs now being administered.

So far as substantive programs are concerned as the Department grows, such growth will come about because we in the Senate and the other body will vote for the creation of new programs.

We should assume the responsibility because we have voted for the creation of new programs and new personnel. They would not exist if we did not vote the funds.

I would hope that we in the Congress would not simply wait for the executive department to set up reorganization plans before acting in this area.

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

Mr. RIBICOFF. Mr. President, I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 more minutes.

Mr. RIBICOFF. We must look into the duplication and proliferation which now exists in the Federal Establishment. I will admit that there is waste and duplication, but the responsibility is ours to do something about it.

The creation of the new department would not create new jobs, but it would

give it the opportunity to do its present job more economically and more efficiently.

The various agencies which are component parts of what will be the new Department of Housing and Urban Development have outstanding assets which today total approximately $67.5 billion.

These programs are scattered through some 4,000 communities in the United States, yet the mayors, first selectmen, and those responsible for dealing with the Federal Government, do not know where to go for assistance.

A mayor will come to Washington, with hat in hand, and he has to run all over the city to find out who can help him solve his problems.

I am sure that the Senator from Illinois has found, as I have, that when mayors of our communities come into our offices, we spend hour after hour trying to steer them through the various agencies and departments, many of them duplicating each other's efforts to try to take care of the needs of the cities.

I am in no different position from that of any other Senator who finds himself trying to help mayors who come to us for guidance as to whom they shall see, and how they can solve their problems. It is our hope that by creating the new department we can start on our way toward eliminating the waste and duplication which now takes place in some 115 programs, so that when a mayor or the head of a township or a city has a problem affecting his city, Federal funds or Federal grants will be available. There are many programs which we can pull together and eliminate some of the waste and duplication in the Federal Establishment.

Mr. DIRKSEN. The Senator from Connecticut wishes to make it easier to get to the right place in order to obtain a loan, a grant, a handout or something, much faster than has been the case heretofore.

I go on the theory that one of the reasons why we have a government which is a free government, and a Republic, is adherence to the rule to make it as hard as possible to get money from Congress and, when it is obtained, to make it as hard as possible to spend it.

I believe that is a good rule, in view of all the waste that is going on.

Years ago a friend from Chicago came in to see me. He said, "I want you to be for a little bill, because it is going to get a job for me."

I said, "How many people will be involved?"

He replied, "Only six."

That little group was created. My friend got the job, and he got his personnel.

I had hardly turned around when the next year he had a hundred people working for him. That is the way it grows.

After being in Congress many years, we can no longer be so naive with respect to the escalation and acceleration of Government growth and Government expenditures.

The Senator from Connecticut has stated that the creation of this new department will not require any new jobs.

If I were to write down on a slip of paper the number of jobs now required in the new department, and the Senator from Connecticut were to put up a $100 bill and place it in an envelope with that slip of paper, I would place a $100 bill in the envelope and we would seal it together; and if, in the near future the new department should grow as I have described, I would collect the $100.

Mr. RIBICOFF. I admit that the Senator from Illinois would collect the $100 bill, but the Senator will collect it not because the department exists but because Congress will have voted additional programs and funds.

I am not one who will slough off and place the burden of responsibility solely on the executive branch of the Government, because I know that Pennsylvania Avenue has two ends to it. I know that the executive proposes, but the Congress disposes.

We need not vote for new programs, but if we believe that they are necessary and we vote for them, I believe that we would be hypocritical if we complained that there were additional jobs, additional programs, and additional money needed to carry them out.

There is only one way to avoid it, and that is by not voting for additional programs. But if we do vote for them, we should not be the ones to complain that they cost money to administer.

When I was Secretary of HEW, everyone was complaining about the growth of the department. Of course, HEW grew. When the department was established in 1954, there were approximately 40,000 employees working there. When I arrived, in 1961, there were approximately 60,000 employees. Today, there are more than 80,000 employees. By the end of next year, there will be approximately 90,000 employees.

This growth is not due to the Secretaries, past and present. The growth results when we in Congress vote for the additional programs——

Mr. DIRKSEN. Exactly; and that is what we are going to be doing today.

Mr. RIBICOFF. We can vote for the new programs, in the existing HHFA, just as we could for the new department. Let me give an example. In HHFA there are programs in thousands of communities. There are low rent public housing projects, 2,228 communities. Public works applications have been approved for 3,892 communities. Urban planning assistance goes to 4,585 communities. I ask unanimous consent to insert at this point in the RECORD a listing showing the numbers of communities presently participating in HHFA programs.

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

Numbers of communities participating in HHFA programs

Organization unit and programs	Estimated number localities participating	Date of status report
Office of the Administrator, HHFA:		
Workable programs certified from program inception	2,330	Dec. 31, 1964
Urban mass transportation demonstration grant approvals	30	Feb. 28, 1965
Federal Housing Administration: The housing mortgage insurance programs of FHA are not recorded on a locality basis, but it can be said that virtually all of the localities in the country participated	(1)	
Federal National Mortgage Association: The mortgage purchase and sales programs of FNMA are as extensive as the programs of FHA and VA, whose mortgages it purchases and sells and whose programs reach into most localities. No count of data by localities is readily available	(1)	
Public Housing Administration: Low-rent public housing projects being planned, built, or completed and in operation	2,228	Apr. 30, 1965
Urban Renewal Administration:		
Title I urban renewal projects being carried out [2]	[3] 490	Jan. 31, 1965
Title I urban renewal projects being planned [2]	[3] 419	Do.
Urban planning assistance program participation	4,585	Do.
Open space land program grant approvals	287	Do.
Community Facilities Administration:		
Public works planning advance applications approved	[4] 3,892	Do.
Public facility loan applications approved	[4] 897	Do.
College housing loan applications approved	[4] 2,446	Do.

[1] Virtually all localities.
[2] About 765 localities.
[3] There is some overlap in the numbers of localities in which projects are being planned and carried out, the exact extent of which is not readily ascertainable from current records.
[4] Data on these programs is not readily available on a locality basis. Data on numbers of projects approved is supplied here, and project approvals exceeds localities participating to a degree which cannot readily be ascertained from current records.

Mr. RIBICOFF. Mr. President, all these programs exist now without the department. They exist because we vote for them. As an example, the Committee on Banking and Currency proposes a public housing program, and we vote for it and a bill is passed involving billions of dollars. This situation exists in spite of the lack of department status. I therefore point out to the distinguished minority leader that the growth in personnel and expenditures takes place because we in Congress vote for the programs, and not because the department exists either with or without Cabinet rank. I believe that we are begging the issue when we fail to recognize this fact. Let us be honest with ourselves. I say to the Senator from Illinois, let us not put the blame on the Secretaries in the executive branch, let us put the blame on ourselves, if we are to blame. Senators who believe that new programs are necessary and vote for them should not com-

plain because they cost money. Senators who vote against them certainly have the right to raise a protest.

Mr. DIRKSEN. If we are going to put an end to the growth of our gargantuan Government, it will have to be done at this end of Pennsylvania Avenue, and not at the other end.

For that reason, I do not propose to vote for the bill, because I can see down the road and see what is going to happen and how big the problem will swell. Then the planners will come along with a proposal for a Department of Transportation. We have been under pressure for that. Then there will be a separate Department for Education. That is already in the wind. There has been a great deal of agitation about that. Then there will come this department and that department, all justified. Everything is to be separated. It is going to be easier to get; it is going to be easier to spend. We will more and more ignore the Comptroller General who, only last week, published a thick book of decisions, in which he comments on and criticizes the expenditure of money.

However, we blithely go along on our course. But, I am going to raise my voice and undertake to stop some of it, if I can. This is a good time to start.

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

AMENDMENT NO. 377

Mr. MILLER. Mr. President, I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 1, line 4, strike the word "Urban" and insert in lieu thereof the word "Community".

On page 2, line 2, strike the word "urban".

On page 2, line 6, strike the word "urban" and insert in lieu thereof the word "community"

On page 2, line 13, after the word "upon" insert the word "community,".

On page 2, line 15, strike the word "urban" and insert in lieu thereof the word "community".

On page 3, line 4, strike the word "Urban" and insert in lieu thereof the word "Community".

On page 3, line 7, strike the word "Urban" and insert in lieu thereof the word "Community".

On page 3, line 16, strike the word "urban" and insert in lieu thereof the word "community".

On page 3, line 20, strike the word "urban" and insert in lieu thereof the word "community".

On page 3, line 24, strike the words "urban and metropolitan" and insert in lieu thereof the word "community".

On page 4, line 3, strike the words "urban and metropolitan" and insert in lieu thereof the word "community".

On page 4, line 5, strike the words "urban and metropolitan" and insert in lieu thereof the word "community".

On page 4, line 8, strike the word "urban" and insert in lieu thereof the word "community".

On page 4, line 10, strike the word "urban" and insert in lieu thereof the word "community".

On page 4, line 14, strike the word "urban" and insert in lieu thereof the word "community".

On page 5, line 19, strike the word "Urban" and insert in lieu thereof the word "Community".

On page 6, line 3, strike the word "urban" and insert in lieu thereof the word "community".

On page 7, line 7, strike the word "urban" and insert in lieu thereof the word "community".

Amend the title so as to read: "A bill to establish a Department of Housing and Community Development, and for other purposes.".

Mr. MILLER. Mr. President, I yield myself such time as I may require.

The purpose of my amendment is to change the title of the bill from "A bill to establish a Department of Housing and Urban Development" to "A bill to establish a Department of Housing and Community Development"; and, wherever the word "urban" appears throughout the bill, to change it to the word "community."

What prompted me to offer the amendment was the fact that 2 years ago I introduced a bill which would have established what I would have called a Bureau of Community Development, to be set up in the Executive Office of the President, comparable to the Bureau of the Budget.

The purpose of my bill at that time was to try to bring into one coordinating agency the same governmental agencies that are sought to be brought into the new proposed Cabinet level office.

The purpose of my bill further was to provide for coordination, which seems to be required, and which is not present in the present organizational setup.

I pointed out that the problems which the agencies covered by the present bill seek to solve relate not merely to downtown urban problems, but they relate also to problems of suburbia and problems of counties. According to the Census Bureau, there are 212 metropolitan areas in the United States. Of those, 164 are encompassed in 1 county, and 28 are in 2 counties.

Therefore I do not believe that the use of the word "urban" is responsive to the true purposes of the legislation. I believe that the word "community" is responsive.

It is interesting to note that on page 6 of the bill, the drafters of the proposed legislation specifically use the term "community development."

I read that portion of the bill to which I refer, beginning at page 5:

(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.

I invite the attention of my colleagues in the Senate to the committee report on the bill. At page 3 some of the purposes of the bill are set forth. For example:

Achieve the best administration of the principal Federal programs which provide assistance for housing and for the development of our communities.

It does not say "development of our urban areas."

Provide for full and appropriate consideration at the national level of the needs of the Nation's communities and their inhabitants.

It does not say "the Nation's urban areas and their inhabitants."

Providing technical assistance and information, including a clearinghouse service to States, counties, towns, and other localities in developing solutions to problems of urban development.

Encouraging comprehensive planning for community development by States and localities with a view of achieving coordination of Federal, State, and local urban development activities within the local areas covered by such comprehensive planning.

And so forth.

I noted in the CONGRESSIONAL RECORD of yesterday, that the distinguished Senator from Connecticut, who is managing the bill on the floor, in his remarks on the bill, pointed out, as shown on page 19800:

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.

* * * * *

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.

It is very difficult to discuss the problems covered by the agencies which are encompassed in the provisions of the bill without using the word "community."

I believe that most of us agree, when we talk about communities, envision not only large communities, but also small communities; not only urban areas, but also county areas in which a community of interest exists.

I believe that a reading of the committee report indicates an intention on the part of the drafters to try to bring in the problems of other than large urban areas for treatment by this agency.

If that is so, let us call a spade a spade.

It is true that projections show that in the next 15 or 20 years we may expect three-fourths of the population of our country to be living in urban and suburban areas.

Now we are about to enact a bill to take in these areas. Does this mean that we may have to create another department to take care of the remaining one-fourth? I do not believe so. I believe that if we properly label the pending bill, emphasizing community development with respect to what we are trying to do, it will not be necessary to go to that extent.

What I am trying to do is to improve the bill by having it properly titled. I am trying to improve it so that it will be acceptable to many who, whenever they see the title "Department of Housing and Urban Development," will immediately wonder whether they are left out.

If we are not forgetting about them, the time to remember them is now, in titling the bill.

I cannot understand why there should be any opposition to calling the bill a bill to establish a Department of Housing and Community Development, and to emphasize community development, rather than urban development, throughout the bill.

I offer the amendment in the best of faith. I hope the Senator from Connecticut will see fit to accept it.

Mr. RIBICOFF. Mr. President, I yield myself 5 minutes. I rise in opposition to the amendment. It should be kept in mind that when we talk about "communities" are are talking about "communities" that make up "urban" areas. We were most mindful of the problem raised by the distinguished Senator from Iowa. It has never been our intention to concern ourselves only with large cities. If the distinguished Senator will follow the bill with me, he will see where time and time again we have specifically spelled this out.

On page 2, line 14 of the bill it is provided:

To encourage the solution of problems of housing, urban development, and mass transportation through State, county, town, village, or other local and private action.

Again, at page 3, line 21, I read that among the duties of the Secretary shall be the duty of providing "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."

Again, on page 4, line 16:

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.

Therefore, we have been most careful to make sure that there will be no question in the mind of the new Secretary or in the minds of Members of Congress or members of the public that when we talk about a Department of Housing and Urban Development, we are talking about a department that would cover communities of every size. "Urban" is a much more generic term, and much more descriptive of what we are seeking to accomplish.

Getting away from the legal aspects, I have before me two definitions from Webster's New Collegiate Dictionary. That dictionary defines "community" as follows:

Community: 1. A body of people under the same laws; hence an assemblage of animals or plants living in a common home under similar conditions. 2. Society at large; the people in general; restrictedly, the people of a particular region, or the region itself. 3. Joint ownership or participation; as a community of goods; community of interests. 4. Common character; likeness. 5. Ecol. An aggregate of organisms with mutual relations; applied to any unit of undetermined rank, or as a synonym for a more specific group.

"Urban" is defined as follows:

Urban: belonging to the city or town, refined, polished, (fr. urbs, urbis a city) Characteristic of, constituting or pertaining to a city or town.

In other words, the term "urban" is a more generic term. It best describes the problems with which we are faced. It best sets out what we are seeking to achieve. It points out that we are talking about a large complex; and the community which the distinguished Senator from Iowa is talking about is part of that large complex.

We are seeking to solve the basic problems of the community itself. The Senator is absolutely correct that when I made my speech I was well aware of that; in the report I was well aware of that; in the bill I was well aware of that. Time and time again in discussions we wished to make certain that the problems that would come to the attention of the new Secretary would not be merely the problems of the large metropolitan cities and areas of America. But we recognize that today those problems are the problems of the small towns, the counties, and the cities themselves.

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

Mr. RIBICOFF. I am pleased to yield.

Mr. MILLER. I am interested in the language which the Senator read from page 3 of the bill, starting with line 21. That language is: "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."

I cannot understand why the bill is confined in purpose to assisting those units of government in developing solutions to urban and metropolitan problems.

Mr. RIBICOFF. I would be more than pleased to accept an amendment which would add the word "community" on line 24, so that the language would read: "solutions to community, urban, and metropolitan development problems."

If that language would satisfy the distinguished Senator from Iowa. Certainly it is our intention throughout the bill that communities of all sizes should definitely be a part of the whole.

The Senator has made a good point. I would be more than willing, after the word "to" on line 24, to add the word "community."

Mr. MILLER. I appreciate that. I believe that we can very quickly draft an amendment to that effect. Possibly we could have a quorum call while that is being done. If the Senator has gone through my amendments, he may have observed other areas of the bill in which similar amendments might apply, and even if I cannot persuade the Senator from Connecticut to change the title of the proposed new department, perhaps we can get together on some of the other parts of the bill in like fashion and improve them. I am only trying to help; I am not trying to hamper anything.

Mr. RIBICOFF. I appreciate the point made by the distinguished Senator. If there is any question in his mind, I repeat that it is our intention to include all communities. The reason I do not wish to change the name of the proposed department is that I believe you are narrowing it down. If the Senator has any other suggestions along the line he has proposed, I would be pleased to add the word "community" at the appropriate places in the bill.

Mr. MILLER. I should like to ask unanimous consent that there be a quorum call and that the time necessary for the call not be charged to either side.

Mr. RIBICOFF. Reserving the right to object, I have no objection to having the time required for the quorum call charged equally to both sides. The reason for that suggestion is that some Senators are most anxious to make connections to leave Washington. I would not wish to delay them. I think most of the discussion on the bill has taken place already yesterday and today.

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

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Does the Chair correctly understand that the time necessary for the quorum call will be charged to both sides?

Mr. MANSFIELD. It will be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. 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. CLARK. Mr. President, will the Senator yield me 2 minutes?

Mr. RIBICOFF. I yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, the imminent passage of this bill is a source of great satisfaction to me because it follows 9 years of personal effort on my part to bring about the creation of a Cabinet Department of Housing and Urban Development.

Seventy-six years after the establishment of the Department of Agriculture, Congress is about to do equal justice under the law to the urban dwellers of our country.

I am particularly pleased that the statement of purpose of the Act recites the urgent need to solve the problems of housing, urban development, and mass transportation. It also stresses the importance of providing appropriate consideration at the national level for the needs of the Nation's communities and the people who live in them.

I am also pleased that an Office of Urban Program Coordination has been created for the purpose of achieving maximum coordination among the many agencies in the Federal Government and State and local governments concerned with community development.

Mr. President, I hope that when this bill is passed we can effect a badly needed reform of our appropriations procedures in the fields of housing and urban development.

The Senate rules presently provide for three ex officio members from the appropriate legislative committee to serve on the Appropriations Committee for purposes of dealing with such matters as the Agriculture, Post Office, Defense, and District of Columbia appropriations. But there is no provision for members of the Banking and Currency Committee to serve as ex officio members of the Appropriations Committee on appropriations matters affecting housing and urban development. These matters are every bit as technical as those in the fields of agriculture and defense, and the Appropriations Committee would profit greatly from the expertise such ex officio members could contribute. I therefore suggest to the Committee on Appropriations that it consider creating a new Subcommittee on Housing and Urban Affairs appropriations, to deal with the fiscal needs of this new department, and that it invite the participation of three ex officio members from the Banking and Currency Committee.

I commend my friend the Senator from Connecticut for his skillful handling of the bill and for the many hundreds of hours of dedicated work that he has put in to achieve this important objective.

Mr. RIBICOFF. Mr. President, in response I must say that great credit for this bill must be given to the distinguished Senator from Pennsylvania.

What frequently happens on landmark legislation is that there are those who, year in and year out, fight for a proposal only to see it go down to defeat, accompanied by extreme frustration. Then, after public opinion has formed and changed, due, in many respects to the defeat suffered by the first advocates of the measure, someone else comes along and gets the credit.

This is the legislative process. However, in all fairness, I should point out that it is because of the work that has been done year in and year out by men like the distinguished Senator from Pennsylvania [Mr. CLARK] and the distinguished Senator from Maine [Mr. MUSKIE] who had the responsibility for this measure in other years, that we will be able to pass the measure today.

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

Mr. RIBICOFF. I yield.

Mr. CLARK. Mr. President, I thank my friend for his kind comments. I say in reply that he, the Senator from Connecticut, has carried high the torch we handed him, and it has been in very good hands indeed.

Mr. MILLER. Mr. President, I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Iowa [Mr. MILLER] proposes an amendment as follows:

On page 2, line 2, strike the word "urban".

On page 2, line 13, insert the following after the word "urban": "community,".

On page 3, line 24, strike the word "urban" and insert in lieu thereof the word "community".

On page 4, line 3, strike the word "urban" and insert in lieu thereof the word "community".

On page 4, line 5, strike the word "urban" and insert in lieu thereof the word "community".

On page 4, line 8, insert after the word "urban" the following: "and community".

On page 6, line 3, insert after the word "urban" the following: "and community".

The PRESIDING OFFICER. The Senator from Iowa is recognized for 30 minutes.

Mr. MILLER. Mr. President, as a result of the consideration afforded by the Senator from Connecticut, I have drafted this amendment in consultation with the representatives of the staff.

I believe that this amendment will tie in with the acceptance of the amendment which was developed during the earlier colloquy between the Senator from Connecticut and me.

This amendment is designed to emphasize at appropriate places "community," and the intention to include within the compass of the bill not only the problems of the larger centers, but also the problems of communities, wherever they may be located, in larger areas, as well as in smaller.

I hope that this amendment is now satisfactory to my friend, the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, the amendment is satisfactory. It carries out our intention.

I believe that the distinguished Senator from Iowa has performed a most useful task.

On behalf of the committee, I am pleased to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from Maine whatever time he requires.

Mr. MUSKIE. Mr. President, I thank the Senator from Connecticut.

I compliment the Senator from Connecticut for bringing this measure so far along the road to passage.

It is clear that at this point the Senate is about to pass the measure. This is a greatly changed situation from that which we faced a few years ago when we considered a similar housing bill from the Committee on Government Operations. It is good to see this proposal finally approaching passage.

The issue before the Senate today, I say to my colleagues on both sides of the aisle, is purely and simply one of good organization and good administration—in a word, of good government. We have today in the Housing and Home Finance Agency over a score of programs which this Congress has instituted—some very large, some small; some as new as the Housing Act of 1961, and others which have been in operation for a quarter of a century or more. All are related to each other, and each is important to the sound growth and the present and future prosperity of urban communities in every one of the 50 States. Administering them is an independent Agency of Government which has served us well in the past, but which has been overwhelmed and outdated by the tide of change. Its administrative structure was established at a time when the principal problem confronting the Government in this area was to overcome the shortage of housing for returning veterans of World War II. Onto that structure have been grafted a dozen or more new programs, some directly concerned with housing and others with much broader though closely related urban matters—urban renewal, urban planning, community facilities, mass transportation and conservation of open-space land near our cities.

Mr. President, the mission of the Agency has outgrown its form. The lines of authority within the Agency are the result of historical accident. Statutory authority had been conferred on the heads of organizations prior to the incorporation of these organizations into the Housing and Home Finance Agency when it was originally established. Other functions have since been transferred to the Agency from other parts of the Government. As a result, the statutory authority for some of the major functions of the Agency is not vested in the head of the Agency. This means that the mechanism for coordination among the many complex programs of the Agency, with their tremendous impact on our local communities, is inadequate and often ineffective. Of course, all powers of the new Department would be vested in the Secretary as head of the Department.

Perhaps most important of all, there is no continuing and appropriate voice in the highest councils of Government to

represent the problems of the people living in our urban areas. There is no agency—no adequate instrument—to which the President, the Congress, and the States and local communities can turn for overall advice and assistance in connection with all the interrelated problems of housing and urban development. This is what the bill seeks to remedy.

Before we finish this debate we shall, I surmise, be talking about everything under the sun from States rights to builders' profits. So be it. But as we enter this tangled maze of arguments and counterarguments, I would hope that we will not forget the real, central point: And that is, quite simply, that the bill reorganizes these already existing programs and administrative agencies into an executive department—headed by a Secretary who sits in the President's Cabinet—with crystal-clear lines of authority conforming to an elementary principle of good business management, in or out of Government.

Mr. President, let us see if we can put this whole matter into a little historical perspective.

Back in the 1920's, there was not a program in Government which we would recognize today as a housing or primarily an urban program. There was nothing but the leftovers of a modest and not very successful World War I housing program conducted by the U.S. Housing Corporation—long since out of business. This was how matters stood until the great depression struck.

That depression, as we all know, brought the home financing and building industries of the Nation to a virtual standstill. During an extended and dreadful period, far more homes were foreclosed than were built or sold—except at distress sales. Something had to be done, and as ever, necessity proved the mother of invention. One experimental program followed another—HOLC, the Home Loan Bank System, the rudimentary beginnings of a secondary mortgage market device, mortgage and home improvement loan insurance, resettlement housing, public housing, and I am sure still others that I have forgotten. By the time the war came, Washington was full of big and little housing agencies. There was one under every bush, until a trade journal could write in 1942:

> The urgent need of coordinated Federal housing agencies was highlighted last week in hearings before the Senate Committee on Education and Labor * * * members of the committee gave up in despair after hearing representatives of 20 different housing agencies offer a description of how they thought the $50 million for emergency housing in Washington should be spent.

In February 1942, the President drew this scattered and chaotic group together into the Nation's first housing agency, under the title of the National Housing Agency. Since this was done under his war powers, it was a temporary reorganization to assist in the prosecution of the national war effort. Thus matters remained until the war ended.

After the war, a new problem arose. The war powers of the President were about to come to an end, but clearly the housing problem was not. There was a desperate shortage of homes for the men of our demobilizing forces. The homebuilding industry was plagued by shortages of land, of materials, and of labor. Construction costs shot up alarmingly. The Congress and the executive branch were alike appalled at the prospect that the temporary national housing agency should dissolve into the scatteration and confusion which had existed before it was created.

After many false starts and extended national debate, the President sent to the Congress Reorganization Plan No. 3 of 1947, which became effective on July 27, 1947, and established the Housing and Home Finance Agency as a permanent agency of Government.

The Housing and Home Finance Agency as it was established at that time bore little resemblance to the Agency as we know it today. There was no urban renewal administration; no community facilities administration; no Federal national mortgage association. It was, quite simply, a housing agency. It had no responsibilities for slum clearance and urban renewal, or for assistance to States and local communities in comprehensive planning, advances for planning of non-Federal public works, and so on and on.

The first great breakthrough toward a more comprehensive approach toward the problems of growing urban communities came in the Housing Act of 1949. That was the act which established the slum clearance and urban development program—a major new program which was not housing as such, and yet was profoundly related to housing purpose, method, and result. Title I of this act proclaimed for the first time a national housing policy which stands unchanged today:

> To serve better all income groups in our population and to move ever closer to the goal of a decent home in a suitable living environment for every American family.

Here was something new, indeed.

Mr. President, we are now getting into relatively recent history, and most of us will readily remember many of the new programs which Congress has authorized since 1949 and assigned to the Housing and Home Finance Agency. I could mention college housing, for example—or public facility loans—or the several special programs to aid in housing our older people—or assistance for cooperative housing—and so on. But since these are more familiar, I will not detain the Senate by going through each one of them.

We have come a long way since 1949. Only the name remains the same—and it woefully fails to convey a true impression of the present functions and programs of the agency. In simple truth, the Housing and Home Finance Agency has long since become in fact, though not in name, an Urban Affairs and Housing Agency. What the President asks us to join him in doing is not to change the character of the Agency, but to give long overdue recognition to what it actually is today.

Before turning to the next phase of this discussion, it is convenient here to point out that these programs are not only numerous—not only complex—not only closely related among themselves—not only large and significant: they are also, with minor exceptions, permanent activities of the Federal Government.

Now, I am well aware, Mr. President, that as a legal technicality all the programs of the Federal Housing Administration will expire on a date certain under existing law—some in 1963 and the remainder in 1965. But that is only a legal technicality. Surely there is not a Senator on this floor—or off it, for that matter—who seriously believes that the Congress of the United States is going to let the Federal Housing Administration go out of business in the summer of 1965. It has been extended periodically since it was set up 27 years ago, and we all know it will continue to be extended.

Most of the major programs have no expiration date at all. Some of them, to be sure, have dollar limits on their authorizations. But here again, the record shows that the Congress has increased these limits as they were reached or about to be reached.

The programs are also national in scope, extending to large and small communities throughout the country. There is not a single State which is not significantly affected by one or more of these programs.

THE ARGUMENTS FOR THE PLAN EXAMINED

Mr. President, I turn now to a review of the reasons why, in my judgment, the reorganization proposed by the President is not only desirable, but urgently needed. I should like to stress three principal points:

First, the plan is needed to improve organization at the top level in the executive branch.

Second, the reorganization is needed in the interest of economy and efficiency.

Third, the reorganization is needed to assure the highly necessary coordination of a group of programs which are closely related in their objective, and which should be equally closely related in their planning and execution.

I submit, Mr. President, that the issue before the Senate is first and foremost one of good organization—of simple good government.

I submit that it makes plain, good common sense for the major programs of the Federal Government which deal directly with the problems of planning and shaping urban growth to be established as a Cabinet department, headed by a Secretary with the authority appropriate to his position and necessary to discharge his responsibilities. To use the words of Nelson Rockefeller in his memorandum to President Eisenhower of July 2, 1957, these programs go far beyond housing and involve "the general physical planning and development of communities." There is nothing novel about this proposal. We are merely applying here

time-tested concepts of good business and good government—applying them to a new situation, which has grown up because of the pace of urbanization in the last few decades.

I am not in the least impressed with the arguments of those who try to confuse this issue by suggesting that this Department would be, or should be, or might become, a department of everything-that-happens in cities. That would be absurd, of course—about as absurd as trying to put into the Department of Interior everything that happens within our continental limits, or into the Treasury everything that costs money. We have a very clear unifying theme for this proposed Department, and that is to encourage and to help provide good homes in good neighborhoods for our growing urban population. That is what this plan is all about.

To accomplish that objective, we need an executive department which has the primary responsibility for working with other departments and with States and local governmental agencies to encourage the analysis and identification of their problems of growth and development—not simply their problems today, but their problems 2, 5, and 10 years hence.

This Department should also have the necessary tools to aid local governments in comprehensive planning for the solution of these problems, and in the actual execution of their programs of housing, urban renewal, and the provision of necessary community facilities. Once these plans are made, with proper consideration for the total land use pattern in the community, then of course it simply makes good sense for agencies like the Bureau of Public Roads, for example, to continue to carry out its operation program within the context of the needs of our Interstate Highway System, or for problems of air and water pollution and hospitals to continue to be treated as public health problems, which obviously they are.

The President has said, and I agree with him, that the people who live in and near our cities deserve a spokesman in the highest council of Government—the President's Cabinet. But I submit that the reverse proposition is equally valid: The President and the Cabinet itself need a Secretary of Urban Affairs and Housing.

What is the significance of the President's Cabinet in our form of government? Opinions differ widely on this question, and it is not easy to give it a simple answer. As we all know, the Cabinet is not established by the Constitution; it is an invention of the Executive, which has grown up over the years. The use made of the Cabinet has varied considerably with different Presidents. Some have made extensive use of it as a method for coordinating the Government's varied programs; other Presidents have used it largely as a political sounding board.

In general, however, I think it is fair to say that the Cabinet, together with the President, constitute the hard core of an administration. These are the men who have most continuous access to the President, and the most intimate understanding of his views. These are the men who have the most continuous responsibility for coordinating the almost unbelievably complex activities of modern government. Of course, final decisions must be made by the President himself—he cannot delegate them to a committee. But these are the men who hammer out the policy, subject to his final approval.

Now let us suppose that the Cabinet undertakes a review of the state of the general economy. Should not such a discussion include the views of the Government's principal housing official, considering that housing is perhaps the third largest factor in the entire economy?

It is difficult to think of anything more vital to economic stability, prosperity, and growth, yet there is no Cabinet officer to bring special knowledge and experience to bear on this subject.

Or let us imagine that the Cabinet is concerned with the many problems resulting from the movement of population from the farms to the cities. How absurd it is that we have a Cabinet officer present to discuss the problems of the areas from which the people are moving, but none to represent the areas to which they are moving.

I could give a dozen other examples. For instance, the Cabinet often reviews the general budget picture. Surely, such a review must be incomplete without a spokesman for the programs of the Housing and Home Finance Agency, which constitutes one of the largest and most complex parts of the entire budget, outside the national security area.

I think it is self-evident that the programs of the Department of Agriculture, or of Labor, or of Health, Education, and Welfare, or of Commerce would benefit by having at the Cabinet table a spokesman for urban affairs and housing.

Now, it has been argued since this proposal was made that the Housing Administrator can and sometimes does attend Cabinet meetings at the invitation of the President. In all charity, this argument is just a little silly. Of course the Administrator can go to a Cabinet meeting if the President ask him. So could I. A man may eat by invitation in the Senate dining room, but that does not make him a Senator. An official does not get to be a member of the President's Cabinet by attending meetings—he gets there by heading an executive department of Government.

People may talk as much as they like about this being a mere matter of prestige, and so on. But there is not one person on this floor who does not know that a Cabinet officer has more influence, more weight, and more effect than the head of an independent agency. That is a fact of life, and will continue to be.

Mr. President, I conclude that the facts clearly show that the President and the Cabinet itself need the inclusion in its structure of a Secretary of Housing and Urban Development, if the Cabinet is to function as it should to assist this and future Presidents in their duties as Chief Executive.

In Government, as in business, improved organization should yield greater efficiency and productivity in all programs, not just one.

After all, the principles of organization in big government are not greatly different from those in big business. If Government agencies were big private corporations, we would not have any doubt about what to do, and we would confidently expect that clarifying the basic organization structure and establishing clear lines of authority and responsibility would pay off in increased efficiency.

Mr. President, I am convinced that this reorganization means savings to the taxpayer over the next few years not of thousands but of millions and tens of millions of tax dollars.

I turn next to the importance—in my judgment, the critical importance—of the highest degree of coordination among all the related programs and activities of the Housing and Home Finance Agency. For it is precisely here that our cities and urban areas will benefit most from the reorganization proposed by the President.

Let us take a neighborhood in some city—almost any city. It could be in a great metropolitan center, or in a town of 25,000 or 10,000. This neighborhood we are supposing is getting old; it has started down the incline that ends in a slum. Part of it is a slum now—much of it is not—not yet. Every Senator has seen a hundred such neighborhoods in his own State.

Now, a local public agency begins to survey this area and make plans for rescuing it—for stopping the process of decay and starting the neighborhood back on the upgrade. It is enabled to do this job by a planning advance under title I of the Housing Act of 1949, administered by the Housing and Home Finance Agency. When the planning job is done, the local agency receives a contract for an urban renewal project, which will involve clearance of those parts of the neighborhood that are too far gone, and conservation and improvement of the rest.

Under title I, the urban renewal plan for the area must conform to a general plan for the community as a whole. If that plan is inadequate or obsolete—or if, as it too often true—it doesn't exist at all, then another branch of the local government may seek assistance from the Housing and Home Finance Agency under section 701 of the Housing Act of 1954. If our neighborhood is in a small city or town, that grant will come to it through the State planning agency.

When the local agency begins to carry out its project, people and small businesses will have to be relocated. The Urban Renewal Administration in the Housing and Home Finance Agency makes grants to pay relocation expenses, up to the limits specified in the law. But moving expenses are only part of the problem. Where are the people to live? Perhaps, if they are low-income families,

in public housing assisted by the Public Housing Administration with annual contributions.

Or if they are in the middle income range, in new or rehabilitated housing financed with FHA mortgage insurance under section 221. Or, if their incomes are high enough, in new or existing standard housing financed under FHA's section 203, or perhaps in rental housing under section 207. Perhaps a labor union or some similar group decides to form a cooperative to provide the needed housing. In that case, probably they will find their financing through FHA's section 213.

Experience has shown that a great many of the people who have to be relocated from project areas in the central cities are advanced in age. It is a tragic fact that rundown neighborhoods tend to be heavily populated by older people. All five constituents of the Housing and Home Finance Agency have special programs designed to assist the local community in the solution of this very human relocation problem. Each program, of course, is pointed toward a different kind of need.

For example, the Federal Housing Administration provides a special form of mortgage insurance for housing for elderly people where the capital put in and the revenues of the project make up an economically sound, long-term loan. The community facilities administration makes direct loans at the college housing interest rate, to provide decent housing at lower rentals. And at the lowest income levels, the Public Housing Administration has a special program for older people.

But we still have not considered what is to be built on the cleared land. Is it to be residental? In that case, because of the special elements of risk involved in what formerly was a slum or near-slum area, in all probability the financing of the housing to be built will have to be supported by FHA insurance under section 220. Or perhaps public facilities are necessary to improve the area. If so, planning advances are available from the community facilities administration of the Housing and Home Finance Agency to be repaid when construction is actually undertaken, sometimes with the aid of a CFA loan. But let me note that the Housing Act of 1954, which authorized the public works advance planning program, requires that any project so assisted conform to any applicable general plans for the development of the area as a whole—and so we come full circle.

Mr. President, I feel safe in asserting that there is no other department or agency in Government where it is so clearly true that one major project in one city or town may involve, not only every major constituent agency or bureau, but even every program administered by these different but associated agencies.

Perhaps I have not said enough about the Federal National Mortgage Association. Note well that the FNMA is as much in the heart of these operations as any of its sister agencies. It is the special assistance support of the FNMA which is the catalyst, if you will, for such diverse activities as housing in urban renewal areas, housing for relocated families or the elderly and other special-purpose form of financing which have not yet established their place in the private market.

I could expand this discussion further. For example, we all recognize the tremendous economic importance of maintaining and improving our existing stock of housing, in which the Nation has an investment on the order of $500 billion. That is a key piece of our hypothetical urban renewal project—to preserve and upgrade the major portion of the area, without having to resort to the drastic surgery of clearance and demolition. And to accomplish this, probably the key tool is the authority granted to FHA in the Housing Act of 1961 to insure loans up to $10,000 and up to 20 years for major home improvements.

Mr. President, there are probably a half dozen or more important programs I have not yet cited in this connection, but it seems to me that this is enough. It would require, it seems to me, an astonishingly effective set of cross-eyed spectacles for anyone to fail to see the importance—the basic national significance—of establishing at the national level that form of organization which will produce the highest degree of coordination and unity of purpose in the planning and execution of these necessarily complex problems.

Mr. President, on February 7, 1962, the senior Senator from Pennsylvania addressed this body on the proposed new Department. No one in this body has had deeper concern for the problems of our cities or done more to help solve them than the Senior Senator from Pennsylvania. After laying to rest the most terrifying of the "bogeymen" raised by opponents of the Department, he explains these four important things which the creation of the new Department would do:

First, it would raise the status of a cluster of governmental programs, which, taken together, have a tremendous impact on the development of communities of all sizes.

Second, the plan would bring greater attention to the problems of urban America.

Third, the reorganization would improve the coordination of Federal functions affecting communities.

Fourth, the new Department would be in a better position to provide information and technical assistance to State and local governments on problems arising from urban growth.

These are four major benefits which would flow to all of our communities and ultimately to all of the Nation.

THE ARGUMENTS AGAINST THE PLAN EXAMINED

Mr. President, the arguments which have been made against the proposal to establish a Department of Urban Affairs and Housing are to me clearly without foundation. This is not because they are lacking in surface plausibility but rather because each of them is based on a misconception of what the bill would actually do or not do.

Some have criticized it because they fear that the reorganization by itself will mesmerize future Congresses into enacting substantive proposals which will somehow destroy the States. On the other hand, those who mistakenly expect this reorganization to solve major substantive as well as organizational problems naturally feel that the bill does not do enough. They say it would merely create some high-ranking offices, and that this is hardly worth all the bother. Interestingly, neither of these two inconsistent views of the matter is without precedent.

In the House debate on January 15, 1903, Mr. Gaines had the following objection to the creation of the Department of Commerce and Labor, the predecessor to our two present departments:

In such action, Mr. Chairman, are we undertaking to absorb, by right of might, if you please, the powers and rights of the State? Is not such legislation an invitation for the Government of the United States to rush down and undertake to attend to all the varied business of the States and crush the latter? If we continue to do this—and we see the great tendency toward it—how soon will it be before the States are destroyed—the States that created the Union?

In the House debate on May 21, 1888, Mr. Blount spoke as follows in opposition to setting up a Department of Agriculture:

Mr. Speaker, if I could see any benefit to result to the farmers of the country from this bill, I would give it my cordial support. * * * What is proposed in this bill for the purpose of advancing agriculture? You have today the Agricultural Bureau in existence, with all its functions; and what are you proposing now? Simply to create some new offices. You propose to make the head of that Department a Cabinet officer, with increased salary; and you propose to create an assistant who is to receive a liberal salary. Beyond this, except transferring to the Agricultural Department the signal service—a service which, so far as I know, is well conducted today—there is nothing in this bill. I can not see anything in it for the purpose of promoting agriculture.

Returning to the bill now before us, I want to try to summarize the objections which have been made and explain why they do not persuade me.

First. It has been said that the establishment of a new department will lead to large increases in programs and spending for urban development and housing. This argument fails to give full and proper weight to the fact that only the Congress can establish new programs of assistance for housing and urban development and only the Congress can authorize or appropriate funds for new or expanded programs. The Congress will do neither when it approves this bill.

Certainly, the need for a Cabinet department to handle Federal programs of urban development and housing will make it easier for the executive branch to administer and coordinate any future expansion of Federal interest approved by the Congress in this area. The lack of a Cabinet department has not prevented the Congress from enacting new programs and expanding existing ones

to help alleviate some of these problems of urbanization. Nor will the existence of a Cabinet department create—in and of itself—new programs and expenditures.

Second. Some fear that the reorganization plan will weaken State and local governments and centralize more power in Washington. Let me say first, on this point, that as a former Governor and as a present member of the Intergovernmental Relations Commission, I would find it impossible to support any measure which would result in the reduction of State and local authority and initiative. In fact, this bill would not extend in any way the power or control of the Federal Government over other governmental jurisdictions, nor would it in any way affect the authority of any State, city, or other local body.

The Department would administer programs enacted by the Congress. The legislation authorizing these programs sets the framework for the relationship between the Federal Government and the State or local governments receiving assistance.

All of the intergovernmental programs which would be assigned to the Department provide financial assistance only to State or local public bodies which request it. Participation by cities or other local bodies must be authorized by the State legislature or some specific constitutional provision, or both.

Establishment of a Federal department with Cabinet rank to deal with particular types of problems has in the past stimulated the States to create their own departments designed to deal with the same types of problems at the State level. For example, the establishment of a Federal Department of Labor with Cabinet rank in 1913 served not only to give labor a voice in the Cabinet, but also lead the way for every State in the Union to form an executive department or agency to deal with problems affecting labor.

As a result of the urban planning assistance program of the Housing and Home Finance Agency, authorized in 1954, about three-fourths of the States have established new State agencies or authorized existing State agencies to participate in that program. It provides matching grants for urban planning agencies. The number of States participating has risen from 4 in 1955 to 47 at present.

It is true, of course, that the States should further strengthen their own capacity to deal with housing and urban matters. For example, only six States now make contributions to urban renewal programs. The need for greater State initiative in this areas is well recognized. But far from weakening State participation in these programs, the Department would have as a practical responsibility the encouragement of States to exercise positive leadership in solving urban problems.

Third. The argument has also been made that departments should be organized by major purpose rather than by geographic areas and that a Department of Urban Affairs and Housing will create a cleavage between our urban and rural populations. The new Department would not be established on any geographical basis or on the basis of where people live. Rather, it would be established to deal with problems, programs, and activities which are primarily and peculiarly urban. This would not create any cleavage between urban and rural people, because it does not alter any Federal functions applicable to them. The Department is needed, not strictly because 70 percent of our people live in urban areas, but because of the magnitude and intensity of urban problems which have developed.

The urban development and urban housing functions which would be assigned to the Department all have a unified objective—to provide homes in good neighborhoods in well-planned communities adequately served by related public facilities. In fact, the functions of the Department are more closely interrelated in objective than are the programs of most existing departments. It is this complex interrelationship of program purpose which has contributed to the demand for Cabinet status for the present agency.

It must be remembered, too, that the Department would not administer all of the Federal programs having an impact on urban areas. The Department would help provide leadership and coordination within the executive branch in regard to the major problems of urban growth, but other important Federal activities for assistance to cities in such areas as education, health, and interstate highways would continue to be handled by the agencies to which they are now assigned on the basis that their primary purposes relate to education, health, and commerce.

There is no more reason to suppose that the establishment of this Department will create friction between urban and rural dwellers than did the establishment of the Department of Agriculture. If anything, I think it is fair to assume that the new Department would achieve a happy balance which has been long lacking.

Fourth. Objections have been made because some important urban functions would not be placed in the new Department. Some have opposed the plan because of its failure to include in the functions of the new Department such functions as assistance for highways, air and water pollution, hospital construction, and others.

The establishment of the Department will provide a Cabinet officer who can deal more effectively with other Cabinet officers on problems of mutual interest. It is neither necessary nor desirable, however, for one department to administer by itself all of the programs affecting urban areas.

The body of programs now being administered by the Housing and Home Finance Agency and which would be transferred to the new Department provide a sound basis for the kind of leadership at the Federal level which is needed. Programs of the Department for assistance to urban areas in comprehensive planning for urban land use and future development permit the localities themselves and the other Federal agencies involved to appraise the need for and the best location of such things as highways, schools, health, and sanitation facilities.

These same comprehensive plans would provide a basis for approval by the new Department of various aids which it would administer directly—programs for urban redevelopment and renewal, community facilities planning and construction, mass transportation, and housing.

The additional programs which have been suggested for inclusion in the new Department are being satisfactorily administered by the agencies in which they now reside and in which they have been placed on the basis that their purposes related primarily to commerce or health rather than to desirable urban development as such. A Cabinet department will provide a strengthened mechanism within the executive branch for assuring a proper relationship among all of these programs.

Fifth. Groups whose interest have been focused on homebuilding have expressed fear that the new department would emphasize urban affairs functions to the detriment of the housing functions assigned it. There is no basis at all for any such nervous concern. The fact is that the bill would make the Government's principal housing official a member of the Cabinet and thus strengthen the organizational position of the housing programs within the Federal establishment.

Historically, housing has formed the nucleus for the other programs assigned the present Housing and Home Finance Agency, and must continue to do so. About three-fourths of all of the privately owned structures or our urban areas are residential. In addition to assisting in the provision of this housing, the programs of the Department would assist in planning, financing, and providing the community facilities and other amenities which are necessary to serve and support housing, including well-planned neighborhoods and communities.

Sixth. Yet another baseless fear is expressed by those who predict that the new Department will emphasize aid to big cities, to the detriment of smaller communities. There is nothing at all in the plan which supports this fear and there is ample evidence in the entire history of substantive housing and community development legislation which negates it. As has been emphasized already, the plan does not change in any way the programs now being administered by the Housing Agency, nor the relationships of the Federal Government with other levels of government in the administration of those programs. The Department would continue to emphasize aid to smaller communities, as the Housing Agency has done in the past, because they frequently have the greater

need and because Congress has enacted programs which authorize such assistance to smaller communities, often on a priority basis.

Seventh. Perhaps the gentlest argument against the plan is the one which assumes that the existing Housing Agency can do just as well everything that the new Department would do. The bill would in fact do two very important things which need doing and cannot be done without the plan:

It would elevate to Cabinet rank the agency having primary responsibility for housing and urban development programs; and

It would give the Secretary of that Department the clear authority to administer effectively the programs of the Department and to assure that they are properly coordinated with each other and with the programs of other departments.

The importance of these objectives should not be minimized. Witness after witness before our committee has stressed the need for stronger leadership in urban development and housing at the Federal level.

The kind of leadership we should seek cannot be provided by an independent agency head who is not a Cabinet member and who has only the power of general supervision and coordination over two major constituent agencies whose powers are not vested in the head of the entire agency. A provision in the Independent Offices Appropriation Act, 1955, cited by some as constituting a full grant of authority to the Housing and Home Finance Administrator, is simply inadequate. It must be taken in the context of the statutory limitations on the present powers of the Administrator which indicate congressional intention that basic program functions, as distinct from administrative services, shall not be subject to the Administrator's direction, but only to his general supervision and coordination.

This very limiting phrase is repeated in the 1955 appropriation act provision. The phrase in turn was clearly intended to be far more limited than the phrase "Superintendence, direction, coordination, and control." Indeed, the latter phrase was included in plan No. 1 of 1946 which would have created an overall housing agency 1 year earlier, and this inclusion led to the defeat of the 1946 plan. Thus, the provision most certainly does not provide an adequate, or even a very clear, vesting of responsibility. Also, it fails to vest in the Housing Administrator the statutory functions previously vested in constituent agency commissioners.

CONCLUSION

In conclusion, Mr. President, I want to reemphasize the fact that this bill is an urgently needed step in good government organization.

The new Department would give a voice in the Cabinet on urban and housing matters so that proper consideration and weight would be given to them in the overall administration of the executive branch. It would enable a better coordination of the interrelated functions of the various departments.

The new Department would give our States and communities an urgently needed agency at the departmental level to assist them in formulating and carrying out local programs relating to their general physical planning and development. This is the basis on which the Department would be established. It would not be established on a geographical basis or provide a cleavage between rural and urban populations. It would administer an especially logical category of functions in the executive branch.

In no way whatsoever would the Department extend Federal authority or reduce the stature and position of the States and localities. Instead, history teaches us that the functions of States and localities in this field would be stimulated and strengthened by the creation of the Department.

The bill would have no significant bearing on either the size of any programs or the size of the organizations administering them, as these would continue to be fixed in legislation enacted by the Congress. In fact, the internal organization of the Department would be put on a sound basis to permit greater efficiency and economy, which should result in substantial savings in the cost of services and in the cost of financing the local projects which are being assisted.

Mr. President, in the interest of the better management of the executive branch and to better serve our States, our cities and towns, and the people for whom they exist, I urge approval of this legislation.

Mr. RIBICOFF. Mr. President, I yield 1 minute to the Senator from Hawaii.

Mr. INOUYE. Mr. President, I am in complete agreement with the purposes of S. 1599, the bill to establish a Department of Housing and Urban Development. As the recent Senate discussions on the Omnibus Housing bill clearly showed, the problems and projects now being undertaken by the Housing and Home Finance Agency and the Public Housing Administration of that Agency have reached a size and magnitude which can best be handled by a Cabinet-level department. This bill will also go a long way toward more efficient administrative coordination of our various programs in the area and will further provide a most appropriate vehicle for long-range planning of programs dealing with urban housing and development by State and local governments.

I wish to commend the distinguished Senator from Connecticut [Mr. RIBICOFF] for his effective and eloquent leadership in the management of this most important measure.

Mr. RIBICOFF. Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I want to comment on S. 1599 which has been considered by the Government Operations Committee, of which I am a member. This bill has received the special attention of the subcommittee on which I serve, headed by Senator RIBICOFF. I was fortunate enough to sit in on almost all of the hearings that were held in connection with this bill. The bill is not new to the Congress or the Nation and it has been considered for many years and has been rejected every time it has been considered. After studying the bill and reviewing it carefully, I see nothing which would indicate that Congress or the Nation should change its thinking in regard to the need for such a department.

Simply stated, this bill only elevates the Housing and Home Finance Administration to Cabinet rank. Among the witnesses that I heard and the Senators that have discussed this bill, I find no one that is satisfied with it or thinks that this bill will accomplish its objective. Those who support it realize that the bill only does one thing and that is to elevate the Housing and Home Finance Administration to Cabinet rank. It does not incorporate the 43 programs affecting urban development which are administered by 5 executive departments and 8 independent agencies. The proponents of this bill recognize that if we are to truly have a department of Cabinet rank to deal with urban development, it should be a department which would include these 43 programs and have enough authority and ability to wrestle with the problems that the cities encounter. Unfortunately, in the minds of the proponents, there is not even an attempt to pull in these urban-oriented agencies.

The opponents of the bill criticize it because they feel, and in my judgment rightly so, that this bill is a "foot-in-the-door approach." It is an attempt by the Federal planners to acquire control and domination of our cities throughout the Nation. The opponents realize that this Department will not have the authority to deal with urban problems or with housing problems under the terms of this bill. Consequently, the social planners must immediately start the drive to accumulate the control and power over the other agencies and departments which affect urban development and housing.

Those who support the creation of a new Cabinet-level department predicate their belief and support in such a department on the erroneous presumption that the problems of urban areas are likely to be better solved by Federal aid and attention of Cabinet rank than they can be solved by the present Federal agencies, State and local governments.

Senator RIBICOFF, who is leading the fight for enactment of this legislation, stated at the hearings:

> I would like to see it (referring to the Department) established, but if it is going to be established, let us establish a department that can really do a job for America.

Senator RIBICOFF is wise enough to realize that the bill in its present terms and under its present scope cannot begin to deal with the problems that the cities have and that by elevating the HHFA the problem will not be solved.

It is interesting to note that this bill is basically the same bill that was before the Congress in 1961, the difference being that the words have been reshuffled. In 1961 it was called the Department of Urban Affairs and Housing instead of the Department of Housing and Urban Development as we now call it. The reason given for this change is to put Fed-

eral priority on housing, but it is interesting to note it does not encompass the Federal Government's largest agency dealing with housing. The Housing and Home Finance Administration has within its jurisdiction the Public Housing Administration and Federal Housing Administration which are responsible for a little over 500,000 units per year. On the other hand, the housing agencies excluded from the proposed Cabinet-rank Department; namely, the Federal Home Loan Bank system and the VA home loan program, are responsible for over a million and a half units. Consequently, you can see by this comparison that this Department as proposed would not begin to put Federal priority on the housing of the Nation.

I oppose this bill, not because the bill is inadequate and is not comprehensive enough to even begin to touch the problems of the cities, but because I feel that it creates a serious threat to our form of government. It is not wise for the Federal Government to establish a department whose sole purpose is to deal with the urban areas of the Nation. This process will elevate and stimulate the direct association of the Federal and city governments, thus bypassing the State government entirely. Encouragement of the city-Federal relationship would be a definite setback at this time when the States and localities are beginning to move closer together in policy and performance. The States now are beginning to respond to the needs of the city and are beginning to recognize their role and their responsibilities. I do not believe that we can afford to weaken that relationship by substituting the city-Federal relationship.

The elevating of the HHFA to a department of Cabinet status deals with structure, not substance, and with symptoms, not causes. It gives it no new authority and gives it no broader purpose. It does nothing to really solve the problems that are experienced by cities other than what it already has. I have been one who has supported the attempt to reorganize the Government and to bring more efficiency to its operations, but this is not a streamlining effort.

The social planners have long encouraged the enactment of this bill. They have done so because they believe in the centralization of all control over our cities. They believe that by enhancing this relationship they will weaken the States' responsibilities in governing the cities and thus they can further eliminate and reduce the effectiveness of a republican form of government which has been so great in the past years.

I do not think that urban development can be handled at the Federal level. The economic and social conditions that make a city what it is should not be manipulated by the Federal social planners who try to regulate the city by its buildings and land as proposed in this bill. The people are the important element of a city and I think that people can best be advised, counseled, and educated through an approach at the local level rather than from the centralized bureaucrats of Washington.

Mr. RIBICOFF. Mr. President, I yield 1 minute to the Senator from Virginia, my distinguished friend and Chairman of the Finance Committee.

Mr. BYRD of Virginia. Mr. President, I oppose establishment of a Federal Department for Housing and Urban Development, as proposed in S. 1599 which is now before the Senate, and I shall vote against the bill.

There are numerous reasons for my opposition to the proposal. Any of these reasons would be sufficient to justify voting against the bill.

Two of these reasons are discussed in a statement I made August 9, and they are backed up by tables showing expenditures, personnel and payroll situations in the Department of Health, Education, and Welfare, and in the Housing and Home Finance Agency.

I ask unanimous consent to have this statement and these tables printed in the RECORD as a part of my remarks.

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

As I said, this statement is confined to only two of the reasons why I shall vote against the bill:

1. A Department of Housing and Urban Development, as proposed, had better be called a department of backdoor spending and contingent liabilities; and

2. We have had experience with a new Department of Health, Education, and Welfare; if the proposed new Housing and Urban Development Department should expand to a degree comparable with the bulging dimensions of the HEW, the new Housing and Urban Agency would be a $225 billion Department in 13 years.

DEPARTMENT OF BACKDOOR SPENDING AND CONTINGENT LIABILITIES

The administration has proposed that the new Department of Housing and Urban Development should be composed of existing agencies and programs generally referred to as follows:

1. Urban renewal programs (loans and grants for slum clearance);

2. College housing program (long-term low-interest construction loans);

3. Public facility loan program (long-term low-interest loans for construction of facilities including some loans for mass transportation);

4. Housing for the elderly (long-term low-interest loans for rental housing and related facilities);

5. Open space land program (grants for land acquisition);

6. Federal Flood Indemnity Operations (including inactive disaster loans and insurance program);

7. Rehabilitation loan program (low interest rate loans to rehabilitate properties to conform to code requirements);

8. Urban mass transportation (loans and grants for facilities and equipment);

9. Federal National Mortgage Association (support of mortgage market through direct purchases);

10. Federal Housing Administration (insurance of private loans for construction and repair of residential housing);

11. Public Housing Administration (grants, and direct and guaranteed loans for local public housing projects); and

12. Other Housing and Home Finance Agency activities including research, planning, and demonstration projects, etc.

Backdoor spending

Authority to spend proceeds from the sale of Federal bonds, under contract authorizations, and out of revolving funds—all outside of effective appropriation control—are among the readily recognizable forms of backdoor spending.

Every major program and agency proposed to be consolidated into the new Housing and Urban Development Department spends through the backdoor. Their total spending authority for fiscal year 1965 was estimated at $15.7 billion, and all but some $400 million is through the backdoor.

Contingent liabilities

Contingent liabilities (against the Federal Government) are what the term implies. The Federal Treasury must pay off if and when certain contingencies develop. Federal insurance and guarantees of housing mortgages are prime examples.

As of the end of fiscal year 1965, programs and agencies proposed to be consolidated in the new Housing and Urban Development Department had used the public credit to underwrite outstanding mortgages and other contingent liabilities to a total of about $53 billion.

The Federal Housing Administration has unlimited authority to increase the contingent liabilities against the Federal Treasury in the form of insured housing mortgages, and the Public Housing Administration has unused authority to create additional contingent liabilities in guaranteed local bond issues for construction of new low-rent public housing units.

There is ample reason to call this proposed new Department a department of backdoor spending and contingent liabilities.

A $225 BILLION DEPARTMENT

The Department of Health, Education, and Welfare is the newest Federal Department. The HEW Department was etablished in April 1953. It had its 12th anniversary this spring.

HEW DEPARTMENT

During fiscal year 1953 the programs and agencies which became components of the new HEW Department spent $1.9 billion; they employed 40,264 people, and their combined payroll costs totaled, $170,133,000.

For fiscal year 1966, beginning last July 1, the President's budget estimates that HEW, in its 13th anniversary year, will spend $7.8 billion, that it will employ 88,702 people, and that its payroll costs will total $650,543,000.

In short, during 13 years since their consolidation into a Federal Department, HEW components have increased their combined expenditures more than 300 percent; their employment has more than doubled and their payroll costs have nearly quadrupled.

HOUSING AND URBAN DEPARTMENT

The President's budget estimate for fiscal year 1965 shows $15.7 billion was available for expenditure through programs and agencies proposed to be consolidated into the new Department of Housing and Urban Development.

As of the end of fiscal year 1965, the budget estimates that these programs and agencies had outstanding direct and insured loans totaling $59.2 billion.

Taking probable duplications into account, it may be estimated that these agencies as of June 30, 1965, were the custodians of spending authority and outstanding direct and insured loans totaling approximately $75 billion.

GROWTH

The record shows that HEW, the newest of the Federal Departments, increased expenditures more than 300 percent in 13 years as a Department, more than doubled its employment, and nearly quadrupled its payroll costs.

If the proposed new Department of Housing and Urban Development should be established, and if it should equal HEW's growth rate, it would be a $225 billion Department by fiscal year 1978.

Increases in Federal expenditures and employment in HEW agencies and programs during 1st 13 years [1] (fiscal years 1953–66) under the Department of Health, Education, and Welfare

[Dollars in thousands]

Program	Expenditures			Payroll and employment					
	Programs transferred to HEW,[2] fiscal year 1953	Department of HEW, fiscal year 1966 (estimated)	Change	Fiscal year 1953		Fiscal year 1966 (estimated)		Change	
				Payroll obligations	Average employment	Payroll obligations [3]	Average employment	Payroll obligations [3]	Average employment
Food and Drug Administration:									
Salaries and expenses	$5,757	$48,372	+$42,615	$4,766	886	$33,663	4,043	+$28,897	+3,157
Buildings and facilities		7,339	+7,339						
Revolving fund for certification	1,119	−77	−1,196	817	166	1,756	228	+939	+62
Advances and reimbursements						97	9	+97	+9
Subtotal, Food and Drug Administration	6,877	55,634	+48,757	5,583	1,052	35,516	4,280	+29,933	+3,228
Office of Education:									
Expansion and improvement, vocational education	18,321	178,400	+160,079						
Higher education facilities construction		165,000	+165,000						
Further endowment of agricultural and mechanic arts	2,480	11,950	+9,470						
Grants for public libraries		37,000	+37,000						
Payments to school districts	65,956	321,000	+255,044	443	103			−443	−103
Assistance for school construction	135,186	47,000	−88,186	674	108	60	7	−614	−101
Defense educational activities		360,000	+360,000						
Educational improvement for handicap		15,700	+15,700						
Cooperative research		14,000	+14,000						
Educational research, foreign currency program		400	+400						
Foreign language training and area studies		1,750	+1,750						
Salaries and expenses	3,221	22,138	+18,917	2,581	438	15,289	1,603	+12,708	+1,165
Civil rights educational activities		8,000	+8,000			805	76	+805	+76
Elementary and secondary education (proposed legislation)		500,000	+500,000						
Higher education (proposed legislation)		100,000	+100,000						
Colleges for agriculture and mechanic arts (permanent)	2,550	2,550							
Promotion of vocational education, permanent	7,111	7,117	+6						
Advances and reimbursements		10	+10			204	19	+204	+19
Subtotal, Office of Education	234,825	1,792,015	+1,557,190	3,698	649	16,358	1,705	+12,660	+1,056
Vocational Rehabilitation Administration:									
Grants to States	22,246	119,000	+96,755	117	24			−117	−24
Research and training		41,200	+41,200						
Special foreign currency program		2,420	+2,420						
Salaries and expenses	723	3,375	+2,652	571	93	2,765	269	+2,194	+176
Improvements in vocational rehabilitation (proposed legislation)		7,000	+7,000						
Subtotal, Vocational Rehabilitation Administration	22,969	172,995	+150,027	688	117	2,765	269	+2,077	+152
Public Health Service:									
Buildings and facilities		27,481	+27,481						
Injury control		4,091	+4,091			1,405	167	+1,405	+167
Chronic diseases and health of aged		57,083	+57,083			7,424	882	+7,424	+882
Communicable disease activities	6,000	49,378	+43,378	4,878	1,035	11,818	1,663	+6,940	+628
Community health practice and research		59,001	+59,001			2,803	324	+2,803	+324
Control of tuberculosis	8,079	14,998	+6,919	1,701	357	2,230	291	+529	−66
Control of venereal diseases	9,914	10,296	+382	2,917	614	5,264	914	+2,347	+300
Dental services and resources		7,795	+7,795			2,240	246	+2,240	+246
Nursing services and resources		20,492	+20,492			1,274	154	+1,274	+154
Hospital construction activities	110,156	232,400	+122,244	1,103	173	2,786	283	+1,683	+110
Construction of health educational facilities		37,000	+37,000			433	40	+433	+40
George Washington University Hospital construction		1,000	+1,000						
Environmental health sciences		14,438	+14,438			1,709	198	+1,709	+198
Air pollution		23,424	+23,424			4,494	567	+4,494	+567
Environmental engineering and sanitation		9,035	+9,035			2,716	354	+2,716	+354
Occupational health		5,574	+5,574			1,709	214	+1,709	+214
Radiological health		20,866	+20,866			5,774	812	+5,774	+812
Water supply and water pollution control		38,974	+38,974			12,878	1,703	+12,878	+1,703
Grants for waste treatment works construction		80,000	+80,000						
Hospital and medical care	33,962	54,550	+20,588	30,505	7,025	44,159	6,672	+13,654	−353
Foreign quarantine service	3,066	6,900	+3,834	2,708	562	5,280	660	+2,572	+98
Indian health activities (fiscal year 1953 estimated)	24,123	62,800	+38,677	13,652	3,651	37,303	5,524	+23,651	+1,873
Construction of Indian health facilities		11,200	+11,200			759	127	+759	+127
General research and services		93,355	+93,355			2,417	257	+2,417	+257
National Institute of General Medical Sciences		63,649	+63,649			1,446	165	+1,446	+165
Biologic standards		6,405	+6,405			2,333	299	+2,333	+299
National Institute of Child Health and Human Development		42,062	+42,062			2,108	233	+2,108	+233
National Cancer Institute	19,380	132,487	+113,107	2,779	549	12,226	1,415	+9,447	+866
Special cancer research		4,000	+4,000						
National Institute of Mental Health	10,786	182,028	+171,242	1,221	219	11,235	1,291	+10,014	+1,072
Construction of community mental health centers		15,000	+15,000						
National Heart Institute	13,051	118,890	+105,839	1,585	325	6,342	743	+4,757	+418
National Institute of Dental Research	1,746	19,204	+17,458	956	175	2,528	301	+1,572	+126
National Institute of Arthritis and Metabolic Diseases		107,910	+107,910	1,737	313	5,640	614	+3,903	+301
National Institute of Allergy and Infectious Diseases		67,656	+67,656	2,260	477	5,618	703	+3,358	+226
National Institute of Neurological Diseases and Blindness		83,208	+83,208	113	19	5,634	708	+5,521	+689
Grants for construction of health research facilities		47,000	+47,000						
Construction of mental health-neurology research facility		4,200	+4,200						
Grants for cancer research facilities		1,000	+1,000						
National Institutes of Health management fund						29,663	4,420	+29,663	+4,420
Operating expenses, National Institutes of Health	16,417		−16,417	3,596	886			−3,596	−886
Scientific activities overseas, foreign currency program		5,300	+5,300						
National health statistics		7,300	+7,300			3,031	377	+3,031	+377
National Library of Medicine		4,960	+4,960			2,262	302	+2,262	+302
Retired pay of commissioned officers	1,085	7,300	+6,215						
Salaries and expenses, Office of Surgeon General	3,354	6,600	+3,246	3,125	572	5,220	549	+2,095	−23
Emergency health activities		8,000	+8,000			1,818	177	+1,818	+177
Proposed health legislation		58,000	+58,000						
Proposed pollution control legislation		12,000	+12,000						

See footnotes at end of table.

Increases in Federal expenditures and employment in HEW agencies and programs during 1st 13 years [1] *(fiscal years 1953–66) under the Department of Health, Education, and Welfare*—Continued

[Dollars in thousands]

Program	Expenditures			Payroll and employment					
	Programs transferred to HEW,[2] fiscal year 1953	Department of HEW, fiscal year 1966 (estimated)	Change	Fiscal year 1953		Fiscal year 1966 (estimated)		Change	
				Payroll obligations	Average employment	Payroll obligations [3]	Average employment	Payroll obligations [3]	Average employment
Public Health Service—Continued									
Assistance to States, general	$16,152		−$16,152	$2,628	508			−$2,628	−508
Engineering, sanitation, and industrial hygiene	3,780		−3,780	3,082	553			−3,082	−553
Disease and sanitation investigation, etc., Alaska	1,106		−1,106	406	66			−406	−66
Construction of research facilities	12,406		−12,406	47	29			−47	−29
Miscellaneous	1,264		−1,264						
Operation of commissaries, narcotic hospitals	16	−$1	−17	48	14	$65	12	+17	−2
Bureau of State Services management fund						4,606	561	+4,606	+561
Service and supply fund	−104	−8	+96	81	20	4,319	635	+4,238	+615
Working capital fund, narcotic hospitals	−25	−11	+14	172	41	326	48	+154	+7
Advances and reimbursements		332	+332			5,562	629	+5,562	+629
Subtotal, Public Health Service	295,715	1,946,602	+1,650,887	81,300	18,183	268,857	36,234	+187,557	+18,051
St. Elizabeths Hospital:									
Salaries and expenses	2,460	8,500	+6,040	9,029	2,492	22,704	3,869	+13,675	+1,377
Buildings and facilities	933	2,200	+1,267						
Advances and reimbursements		3	+3			159	25	+159	+25
Subtotal, St. Elizabeths Hospital	3,393	10,703	+7,310	9,029	2,492	22,863	3,894	+13,834	+1,402
Social Security Administration:									
Limitation on salaries and expenses, OASI trust fund	(65,150)	(355,966)	(+290,816)	54,081	14,133	250,721	35,452	+196,640	+21,319
Limitation on construction, OASI trust fund		(7,245)	(+7,245)						
Payments for military service credits		60,000	+60,000						
Operating fund, Bureau of Federal Credit Unions		−161	−161			3,965	454	+3,965	+454
Salaries and expenses, Bureau of Federal Credit Unions	273		−273	154	34			−154	−34
Supervision of Federal Credit Unions	899		−899	737	158			−737	−158
Salaries and expenses, Office of the Commissioner	213		−213	279	42			−279	−42
Advances and reimbursements						583	124	+583	+124
Subtotal, Social Security Administration	1,385	59,839	+58,454	55,251	14,367	255,269	36,030	+200,018	+21,663
Welfare Administration:									
Grants to States for public assistance	1,329,933	3,242,100	+1,912,167						
Assistance for repatriated U.S. nationals		300	+300						
Salaries and expenses, Bureau of Family Services	1,639	6,235	+4,596	1,441	263	5,228	524	+3,787	+261
Grants for maternal and child welfare	31,503	151,000	+119,497						
Salaries and expenses, Children's Bureau	1,563	3,994	+2,431	1,250	217	3,367	327	+2,117	+110
Juvenile delinquency and youth offenses		8,000	+8,000			398	36	+398	+36
Salaries and expenses, Office of Aging		663	+663			520	48	+520	+48
Cooperative research or demonstration projects		1,800	+1,800						
Research and training, foreign currency program		800	+800						
Salaries and expenses, Office of Commissioner		1,258	+1,258			934	86	+934	+86
Assistance to refugees in United States		33,570	+33,570			483	80	+483	+80
Proposed legislation:									
Improvement of medical care for needy children under public assistance		100,000	+100,000						
Improvement and expansion of public assistance		114,000	+114,000						
Grants for maternal and child health services		25,000	+25,000						
Advancements and reimbursements						22	3	+22	+3
Subtotal, Welfare Administration	1,364,638	3,688,720	+2,324,082	2,691	480	10,952	1,104	+8,261	+624
Special institutions:									
American Printing House for Blind	175	909	+734						
Salaries and expenses, Freedmen's Hospital	2,916	4,514	+1,598	2,804	844	6,554	1,086	+3,750	+242
Salaries and expenses, Gallaudet College	437	2,250	+1,813	413	111	2,289	292	+1,876	+181
Construction, Gallaudet College	90	1,100	+1,010						
Salaries and expenses, Howard University	2,875	10,850	+7,975	3,700	986	13,942	2,040	+10,242	+1,054
Construction, Howard University	1,862	7,120	+5,258						
Plans and specifications, Howard University	17		−17						
Subtotal, special institutions	8,372	26,743	+18,371	6,917	1,941	22,785	3,418	+15,868	+1,477
General administration and other:									
Salaries and expenses, Office of Secretary	888	3,762	+2,874	1,085	209	3,656	358	+2,571	+149
Limitation payable from OASI trust fund		(483)	(+483)						
Salaries and expenses, Office of Audit		3,125	+3,125			2,995	311	+2,995	+311
Office of Field Administration	1,728	1,874	+146	1,979	416	2,683	357	+704	−59
Limitation payable from OASI trust fund and Bureau of Federal Credit Unions operating fund		(1,326)	(+1,326)						
Surplus property utilization	184	1,045	+861	142	25	854	99	+712	+74
Salaries and expenses, Office of the General Counsel	358	1,430	+1,072	776	119	2,017	208	+1,241	+89
Limitation payable from OASI and FDA funds		(879)	(+879)						
Educational television facilities		12,000	+12,000			215	21	+215	+21
Miscellaneous	2,153		−2,153	535	96			−535	−96
Working capital fund	−84	−98	−14	459	118	2,310	366	+1,851	+248
Advances and reimbursements						450	48	+450	+48
Subtotal, general administration and other	5,226	23,138	+17,912	4,977	983	15,180	1,768	+10,204	+785
Miscellaneous: Consolidated working funds	368		−368						
Total	1,943,766	7,776,389	+5,832,623	170,133	40,264	650,543	88,702	+480,410	+48,438

[1] Changes in agency and program titles since 1953 have been taken into account and as far as possible necessary adjustments have been made for comparative purposes.

[2] Federal Security Agency and Indian Health Activities, Department of Interior.

[3] Reflects pay raise legislation enacted since 1953.

HOUSING AND HOME FINANCE AGENCY

Unexpended balances, new obligational authority, expenditures and employment, fiscal year 1965 (estimated) showing direct and insured loans estimated to be outstanding as of the end of the year

[Dollars in thousands]

Program	Expenditure availability			Expenditures	Outstanding direct and insured loans	Personal services	
	Unextended balances start of year	New obligational authority	Total			Obligations	Average employment
Office of Administrator:							
Salaries and expenses	$1,850	$16,385	$18,235	$15,500		$27,464	2,901
Limitation on nonadministrative expenses		(3,375)	(3,375)				
Urban planning grants	27,890	13,675	41,565	20,000			
Urban studies and housing research	220	397	617	500			
Federal-State training programs (proposed)		5,050	5,050	1,650			
Fellowships for city planning and urban studies		515	515	15			
Open space land grants:							
Administrative expenses		273	273				
Contract authorization	45,116	25,000	70,116	14,000			
Appropriation to liquidate		(14,727)	(14,727)				
Low-income housing demonstration programs:							
Administrative expenses		47	47				
Contract authorization	4,134	5,000	9,134	1,500			
Appropriation to liquidate		(1,228)	(1,228)				
Housing studies: Contract authorization	2,500		2,500				
College housing loans:							
Authorization to expend from public debt receipts	828,612	410,000	1,238,612				
Revolving and management fund	63,244		63,244	229,299	[1] $1,933,451		
Limitation on administrative expenses		(1,975)	(1,975)				
Public facility loans:							
Authorization to expend from public debt receipts	489,271		489,271				
Revolving and management fund	14,174		14,174	41,211	[1] 181,595		
Limitation on administrative expenses		(1,270)	(1,270)				
Public works planning:							
Current appropriation		14,000	14,000	3,430			
Revolving and management fund	20,437		20,437				
Liquidating programs:							
Revolving and management fund	1,735		1,735	−3,564	[1] 10,185		
Limitation on administrative expenses		(114)	(114)				
Urban renewal:							
Authorization to expend from public debt receipts	589,759		589,759				
Contract authorization	2,911,220	1,425,000	4,336,220	309,776	[1] 181,498		
Appropriations to liquidate		(230,000)	(230,000)				
Revolving and management fund	339,364		339,364				
Rehabilitation loan fund:							
Current appropriation		10,180	10,180	976	[1] 776		
Revolving and management fund							
Community disposal operations: Operations fund	2,024		2,024	−25			
Urban mass transportation:							
Current appropriation		65,300	65,300	16,190	[1] 5,000		
Revolving fund							
Housing for elderly or handicapped:							
Current appropriation		25,000	25,000				
Revolving fund	196,447		196,447	45,365	[1] 98,466		
Limitation on administrative expenses		(950)	(950)				
Flood indemnity operations: Authorization to expend from public debt receipts	500,000		500,000				
Subtotal, Office of Administrator	6,037,997	2,015,822	8,053,819	695,823	2,410,971	27,464	2,901
Federal National Mortgage Association:							
Secondary market operations:							
Authorization to expend from public debt receipts	2,365,360		2,365,360	−42,460			
Trust fund	(13,166)		(13,166)		[2] 1,981,738		
Special assistance functions:							
Authorization to expend from public debt receipts	2,043,561	150,000	2,193,561	−515,080	[1] 975,968		
Revolving fund	9,412		9,412				
Management liquidating functions:							
Authorization to expend from public debt receipts	147,222		147,222	−50,000	[1] 1,050,891		
Revolving fund	25,196		25,196				
Government mortgage liquidation fund:							
Revolving fund							
Aids to private housing				−16,400			
Veterans' readjustment benefits				−8,200			
Limitation on administrative expenses		(8,600)	(8,600)			7,072	960
Subtotal, Federal National Mortgage Association	4,590,751	150,000	4,740,751	−632,140	4,008,597	7,072	960
Federal Housing Administration:							
Revolving fund	1,091,604		1,091,604				
Limitation on administrative expenses		(10,085)	(10,085)	−108,510	[3] 47,622,581	8,503	911
Limitation on nonadministrative expenses		(79,775)	(79,775)			63,750	7,920
Advances and reimbursements						710	86
Subtotal Federal Housing Administration	1,091,604		1,091,604	−108,510	47,622,581	72,963	8,917
Public Housing Administration:							
Low-rent public housing program:							
Annual contributions, appropriations		214,000	214,000				
Administrative expenses, appropriations		16,352	16,352				
Authorization to expend from public debt receipts	1,500,000		1,500,000		[1] 44,609		
Revolving fund	95,869		95,869	220,599	[2] 5,113,000		
Limitation on administrative expenses		(16,352)	(16,352)			13,543	1,443
Limitation on nonadministrative expenses		(1,440)	(1,440)			896	100
Advances and reimbursements						125	12
Subtotal, Public Housing Administration	1,595,869	230,352	1,826,221	220,599	5,157,609	14,564	1,555
Total, Housing and Home Finance Agency	13,316,222	2,396,174	15,712,396	175,772	59,199,758	122,063	14,333

[1] Direct loans. [2] Trust fund direct loans. [3] Insured and guaranteed loans.

Mr. RIBICOFF. Mr. President, as we approach the vote on this bill I want to close by leaving the Senate with the thought that we in this Congress have an opportunity to record for history that as the representatives of the people of this Nation we were able to recognize the needs of the people and establish effective governmental machinery to fill those needs.

That is the only issue before us.

This bill creates no new spending program.

This bill adds no new authority not now provided in law.

All it does is take a loose collection of agencies which were thrown together many years ago and bind them in a logical grouping of functions headed by a Cabinet officer. And in doing so it recognizes that the problems of American communities—large and small—are important enough to have representation at the Cabinet table.

Failure to establish this Department now is failure to recognize what America is and will become as the years go by. To say that we are an urban Nation is not to detract from rural America which has contributed and will continue to contribute to the greatness of our Nation. To say that we are an urban Nation is not to detract from the hundreds and thousands of small villages and hamlets that dot our land, out of which have come our greatest leaders and thinkers and doers. Three of the past four American Presidents were "smalltown boys" and we all know that they did quite well in the big city.

I implore my colleagues to forget sectionalism—to forget statistical definitions—and to think of the need for a more efficient, more coordinated administration of the laws affecting the hometowns of every one of us—be it large or small. The dictionary definition of the word "urban" makes no distinction about size—nor should we.

The arguments that have been raised for years against this proposal have been met by the amendments adopted by the Senate. We protect the rights of the States; we upgrade the housing function; we encourage private enterprise; we establish coordination machinery; we make it clear that all programs will be administered fairly without regard to the size or location of the municipality.

In conclusion, Mr. President, let me cite once again why a Department of Housing and Urban Development is needed.

First, the urban population of the United States is expanding at an explosive rate. When the Constitution was adopted only 5 percent of the population was in urban areas; today this has grown to 70 percent; and between today and the year 2000 more than 80 percent of our population increase will occur in urban areas.

Second, this massive expansion in urban population has created, and will continue to create, enormous and complex problems for cities and towns, counties, and States. Thcir financial resources are often inadequate to provide the new facilities needed, and their political jurisdictions in many instances are too limited to permit areawide solutions. The Federal Government increasingly has been called upon to work as a partner with State, county, and local governments, and with private interests, in meeting the problems of housing and urban development.

Third. The magnitude and impact of these problems, and of the Federal programs designed to help solve them, is now so great as to require administration at the highest levels of Government. Basic criteria for departmental status include (1) administration of a wide range of permanent and complex programs directed toward a common purpose of great national importance, and (2) concern with policies and programs requiring frequent Presidential direction and representation at the highest levels of the Government. The Department of Housing and Urban Development clearly meets these tests.

Fourth. There should be, within the Cabinet, the highest council of the Federal Government, a spokesman for one of the leading interests of the Nation: housing and urban development. Cabinet rank is necessary to give proper weight to those interests among the overall interests of the Federal Government. The reason given by President Lincoln for establishing a Department of Agriculture was that agriculture was a leading interest of the Nation.

Fifth. There should be within the executive branch of the Government a focal point through which the policies affecting housing and urban development are coordinated and correlated with the programs and policies of other executive departments. Just as the Secretaries of such Departments as Treasury, Labor, and Health, Education, and Welfare speak for the President and exercise powerful influence with respect to matters of concern to them throughout the entire executive branch, so the new Secretary would 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.

Mr. President, this is a historic occasion. The establishment of an executive department is not to be taken lightly. In this 176th year of our Republic the President's Cabinet consists of only 10 members. Today we take a step to add an 11th. Twelve years have passed since a new department was established. Prior to that 40 years had elapsed with no additions to the Cabinet.

The establishment of this new department has been surrounded in controversy. Now with its imminent establishment, we should all—big city and small, urban and rural—join together in helping the agency work to build a better and stronger Nation.

Mr. President, I urge adoption of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. RIBICOFF. Mr. President, I yield back the remainder of my time.

Mr. President, I ask unanimous consent that the Committee on Government Operations be discharged from the further consideration of H.R. 6927, and that the Senate proceed to its immediate consideration.

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

The LEGISLATIVE CLERK. A bill (H.R. 6927) to establish a Department of Housing and Urban Development, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut [Mr. RIBICOFF]?

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. RIBICOFF. Mr. President, I move to strike all after the enacting clause and insert in lieu thereof the language contained in S. 1599, as amended.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON (when his name was called). On this vote I have a live pair with the senior Senator from Connecticut [Mr. DODD]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MILLER (when his name was called). On this vote I have a live pair with the distinguished Senator from Arkansas [Mr. MCCLELLAN]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Wyoming [Mr. MCGEE], and the Senator from Arkansas [Mr. MCCLELLAN] are absent on official business.

I further announce that the Senator from Michigan [Mr. HART], and the Senator from Minnesota [Mr. MCCARTHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. HART], the Senator from Wyoming [Mr. MCGEE], and the Senator from Washington [Mr. MAGNUSON] would each vote "yea."

On this vote, the Senator from Minnesota [Mr. MCCARTHY] is paired with the Senator from Kentucky [Mr. COOPER]. If present and voting, the Senator from Minnesota would vote "yea" and the Senator from Kentucky would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] is absent on official business.

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Kentucky would vote "nay" and the Senator from Minnesota would vote "yea."

The result was announced—yeas 57, nays 33, as follows:

[No. 206 Leg.]

YEAS—57

Aiken	Hayden	Moss
Anderson	Inouye	Muskie
Bartlett	Jackson	Nelson
Bass	Javits	Neuberger
Bayh	Jordan, N.C.	Pastore
Boggs	Kennedy, Mass.	Pell
Brewster	Kennedy, N.Y.	Prouty
Burdick	Kuchel	Proxmire
Byrd, W. Va.	Long, Mo.	Randolph
Cannon	Long, La.	Ribicoff
Case	Mansfield	Saltonstall
Church	McGovern	Scott
Clark	McIntyre	Smathers
Douglas	McNamara	Smith
Fong	Metcalf	Symington
Gore	Mondale	Tydings
Gruening	Monroney	Williams, N.J.
Harris	Montoya	Yarborough
Hartke	Morse	Young, Ohio

NAYS—33

Allott	Fannin	Robertson
Bennett	Hickenlooper	Russell, S.C.
Bible	Hill	Russell, Ga.
Byrd, Va.	Holland	Simpson
Carlson	Hruska	Sparkman
Curtis	Jordan, Idaho	Stennis
Dirksen	Lausche	Talmadge
Dominick	Morton	Thurmond
Eastland	Mundt	Tower
Ellender	Murphy	Williams, Del.
Ervin	Pearson	Young, N. Dak.

NOT VOTING—10

Cooper	Hart	McGee
Cotton	Magnuson	Miller
Dodd	McCarthy	
Fulbright	McClellan	

So the bill (H.R. 6927) was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate bill 1599, which is the Senate version of the housing and urban development bill, be indefinitely postponed.

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

Mr. RIBICOFF. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. PASTORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I congratulate the Senate on its speedy and yet complete consideration of the bill creating a Department of Housing and Urban Development. This legislation is of major importance in coordinating governmental action at all levels with respect to the sound development of our urban communities and metropolitan areas in which so many of this Nation's people live and work. My special commendations go to the distinguished and able junior Senator from Connecticut [Mr. RIBICOFF]. Obviously, his experience as Secretary of the relatively recently created Department of Health, Education, and Welfare has stood him in good stead in presenting this measure. He managed the bill with unmatched skill and experience. He rightly deserves the thanks and credit of this body and the many urban and metropolitan areas of this country for his efforts.

Great and deserved credit also must go, among others, to the distinguished Senator from Maine [Mr. MUSKIE] and the distinguished Senator from Pennsylvania [Mr. CLARK] whose earlier and consistent contributions were many. Again, I commend them and the Senate.

INCREASE IN BASIC PAY FOR MEMBERS OF THE UNIFORMED SERVICES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 528, House bill 9075.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 9075) to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 [1]	$1,380.00	$1,428.90	$1,428.90	$1,428.90	$1,428.90	$1,483.20	$1,483.20	$1,597.20	$1,597.20	$1,711.20	$1,711.20	$1,825.20	$1,825.20	$1,939.50	$1,939.50
O-9	1,223.10	1,254.90	1,282.20	1,282.20	1,282.20	1,314.60	1,314.60	1,368.90	1,368.90	1,483.20	1,483.20	1,597.20	1,597.20	1,711.20	1,711.20
O-8	1,107.90	1,140.90	1,167.90	1,167.90	1,167.90	1,254.90	1,254.90	1,314.60	1,314.60	1,368.90	1,428.90	1,428.90	1,542.90	1,542.90	1,542.90
O-7	920.40	983.40	983.40	983.40	1,026.90	1,026.90	1,086.60	1,086.60	1,140.90	1,254.90	1,341.90	1,341.90	1,341.90	1,341.90	1,341.90
O-6	681.90	749.70	798.60	798.60	798.60	798.60	798.60	798.60	825.90	956.10	1,005.00	1,026.90	1,086.60	1,178.70	1,178.70
O-5	545.40	641.10	684.60	684.60	684.60	684.60	706.20	744.00	793.20	852.90	901.80	928.80	961.50	961.50	961.50
O-4	460.20	559.80	597.60	597.60	608.40	635.70	678.90	717.00	749.70	782.40	804.00	804.00	804.00	804.00	804.00
O-3 [2]	427.80	477.90	510.60	565.20	592.20	613.80	646.50	678.90	695.40	695.40	695.40	695.40	695.40	695.40	695.40
O-2 [2]	342.60	407.40	489.00	505.20	516.00	516.00	516.00	516.00	516.00	516.00	516.00	516.00	516.00	516.00	516.00
O-1 [2]	294.60	325.80	407.40	407.40	407.40	407.40	407.40	407.40	407.40	407.40	407.40	407.40	407.40	407.40	407.40

[1] "While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $2,140.20 regardless of cumulative years of service computed under section 205 of this title.

[2] "Does not apply to commissioned officers who have been credited with over 4 years' active service as an enlisted member.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

"Pay grade	Years of service computed under section 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$565.20	$592.20	$613.80	$646.50	$678.90	$706.20	$706.20	$706.20	$706.20	$706.20	$706.20	$706.20
O-2	505.20	516.00	532.20	559.80	581.40	597.60	597.60	597.60	597.60	597.60	597.60	597.60
O-1	407.40	434.70	450.90	467.10	483.30	505.20	505.20	505.20	505.20	505.20	505.20	505.20

"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$435.60	$467.10	$467.10	$477.90	$499.80	$521.40	$543.00	$581.40	$608.40	$630.30	$646.50	$668.10	$690.00	$744.00	$744.00
W-3	396.00	429.30	429.30	434.70	440.10	472.50	499.80	516.00	532.20	548.40	565.20	586.80	608.40	630.30	630.30
W-2	346.50	375.00	375.00	385.80	407.40	429.30	445.50	461.70	477.90	494.40	510.60	526.80	548.40	548.40	548.40
W-1	288.90	331.50	331.50	358.80	375.00	391.20	407.40	423.90	440.10	456.30	472.50	489.00	489.00	489.00	489.00

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9							$494.70	$506.10	$517.80	$529.20	$540.60	$551.70	$580.50	$636.90	$636.90
E-8						$415.20	426.60	438.00	349.40	460.80	472.20	483.60	512.10	568.80	568.80
E-7	$261.00	$312.90	$324.30	$335.70	$347.10	358.20	369.60	381.30	398.40	409.50	420.90	426.60	455.10	512.10	512.10
E-6	225.00	273.00	284.40	295.80	307.50	318.60	330.00	347.10	358.20	369.60	375.60	375.60	375.60	375.60	375.60
E-5	194.10	239.10	250.50	261.60	278.70	290.10	301.50	312.90	318.60	318.60	318.60	318.60	318.60	318.60	318.60
E-4	163.50	204.90	216.00	233.10	244.80	244.80	244.80	244.80	244.80	244.80	244.80	244.80	244.80	244.80	244.80
E-3	117.90	164.70	176.40	187.80	187.80	187.80	187.80	187.80	187.80	187.80	187.80	187.80	187.80	187.80	187.80
E-2	97.50	136.50	136.50	316.50	136.50	136.50	136.50	136.50	136.50	136.50	136.50	136.50	136.50	136.50	136.50
E-1	93.90	125.10	125.10	125.10	125.10	125.10	125.10	125.10	125.10	125.10	125.10	125.10	125.10	125.10	125.10
E-1 (under 4 months)	87.90														".

SEC. 2. (a) Chapter 19, title 37, United States Code, is amended by adding the following new section at the end thereof:

"§ 1008. Presidential recommendations concerning adjustments and changes in pay and allowances

"(a) The President shall direct an annual review of the adequacy of the pay and allowances authorized by this title for members of the uniformed services. Upon completion of this review, but not later than March 31 of each year, the President shall submit to Congress a detailed report summarizing the results of such annual review together with any recommendations for adjustments in the rates of pay and allowances authorized by this title.

"(b) Whenever the President considers it appropriate, but in no event later than January 1, 1967, and not less than once each four years thereafter, he shall direct a complete review of the principles and concepts of the compensation system for members of the uniformed services. Upon completion of such review he shall submit a detailed report to Congress summarizing the results of such review together with any recommendations he may have proposing changes in the statutory salary system and other elements of the compensation structure provided members of the uniformed services."

(b) The chapter analysis of chapter 19, title 37, United States Code, is amended by adding the following new item:

"1008. Presidential recommendations concerning adjustments and changes in pay and allowances."

SEC. 3. Section 308 of title 37, United States Code, is amended by adding the following:

"(g) Under regulations to be prescribed by the Secretary of Defense, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, a member who is designated as having a critical military skill and who is entitled to a bonus computed under subsection (a) of this section upon his first reenlistment may be paid an additional amount not more than four times the amount of that bonus. The additional amount shall be paid in equal yearly installments in each year of the reenlistment period. However, in meritorious cases the additional amount may be paid in fewer installments if the Secretary concerned determines it to be in the best interest of the members. An amount paid under this subsection does not count against the limitation prescribed by subsection (c) of this section on the total amount that may be paid under this section."

SEC. 4. Section 310(a) of title 37, United States Code, is amended by striking out "$55" and inserting in place thereof "$65".

SEC. 5. (a) The retired pay or retainer pay of a member of a uniformed service who is entitled to that pay computed under rates of basic pay in effect before the effective date of this Act shall be increased, effective that date, by the per centum (adjusted to the nearest one-tenth of 1 per centum) that the Consumer Price Index (all items—United States city average), published by the Bureau of Labor Statistics, for the calendar month immediately preceding the effective date of this Act has increased over the average monthly index for calendar year 1962.

(b) Section 1401a(b) of title 10, United States Code, is amended to read as follows:

"(b) The Secretary of Defense shall determine the per centum that the Consumer Price Index for each calendar month after the calendar month immediately preceding the effective date of this Act has increased over the base Consumer Price Index (that for the calendar month immediately preceding the effective date of this Act or, if later, that used as the basis for the most recent adjustment of retired pay and retainer pay under this subsection). If the Secretary determines that, for three consecutive calendar months, the index has shown an increase of at least 3 per centum over the base index, the retired pay and retainer pay of members of the Armed Forces who became entitled to that pay before the first day of the third calendar month beginning after the expiration of those three months shall be increased, effective that day, by the highest per centum of increase in the index during those three months, adjusted to the nearest one-tenth of 1 per centum."

SEC. 6. Column 1 of formula 1 and column 1 of formula 2 of section 1401 of title 10, United States Code, are each amended by striking out ", increased, for members credited with two or less years of service for basic pay purposes, by 6%".

SEC. 7. Notwithstanding any other provision of law, a member of an armed force who was entitled to pay and allowances under any of the following provisions of law on the day before the effective date of this Act shall continue to receive the pay and allowances to which he was entitled on that day:

(1) The Act of March 23, 1946, chapter 112 (60 Stat. 59).

(2) The Act of June 26, 1948, chapter 677 (62 Stat. 1052).

(3) The Act of September 18, 1950, chapter 952 (64 Stat. A224).

SEC. 8. The enactment of this Act does not reduce—

(1) the rate of dependency and indemnity compensation under section 411 of title 38, United States Code, that any person was receiving on the day before the effective date of this Act or which thereafter becomes payable for that day by reason of a subsequent determination; or

(2) the basic pay or the retired pay or retainer pay to which a member or former member of a uniformed service was entitled on the day before the effective date of this Act.

SEC. 9. This Act becomes effective on the first day of the first calendar month beginning after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, let me say for the information of Senators that there is a very good chance that there will be a yea and nay vote on the pending bill.

Mr. RUSSELL of Georgia. Mr. President, the pending bill proposes to increase the basic pay for all of those who are now in the uniformed services. In my opinion, it is essential to our national security to seek to achieve a certain degree of equity in our military compensation system and to do everything that is possible to retain qualified and highly trained personnel. The revolutionary weapons systems now employed by the Armed Forces demand a high order of intelligence as well as thorough training of those who are to operate and maintain them.

Though there has been no formal declaration of war, some of those who wear the uniform are today engaged in armed combat and danger signals fly in many other parts of the world. Sacrifices and hardships are being required of those in our Armed Forces far beyond those of other citizens.

However, the modest increases of this bill do not depend solely upon these dangers and sacrifices. A casual study of pay scales and services rendered by those who serve the Government in every capacity will demonstrate by any known standard of measurement that the modest increases contained in this bill are wholly justified. Even though the total annual cost of the bill is $991,268,000, bear in mind that this provides an average increase for all the active duty personnel in the Department of Defense of only $25.54 a month.

Before discussing the details of this bill, Mr. President, I should like to make a few general observations on our current national defense posture. The Senate considers this bill today against the somber background of the growing crisis in southeast Asia, presently marked by our sharply increased involvement in the war in Vietnam.

At the end of 1962, we had only 9,862 men in Vietnam; at the end of 1963, 16,575; at the end of 1964, 23,000; as of July 16, 1965, a 75,000 buildup was announced; and in recent days an immediate increase to 125,000. Only time and events will determine the ultimate number. Only last week Secretary McNamara, after referring to the 125,000 buildup, declared:

> More help will be needed in the months ahead and additional U.S. combat forces will be required to back up the hard-pressed Army of South Vietnam.

NECESSITY FOR INCREASING ACTIVE FORCES

In order to offset the commitments to Vietnam, the Department of Defense has announced that the active forces will be increased by a total of 340,000 personnel in the beginning in the immediate future.

It is quite obvious, Mr. President, that the buildup in Vietnam has been at the expense of the strategic reserve determined to be necessary in this country for any contingency. Many well-informed people are of the opinion that we have drawn the reserves below the minimum necessary for a safe overall defense posture.

While this 340,000-man increase will in time overcome the deficiencies in our strategic reserves, this buildup at the present time represents only paper units. It will be months before these new units can become effective combat elements of our military forces. The trained men already announced for commitment to Vietnam would be slightly more than the equivalent of a four-division force, which consists of 30,000 men each—15,000 in the combat elements and 15,000 as supporting elements.

UNKNOWN ULTIMATE COST

Mr. President, it is difficult to estimate the ultimate cost of our Vietnam involvement. Only last week the Congress received a request for an additional $1.7 billion because of Vietnam. This request, however, relates only to construction and procurement money in order to gear up the production at a higher level. It requests no additional money for maintenance or for personnel.

Mr. President, the pending $1.7 billion is only a small downpayment on a program that will ultimately involve additional billions of dollars. As an example, the cost of the bill we now consider, based on the original fiscal year 1966 budget, does not take into account the personnel buildup, and is therefore in that sense an understatement.

EFFECT ON NATIONAL ECONOMY

Let me say, Mr. President, that I do not wholly accept the optimistic view that has been expressed in some high places that the continuing buildup in Vietnam will have a limited impact on the overall national economy. Frankly, I cannot understand the casual attitude of some people toward a situation that holds even greater dangers than those that were inherent in the Korean conflict. Operations on even a small scale so far from our sources of production and supply are very expensive. Unless we are prepared to engage in large-scale deficit financing with the danger of all-out inflation, it will take a miracle to simultaneously bear a greatly increased military burden and, at the same time, continue to add to all domestic programs and activities, however desirable some might be. The increasing involvement in Vietnam is rapidly bringing us to a point at which this Congress and the American people will be confronted with hard choices. If we are able to have both butter and guns, we will have accomplished the feat of having our cake and eating it too, which no government in all of human history has heretofore been able to achieve.

We are told that the vast Communist lands of Russia and China are supplying modern weapons to our enemies. The struggle there is rapidly reaching proportions that will strain our fiscal resources. It will endanger the safety of the thousands of young Americans we have sent overseas if we deplete the tax money which should go to our national defense on demands for expanding Government programs and enlarged Government agencies which will not contribute to our survival as a free people in the event someone has made a miscalculation as to the intent of our potential enemies.

I am not suggesting a meat-ax attack on essential nondefense activities of the Federal Government. But I am firmly convinced that we must lay aside the idea that, because one segment of the Government increases in size, all segments must increase, and that it is necessary to establish a new bureau to oversee every conceivable facet and activity of human life in this country. If I read the signs aright, until there is some clearer picture of what lies ahead, the Congress should have the courage to deny requests for inflated appropriations which are justified by contrived arguments of emergency need for programs of dubious value.

Mr. President, returning to the discussion of the pending military pay legislation, I would like to suggest that two points be kept in mind as the details of this bill are developed.

First. This bill provides an average monthly increase for all of the active forces of the Department of Defense of only $25.54 a month, even though this amount represents an average increase of 10.4 percent in basic pay and will involve an additional annual cost of $991 million. I might add that when quarters and subsistence allowances are taken into account, the average increase is only 7.3 percent.

This bill will affect a total of 4,197,483 people, consisting of 2,681,747 on active duty; 1,010,490 in the Reserves; and 505,246 retired personnel.

Mr. President, as an additional item of cost to the $991 million, there is added approximately $56 million for retired personnel, representing the amendment proposed by the Department of Defense changing the cost of living formula.

Second. This bill might be termed an enlisted man's bill, since for persons with over 2 years of service it provides a flat 11 percent for all enlisted men and 6 percent for all officers. While this bill is fair to officers in view of past pay legislation, be it understood that this is the first military pay bill in over 15 years in which the average percentage increase in basic pay for enlisted men has exceeded that recommended for officers.

For that reason I consider the bill as fair to commissioned personnel.

ISSUES BEFORE THE COMMITTEE

Mr. President, before developing the committee rationale for this bill, I would like to outline several of the issues before the committee on this complex matter of military pay.

DEPARTMENT OF DEFENSE POSITION

The Department of Defense took the following position:

First. That military pay legislation this year should be limited to equating a military increase with the proposed recommended increase of 3 percent for civil service personnel, on the premise that the recent military pay legislation of 1962, 1963, and 1964 has been sufficient to attract and retain adequate numbers for our Armed Forces and that until a 4-year review is made in 1966, all Federal salaries, including military increases, should be limited to annual equating adjustments.

Second. That in the formula for equating the military increase with 3 percent civil service increase, recognition should be given to some 29 items of military pay and supplementary benefits, including a factor that involves the accrued cost of military retirement.

Under this formula the Department of Defense recommended a 5-percent increase in basic pay for all personnel except enlisted men with less than 2 years of service for whom a flat 2.7-percent increase was recommended, reflecting the increase in the cost of living since 1963. The annual cost of the Defense proposal would have been approximately $447 million.

HOUSE POSITION

The House committee in developing its bill undertook the following steps:

First. The comparative trends between military and civilian compensation since 1952 were considered as an overall deficiency in military pay was determined as compared to the Civil Service increases since that time.

Second. Different increases were recommended among the military grades through the establishment of a relationship between these grades and certain civil service pay grades.

Third. Rather than the 29-item definition used by the Department of Defense, a 5-item definition of military compensation was utilized consisting of basic pay, the quarters and subsistence allowances, the tax advantage of the allowances, and a 6½-percent imputed deduction for military retired pay.

For personnel with over 2 years of service the use of this formula resulted in an average increase for officers of 6.4 percent, but with increasese ranging from 5 percent for the first lieutenant and captain up to a high of 12.3 percent for the brigadier general; for enlisted personnel an average of 11.1 percent, but with a range from 8 percent for the E–2 private up to 15.3 percent for the E–7 sergeant first class.

For personnel with less than 2 years of service the House recommended an average increase of 22 percent for officers in order to achieve an increase for the entering salary of officers and an average 17.3 percent increase for enlisted personnel with under 2 years, taking into account the increase in the cost of living since 1952. The annual cost of the House version was $995,544,000.

SENATE COMMITTEE APPROACH

In its approach the Senate committee emphasized three points: First, that there should be no structural change in the career military pay rates; that is, no change in the relationship between the various pay grades, pending a thorough review of the entire system. Because of the varying recommended increases, the House bill would result in structural pay changes.

We have heard many attempts at comparison between the pay of those in the Armed Services and those in the civil service of our Government. The committee did not undertake to establish any exact relationship between various military and civil service pay grades because the comparability between the duties and assignment of military and civilian personnel is so uncertain as to make any comparison of doubtful validity.

RATIONALE FOR COMMITTEE POSITION

Mr. President, it is the underlying premise of the bill that a comparison of the past trends of military and civilian compensation since 1952 justifies the increases recommended by the committee. As indicated by the committee report, as of the present there has been a 46.3 percent increase in civil service compensation since 1952, as compared with a 33.9 percent overall increase in military compensation.

When this military increase is broken down into the various categories, the percentage increases are as follows: for enlisted men with under 2 years of service, .8 percent; for officers with under 2 years, 11.7 percent; for enlisted men with over 2 years, 32.4 percent; and for officers with over 2 years, 44.1 percent.

With the 3 percent increase recommended for civil service personnel, which it appears might be exceeded if the 4.5 percent House recommendation prevails, the civil service increase since 1952 would be 50.9 percent, with the average for GS–7 grade and above of 52.3 percent. With the recommended basic pay increases, the military increases in relation to 1952 would be as follows: For all military 43.1 percent; for enlisted under 2 years, 12.9 percent; for officers under 2 years, 27 percent; for enlisted over 2 years, 42.4 percent; and for officers over 2 years, 50.9 percent.

I might add, Mr. President, that beginning in 1955 there have been six civil service increases as compared to four basic pay increases.

AMOUNT OF INCREASES

Mr. President, as I have already indicated, the overall average increase for all the active duty forces for the Department of Defense is 10.4 percent, which provides an average increase of $25.54 a month. The bill can be fully understood, however, only if each of the pay categories are separately discussed.

In summary, Mr. President, the committee recommends, first, for those with under 2 years, the adoption of the House rates; second, a flat 6-percent basic pay increase for officers with over 2 years of service; and third, a flat 11-percent basic pay increase for enlisted men with more than 2 years.

UNDER TWO RATES

Mr. President, for personnel with less than 2 years of service the Senate committee recommends the adoption of the rates passed by the House. Under this proposal the average increase for officers would be 22 percent. For the second lieutenant this would be an additional $53.43 a month with his average monthly pay and allowances advancing from $395 to $448, or about $5,380 a year. One factor the House had in mind was that the entry pay of college graduates in the civil service and elsewhere is in many instances at an annual salary of slightly over $6,000.

For enlisted personnel the overall average increase in basic pay would be 17.3 percent, with the increases by grade ranging from 12.7 percent for the E–1, up to 33.6 percent for the E–5 with under 2 years of service. The dollar amounts range from $9.90 for the E–1 with under 4 months up to $48.86 for the E–5. Under these rates the approximate average monthly basic pay would range from about $90 up to $194 and if such persons were entitled to allowances because of dependents this pay would range from $185 for the E–1, recruit, up to $331 for the E–5, sergeant.

Mr. President, the enlisted basic pay scale for under 2 years of service has not been increased since 1952. The House adopted an average increase of 17.3 percent, which is approximately the equivalent of the 16.9 percent advance in the cost of living between 1952 and 1964. An increase is justified under any standard of measurement and the House recommendation appears to be a reasonable approach as to the amount. The slightly additional percentage recommended for the officers with less than 2 years of service appears justified. Most young officers do not require lengthy periods of training upon their initial call to active duty. They are either ready for an immediate duty assignment or require only a short refresher course. The lengthy training period required for many enlisted assignments does not apply to the young officers.

OFFICERS OVER 2 YEARS

Mr. President, the Senate recommends a flat 6-percent increase for officers with over 2 years of service, as contrasted to the range in the House version which varied from 5 percent for the first lieutenants and captains up to 12.3 percent for the brigadier generals. The application of the flat 6 percent would result in the following examples of monthly increases: approximately $22 for the second lieutenant; $53 for the lieutenant colonel; $87 for the major general; $120 for the full general. Examples of average total compensation, including allowances, are as follows: for the first lieutenant a monthly amount of $650, or about $7,800 annually; for the major $980, or $11,776 annually; for the colonel $1,323, or $15,868 annually; for the major general $2,002 monthly, or about $21,500 annually.

The 6-percent increase in basic pay for officers with over 2 years of service would bring the average increase in compensation over the 1952 rates to 50.9 percent.

ENLISTED OVER 2 YEARS

For enlisted men with over 2 years of service the committee recommends a flat 11-percent increase, with monthly increases ranging from approximately $12 for the E–1, recruit, up to $56 for the E–9.

Including allowances, examples of average monthly compensation would be $281 for the E–3, private first class; $499 for the E–6, staff sergeant; up to a high of $717 for the E–9, sergeant major.

In terms of the 1952 pay scale the existing pay scales represent a 32.4-percent increase. The rates under this bill would increase this percent to 42.4 percent. All of the pay rates and comparative increases are set forth in detail in the committee report.

INCREASE IN HOSTILE FIRE PAY

There is one rather significant amendment in the Senate bill. We increased the combat pay—the pay to those who are under fire or in danger zones—by $10 a month, or 18 percent. That might seem to some like a small increase. It does seem to be a small increase for those who are under enemy fire. But at least it recognizes, and the country takes note of the fact, that those men are in an actual danger zone and are engaged in combat.

Today our national defense system utilizes computers, analysts, and every means of electronic sophistication that the mind of man has been able to develop. But in the final analysis, in a situation such as confronts our country in Vietnam, all those sophisticated systems are secondary. All those systems will not win any conflict in Vietnam. There we must rely primarily, as we have in every war in which our country has ever been engaged, on the GI, the slosh-ing foot soldier, and the junior officer, who are there undertaking to ferret out

the enemy in the jungles and in the swamps.

OTHER PROVISIONS OF BILL

The committee accepted without change the language in the House bill for a variable reenlistment bonus under which, upon the first reenlistment, men with critical skills could be given a bonus up to four times the amount of the present normal reenlistment bonus as an incentive for reenlistment. At the present time, as in the past, reenlistment rates are lowest among men with critical technical skills, which means that we lose from the Armed Forces men on whom we have spent the largest sum for training. This increase in the reenlistment bonuses is designed to make a career in the Armed Forces attractive to those men. It is our devout hope that the new authority will improve the reenlistment problem.

The so-called proficiency pay system that was enacted in 1958 as a means for meeting the critical skill problem has been used only to a limited extent by the Department of Defense. We can only hope that the variable reenlistment bonus will be properly utilized. This country has spent literally billions of dollars in training men in the use of new weapon systems and electronic gear, only to have them, when they finished their training and their enlistment—and sometimes they are almost simultaneous—walk off and go over to a defense plant that is doing 100 percent Government work and is being paid tax money, in order to receive much higher compensation than they would receive in the Armed Forces.

There is a provision of the bill which would require that the President direct an annual review of the military pay and allowances and report to the Congress not later than March 31 of each year, together with any recommendations for adjustments.

In addition, the bill would require a complete Presidential review each 4 years of the entire military compensation system, with the first report due not later than January 1, 1967.

There is nothing new in this general requirement, because an annual report is already required in civil service pay laws.

I know that I shall be considered by some to be an alarmist, but I have not been able to view the current fiscal situation in our country with the complacency with which it is regarded by the great majority of our people, including our leaders, our editorialists, and our columnists.

At the request of the Department of Defense, in a special message sent to the Senate after the bill passed the House, we have added to the bill a provision which increases the cost by $56 million a year for increases in the retirement pay for military retirees. A similar increase has been agreed to for civil service retirees; and it has already passed the House of Representatives.

These increases amend existing law, which requires they be made when the cost-of-living index has advanced by 3 percent or more for an entire year.

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

Mr. RUSSELL of Georgia. I yield.

Mr. ROBERTSON. First, I commend the excellent statement made by the distinguished Senator from Georgia about the need for increasing the payroll of military personnel and about the financial problem involved in the current war in South Vietnam.

It has been my happy privilege to serve on the Appropriations Committee with the senior Senator from Georgia since 1947; therefore, I know how well prepared he is to warn us about the fiscal dangers that we now face.

I also know, because I serve on the Committee on Public Works, of the wonderful projects that have been awarded to Georgia in the past 20 years. I also know that a considerable number of vital military facilities are located in Georgia. All of those projects had great merit; I do not question that. But even when projects have merit, somebody must explain the merits, and the Senator from Georgia has never had the slightest bit of difficulty in that regard.

Mr. RUSSELL of Georgia. I thank the distinguished Senator from Virginia. I hope he will refrain from making any more statements of that kind in the Senate, but will make them in Georgia, instead.

Mr. ROBERTSON. I shall be glad to make them down there. My eldest son is very much committed to Georgia. He lives in Atlanta and thinks that Georgia is the greatest State in the Union.

Yesterday, I said that I thought a new department would increase spending, to start with, by $7.5 billion, and that the amount would pyramid to $14 billion.

The senior Senator from Virginia [Mr. BYRD] said that the amount could go as high as $75 billion. I made a quick survey of appropriations, including the amount to be appropriated for this pay bill, and I came up with the answer that we are now committed to $107 billion of appropriations.

I had the Joint Committee on Internal Revenue Taxation supply me with its best estimate, which is that revenue will be $94.7 billion. That will leave $12.3 billion of deficit financing at a time when the Federal Reserve Board has said that the gross national product is running close to $660 billion, an all-time high, and when, in July, more persons were employed than ever before in history.

I agree with the Senator from Georgia that if we plan in the months and perhaps years that lie ahead—because no one knows when we will get out of southeast Asia—to have both guns and butter, we shall have some very high-priced butter.

I again commend the distinguished Senator from Georgia for the fine statement he made on this general subject.

Mr. RUSSELL of Georgia. I thank the Senator from Virginia.

My point is that we already have inflation, as reflected by the rise in the cost of living. This legislative request recognizes the need for increasing retirement pay on a more timely basis for those retired from the military service and those retired from civil service of the Government. The law now provides for such increases when there has been an advance of 3 percent in the cost of living for a year. It is recognized that other advances in the cost of living are expected, because the bill that was sent to Congress by the executive branch of the Government provides that retirement pay increases hereafter shall be authorized whenever the Consumer Price Index advances by 3 percent or more for 3 consecutive months after a previous increase, rather than 12 months. As of this June, the Consumer Price Index has advanced over 4 percent and we can expect that at least this amount will be paid to retirees in the near future under the formula of this amendment.

Mr. President, the amendment will result in an immediate increase in retired pay for persons on the retired list prior to the effective date of this bill. This provision is in two parts: first, it provides for a one-time increase based on the advance in the Consumer Price Index between 1962 and the month before the effective date of this act; and second, it provides for a change in the permanent law under which retired pay increases hereafter will be authorized whenever the Consumer Price Index advances by 3 percent or more for 3 consecutive months after a previous increase. Existing law requires that the index must have advanced by 3 percent or more for a full year. This amendment did not reach the Congress until July 29 and consequently the House did not have the opportunity to consider it. The administration recommended this provision and similar language is included for civil service retirees which has passed the House. The amendment adds approximately $56 million to the cost of this bill. Although this amount must be technically included, it would probably be fair to state that the net annual cost of this item is only about $33 million, since the principal effect is to advance by 7 months what the retired people would be entitled to in any event, beginning in April of 1966.

The bill will be effective on the first day of the month following the date of its enactment.

Military pay, like any other compensation increases, is, in the final analysis, a matter of judgment and must be considered in light of the facts and conditions that exist at the time.

There is no doubt in my mind, due to the fact that those in the military service are not organized and are not able to press their case with the same vigor before Members of Congress as the civil servants of the Government, that the pay of the military has run behind year after year.

It does not reflect any credit on Congress that because of the pressures to which we have been subjected we have increased the compensation of civil employees year after year, while we have not given the same timely increases in the pay of those who wear their country's uniform.

In my opinion, the bill is fully justified. I hope that it will provide a greater

measure of pay equity for our men and women in uniform. I urge Senators to support the amended bill.

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

Mr. MANSFIELD. Mr. President, will the Senator yield to me before he yields to the ranking member of the committee?

Mr. RUSSELL of Georgia. I yield to the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I would like to propound a unanimous-consent request and have it appear at the appropriate place in the RECORD. I have discussed the proposal with the leadership on the Republican side and with the members of the committee.

I understand that only one amendment is to be offered, and that will be by the distinguished junior Senator from Wisconsin [Mr. NELSON].

I ask unanimous consent that on the Nelson amendment there be a time limitation of 1 hour, 30 minutes to be under the control of the Senator from Wisconsin [Mr. NELSON] and 30 minutes to be under the control of the Senator from Georgia [Mr. RUSSELL], chairman of the committee.

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

Mr. RUSSELL of Georgia. Mr. President, on the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RUSSELL of Georgia. Mr. President, I yield to the Senator from Massachusetts, the ranking minority member of the committee. He is thoroughly familiar with all the operations of the Department of Defense and all the conditions that exist among military personnel.

Mr. SALTONSTALL. I thank the Senator from Georgia.

Mr. President, the Senator from Georgia, who has been chairman of the committee for many years, has prepared the bill in what I believe is a very thoughtful and helpful manner. The bill provides for a careful analysis of the entire military pay structure next year. We hope that in the meantime the military personnel will be given the pay increases they deserve.

I agree with the preliminary statement of the chairman about guns and butter, and about the great increases in appropriations that will be necessary this year and certainly next year and the year after These increases, and many others outside the military, are entirely justified, and with them I agree. I believe one of the great problems of the Appropriations Committee this year, next year, and the year after will be to distinguish between what is needed for the military and the security of our country and the tremendous increases in Government services here at home. I shall join the Senator from Georgia in examining into these matters very carefully.

With relation to the pending bill, as the ranking minority member of the Committee on Armed Services, I wish to emphasize that the military pay bill was unanimously reported by the Committee on Armed Services. An increase in military pay is amply justified at this time. The committee has recommended to the Senate a bill that is simple in its approach and at the same time meets the objective of improving our military compensation system.

The Senator from Georgia mentioned, without going into detail, the civil service raises and the military raises in the past 10 years. There have been six civil service raises beginning with 1955, and a seventh will soon be considered by Congress. In the civil service, those raises amount to an increase of 46 percent between 1952 and the present.

In the military in the same period of time there have been four basic pay and one quarters allowance increase. However, with all the increases and benefits, the military have only received an increase of 33 percent as opposed to an increase of 46 percent received by those in civil service.

As the Senator from Georgia has so well said, we can never make a complete comparison of these two pay scales, the civil service and the military.

We know that the military service involves an entirely different concept of rendering service to a country. Each one is doing its part in building up our security. We know that more must go into the matter than merely a pay increase. We must always remember that. Therefore we can never put those two services on a comparable basis. I believe that the Senator from Georgia has very well covered that.

What the committee did was to examine the comparative increases that have been authorized for military personnel and civil service personnel over the past 15 years, and on the basis of these trends, the committee decided to recommend the increases contained in this bill.

I shall briefly go over some of the highlights in, perhaps a little more detail, than did the chairman.

First. It affects a total of 4,197,483 people, including all those on active duty, in the Active Reserves, and in a retired status. When the additional cost of $56 million for the retired personnel is considered, the total cost of the bill on an annual basis is $1,048,029,000. For the Active Forces the bill would authorize a 10.4-percent increase in basic pay, involving an average amount of approximately $25 a month for each person.

Second. Mr. President, for personnel with less than 2 years of service the Senate recommends the adoption of the House rates which average 22 percent for officers and 17.3 percent for enlisted personnel.

In other words, we adopted the House standards in that regard because we believed that the officers and servicemen in their first 2 years should receive additional benefits.

Third. For personnel with over 2 years of service the committee recommends a flat 6 percent increase for officers and a flat 11 percent increase for enlisted men. These increases for the officers will range from $22 a month for the second lieutenant up to $120 for the chief of staff. For the enlisted personnel these increases will range from $12 a month for the lowest enlisted grade up to a high of approximately $56 for the E–9, the top enlisted grade.

Mr. President, it was the opinion of the committee that the flat across-the-board increases for the career personnel was much preferable to the House version which involved varying percentages, with the largest percentage increases being recommended for the higher ranking officers and the higher ranking enlisted men.

I say again that the chairman of our committee wisely based our increases in the Senate measure on a percentage basis rather than trying to distinguish between the various grades in the service and trying to correct them.

Under the Senate version, the flat across-the-board increases will not cause any changes in the military structure and avoids the problem of trying to establish a relationship between the military and civil service pay grades.

Fourth. I wish to commend the chairman for recommending an increase of $10 a month in the hostile fire pay. This increase from $55 to $65 a month is a much deserved token of recognition for our men who are serving in Vietnam.

Fifth. The bill, as the chairman has indicated, contains a revision in the cost-of-living formula for increasing the pay of retired military personnel. This provision will affect approximately 505,000 persons and under the formula of the bill can be expected to provide an immediate increase of about 4 percent in their retired pay. The exact increase will depend on the advances in the Consumer Price Index between 1962 and the month before the effective date of this bill. I am advised, Mr. President, that present indications are that the increase will be at least 4 percent.

Sixth. The last point I would like to emphasize, Mr. President, is that this bill would require the President to make an annual review of military pay and allowances together with an annual report to the Congress. The bill also contains a further requirement for a complete Presidential review of the entire military compensation system every 4 years. I realize that the military pay has been under constant examination within the Department of Defense. It is well, however, that we have now formalized this requirement in order that Congress will have the opportunity to study the reports that will be made to it.

Mr. President, this is a wise, simple, and much needed measure. I urge its immediate adoption by the Senate.

I, certainly, as one member of the committee, and I know that I speak for them all, commend the work done by the chairman of the committee in working out the bill, the percentage increase, the retirement and the re-enlistment bonus and all that goes with it. The distinguished Senator from Georgia deserves a great deal of credit. I hope that when the bill is voted on the vote will be unanimous.

Mr. RUSSELL of Georgia. Mr. President, I thank the Senator.

If the Senator will indulge me, there is one technical amendment which I offer

with relation to two or three words that were omitted from the bill by inadvertence.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. An amendment is proposed by the Senator from Georgia [Mr. RUSSELL] as follows:

On page 9, line 12, after the word "member" insert the words "or former member".

On page 10, line 9, after the word "members" insert the words "or former members".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. RUSSELL of Georgia. Mr. President, I yield to the Senator from Kentucky.

Mr. MORTON. Mr. President, I thank the distinguished Senator from Georgia.

May I first ask what the increment is in the cost to the Government of the House-passed bill?

Mr. RUSSELL of Georgia. It is $4 million more than the Senate bill which we have before us. The House bill would cost approximately $995 million, as opposed to approximately $991 million. The Senate bill is slightly less.

Mr. MORTON. What was the amount of the administration request?

Mr. RUSSELL of Georgia. The amount was $447 million.

Mr. MORTON. As one who has been a stalwart supporter of this administration in every effort to achieve economy, I would be persuaded by their arguments, but the arguments of the Senator from Georgia have been so persuasive that I shall vote for his measure.

Mr. RUSSELL of Georgia. Mr. President, I thank the Senator. I am easily persuaded also in the interest of economy so long as it is fairly administered. However, it did not seem to me in this case that it would be fairly administered.

Mr. MORTON. Mr. President, I believe that the Senator has made a great case.

Mr. RUSSELL of Georgia. Mr. President, I thank the Senator.

Mr. SIMPSON. Mr. President, I support the military pay legislation being considered today by the Senate. The proposal, as reported to the Senate by the Armed Services Committee, is essentially the same proposal that I introduced on June 30 of this year. Senators BENNETT and MURPHY are cosponsors of my bill, S. 2230.

I appeared before the Armed Services Committee on July 29 and urged the committee to consider the many reasons for granting a substantial military pay increase at this time. I called for an average basic pay increase of 10.6 percent. The committee-approved bill would provide for an increase of 10.4 percent.

The real reason for such an increase is twofold. First, it is imperative at this critical time that our Armed Forces be able to attract outstanding professional people. Second, it is essential that our Armed Forces offer sufficient incentive to keep those people. Our mission, then, in considering a military pay bill is to get and to keep.

Gen. Omar Bradley was a member of a "blue-ribbon" panel appointed by the President to study military pay. In the report of that panel, known as the Folsom Committee, General Bradley said:

Substantial increase in current pay at this time appears to be the simplest, most effective, and in the long run, cheapest solution if the services are to retain the hard core professionals which the Nation so desperately needs.

As the Senate can note, my bill, and the bill as reported by the Armed Services Committee, place heaviest emphasis upon raising the pay levels for both officers and enlisted men in their first 2 years of service. It is these junior men who have suffered the greatest inequity under our past pay structure. At the present time a private in the service of his country receives a base pay of $78 a month. This amounts to only 17.5 percent of the average monthly wage or salary of all other people in the United States. The recruit's base pay has not been increased since 1952—a period of 13 years—a period that has seen Federal civilian pay increases of over 46 percent.

It is in the first three enlisted ranks that the greatest hardships are being experienced by our servicemen. In the Air Force alone 5,000 Air Force enlisted men have received welfare payments, nearly 60,000 more are technically eligible for relief but are too proud to accept it, and nearly 170,000 receive basic pay below what the Government considers poverty levels. Department of Defense studies indicate that during calendar year 1964 approximately 34 percent of all enlisted personnel in the continental United States, at one time or another, engaged in "moonlighting" activities. In addition, the wives of many servicemen are required to work in order to adequately support their families. The number of hardship discharges from the military services has increased at an alarming rate—from 9,533 in 1963 and 10,294 in 1964 to an estimated 12,668 this year.

It is timely that today when our country has voiced its strong commitments to the beleaguered people of Vietnam and has intensified our military efforts there that we carefully consider the quality of our military services. It is not enough to get and train a fighting force. We must encourage the best and most highly trained people in the services to stay on in their vital roles. As the experiences in Vietnam are showing us, it is the man who has survived in combat who has in the past—and will in the future—form the very heart of any military organization. Combat experience, especially the highly specialized guerrilla warfare of Vietnam, must be recognized as a military skill that is fully as important as any support speciality.

Our Armed Forces cannot afford to lose a large proportion of those men serving in combat in Vietnam following the expiration of their initial obligated service. The war in Vietnam will be a long war. We cannot afford now to see our fighting men choose to leave the battlefield simply because they have not been given adequate pay.

Mr. President, I urge the Senate to adopt the pay bill before us. Our votes will be a concrete vote of confidence by the Senate and by the Nation for the efforts and sacrifices of our fighting men everywhere.

I thank the distinguished Senator for yielding to me.

Mr. RUSSELL of Georgia. I thank the Senator for his statement. I also wish to thank him for his appearance before the committee. He was helpful to us in the formulation of the bill.

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

Mr. RUSSELL of Georgia. I am glad to yield to the distinguished Senator from Colorado.

Mr. DOMINICK. I join my colleagues in commending the Senator for the fine work which I know the chairman did on the bill, as he does on all other bills which come before the committee.

I have not had an opportunity to read all the hearings. There are a couple of questions in connection with which I thought perhaps the Senator could help me.

I notice, first, that the percentage of increase for first and second lieutenants with less than 2 years' service is in the neighborhood of 22 percent, and that the pay increase for first and second lieutenants with more than 2 years' service is considerably less than that.

My question is—because I do not know the whole salary structure as well as I should—is there any possibility that a newcomer to the service, by virtue of this increase, could find himself receiving more than men who have been in the service longer but who have not received a pay increase because it has been frozen?

Mr. RUSSELL of Georgia. No; that would not be possible.

Mr. DOMINICK. That is very comforting. That was my main question.

Mr. RUSSELL of Georgia. That would not be possible.

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

Mr. RUSSELL of Georgia. I yield to the distinguished Senator from California.

Mr. KUCHEL. My friend and a very able California Representative in Congress, the Honorable CHARLES GUBSER, who represents Santa Clara County in my State, has been most interested in the problem of retirees recomputation, and cost-of-living increases for them. I share his delight that under the leadership of my friend, the chairman of the Armed Services Committee, the committee has put in the bill a cost-of-living increase for retirees. I want to ask my able friend if the fact that this action has been taken in committee would not in any way prejudice the hearings which might be held in the House, and perhaps in the Senate, on the whole problem of recomputation of retired pay for military personnel no longer on active duty.

Mr. RUSSELL of Georgia. Oh, no; we could not take any action in this bill

which would necessarily preclude any action that Congress might desire to take in that direction at some future date.

Mr. KUCHEL. Mr. President, I wrote a letter to Secretary McNamara on May 13, 1965. I want to read one short paragraph of what I wrote to the Secretary of Defense:

Recently I have received a most thoughtful letter from a very able Californian who is the son of a distinguished family and who is currently serving as a doctor in the medical corps of the U.S. Air Force. This young man wants to make the service his career. He was one of the top men in his class at medical school. He is concerned, and after reading his letter I am deeply concerned, regarding the inequities which do exist between the services with regard to promotion and salary for doctors—

I might say parenthetically to my able friend, the chairman of the committee, and all professionals in the healing arts—

at a similar level of competence. He is also concerned, as I am concerned, with the apparent failure of the services to recognize those doctors who have secured extra training and passed board certification in their specialty.

With my letter to Secretary McNamara, I enclosed the letter from my constituent, a medical officer in the U.S. Air Force.

I received an answer, dated May 26, 1965, from the Hon. Norman S. Paul, Assistant Secretary of Defense for Manpower. I then wrote a second letter, on August 3, and received a second reply on August 10, this time from the Acting Assistant Secretary of Defense for Manpower, the Hon. Stephen N. Shulman, all of which indicate to me there are different laws pertaining, on the one hand, apparently, to the naval serviceman and, on the other hand, to the Army and Air Force with respect to the problem of compensation for doctors in the several branches of the services.

As I read this correspondence, some of the inequities which are conceived to be present, could be eliminated by administrative action. Other inequities would require appropriate legislation.

I simply want, in the midst of this debate, ably led by my colleague, to introduce into the RECORD this correspondence and to venture my own hope that to the extent the Secretary of Defense and other responsible administrators in the Pentagon can eliminate inequities which exist between the promotion opportunities, the compensation, and fringe benefits received by officers in the Medical and Dental Corps of the various services, it is my own feeling that they should be eliminated and eliminated rapidly. To the extent that legislation might be required, I want to voice my own hope that my able friend may in the next Congress be able to make that possible. The military services of our Nation urgently need to retain the ablest and the most qualified medical officers it can secure. Both Congress and the administration have an urgent duty to see that the necessary actions are taken.

Mr. President, I ask unanimous consent to have printed in the RECORD the correspondence to which I have referred.

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

MAY 13, 1965.

Hon. ROBERT S. MCNAMARA,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As a Senator I have long worked for anything that could be done appropriately to add dignity to those who are devoting their life to our military services and to the protection of the United States in terms of pay, accommodations, and other benefits so necessary if we are to encourage qualified officers and enlisted men to make the military service their career.

Recently I have received a most thoughtful letter from a very able Californian who is the son of a distinguished family and who is currently serving as a doctor in the Medical Corps of the U.S. Air Force. This young man wants to make the service his career. He was one of the top men in his class at medical school. He is concerned, and after reading his letter I am deeply concerned, regarding the inequities which do exist between the services with regard to promotion and salary for doctors at a similar level of competence. He is also concerned, as I am concerned, with the apparent failure of the services to recognize those doctors who have secured extra training and passed board certification in their speciality.

I do hope that you will take time to glance at this correspondence and perhaps have a member of your staff inquire into the reasons for discrimination in these matters between services and also what all services might do to provide greater career opportunities which would encourage the highly qualified and motivated doctor to dedicate his life to the military service.

With kindest regards,

Sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

CONSTITUENT LETTER

There are two closely related and primary problems which I believe cannot be truly separated. These are promotion and pay.

Promotions: At the present time a physician finishing medical school enters the Service as a Captain when starting his internship. The U.S. Air Force keeps him in that rank for the next 9 years regardless of his ability, training, motivation, performance, or other factors. There was only one significant exception in the U.S. Air Force Medical Corps during this present fiscal year. This promotion from O–3 (captain) to O–4 (major) is a full 5 years behind the U.S. Navy, 4 to 5 years behind the U.S. Army, and about 6 years behind the Public Health Service. This has continued to be true for several years and the difference is growing. It is very difficult to believe that every physician in the Air Force is grossly inferior to every physician in these other services; yet, that is the way they are paid and treated. The higher ranks experience similar, although not as flagrant, promotion policy differences between the various military branches.

In my case as in many others, after internship I took 4 years of residency training in internal medicine, one more than the usual. I was chief resident and a full-time medical school faculty member at a major university and became, in January 1963, the youngest physician in the United States to be certified by the American Board of Internal Medicine. Yet it was more than 2 years more before I was promoted to the rank of major. This could not happen in the other Services. Neither I nor others received any comment from the Office of the Surgeon General upon board certification, probably the single biggest event in medical professional experience. Promotion is just as fast (or slow) for those who take no extra training of any type and just do enough to get by. All specialists feel this injustice very greatly and this is a prime reason for the massive dissatisfaction among the U.S. Air Force medical specialists.

Pay: The factor of pay is closely related to the above. For example, an intern who finishes the year and takes the 8- to 9-week primary course in aerospace medicine in the U.S. Air Force receives an extra $1,320 a year, and, after 2 years, from $2,000 to $3,000 per year more than the specialist. This is in spite of the specialists 3 to 5 years of extra training plus experience and specialty boards. This is just not acceptable. The fully trained, qualified, and certified physicians should receive from $250 to $500 a month additional pay. In the Veterans' Administration for many years, board certification has resulted in an automatic approximate 25-percent increase in salary and promotion.

The pay given medical officers is completely unrealistic when compared with the pay received in civilian practice. In 4 or 5 years of group or single practice, the physician makes from $25,000 to over $50,000 per year. He often receives many group practice fringe benefits which compete grossly with the benefits offered by the military without the definite disadvantages of military life. The fact of possible combat and real dangers of cold war—peacetime military operations must be remembered and are usually forgotten completely. These do not exist in most civilian practices.

While it is possible for the lazy physician to survive in the military and do as well as the outstanding physician, my experience with many young Regular officers has proven that they have been generally very well qualified physicians who were well motivated for personal and professional excellence. Many of them were definitely motivated for a career and would have remained if the above two main factors were adequately solved. Unfortunately, almost every one has resigned as soon as his obligated time is repaid.

The gross figures of the retention rate are markedly distorted by the presence still of many physicians with previous active duty who are now approaching 15 to 20 years of total active service. There are very few remaining who have from 9 to 15 years of active duty. This is partially demonstrated by the figures of 1 year ago which revealed several more full colonels than lieutenant colonels on active duty and far more of both than majors in spite of the 3,000 captains in the Medical Corps.

An example of promotion problems occurred on July 1, 1964, at U.S. Air Force Hospital Andrews when three of our physicians with 7 to 9 years of active duty resigned, still captains. The promotions they would have received on July 15, 1964, reverted to the line and were lost to the Medical Corps completely. Again, as I understand it, this could not happen in the Navy or Army because the Medical Corps is separate from the line of those services rather than totally dependent upon it as in the U.S. Air Force. Although the promotion problem is critical for the entire U.S. Air Force, it is a fact that physicians are in short supply and can command far greater rewards in satisfaction as well as in financial terms in civilian life. The retention problem is critical now for physicians and failure to correct it now will have prolonged adverse effects on the U.S. Air Force.

The prime point of concern in the current career retention problem is how many physicians with less than 15 years of active duty are remaining on active duty after they have finished all their obligated military time. There are very few and the loss of these leaves

a void in the career group. Unfortunately, this factor is not mentioned or discussed by the Air Force or the Department of Defense when considering the present acute problem of retaining well-qualified physicians needed for future Air Force medical care and leadership.

There are many other less important problems related in large part to military policies, way of life, etc. Among these, the most marked are the problems of inadequate housing, schools, frequent moves, and the ultimate chain of command and commanders who fail to realize that medicine cannot be completely dictated and that rank alone does not make professional decisions valid. It is obvious that far too often the public and military equate higher rank with increased professional knowledge and ability. It is obvious from the previously outlined "selection process" that this is far, far too often not true.

In summary, the greatest threat and actual results of present U.S. Air Force, Department of Defense, and congressional policy is that very few well-qualified physicians, especially in clinical specialties, are being retained past their obligated time. Over the next few years this selection out of most of the best medical officers is bound to lead to a mediocre medical service and result in a significant reduction in national defense potential which cannot be rebuilt for years. This will be most striking when the senior group, near the 20-year retirement zone, retire and leave very few experienced senior and middle officers. This is an irreplaceable group which is needed for quality and effective medical care. I do not believe even the line desires to have only the mediocre physician remain for his and his family's care. What is needed is immediate and radical correction of these deficiencies. Most important are earlier promotion and higher pay including specialty pay. Only then will it be possible to eliminate the poor physician rather than most of the good ones.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 26, 1965.

Hon. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: This is in response to your letter of May 13, 1965, which commented on and included as an enclosure an excerpt from a letter from a medical officer in the Air Force.

The contrast in rates of promotion of medical officers in certain grades in the Air Force to the promotions of medical officers in the Army and Navy does not result from discriminatory practices. In the grades concerned, the promotions of Air Force officers generally are adversely affected by the current statutory restrictions on the numbers of officers who may serve in the several field grades. These restrictions, for reasons which now are only historic, are more severe than in the Army and Navy.

For the past several years, temporary statutory authorizations to exceed the grade limitations have been sufficient only to avoid greater deterioration in the promotion situation in the Air Force, and have not permitted progress toward greater uniformity with the other services. A legislative proposal to establish generally uniform officer promotion laws for the several armed services has been submitted to the Congress, but as yet has not been introduced. Among other important effects of this proposal, the grade limitations applicable to the Air Force would be made comparable to those applicable to the Army and Navy. If enacted, this proposal would enable the Air Force within the next few years to offer opportunity to its officers similar to that available to the Army and Navy.

I am sure that a medical officer's achievement of Board certification not only is a matter of record but also that it is a significant factor in his prospects for selection to higher grade. Where promotions are restricted by grade limitations, as at present in the Air Force, this may be a somewhat delayed benefit and, regrettably, the individual officer may well have the impression that his efforts are unrecognized. The emphasis on specialized medical education is well illustrated by the in-service educational programs administered by the military medical services.

Your constituent's comments concerning the unsatisfactory situation in retention of career medical personnel describe a very real problem that is a matter of great concern. The discrepancy between the pay of a military medical officer and the opportunities available in civilian practice reasonably can be supposed to be a significant factor.

As you are aware, the Congress has authorized a number of special monetary benefits for medical officers, including pay credits for professional education and monthly incentive pay, in an effort to meet the different competitive situation created by the nationwide shortage of doctors. These benefits, together with the extensive in-service educational programs, do not appear to have solved our problems. The rectification of the Air Force promotion situation will have beneficial effects on the relative position of that service, but it will not alleviate the problems common to all of the services. I assure you that these problems not only are recognized, but are the target of serious and continuing study.

Sincerely,

NORMAN S. PAUL,
Assistant Secretary of Defense (Manpower).

AUGUST 3, 1965.

Hon. NORMAN S. PAUL,
Assistant Secretary of Defense (Manpower), Department of Defense, Washington, D.C.

DEAR MR. PAUL: I have your letter of May 26 in response to mine of May 13 to Secretary of Defense McNamara expressing concern with regard to the inequities which exist between the military services as to promotion and compensation for medical officers of similar levels of competence. I have thought over your reply and am glad to know you share my concern with regard to these discrepancies. As you know, H.R. 7596 is now before the Senate Committee on Armed Services for consideration. So that I might have the necessary information available to me should this legislation be reported to the Senate, I would appreciate answers to the following questions:

With regard to specialty pay, can it now be granted independently in recognition of special competence or must it be tied to the proposed Bolte legislation? If it can, could it be granted to recognize educational and clinical achievement for medical officers as exemplified by board certification with additional pay at least commensurate with flight pay? In addition, could medical officers, in the Air Force or other services, be promoted a grade upon board certification? I would appreciate knowing if such changes would take legislation or whether they could be carried out under existing law by changes in various administrative and personnel regulations.

I agree with you on the severe restrictions which have been placed on promotional opportunities for Air Force medical officers. Must Air Force medical officer promotions be tied to line promotions in the Air Force? Are medical officer promotions in the other services tied to their line promotions? In view of the obvious shortage of medical officers and the low retention rate, could such promotions be considered independently of the line? Would this require statutory change; if so, which statute? I would like to know also if it would be possible to base promotions on education and continuing achievements directly related to one's competence in a professional field rather than merely on time in grade? My understanding is that the Navy's Bureau of Medicine and Surgery and the Army's Office of Surgeon General are not related to the line of their respective services and that this is the reason why medical officers in these services are relatively better off than those in the Air Force. Is the Air Force's Office of Surgeon General organized differently, on a statutory or other basis, from the similar units in the other services? Does this fact affect promotional opportunities for Air Force medical officers? What progress has been made and what is the thinking of the Department of Defense on improving the consistency of promotional opportunities for members of the medical services of all military services?

I would appreciate hearing from you at an early date so that I can properly evaluate H.R. 7596 and related measures which might come before me.

With kindest regards,

Sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 10, 1965.

Hon. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: This is in response to your letter of August 3, 1965, relative to the promotion and compensation of medical officers.

Many of your questions involve rather broad policy and complex considerations. In the interest of brevity, I shall respond as specifically as possible. However, in some instances, a simple yes-or-no answer would not be accurate.

Specialty pay would be more properly authorized by legislation other than the Bolte legislation. The Bolte legislation does not deal with pay. Legislation would be required to make this a personal entitlement for board certified medical officers.

Under current law, it would be possible to promote medical officers in the Army and Air Force upon the attainment of board certification. It would not be possible to assure such promotion in the Navy.

In the Army and the Air Force, medical officers could be promoted without regard to the line officer promotions. They are separately considered. However, because the statutory limitations on the numbers of officers in various grades are overall limitations, the promotions in any segment of the officer corps affect the promotions available in all other segments. This interrelationship could be removed only by amending the grade limitations (secs. 3202 and 8202, title 10, United States Code) to exclude their application to medical officers. Such an exclusion is included in the Bolte legislative proposal.

Laws applicable to the Navy impose no limitation on the numbers of medical officers in field grades. However, the laws prescribe a structural tie between Medical Corps promotions and line promotions. Medical officers on appointment are assigned as "running mates" to line officers—specifically, a newly commissioned medical officer would have a line lieutenant of 5 years commissioned service as a running mate. Thereafter, the doctor would become eligible for consideration for promotion when his running mate is eligible and would be in the "promotion zone" when his running mate is in the zone. The considerations are separate and the selection or nonselection of the line officers would have no effect on the medical officer's promotion. The removal of this linkage would require extremely complex legislation.

In all of the services time in grade is merely a minimal requirement rather than a determinant of selection in the competitive field. In the competition, demonstrated professional competence is a very important factor.

It is true that the offices of Surgeon General of the Army and Surgeon General of the Navy are statutory while the office of Surgeon General of the Air Force is established administratively. There is also the distinction that the Medical Corps of the Army and Navy are statutory entities, whereas the law prescribes only that medical functions in the Air Force shall be performed by qualified officers who are designated as medical officers. Similar differences exist with respect to certain other functional groups in the three departments. In the Army and Navy the statutory definitions derive from historical organizational arrangements in those departments. In the comparatively recent laws which established the Air Force there was a consistent philosophy that the functional subdivisions should be established administratively.

There is no evidence that the differing legal status of the Surgeon General of the Air Force and of medical officers of the Air Force has caused neglect of the promotional opportunities for medical officers in the Air Force. The difference in opportunity is directly related to the difference in authorized grade structure, as previously discussed. Our proposed legislation not only would relieve the stringency of current limitations on the Air Force but also would remove for all services the inclusion of medical officers within the limitations. In view of the basic differences that now exist in the laws pertaining to the several services, a less thorough overhaul would not be likely to attain truly uniform treatment.

Sincerely,

STEPHEN N. SHULMAN,
Acting Assistant Secretary of Defense (Manpower).

Mr. RUSSELL of Georgia. The Senator is correct in that to correct one would require legislation. The other is a matter of regulation. The pay of men in the Medical Corps is the same in all three branches of the service, but the rate of promotion in some of the branches is much more rapid than in others, and that, of course, would affect the pay of the recipients. The promotion point could be corrected by regulation or administrative action and would not require any legislation. The special pay is the same for similar grades in all three branches of the service and already fixed in a uniform manner for all three services.

Mr KUCHEL. I thank the Senator. In paying him respect, I am sure I speak for all of us on this side of the aisle, as I am sure the colleagues on his side of the aisle hold him in the same respect.

Mr. RUSSELL of Georgia. I am most grateful to the Senator from California.

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

Mr. RUSSELL of Georgia. I yield to the distinguished Senator from Nevada.

Mr. CANNON. I thank the Senator for yielding. I want to join our colleagues in expressing my gratitude for the excellent job the chairman and the committee have performed in granting an overdue pay raise to our military personnel. I share the feelings of our colleagues. More particularly, I wish to refer to some of the specifics which have been raised, which are very important. The first is with regard to those with less than 2 years' service.

The chairman of the committee will recall that 2 years ago, when we had before us a pay raise bill, the servicemen with less than 2 years of service were the forgotten people in the pay bill. This time we have followed the recommendation of the House with respect to military personnel with under 2 years of service to bring them into line because of the fact that they were not taken care of previously.

Second is the important point that has been covered, that the Pentagon has informed us that they are reviewing the entire structure of military pay. Therefore, if we were to try to go into the structural basis at this time we might disrupt the results of their findings which we hope may be reported to us next year.

I would ask my distinguished Chairman if the administration has not assured us that they expect to have a report up to us sometime next year, reviewing the pay system.

Mr. RUSSELL of Georgia. As the distinguished Senator from Nevada knows, the bill requires the executive branch to make a report to Congress giving its recommendations in this area.

Mr. CANNON. I thank the chairman. Therefore, it would appear that if we go straight across the board on a percentage increase on the over-2-year personnel, we shall be giving them the same consideration throughout all the rank structure. Then, next year, when the administration comes up with its report and any proposed changes in the structure, we would have the opportunity to consider it at that time.

Mr. President, I am gratified that we have taken action on this bill to provide some increase for retirees. The Senator well recalls that we wrote a provision into the law that when the cost-of-living index increased 3 percent, retirees would be entitled to have a pay revision considered. Accordingly, we have amended the bill in committee and have reported it with a provision which first, provides for a onetime retired increase based on the increase in the cost of living between 1962 and the month before the effective date of the bill; and, second, revises the cost of living formula to provide for increase whenever the index advances 3 percent for 3 months rather than 12 months. It appears that retirees will receive at least a 4-percent increase under the amendment.

I should also like to make the point that the provision for annual review simply brings this in line with the provision which applies to civil service employees of this country. I believe that our military personnel are certainly entitled to comparable treatment of those who serve the Government, although not in uniform, but serve it from the standpoint of the civil service.

An additional point I wish to make concerns the token increase—which I completely support—of $10 per month combat pay for our troops serving us so valiantly in Vietnam.

In closing, let me point out that with the provisions in the pending bill, the overall average percentage of increase for all military personnel from 1952 up until the present time would be 43.1 percent; whereas, in the civil service, with the administration's proposal this year, the civil service employees have enjoyed over that like period, from 1952 until the present, a 50.9 percent average increase in pay. Therefore, I believe that those who would argue that this is a costly bill—and indeed it is, but the cost of government is great in any event, especially the cost of carrying on a limited war, and whatever other extra burdens fall upon the Government—should know that we are not even keeping pace with civilian advances so far as the military are concerned.

Again, I wish to thank the distinguished chairman for the outstanding performance that he has rendered in getting this bill through the committee. The bill was reported unanimously, as the Senator from Georgia has indicated, and I join all Senators in hoping that they will give us full support for the bill—support which is long overdue.

I thank the Senator from Georgia for yielding to me.

Mr. RUSSELL of Georgia. Mr. President, I thank the Senator from Nevada for his complimentary references.

Mr. LAUSCHE. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER (Mr. MONDALE in the chair). Does the Senator from Georgia yield to the Senator from Ohio?

Mr. RUSSELL of Georgia. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. I understand that in the main statement made by the Senator from Georgia, figures are provided for the cost which would be entailed if we followed the administration's recommendations, the cost carried in the House proposal, and that carried in the recommendations of the committee.

Would the Senator from Georgia kindly repeat those figures, approximately?

Mr. RUSSELL of Georgia. I am glad to give them to the Senator from Ohio, in round figures. The administration recommended an increase that would amount to approximately $447 million. The House bill carried $995 million. The pending bill would cost $991 million.

Mr. LAUSCHE. That is, the bill adopted by the House and that recommended by the committee is more than 100 percent in excess of what the administration requested?

Mr. RUSSELL of Georgia. It is. It is more than double. The committee gave very careful consideration to this matter. It noted that civil servants had received 6 substantial increases while the military had received 4 increases plus 1 minor increase, and that the percentage of increase for the civil servants had been, over the years, 46.3 percent as compared with 33.9 percent for the military. We therefore thought an increase at this time was justified, in order to bring it more in line.

There is a great deal of difference in being a civil servant and being in the military service. Any civilian employee of this Government can walk off the job any day he wishes. As he leaves the job, he can tell his supervisor to jump in the lake. This, of course, cannot be done in the military service. If anyone tried to

do that, he would wind up in the brig. Many civil servants get off from work around 4:30 in the afternoon. The civil servant goes home, has dinner with his wife and family, and then watches television or goes out to a show; and when he returns home he sleeps in a nice, clean, dry bed. However the military receive no overtime. They have no regular hours. They are as likely as not to wind up eating C or K rations in a mudhole, dodging bullets 24 hours a day.

Therefore, I say now—as I said a moment ago—that I believe Congress has been derelict in succumbing to pressures to give civil servants increases in pay every year and not to give the military a comparable increase.

Mr. SALTONSTALL. Mr. President, will the Senator from Georgia yield at that point?

Mr. RUSSELL of Georgia. I am glad to yield.

Mr. SALTONSTALL. One point the Senator from Georgia did not mention is that the serviceman is taken away from his wife and family.

Mr. RUSSELL of Georgia. Of course.

Mr. SALTONSTALL. And he is sent all over the world.

Mr. RUSSELL of Georgia. He is moved hither and yon at the will of the Government. The civil servant is not subject to that kind of regulation.

Mr. LAUSCHE. Is it not fair to assume that the more than 100 percent increase over what the administration recommended has come about because of the desire to give consideration to the military, in some degree, to measure up to what we have given our civil servants?

Mr. RUSSELL of Georgia. I believe that was undoubtedly the purpose of the committee. I know that it was the purpose of the chairman of the committee.

Mr. LAUSCHE. I applaud what is being done. I merely wished to obtain those figures and thank the Senator for giving them to me.

Mr. RUSSELL of Georgia. I thank the distinguished Senator from Ohio.

Mr. MILLER. Mr. President, will the Senator from Georgia yield to me for a brief comment?

Mr. RUSSELL of Georgia. I am glad to yield to the Senator from Iowa.

Mr. MILLER. I assure the Senator that that certainly was my purpose in joining him in reporting the bill favorably. I point out also that at this time the morale of our Armed Forces is most important. Certainly, now is the time to consider it. It may be that at the time the administration's proposal came in, things were not so serious as they are now.

I believe that the committee in its action also indicated its awareness of the fact that timing is very important, and that there is a morale factor involved. Certainly they do not wish to have our military forces—who are being subjected to great hardships nowadays—to feel that Congress is forgetting them.

Mr. RUSSELL of Georgia. I thank the Senator from Iowa for his suggestions.

AMENDMENT NO. 380

Mr. NELSON. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. RUSSELL of Georgia. I am glad to yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I call up my amendment No. 380, and ask that it be stated.

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

The legislative clerk proceeded to state the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment (No. 380) offered by Mr. NELSON is as follows:

On page 7, in the table preceding line 1, strike out the column under the heading "2 or less" and insert in lieu thereof the following:

"----------

$273.30
232.80
194.10
163.50
131.70
113.70
110.10
103.20"

Mr. NELSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. How much time does the Senator from Wisconsin yield himself?

Mr. NELSON. I believe I shall require no more than 7 or 8 minutes to present what I believe to be a very simple proposal.

I have studied the pay bill, and I commend the Senator from Georgia and his committee for doing what I consider to be a very fine job in upgrading the pay of personnel in the armed services.

For the first time since 1952 the pay of the first-2-year enlisted man has been increased. That is commendable. However, I believe any examination of the increase will show that it is not adequate and that it is not fair in comparison with the increases that have been given to all other enlisted personnel and all officer personnel. However, as I said previously, the committee and the chairman, the distinguished Senator from Georgia [Mr. RUSSELL], have done a fine job.

My disagreement is only with respect to this one category, that of the first-2-year enlisted man.

Mr. President, the purpose of this amendment is to give enlisted men in their first 2 years of service the same total percentage raise since 1952 as that received by officers with the same length of service. Nineteen hundred fifty-two was the last year when enlisted men with less than 2 years received any raise at all.

Officers in their first 2 years of service got an 8.5-percent raise last year, and will receive additional raises averaging 22 percent with passage of H.R. 9075. The total raise received since 1963 by officers with less than 2 years averages 32.4 percent.

Neither officers nor enlisted men with under 2 years of service received any pay raises between 1952 and 1963.

H.R. 9075 as it now stands gives enlisted men in their first 2 years raises averaging 17.3 percent. While seemingly generous enough, a brief review of the history of military pay during the postwar decades will show that the proffered raises are in truth deceptively skimpy.

We have discriminated against the enlisted man with less than 2 years service for years. In 1952, recruits got $78 a month; they still get $78 a month. The committee bill would raise them to $87.90, a total raise of $9.90, or 12.7 percent over a period of 13 years. By contrast, a five-star general in 1952 was paid an annual salary of $11,915, or about $993 a month. This bill will raise his pay to $1,939.50 a month. Thus, over those same 13 years five-star generals will have been raised about $946.50 a month, or 95.3 percent.

I believe that with the responsibility they bear they are entitled to that percentage increase and that number of dollars. My complaint here is not with respect to the increase that has been given to that rank or any other rank, but to what has been given to the first-2-year enlisted men.

Five-star generals then, will have received raises seven and one-half times as great, in percentage terms, as the single raise given to recruits. In actual dollars and cents, the raise for generals has been 95 times as great as that for recruits.

To fully compensate the enlisted man in his first 2 years for the raises he has failed to receive since the Korean war would necessitate raising his pay by 67 percent. This amendment proposes to take only a modest step in that direction. It would cost only about $158 million a year.

The amendment will not give enlisted men in their first 2 years the same percentage raise as that received by the pay category treated most favorably since 1952. It will not even give them a percentage raise equal to the average raise received by all ranks. This amendment will merely give the enlisted man with less than 2 years the same percentage increase as that given to the group that has received next to the lowest increase since 1952, the officers with less than 2 years of service.

During the last year or so the press has been filled with shocking facts and figures about poverty in the armed services. These facts should be carefully considered as the Senate acts on this matter. Recent studies have shown, for example, that 169,000 airmen draw less pay than the poverty level standards set by the President's Council of Economic Advisers; 8,000 airmen are below the poverty level even after adjustment is made for the value of their rations and quarters; 70,000 airmen must resort to "moonlighting" to supplement their incomes; 60,000 airmen are actually eligible for various relief benefits; more than 5,000 airmen are actually receiving

relief; more than 100,000 Navy men are below the poverty line.

These facts have a familiar ring; many of us have recited them many times in the past. But old and familiar though they may be, they are nonetheless indicative of a failing in our system of military compensation, particularly at the first 2-year enlisted level.

A newer study has shown that there are now 148,000 airmen holding outside jobs, and 180,000 working Air Force wives.

Perhaps most disturbing of all, the Department of Defense recently found that 34 percent of all enlisted men in the continental United States were resorting to "moonlighting" to supplement their incomes; that is the number of enlisted men who held outside jobs at some time during 1964.

Thousands of men were unable to get by even in this way. In fact, 1.7 percent of the enlisted men in the United States are in such dire financial circumstances that they are actually receiving public relief payments.

Since the figures mentioned earlier showed that only 1 in 12 of the Air Force men who were eligible for relief actually applied for and received payments, it is pretty obvious that considerably more than 1.7 percent of our enlisted men are actually so poor as to qualify for public relief.

To the enlisted man who is unable to support his family, a raise of $9.90 a month is, it seems to me, grossly inadequate and discriminatory.

The only argument I have heard for not providing a higher raise is that our manpower needs in the lower grades are met through the compulsory pressure of the Selective Service System. It is completely incomprehensible to me that we should expect a soldier to live in conditions of privation or poverty simply because the law compels him to serve. If anything, the argument should run the other way—the man ought to be paid more in order to compensate him for the disruption of his private affairs and his willingness to serve his country.

This amendment will not raise the pay of recruits to the level of comparability with nonmilitary workers. Nor, as I hope someday may be possible, will it stimulate so many men to volunteer for the armed services that we can do away with the draft. But it is a step in the right direction, a step toward justice for enlisted men first entering the Armed Forces.

This step is well worth the $158 million cost and, out of simple justice, should be adopted.

I repeat, Mr. President, the committee has done an exceptionally good job on the bill. I note that the chairman of the committee, the senior Senator from Georgia, made the observation that year after year military pay has run behind civilian pay and behind civil service pay increases. That is correct. The bill takes a long step toward correcting that situation.

However, those who have run the farthest behind civilian pay increases and civil service pay increases are exactly the first, 2-year enlisted men, the men who are drafted into the service and who are required to serve. It seems to me that we ought not to discriminate in any way in our pay allowances with respect to the men we draft, merely because the law requires that they serve.

Mr. RUSSELL of Georgia. The fact that an enlisted man with less than 2 years of service has been passed over in the last two pay bills was not due to any fault of the Senate. We were unable to see such a provision enacted into law. We took due note of it, however.

One of the things that the bill is designed to cure is the "moonlighting" conditions described by the Senator from Wisconsin, which have grown up under the existing pay scale. We hope that the the pending bill will alleviate this condition, because it is a reflection on the greatest and wealthiest power on earth, to have those in its uniforms, and who defend us, living under such conditions.

We did pretty well by the enlisted men who have just come into the service. We raised their pay from $78 a month to $87.90 a month for the first 2 months. As soon as an enlisted man gets to be a private, first class, his pay is increased to $93.90. At the end of a 9-month period, his pay goes up to $117.90.

We must bear in mind that he is furnished his living quarters and food. Most of those men are very young men. Most of them are unmarried, and have no direct family obligations.

The dollar amounts are modest, but they represent a very substantial percentage increase over the existing figures. The amendment proposed by the Senator from Wisconsin would increase the bill by $158 million. We have already gone fairly high in the bill. I do not believe that the Senate would wish to add another $158 million for the men in one category. The bill took into account the argument made by the Senator from Wisconsin and allowed a substantially larger percentage increase for those to whom his amendment relates.

Mr. President, I hope that the amendment will be rejected.

Mr. NELSON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. NELSON. I understand what the distinguished Senator has said. It is correct. The committee made a substantial increase. But the fact is that if the first 2-year men had received the same percentage increase that was received by the rest of the armed services since 1952, it would be 67 percent and not 17 percent. This proposal does not bring the pay to the 67 percent that the enlisted man should receive, but would bring the pay exactly equal in percentage with the next lowest increase in the armed services, the first 2-year officer.

Mr. President, I yield 2 minutes to the Senator from New York.

Mr. KENNEDY of New York. Mr. President, I rise in support of the amendment offered by the Senator from Wisconsin [Mr. NELSON]. The pay situation of enlisted men with less than 2 years of service could not be more inadequate. We have allowed the same kind of poverty to exist for these men that we have deplored on a widespread basis in civilian life.

The pay raise which the committee bill offers these enlisted men is a help, but does not completely correct the failure since 1952 to give any pay raise to men with less than 2 years of service.

Some enlisted men have actually had to apply for emergency food grants and other welfare assistance in order to feed their families. There can be no more effective way of discouraging enlistment in the Armed Forces than to pay inadequate wages for the first 2 years. All of our fine programs which we have offered to stimulate and encourage enlistment in our Armed Forces cannot mean very much to the potential volunteer, especially one who has family obligations, if he knows that he will not be able to support himself during the first 2 years that he is in the service.

The amendment from the Senator from Wisconsin is a particularly needed reform. I urge the Senate to adopt it.

Mr. RUSSELL of Georgia. Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin [Mr. NELSON]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. MCNAMARA], the Senator from South Carolina [Mr. RUSSELL], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I further announce that the Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Minnesota [Mr. MONDALE] are necessarily absent.

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Wyoming [Mr. MCGEE]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Wyoming would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from South Carolina [Mr. RUSSELL]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] is absent on official business.

The result was announced—yeas 34, nays 53, as follows:

[No. 207 Leg.]

YEAS—34

Aiken	Bartlett	Burdick
Allott	Bayh	Carlson

Church	Kennedy, N.Y.	Neuberger
Clark	Kuchel	Pastore
Cotton	McGovern	Prouty
Curtis	Metcalf	Proxmire
Dominick	Montoya	Ribicoff
Douglas	Morse	Tydings
Gore	Moss	Williams, Del.
Gruening	Mundt	Yarborough
Hartke	Murphy	
Javits	Nelson	

NAYS—53

Anderson	Hickenlooper	Pell
Bass	Hill	Randolph
Bennett	Holland	Robertson
Bible	Hruska	Russell, Ga.
Boggs	Inouye	Saltonstall
Brewster	Jackson	Scott
Byrd, Va.	Jordan, N.C.	Simpson
Byrd, W. Va.	Jordan, Idaho	Smathers
Cannon	Lausche	Smith
Case	Long, Mo.	Sparkman
Dirksen	Long, La.	Stennis
Eastland	Mansfield	Symington
Ellender	McIntyre	Talmadge
Ervin	Miller	Thurmond
Fannin	Monroney	Tower
Fong	Morton	Young, N. Dak.
Harris	Muskie	Young, Ohio
Hayden	Pearson	

NOT VOTING—13

Cooper	Magnuson	Mondale
Dodd	McCarthy	Russell, S.C.
Fulbright	McClellan	Williams, N.J.
Hart	McGee	
Kennedy, Mass.	McNamara	

So Mr. NELSON's amendment was rejected.

Mr. HARTKE. Mr. President, I offer the amendment which I send to the desk. I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD.

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

The amendment is as follows:

On page 11, between lines 19 and 20, insert a new section as follows:

"SEC. 9. (a) Chapter 15 of title 38, United States Code, is amended by adding at the end thereof a new subchapter as follows:

"'SUBCHAPTER V—SPECIAL PENSION FOR VETERANS OF WORLD WAR I AND FOR THEIR WIDOWS

"'§ 571. Definitions

"'For the purposes of this subchapter—

"'(1) The term 'veteran' means a person who served in the active military, naval, or air service—

"'(1) for a period of ninety days or more during World War I and was discharged or released from such service under honorable conditions;

"'(2) for any period during World War I and was discharged or released from such service for a service-connected disability; or

"'(3) for a period of ninety consecutive days or more any part of which occurred during World War I and was discharged or released from such service under honorable conditions.

"'(2) The term 'World War I' means the period beginning on April 6, 1917, and ending on November 11, 1918.

"'§ 572. Pension for veterans of World War I

"'(a) The Administrator shall pay to each veteran of World War I who meets the income limitations of this section a pension at the rate of $100 per month. If a veteran is helpless or blind, or requires the regular aid or attendance of another person, the rate shall be increased by an additional amount, as determined by the Secretary, of not less than $70 per month.

"'(b) Pension shall be paid under this subchapter to a veteran who is unmarried (or married but not living with or reasonably contributing to the support of his spouse) and has no child, if the annual income of such veteran does not exceed $2,400; and pension shall be paid to a veteran who is married and living with or reasonably contributing to the support of his spouse, or has a child or children, if the annual income of such veteran does not exceed $3,600.

"'§ 573. Pension for widows of World War I

"'(a) A widow of a veteran of World War I who meets the income limitation requirements of this section shall be paid a pension at the rate of $75 per month. No pension shall be paid to a widow of a veteran under this section unless she was married to him (1) before December 14, 1944, or (2) for a period of five or more years, or (3) for any period of time if a child was born of the marriage.

"'(b) Pension shall be paid under this section to a widow of a veteran of World War I who has no children if her annual income does not exceed $2,400; and pension shall be paid to such a widow with one or more children if her annual income does not exceed $3,600.

"'§ 574. Exclusion of retirement income

"'In computing the annual income limitation provided for under this subchapter, an amount equal to $1,200 of any retirement income, public or private, to which a veteran or widow is entitled shall be disregarded.

"'§ 575. Election of benefits

"'A veteran or widow eligible for benefits under this subchapter and under any other provision of this title shall be permitted to elect and reelect under which provision they will receive benefits.'

"(b) The analysis of chapter 15 of title 38, United States Code, is amended by adding at the end thereof the following:

"'SUBCHAPTER V—SPECIAL PENSION FOR VETERANS OF WORLD WAR I AND FOR THEIR WIDOWS

"'571. Definitions.

"'572. Pensions of veterans of World War I.

"'573. Pension for widows of veterans of World War I.

"'574. Exclusion of retirement income.

"'575. Election of benefits.'

"(c) No veteran or widow shall have his or her benefits reduced as a result of the enactment of this Act."

On page 11, line 20, strike out "SEC. 9" and insert in lieu thereof "SEC. 10".

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

Mr. HARTKE. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on this amendment there be a limitation of 30 minutes, 15 minutes to a side, the time to be controlled by the distinguished Senator from Indiana [Mr. HARTKE] and the distinguished Senator from Georgia [Mr. RUSSELL].

The PRESIDING OFFICER. How much time does the Senator from Indiana yield himself?

Mr. HARTKE. I yield myself 5 minutes.

The amendment deals with a matter not directly related but indirectly related to the military pay bill, H.R. 9075.

I favor increases of pay for those in the military service, but in addition I am concerned for the present members of a group that has not been mentioned. I believe we should exercise concern for this group. They are the now elderly and often impoverished veterans of World War I. For this purpose, I recently introduced S. 2372, a bill to provide pensions of $100 a month for those veterans and $75 per month for their widows.

That bill is the same as the amendment that I now offer. Under it, in order to qualify, a veteran would be required to have 90 days of service prior to November 11, 1918, unless he was discharged for a service-connected disability incurred in a shorter period.

He would have to have an income no greater than $2,400 per year if he is single and no greater than $3,600 per year if he is married. At present there are about 2,120,000 veterans remaining out of the 4,566,000 of 1920. Their numbers are falling off by nearly 10,000 per month as they become further advanced in their retirement years. Of those now living, about 2.7 percent would not qualify under the 90-day clause, so that the total cost for the remaining veterans would run—if all were eligible under the income provisions, which they are not—to about $2,280 million per year. But since we are now paying a total of about $1,190 million in benefits which should be subtracted, the net additional cost would be about $1.1 billion per year. This would be reduced at a rate of about $14 million in the first year as more of these veterans become deceased. Therefore, it would reduce the number who would be eligible.

The cost for widows would likewise be declining year by year, with the initial year at present rates covering about 1,170,000 widows of World War I veterans, at about a billion dollars of cost.

I should like to cite again the words which I used in the introduction of S. 2372:

> A man who was only 18 when the war ended will be at the retirement age of 65 this year. Those who were 28 then are 75, if they are still living. For them there was no GI bill of rights as there was for the World War II veteran and the veteran of Korea, and as there will be when action is completed on the cold war GI bill we have already passed in the Senate. These men are becoming rapidly the forgotten heroes of long ago, yet they are still living and many of them are in need of the kind of benefits this bill would give.

I should like to point out another pertinent factor. Among these veterans there are many, as was brought out on the floor of the Senate at the time we were achieving final pasage of the social security bill, who will be adversely affected in their combined social security and veterans' benefits because of the income limitation provision. Our elderly veterans, those who went out, in the words so popular at the time, to "make the world safe for democracy," deserve the consideration this amendment would give them. They have very little time left, and thousands upon thousands of them need the kind of aid this would extend, as my mail and I am sure that of other Senators often makes pitifully clear.

I point out that under my amendment the amount of $2,400 which would be provided would still be within the poverty level.

This is not a measure which would provide for those who are able to take care of themselves. It would take care of those individuals who, in the later years of their lives, are reduced to the stage of almost begging for a living.

We passed the medicare bill. The distinguished author of that measure, the

Senator from New Mexico [Mr. ANDERSON] is in the Chamber.

I am sure that the distinguished Senator from New Mexico would agree, as would others, that though these people will be assisted in their medical needs, they also need help in their daily living expenses. They need coffee, bread, and other essentials. They are entitled, at least, to die in decency, after having offered their lives for democracy.

Mr. RUSSELL of Georgia. Mr. President, inasmuch as the Committee on Armed Services does not have jurisdiction in a matter of this kind, I yield to the distinguished junior Senator from Louisiana such time as he may require.

Mr. LONG of Louisiana. Mr. President, this is an extremely important matter. The jurisdiction of this subject would properly come within the Senate Committee on Finance.

The Committee on Finance has had no opportunity to study the measure or to pass judgment on it or to investigate the cost of the measure.

The amendment undoubtedly has merit. But it would involve an untold amount of money.

I should hope that the Senator from Indiana, who is also a member of the Committee on Finance, would be willing to offer the amendment in the committee and let the committee have jurisdiction.

If this amendment were agreed to in the bill, there would be a conference between the House and the Senate. The measure would properly be subject to an objection by the chairman of the House Veterans' Affairs Committee to the effect that their committee had jurisdiction and that it had been bypassed. That would make it very difficult to get this important pay bill to conference because of the jurisdictional problem.

The Senate Committee on Finance is a counterpart of the House Committee on Veterans' Affairs on a measure such as this.

I hope that the Senator will withdraw his amendment at this time and offer it later so that the committee may study the cost of the measure along with the other relevant factors and consider the measure in connection with one of the House-passed veterans bills.

That might mean some delay. However, that is what should be done. This amendment should be in one of the House veterans bills so that we could go to conference with the House Committee on Veterans' Affairs.

The Senator is a very effective member of the Committee on Finance. Most of his amendments are agreed to in the committee. I hope the Senator will give us an opportunity to study this measure in committee so that we can form a judgment on it. This proposal would involve a vast amount of money.

Mr. HARTKE. This is an important amendment. As we go through this day alone, 33 of these people will not be alive to be considered any more. Thirty-three die every day. They are gone. There will not be any chance for them to be considered.

The time will have run out for those people. Is there any hope at all that we could, if possible, perhaps bring this situation to the attention of the Committee on Finance and hold hearings on the measure?

The chairman of the Committee on Finance is present. Would it be possible to consider the measure now, or are we so far along in the legislation that we could not hold hearings on it?

Mr. LONG of Louisiana. As far as the junior Senator from Louisiana is concerned, I did not have an opportunity to discuss this amendment with the Senator before I found out that he planned to offer the amendment. I should be glad to discuss it with him and with the chairman of the Committee on Finance [Mr. BYRD of Virginia] to determine the prospect of acting on this measure in this session.

I hope the Senator will let us have the opportunity to study the measure and discuss it to see if we can do something about conducting hearings.

We conducted hearings this morning on a very important piece of veterans' legislation, a war insurance measure. That legislation would be subject to the jurisdiction of the House Committee on Veterans' Affairs. Perhaps the amendment of the Senator from Indiana could be offered in that measure or in some other veterans bill which would come from the House so that we could go to conference with the House.

Mr. HARTKE. Mr. President, as the Senator from Louisiana so well knows, I am in favor of going about our business, finishing up the business of Congress and going home. I should have liked to go home by August 15. However, it appears that that will not be possible.

There is some indication by some of the leaders that possibly we could finish by Labor Day.

I understand that the minority leader has indicated that we will finish by September 15. If we do not act in that time, in the neighborhood of approximately 140,000 of these veterans will be taken off the list, by the time we can take up the legislation next year.

If we were to conduct hearings tomorrow, or attach the amendment to another measure, and it were passed by the time of adjournment, on September 15, by that time, some 14,000 veterans would no longer be alive to claim their pension rights. These are men who have given their time to save democracy. They will be gone forever by then.

Mr. LONG of Louisiana. Mr. President, does the Senator know the revenue cost involved in the amendment?

Mr. HARTKE. The estimated revenue cost by the Treasury Department is extremely high. It is stated to be very much more than it actually would be. The pension would provide benefits only for single people who earn or have an income of less than $2,400 a year, and, if they are married, less than $3,600. In other words, we are dealing with poverty, and with people in their "golden age."

Mr. LONG of Louisiana. What does the Senator estimate the cost of the amendment would be?

Mr. HARTKE. One billion dollars.

Mr. LONG of Louisiana. Should it not be given study so a committee could pass judgment on it prior to asking the Senate to accept the amendment? I think the committee, of which the Senator is an able member, and which has jurisdiction, should have an opportunity to study the subject before the Senator asks the Senate to accept the amendment.

Mr. RUSSELL of Georgia. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. RUSSELL of Georgia. Let me say, without going into the merits of the amendment—and I do not challenge the statement of the Senator from Indiana—that the Senate Armed Services Committee had no notice that the amendment was to be offered. It is not in our jurisdiction. Under the rules of the Senate, it is under the jurisdiction of the Committee on Finance. If the Senate should improvidently approve this amendment, it would probably have the effect of killing the military pay bill as well as this bill. We would get into a squabble and it probably would not go to conference at all, and the question probably would not be resolved at all. The men of World War I—I happen to have had a little experience then—are passing away, but there are a total of 18 Army and Marine Corps battalions of American boys on the ground at this very moment in Vietnam, along with thousands of men in the Air Force and Navy all of whom would be denied this combat pay if there is an impasse with the House of Representatives, which would almost certainly result if the Senate should adopt the amendment.

The jurisdiction, as the Senator from Louisiana has stated to the Senator from Indiana, who is a member of that committee, is in the Committee on Finance. It should be brought before the appropriate committee, and the members of the Committee on Armed Services, who know nothing about it other than the statement made on the floor, should not be asked to accept it.

Mr. HARTKE. The services performed by the Senator from Georgia are more valuable that those of almost any other Member of the Senate. I know the Senator is concerned about the future and the fighting which may take place. Out of deference to the statements of the Senator from Louisiana and the Senator from Georgia, I withdraw the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Indiana is withdrawn.

Mr. COTTON. Mr. President, I send an amendment to the desk and I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the RECORD.

The amendment offered by Mr. COTTON is as follows:

At the proper place in the bill, insert:

SEC. 9. (a) Chapter 53 of title 10, United States Code (relating to miscellaneous rights and benefits of members of the Armed Forces), is amended by adding at the end thereof the following new section:

"§ 1040. Free postage from combat zones

"Any first-class mail matter admissible to the mails as ordinary mail matter which is

sent by any member of the Armed Forces from—

"(1) Vietnam, until such time as the President determines that Vietnam is no longer an area in which members of the Armed Forces are engaged in combat, and

"(2) any other area or areas in which the President determines members of the Armed Forces are engaged in combat,

to any person in the United States (including Puerto Rico or any possession of the United States) shall be transmitted in the mails free of postage, subject to such regulations as the Secretary of Defense may prescribe after consultation with the Postmaster General."

(b) The analysis of such chapter 53 is amended by adding at the end thereof the following:

"1040. Free postage from combat zones."

Mr. COTTON. Mr. President, this is the bill which I introduced about 3 weeks ago to grant free postage privileges to those serving in Vietnam until such time as the President should declare that Vietnam is no longer a combat area, and to grant free postage to any other members of the Armed Forces serving in any other area which the President shall determine hereafter to be a combat area.

The bill received the endorsement of many Members of this body after it was introduced. It was referred, of course, to the Committee on Post Office and Civil Service. The chairman of that committee, the distinguished Senator from Oklahoma [Mr. MONRONEY], and the ranking minority member of the committee, the distinguished Senator from Kansas [Mr. CARLSON] both spoke favorably about it on the floor of the Senate.

I ask unanimous consent that their names be added as cosponsors of this amendment.

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

Mr. COTTON. I also ask unanimous consent that the name of the distinguished Senator from Delaware [Mr. WILLIAMS] be added as a cosponsor.

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

Mr. COTTON. Mr. President, the fact that the chairman and the ranking minority members of the Post Office and Civil Service Committee cosponsored this amendment should indicate clearly to the Senate that offering this amendment in connection with the pending bill is in no sense bypassing or trespassing upon the jurisdiction of the Post Office and Civil Service Committee. That committee simply has not had an opportunity to act on it.

The amendment would grant the free postage privilege to servicemen in Vietnam. It does not even require the President to declare it a combat area, but he can terminate the privilege by declaring it has ceased to be a combat area, and he can declare any other area as a combat area.

I apologize to the chairman of the Armed Services Committee for not approaching him first. When I came on the floor earlier, with the intention of offering the amendment, the Seantor was engaged in addressing the Senate and I did not have any opportunity to speak with him about it. I did not intend any discourtesy to him.

Mr. RUSSELL of Georgia. Mr. President, as a general rule I do not like to accept amendments that have not been considered by the committee and on which there were no hearings, but, of course, we extended this privilege to all members of the Armed Services serving in World War I and World War II and the Korean war. If there is no objection from any member of the Armed Services Committee on the floor, I can see no objection to accepting the amendment. I do not believe it would cause any difficulty.

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

Mr. COTTON. I yield.

Mr. MONRONEY. The Committee on Post Office and Civil Service has not had an opportunity to act on this bill. We have had hearings, but action could be delayed until next January. The amendment represents only a minor expenditure in the carrying of mailbags. I feel that it is desirable that this amendment be enacted as a part of this excellent pay bill, and I am glad that the chairman of the Armed Services Committee thinks it is worthwhile to accept the amendment of the distinguished Senator from New Hampshire.

Mr. CARLSON. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield to the Senator from Kansas.

Mr. CARLSON. I, too, concur in the statement made by the chairman of the Post Office and Civil Service Committee. There is no doubt that our committee would have reported this bill at the first opportunity. I commend the Senator from Georgia for accepting the amendment. I point out, however, that it refers to first-class mail. I would have added airmail postage. That has some merit, because Vietnam is a long way off and letters delivered in the ordinary way take a long time.

Mr. MONRONEY. I point out to the Senator that all the mail to our servicemen, whether it is airmail or regular mail, goes to them by airmail.

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

Mr. COTTON. I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. I thank the distinguished Senator from New Hampshire. I associate myself with him on this measure.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. COTTON. I yield to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. As a cosponsor of the amendment I join the Senator from New Hampshire in thanking the chairman of the Armed Services Committee for accepting the amendment. The cost will be insignificant compared to what the benefits of this provision will be for the men in service. I have had correspondence with men in Vietnam. They have described the difficulties they have with stamps. It makes it difficult for them to write home, because they cannot carry these stamps in the humid jungles without their sticking together.

I congratulate the Senator from New Hampshire for offering the amendment. I am glad to join him as a cosponsor, and I thank the committee for accepting it.

Mr. COTTON. I thank the Senator from Delaware. Let me say that it was information received from the front at Vietnam as to what it meant to our boys to purchase stamps and then try to carry them in their sodden clothing which impelled me to introduce the bill in the first place.

Mr. THURMOND. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. I commend the distinguished Senator from New Hampshire for offering the amendment, and the distinguished Senator from Georgia, chairman of the Armed Services Committee of the Senate, for accepting it.

Those of us who served in World War II, and in other wars, realized the convenience of free postage when we were in the service of our country. It is not only a matter of saving a small amount of money to the soldier, but more than that it is also a great convenience. He does not have to run around looking for stamps and then, when he finds them, putting them in his pocket with the glue causing trouble, or some other inconvenience attaching to them.

In my opinion, this will be a great morale booster. I am very glad that the amendment has been offered, and I am sure that the Senate as a whole will accept it.

Mr. COTTON. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Iowa [Mr. MILLER] may be added as a cosponsor of my amendment.

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

Mr. COTTON. I again thank the distinguished Senator from Georgia for this courtesy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, again our Committee on Armed Services has completed with distinction a difficult assignment and has placed before the Senate the results of its well-reasoned consensus. I refer to the extraordinarily fine product of the committee's deliberations—its report to accompany H.R. 9075, a bill to increase the basic pay for members of the uniformed services, and for other purposes, including the $10 monthly increase in hostile fire pay, and changes in the cost-of-living formula for increasing retired pay.

I support this measure as reported even though, except for the language affecting retired personnel, there is little significant difference between the House and Senate committee versions of this military pay legislation in terms of additional gross annual cost. Though the differences are not substantial, the Senate committee version is superior in terms of appropriate and equitable dis-

tribution of the additional annual costs which it would authorize.

On August 6, when the measure was reported, a wire service dispatch informed the public that, in announcing the committee's unanimous action, Chairman RICHARD B. RUSSELL told reporters:

This bill will mean less for the generals, admirals, and other top officers and more for the younger fellows we need to retain.

This is a cogent reason for supporting the legislation which is the pending business, and in making this assertion I offer further explanation because I do not believe senior officers are being mistreated in the light of other factors.

The House bill provided wide variations in increases because its Committee on Armed Services apparently sought to equate military and civilian pay and skills, whereas the Senate committee rejected this approach. I agree with the comment attributed by the press to the knowledgeable and diligent senior Senator from Georgia [Mr. RUSSELL] to the effect that this is not possible.

I subscribe to the rationale for the Senate committee position as set forth on pages 7 and 8 of its report, and I congratulate it for having recommended against structural changes in the career military pay scale pending a thorough review of the entire military compensation system.

The committee is correct in taking no position at this time on which of the various elements should be included in defining military compensation for the purpose of determining the levels of compensation and for the purposes of comparisons that might be made with other compensation systems. It was right in recommending a 6-percent increase for officers with over 2 years' service—slightly higher for lieutenants and captains other than naval captains. The House version, with progressively higher rates in the upper brackets, would place too much emphasis at the wrong end of the ladder.

I believe a searching review of the components of military compensation and additional benefits and windfalls should be undertaken—especially as relate to the senior officers of the uniformed services. The study should include personal and household services and should not exclude the wide participation of senior officers' sons in the benefits accruing from service academy enrollment.

During this year I have had reason to become more closely acquainted with the U.S. Naval Academy than at any time in the years since 1933 during which I have been nominating young men for appointment. Numerous of the facts I learned about the Naval Academy and the Navy that I had not known before possibly could be ascertained by also looking carefully into conditions at the Military and Air Force Academies and at the Army and the Air Force. I shall attempt to broaden my knowledge of them, too.

It was interesting to find that many officers of the Regular Navy have or have had all or most of the male members of their immediate families appointed to service academies—predominantly to the Naval Academy, of course.

The press made much of the fact that, on June graduation day this year at West Point and Annapolis, one rear admiral was provided military aircraft transportation so that he could attend portions of both graduation exercises to see his two sons culminate 4 years of officer education and training, one at the Military Academy and the other at the Naval Academy, costing the taxpayers sums variously estimated between $36,000 and $40,000 for each graduated cadet and midshipman. This might be classed "quite a windfall" for that senior officer.

The Superintendent of the Naval Academy who departed and received a change of duty assignment and station in June, while serving previously as the commandant of midshipmen, saw one son graduate at Annapolis; and, while serving as the Superintendent, saw his second son enrolled as a midshipman. I am told that there are numerous similar situations.

There are many cases of senior officers not knowing the costs of higher education for the males of their families because the taxpayers provided their sons with academy educations and service careers. Should we also raise the rates of salary increases for such officers above the rates for lower ranks?

These are important matters to be considered in the future review of compensation and related elements.

I would suggest, too, that in studying service academy factors the Committee on Armed Services might appropriately accord attention to ways to improve the appointment system—especially in the matter of nominations.

A case came pointedly to my attention wherein an officer of the Regular Navy, on behalf of his son, made multiple applications to nominating authorities, and also had his son enroll for competition in the Naval ROTC scholarship program. The result was that the son was placed on not less than three lists of nominations—thereby denying at least two deserving young men of opportunities to try for appointment; and he also was a successful candidate for an NROTC scholarship. Cases of this kind, I am told, are numerous; they are not in the best interest of a distribution of appointments.

Young males of uniformed service families have special categories of service academy nominations available to them which are not available to young men of civilian families. In addition, as pointed out in the foregoing case, the service families also move into the congressional nominations categories in substantial numbers.

This adds further to the extensive participation by service juniors in the academy programs. They are accorded too many advantages. I would not make such a drastic suggestion as that of eliminating service juniors from congressional nomination lists and restricting them to the Presidential nominations category and related competitive categories. But something should be done to obviate the condition of multiple nominations. I am convinced that very few Members of Congress knowingly participate in it and that the vast majority of Members would prefer a system limiting each individual academy applicant to a single nomination, whether it be Presidential or congressional or other category.

I have seen in recent months the manner in which Regular Navy officer graduates of the Naval Academy, who also have sons in the brigade of midshipmen, take charge of or come to the fore aggressively in any inquiry involving the Naval Academy. I believe that it is time for the executive branch and the Congress to awaken to an understanding of the implications and potential consequences. We cannot achieve objectivity in academy reports and evaluations when these conditions prevail.

The tendency to concentrate too much authority and too many taxpayer-supported benefits in too few Regular Navy families is one that should be evaluated with care. Perhaps the same tendency prevails in the other uniformed services and needs attention there, too.

Mr. TOWER. Mr. President, provision of fair and adequate compensation for the men and women who serve the Nation in uniform is one of the most important matters with which this Congress must deal.

We must insure that our military personnel and their families fully share with other sectors of our society the rising American standard of living. We must insure that the military compensation system attracts, retains, and properly motivates the kind of people we need to man effectively our increasingly complex Defense Establishment.

However, let us not delude ourselves that we ever can adequately compensate our uniformed personnel for the unique hazards and hardships of the military profession—the risk of death or injury in combat, the long and frequent family separations, the stringency of necessary military discipline, and the 24-hour-a-day availability.

It is difficult to relate military pay to civilian pay, for military men of the same rank perform diverse and varying jobs for most of which there is no civilian counterpart. Accordingly, even though we know military pay has lagged behind civilian pay in both Government and industry, our chief emphasis must be on achieving not some elusive comparability with civilian pay, but on achieving a degree of military compensation which will make a military career attractive and rewarding.

The failure of military pay levels to keep pace with wage adjustments provided Federal civilian workers and workers in the private sector of our economy has contributed significantly to the inability of the military departments to attract and retain career personnel.

Among the various reasons given by personnel who quit military service, the inadequacy of military pay is invariably a key factor.

All the military departments share in this retention problem.

The Secretary of the Navy has stated that the most important problem confronting him is procurement of personnel and retention of skilled, experienced military men as careerists.

The Secretary of the Air Force has said that the problem of retention is not confined exclusively to enlisted men, but extends also to younger officers.

The Army Chief of Staff has cited figures showing that there is a constant downward trend in the number of men electing to make defense of the Nation their career.

And there are other evidences of the need for a meaningful military pay increase.

During the past year the press has carried numerous accounts of the large number of military personnel who are required to hold an extra job in order to make financial ends meet. During 1964, an amazing 34 percent of all enlisted personnel in the continental U.S. were engaged in moonlighting on outside jobs.

I believe military duty is a full-time job, demanding full-time attention. As such, it is up to this Congress to see that it returns full-time pay.

This Nation has never been more in need of a dedicated, career, professional Defense Establishment. We are faced with a world situation unique in its long-term demands for the constant, shifting, and firm application of U.S. deterrents to communism.

The need to defend freedom from tyranny is constant and unending. America intends to defend its freedom, and the Constitution charges this Congress with seeing to it that adequate defense forces are maintained.

In passing this bill, I believe that the Senate will reflect a determination of all Americans to provide well for those among us who do battle so that all of us may retain liberty.

I hope that the Senate approves this bill by an overwhelming vote.

Mr. McINTYRE. Mr. President, it is a pleasure to offer my full support to the bill, H.R. 9075, to increase the rates of basic pay for members of our Armed Forces.

As a member of the Committee on Armed Services, I have been impressed by the careful consideration given this bill, and by the bipartisan leadership shown by the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], and the Senator from Massachusetts [Mr. SALTONSTALL] in their efforts to come up with a fair and reasonable solution to the problems raised by the heretofore inadequate pay scales in our military services.

Since the time when I began my service on the committee, I have felt that one of the most important problems confronting our military services was the problem of retention of capable, experienced personnel. The retention rates of first-term members of the Armed Forces, which are discussed in the committee report, fall far short of the figures which would be required to maintain a Military Establishment composed principally of career personnel.

Many suggestions have been offered to make the armed services more attractive as a career field. Almost all of these suggestions revolve about the basic issue of pay. In an expanding society with private industries competing for employees on a level of high salary competition, it is more important than ever before for military salaries to be increased as a primary step in competing for skilled personnel.

This is all the more important in view of the change which has taken place in the personnel needs of the military services. When I served in the Army, in World War II, it took very little in the way of formal book learning to handle most Army jobs. Today, however, the Army, like the other services, is finding a strong need for skilled, well-trained technicians in many fields. This morning I left Washington at 7:30 to inspect progress on weapons systems at Aberdeen Proving Grounds in Maryland. The equipment represented a very high level of technological sophistication, and the Army personnel who were operating the equipment stood as living proof of the military's need for highly skilled personnel in the modern age.

The specific provisions of this bill have been well covered in the debate which has already taken place, and so I shall limit my remarks to two provisions which have attracted my attention, and which have made the good bill passed by the House even better.

Unlike the House-passed bill, the bill reported by our committee contains an 18.2-percent increase in hostile fire pay. Men now serving in Vietnam would be eligible for this increase in pay, and, in my opinion, it is fully warranted. I do not believe that any man can receive enough pay, in money, to serve in combat under hostile fire, and I have never heard of anyone volunteering for combat duty because of the additional financial compensation. Nevertheless, additional pay is the least that we in the Congress can provide as recognition of the courage of the young men who face death daily in Vietnam.

The second provision in this bill which is worthy of additional comment is the provision in section 5 of the bill relating to increased retirement pay. The bill, by providing a fair increase for persons retired before the effective date of the act, has assured fair treatment to many military retirees who had feared neglect by the Congress. In addition to looking to the past, and increasing pensions of past retirees, the bill looks to the future, and provides a much more liberal test for tying retired pay to increases in the Consumer Price Index.

Mr. President, this is a fine bill. It deserves the unanimous support of the Senate today.

Mr. MURPHY. Mr. President, I rise in support of H.R. 9075 which is before the Senate today and which has been reported favorably by the Committee on Armed Services.

On August 2, 1965, I appeared before the Committee on Armed Services to express my concern over the inability of the armed services to attract and retain the necessary caliber and number of men and women who are so essential to a modern military force. It has come to my attention that one of the major problems facing the armed services today is retaining the expensively trained technicians and specialists who each year by the thousands are returning to civilian life because of their need for better paying jobs. I am advised that many soldiers, sailors, and airmen and their families are being forced to accept relief. This is a shameful situation that I believe will be corrected by the passage of the bill now under consideration, H.R. 9075.

Although this bill will increase military pay costs approximately 1 billion dollars a year, from a practical, dollars-and-cents view, a pay increase that would induce men in uniform to remain in the service would be an investment in the future. The money to be saved on training replacements in critical skills would come close to paying for the higher rate of pay. This is certainly a small price to pay when considering the long-range benefits to be reaped.

The bill now before us, as well as a similar bill that I have cosponsored with the distinguished Senator from Wyoming, will provide a 10.7-percent increase in military pay. I believe a pay raise of this nature will help immeasurably to solve our problem of military personnel.

With the world political situation as touch and go as it is today, I believe it is absolutely essential that we maintain the best equipped and best trained military force possible. Because such a pay increase will help us to do this, I support such an increase.

I believe H.R. 9075 is reasonable and necessary. The action by the House in approving the bill without a dissenting vote evidences its wide support in Congress. It is my sincere hope that the Senate will pass this measure with all possible speed.

Mr. YARBOROUGH. Mr. President, I salute the chairman [Mr. RUSSELL] and all the members of the Armed Services Committee for this substantial military pay increase of this bill. There are provisions in the bill that I find particularly pleasing. Last year I raised the point on the floor of the need to obtain equitable pay increases for enlisted men with less than 2 years of service; this year I am most happy to note that a raise for these servicemen is included. Enlisted men with under 2 years of service are being granted pay increases averaging 17.3 percent.

This is a problem which has long concerned me. Enlisted men in the first 2 years of service do the actual dirty work of the military service, when they are not doing the dangerous work. They are yanked out of civilian life to serve as infantrymen, or to work in messhalls, clean out latrines, serve as guards, and they perform these dangerous or tedious tasks in distant outposts. These are the forgotten men of the military service—they are inducted at a young age, subjected to the anonymity of basic training, yet perform their duties with great diligence, skill, and spirit. These are also the men who have not had a pay raise since 1952 and have actually suffered a pay loss due to the declining value of the dollar. Jus-

tice and equity call for a pay increase for these personnel, and it must be a substantial increase to bring these men back into line with the military pay scale.

I am certainly pleased that this problem has been recognized, and I congratulate the committee for its understanding of the need of this particular increase in pay.

The raises for the other categories of servicemen are no less well deserved and needed. I again applaud the committee for its prompt and wise action.

Mr. SALTONSTALL. Mr. President, my distinguished colleague, the senior Senator from Kentucky [Mr. COOPER] is in Kentucky today to keep a longstanding engagement to address the 16th annual leadership conference of the Kentucky Education Association, with teachers from all over Kentucky in attendance. Senator COOPER strongly supports this proposed increase in rates of pay for members of the armed services, and I ask unanimous consent to have printed in the RECORD, before the final vote, a statement which he prepared before going to Kentucky this morning.

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

STATEMENT BY SENATOR COOPER

I strongly support H.R. 9075, the bill to increase the rates of pay for members of the armed services. The Senate Committee on Armed Services has recommended its passage as reported, and the House Committee on Armed Services recommended passage of similar legislation. I agree with the reasons given for passage by the committees and by the Department of Defense, and I will mention several of them briefly.

This bill would provide an increase in pay for all grades in our uniformed services, and it would enable these pay rates to keep pace with compensation paid in other sectors of the American economy. The provisions of the bill would assist in attracting and retaining members of the armed services, and it would give special attention to increases in basic pay to enable our military personnel to keep up with the rising costs of living. Additionally, an increase in compensation for those facing hostile forces is included, and this hostile fire pay increase is fully merited by the members of our Armed Forces serving in areas like Vietnam.

I think it is important to remember that 125,000 members of our armed services have now been committed to the defense of the security of our country in Vietnam alone. At the end of July 1965 the Department of Defense reported deaths of U.S. military personnel in Vietnam already numbered 536, with another 2,847 Americans having been wounded. I earnestly hope that the number of casualties will not grow, and I continue to hope deeply that some honorable solution for the situation in Vietnam may be found at the conference table, rather than on the battlefield.

No one at this time, however, can foresee the future in Vietnam and in other areas of danger around the world. But we do know that, at present, it is the Armed Forces of the United States which must bear the heavy burden of protecting the security of all the people of our country. This bill, which the Senate will pass—and which I strongly favor—is not a compensation for the burden borne by our military, but it does indicate the recognition and appreciation of the country and the Congress for the service that is being given and will be required.

Mr. BYRD of West Virginia. Mr. President, I shall not attempt to reiterate the principles and details of this military pay bill which has been so forcefully explained by Senator RUSSELL, the chairman of the full committee. I would like, however, to emphasize certain points which are relevant to this legislation. We are considering this bill, as the senior Senator from Georgia has indicated, against the growing crisis of the Vietnam conflict. This situation only serves to underscore this much needed pay increase for the men and women of our Armed Forces who are confronted with increasing sacrifices. I do not wish to leave the impression that the Vietnam situation should be considered the reason for this military pay legislation. Its primary purpose is to improve the military compensation system in a manner which will provide a reasonable military compensation system and be sufficient to attract and retain men and women in our Armed Forces.

At this point, Mr. President, I would like to emphasize that, while the improvement of retention is always one purpose of military pay legislation, it should not be the sole purpose. We must in all military pay legislation, attempt to provide an equitable military pay system in comparison to what men can expect to earn in other segments of Federal Government. This matter is always a difficult process in view of the unique nature of the military duties and the difficulties of establishing any real comparability system.

It is my view, however, that this bill goes far toward meeting the objectives of establishing a reasonable military pay system in comparison to the wage levels now prevalent elsewhere in the Federal Government. This bill, as Senator RUSSELL has indicated, will involve an annual expenditure of $991 million. What the committee has done is to achieve the same objectives as the version passed by the House, but at the same time avoid what the committee considers to be certain deficiencies in the House version. The committee was of the opinion that no structural changes should be made in the military pay system at the present time and that there should be no attempt to establish a pay relationship between the various military pay grades and certain civil service salary rates. It was the view of the committee that any such comparison was of doubtful validity due to the vast distinction between military and civilian duties and assignments. Moreover, the Senate committee was of the opinion that no position should be taken on the different definitions of military compensation as utilized by the Department of Defense and the House committee. Before any final conclusion is reached on this complex matter, there must be additional information and resolution of a number of policy issues.

The Senate committee rationale was based on an examination of the trends in military and civilian compensation since 1952. As the committee report indicates on page 6, there has been an overall lag in military increases as compared to those increases for the civilian elements of the Federal Government. The committee recognizes that these percentages should not be used with exactitude in trying to match one increase precisely against another. They are an indication, however, of what has occurred in general trends. It was the view of the committee that for the career personnel, a simple across-the-board increase was justified in the form of a flat 6-percent increase for officers and a flat 11-percent increase for enlisted personnel. These increases, which have been explained in detail by Senator RUSSELL, will mean that in terms of the 1952 rates for military compensation, the officer rates with over 2 years of service will be increased from 44.1 percent to 50.9 percent; for enlisted men with over 2 years of service these rates will be increased from 32.4 percent to 42.4 percent.

The committee, as has been indicated, recommends the adoption of the personnel increase which averages 22 percent in basic pay for officers and 17.3 percent for enlisted personnel with less than 2 years of service. These increases, under the circumstances, appear to be reasonable and proper. Overall, as has been indicated, this bill provides for an average 10.4-percent increase in basic pay for all active duty personnel of the Department of Defense. This percentage will provide an average increase of only $25.54 per month, which appears modest indeed.

Mr. President, I would like to emphasize one other item in this bill which is the $10-a-month increase which was proposed in committee by Senator RUSSELL. This increase in combat pay from $55 to $65 a month is a much deserved token of recognition for the hardship and dangers now confronting our men in Vietnam.

Mr. President, this bill represents a balanced and simplified approach to increasing military compensation.

I urge its complete support by the Senate.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], and the Senator from South Carolina [Mr. RUSSELL] are absent on official business.

I further announce that the Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Minnesota [Mr. MONDALE], are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. HART], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Minnesota [Mr. MONDALE], and the Senator from South Carolina [Mr. RUSSELL] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] is absent on official business, and, if present and voting, would vote "yea."

The result was announced—yeas 89, nays 0, as follows:

[No. 208 Leg.]

YEAS—89

Aiken	Harris	Muskie
Allott	Hartke	Nelson
Anderson	Hayden	Neuberger
Bartlett	Hickenlooper	Pastore
Bass	Hill	Pearson
Bayh	Holland	Pell
Bennett	Hruska	Prouty
Bible	Inouye	Proxmire
Boggs	Jackson	Randolph
Brewster	Javits	Ribicoff
Burdick	Jordan, N.C.	Robertson
Byrd, Va.	Jordan, Idaho	Russell, Ga.
Byrd, W. Va.	Kennedy, N.Y.	Saltonstall
Cannon	Kuchel	Scott
Carlson	Lausche	Simpson
Case	Long, Mo.	Smathers
Church	Long, La.	Smith
Clark	Mansfield	Sparkman
Cotton	McGovern	Stennis
Curtis	McIntyre	Symington
Dirksen	McNamara	Talmadge
Dominick	Metcalf	Thurmond
Douglas	Miller	Tower
Eastland	Monroney	Tydings
Ellender	Montoya	Williams, N.J.
Ervin	Morse	Williams, Del.
Fannin	Morton	Yarborough
Fong	Moss	Young, N. Dak.
Gore	Mundt	Young, Ohio
Gruening	Murphy	

NAYS—0

NOT VOTING—11

Cooper	Kennedy, Mass.	McGee
Dodd	Magnuson	Mondale
Fulbright	McCarthy	Russell, S.C.
Hart	McClellan	

So the bill (H.R. 9075) was passed.

The title was amended, so as to read: "An act to increase the basic pay for members of the uniformed services, and for other purposes."

Mr. MANSFIELD. Mr. President, I am especially pleased with passage of the bill to increase the rates of basic pay for members of the armed services. It points up the importance of adequate compensation for those who provide the much-needed defense of this country.

In particular, I want to thank the senior Senator from Georgia [Mr. RUSSELL] for his management of this important bill. In his usual fashion, he has expertly shepherded this measure through full consideration in the Armed Services Committee and here in this chamber. The devotion to duty, especially the careful attention to matters involving the armed services, which the Senator from Georgia constantly demonstrates was again evidenced today.

In addition, I commend the senior Senator from Massachusetts [Mr. SALTONSTALL], the junior Senator from Mississippi [Mr. STENNIS] and all other members of the Senate Armed Services Committee who worked so hard and so thoughtfully on this bill.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the joint 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, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FALLON, Mr. KLUCZYNSKI, Mr. CLARK, Mr. CRAMER, and Mr. BALDWIN were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H.R. 7765) making appropriations for the Departments of Labor, and Health, Education, and Welfare, 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. FOGARTY, Mr. DENTON, Mr. FLOOD, Mr. MAHON, Mr. LAIRD, Mr. MICHEL, and Mr. BOW were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8856) to amend section 271 of the Atomic Energy Act of 1954, as amended.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 44. Concurrent resolution authorizing the printing of additional copies of House Document No. 198 entitled "The Commission on Intergovernmental Relations" (Rept. No. 575);

S. Con. Res. 45. Concurrent resolution authorizing the printing of additional copies of the "Catalog of Federal Aids to State and Local Governments" and the 1965 supplement thereto (Rept. No. 576);

S. Res. 135. Resolution authorizing the Committee on Government Operations to make certain studies as to the efficiency and economy of the operations of the Government (Rept. No. 572);

S. Res. 136. Resolution to provide funds for the study of matters pertaining to economy and efficiency of foreign assistance activities by the Federal Government (Rept. No. 573); and

S. Res. 137. Resolution to provide funds to study and evaluate the effects of laws pertaining to proposed reorganizations in the executive branch of the Government (Rept. No. 574).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 132. Resolution to print as a Senate document a study of international cooperation and organization for outer space (Rept. No. 577).

By Mr. HAYDEN, from the Committee on Rules and Administration, without amendment:

H.R. 10139. An act to amend the act of June 23, 1949, relating to the telephone and telegraph service furnished Members of the House of Representatives (Rept. No. 571).

By Mr. HAYDEN, from the Committee on Rules and Administration, with an amendment:

H.R. 9947. An act to amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives, and for other purposes (Rept. No. 570).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. CARLSON (for himself, Mr. TOWER, Mr. CURTIS, and Mr. DIRKSEN):

S. 2389. A bill to provide for the issuance of a special postage stamp in honor of the memory of the late General of the Army, Douglas MacArthur; to the Committee on Post Office and Civil Service.

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

By Mr. SMATHERS (for himself, Mr. BASS, and Mr. YOUNG of Ohio):

S. 2390. A bill to provide an official residence for the Vice President of the United States; to the Committee on Government Operations.

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

By Mr. DIRKSEN:

S. 2391. A bill to effectuate the intent of the Congress as expressed in section 1, paragraph (k) of Public Law 846, 77th Congress, approved December 24, 1942, by adding to the list of institutions named in said paragraph the name of the James F. Mitchell Foundation for Medical Education and Research, an institution similar to the institutions so named; to the Committee on the District of Columbia.

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

By Mr. DIRKSEN (by request):

S. 2392. A bill for the relief of Elias Dardanis; to the Committee on the Judiciary.

By Mr. MONRONEY (for himself, Mr. BREWSTER, and Mr. CARLSON):

S. 2393. A bill to authorize additional GS-16, 17, and 18 positions for use in agencies or functions created or substantially expanded after June 30, 1965; to the Committee on Post Office and Civil Service.

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

By Mr. MONRONEY:

S. 2394. A bill to provide for the acquisition of an official residence for the Vice President of the United States; to the Committee on Public Works.

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

By Mr. JAVITS:

S. 2395. A bill to amend sections 8 and 9 (c) of the National Labor Relations Act so as to provide for the holding of expedited representation elections upon petition of employers where labor organizations seek recognition on the basis of employees' authorizations or similar evidence, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. TALMADGE:

S. 2396. A bill for the relief of Alton R. Conner; to the Committee on the Judiciary.

S. 2397. A bill to amend the act of March 2, 1931, to provide that certain proceedings of the Sons of Confederate Veterans shall be printed as a House document; to the Committee on Rules and Administration.

By Mr. WILLIAMS of New Jersey:

S. 2398. A bill for the relief of Dr. Eshmail Sarkis; to the Committee on the Judiciary.

By Mr. FONG:

S. 2399. A bill for the relief of Urnesto Acio Toledo; and

S. 2400. A bill for the relief of Teodora Myrna S. Ungos; to the Committee on the Judiciary.

By Mr. DIRKSEN (for himself and Mr. HRUSKA):

S.J. Res. 103. Joint resolution proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States; to the Committee on the Judiciary.

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

RESOLUTION

RESOLUTION TO PROVIDE FUNDS FOR EACH SENATOR TO HIRE THREE "STUDENT CONGRESSIONAL INTERNS"

Mr. WILLIAMS of New Jersey (for himself, Mr. BAYH, Mr. YARBOROUGH, and Mr. SCOTT) submitted a resolution (S. Res. 139) to provide funds for each Senator to hire three "student congressional interns," which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. WILLIAMS of New Jersey, which appears under a separate heading.)

ISSUANCE OF A SPECIAL STAMP TO HONOR FORMER GENERAL OF THE ARMY DOUGLAS MACARTHUR

Mr. CARLSON. Mr. President, sometimes the U.S. Post Office Department issues a series of definitive stamps. When this is done, the portraits of famous Americans are often placed on these stamps. Many great Americans have been honored in this way. No doubt, there are many who are worthy of this recognition. But, I believe there is one American, recently deceased, who has not been so recognized and should be recognized. He is the former General of the Army, Douglas MacArthur.

This great American did so much to protect and to preserve our freedom. His valiant defense of Luzon made him a national hero. His dramatic escape through Japanese lines upon the collapse of Bataan and Corregidor inspired many American hearts. His personal pledge at that time, "I shall return," will live throughout the ages in the hearts of loyal Americans and other freedom loving people.

Mr. President, I, therefore, am introducing a bill calling for a special stamp in honor of Gen. Douglas MacArthur and request that it be appropriately referred.

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

Mr. CARLSON. I yield.

Mr. TOWER. I should like my name to be added as a cosponsor of the measure introduced by the distinguished Senator from Kansas.

Mr. CARLSON. I would be delighted to have the Senator from Texas as a cosponsor of the bill.

Mr. CURTIS. Mr. President, will the distinguished Senator from Kansas yield?

Mr. CARLSON. I am happy to yield.

Mr. CURTIS. Since the Senator is receiving cosponsors of this measure, I would be most delighted to have the honor of cosponsoring the measure.

Mr. CARLSON. I appreciate the request of the distinguished Senator from Nebraska.

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

Mr. CARLSON. I yield.

Mr. DIRKSEN. I, too, would like to have my name added as a cosponsor of the proposed legislation.

Mr. CARLSON. I thank the distinguished minority leader.

Mr. President, I ask unanimous consent that the names of the Senator from Nebraska [Mr. CURTIS], the Senator from Texas [Mr. TOWER], and the Senator from Illinois [Mr. DIRKSEN] be added as cosponsors of the measure.

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

The bill will be received and appropriately referred.

The bill (S. 2389) to provide for the issuance of a special postage stamp in honor of the memory of the late General of the Army, Douglas MacArthur, introduced by Mr. CARLSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

OFFICIAL RESIDENCE FOR THE VICE PRESIDENT

Mr. SMATHERS. Mr. President, for nearly all of the time I have served in the Congress there has been discussion of legislation to create an official residence for the Vice President of the United States, the man who is in direct line to assume the Presidency in the case of Presidential inability or death.

In 1948, Representatives Gearhart of California and Gregory of Kentucky introduced companion bills to provide an official residence for the Vice President.

The Washington Evening Star said of this proposal, in an editorial dated August 5, 1948:

> The Vice President is really a standby President. He should receive enough salary to enable him to live in a style befitting this high position. And it would not be overdoing things to relieve him of the task of house hunting by assuring him of a rent-free home for him and his family while he occupies the No. 2 Executive.

Again, in 1957, President Eisenhower was reported by U.S. News & World Report, to favor the establishment of a permanent official residence for the Vice President.

In each case, the Vice President of the United States was regarded as an official deserving of this treatment because he is not only the potential successor to the Presidency but because he is, in modern practice, very close to the daily execution of the powers of that office. In effect, he is an assistant President as well as standby President.

Thus, in the last year when talk again revived about the establishment of a Vice President's residence, it seemed clear that after long years there now existed broad consensus support for such legislation.

Therefore, Mr. President, I think the time has come to stop treating the second in command like a second-class citizen.

The Vice President of the United States should be provided with the facilities necessary to carry out his official duties, including those ceremonial responsibilities, in a manner which befits that high office.

The Congress should wait no longer.

While many proposals have been offered on possible sites for the official residence, it is my opinion that the property best suited for immediate use is the principal residence located on the grounds of the Naval Observatory.

I therefore submit for appropriate reference, a bill designating the principal residence on the Naval Observatory grounds, together with such appurtenant lands as shall be designated by the Administrator of General Services, as the official residence of the Vice President of the United States, and which authorizes to be appropriated the necessary expenses to defray the cost of operation of the residence.

The Senator from Ohio [Mr. YOUNG] joins me in cosponsoring the bill.

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

Mr. SMATHERS. I am happy to yield.

Mr. BASS. I should like to join the Senator from Florida in his remarks and in his effort to acquire an adequate and suitable place of residence for the Vice President of the United States. I have not gone into the possibility of the exact location, but I think the problem is one that should be settled during the present session of the Congress. I commend the distinguished Senator from Florida for bringing the question to the attention of the Senate and introducing the bill.

Mr. SMATHERS. I thank the Senator from Tennessee. I am honored to have him as a cosponsor of the measure, and I ask unanimous consent that his name may be added as a cosponsor.

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

The bill will be received and appropriately referred.

The bill (S. 2390) to provide an official residence for the Vice President of the United States, introduced by Mr. SMATHERS (for himself, Mr. BASS, and Mr. LONG of Ohio), was received, read twice by its title, and referred to the Committee on Government Operations.

EXEMPTION FROM REAL PROPERTY TAXATION

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill dealing with tax exemption for the James F. Mitchell Foundation for Medical Education and Research.

Mr. President, I ask unanimous consent that a memorandum on this matter from Mr. Joseph W. Kiernan may be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BASS in the chair). The bill will be received and appropriately referred; and, without objection, the memorandum will be printed at this point in the RECORD.

The bill (S. 2391) to effectuate the intent of the Congress as expressed in section 1, paragraph (k) of Public Law 846, 77th Congress, approved December 24, 1942, by adding to the list of institutions named in said paragraph the name of the James F. Mitchell Foundation for Medical Education and Research, an institution similar to the institutions so named, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on the District of Columbia.

The memorandum presented by Mr. DIRKSEN is as follows:

EXEMPTION FROM REAL PROPERTY TAXATION

(Memorandum Re the James F. Mitchell Foundation for Medical Education and Research)

The James F. Mitchell Foundation for Medical Education and Research is a nonstock, nonprofit corporation which was organized under the laws of the District of Columbia on December 31, 1952. The founders envisioned it as the cornerstone upon which would ultimately be built a coordinated medical facility modeled, on a small scale, after the Mayo Foundation and Clinic.

The activities of the foundation were limited by the absence of funds until April 1, 1960, when the foundation received its first grant from the National Institutes of Health, through the National Heart Institute. Since such date, in reliance primarily upon research grants from the aforesaid source, the foundation has been engaged in research upon the nature and causes of aging diseases, with particular emphasis upon arteriosclerosis and rheumatic disorders, and diseases of the heart and blood.

On May 16, 1962, the foundation was officially granted exemption from Federal income tax by the Internal Revenue Service as a corporation organized and operated exclusively for scientific purposes, no part of the net earnings of which inures to the benefit of any private individual.

Until April 30 of this year, the foundation conducted its medical education and research on the third floor of the Washington Clinic building, under a lease from Clinic Properties Association, Inc., the former owner of the premises. On such date, April 30, 1965, the foundation purchased all of the property of Clinic Properties Association, Inc., being all the land, building, and personal property located at 5401 Wisconsin Avenue NW. The Washington Clinic and the Washington Clinic Pharmacy now rent space for their purposes from the foundation.

Plans are and have for some time been underway for the foundation to construct on its property a nonprofit, 82-bed hospital which will concern itself primarily with medical and surgical diseases of the heart and vascular system, together with organ transplant work. Once said hospital is constructed and in operation, the foundation will have achieved its beneficent goal of welding into a coordinated organization for the benefit of the entire community a professional and medical practice of high caliber, specialized hospital service in a much-needed field, and effective medical research and education.

The control and management of the affairs of the foundation are vested in a board of trustees comprising 17 outstanding citizens of the community, only five of whom are doctors associated with the Washington Clinic. It is contemplated by said board that funds required for the construction of the hospital, to be named after the late Dr. John H. Lyons, will be solicited from the general public, and necessary steps toward such end have already been taken.

The foundation's aforesaid real property is presently assessed for real property taxation purposes at $436,020 (land—$166,020; improvements—$270,000), resulting in real estate taxes for the fiscal year ended June 30, 1965, of $10,900.50. With the increase in the tax rate to $7.20 per $100 valuation for the fiscal year ending June 30, 1966, the District of Columbia real property taxes on said property (before any increases in assessed values) will be $11,772.54. The need for relief from such burden is thus apparent.

The foundation's aforesaid real property does not presently qualify for exemption under section 47–801a et seq. of the District of Columbia Code of 1961, as amended. It would appear, however, that exemption may be provided by special act of Congress by adding the property of the foundation to the list of organizations whose property is exempt from taxation by section 801(k). A proposed form of bill to effect such amendment is being furnished herewith.

An alternative means for accomplishing the exemption from taxation is to have adopted by the Congress an act specifically exempting the foundation's property, without reference to exemptions presently in force. A bill along this line is likewise submitted herewith. It has been observed that all recent special exemption acts which have been passed by Congress have made the exemption from real property taxation subject to the provisions of sections 2, 3, and 5 of the December 24, 1942, general exemption act (56 Stat. 1089 D.C. Code secs. 47–801b, 47–801c, and 47–801e). Section 2 of said act (D.C. Code sec. 47–801b) provides as follows:

"§ 47–801b. Income producing property of exempt institutions.

"If any building or any portion thereof, or grounds belonging to and actually used by any institution or organization entitled to exemption under the provisions of sections 47–801a and 47–801c to 47–801f are used to secure a rent or income for any activity other than that for which exemption is granted such building, or portion thereof, or grounds, shall be assessed and taxed. (Dec. 24, 192, 56 Stat. 1091, ch. 826, sec. 2.)"

Were the Congress to enact a law exempting the foundation's property from taxation, but subject to the foregoing provision, it is feared that the assessor would maintain that the securing of rent or income from the Washington Clinic (which occupies three-fourths of the foundation's building) would presently be for an activity (long-term purchase of the property itself) other than that for which the foundation's exemption has been granted. Therefore, of the two bills suggested, the former would appear to be preferable.

Respectfully submitted.

JOSEPH W. KIERNAN.

AUTHORIZATION FOR CERTAIN ADDITIONAL GS–16, 17, AND 18 POSITIONS

Mr. MONRONEY. Mr. President, I introduce, for appropriate reference, for myself, the Senator from Maryland [Mr. BREWSTER], and the Senator from Kansas [Mr. CARLSON], a bill to authorize additional GS–16, 17, and 18 positions for use in agencies or functions created or substantially expanded after June 30, 1965.

Under this proposal, the Government-wide quota of positions which may be placed in GS–16, 17, and 18 would be increased by 100. However, these additional positions would be available for use only upon approval by the President and only for agencies or functions created or substantially expanded after June 30, 1965. We have been advised that a similar reserve of 50 positions which the Congress designated for this purpose in 1961 has been exhausted.

I ask unanimous consent that a letter addressed to me, dated August 6, 1965, from Chairman Macy of the U.S. Civil Service Commission, and a letter from Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget, dated August 6, 1965, both in support of this proposal, be printed in the RECORD at this point, as a part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 2393) to authorize additional GS–16, 17, and 18 positions for use in agencies or functions created or substantially expanded after June 30, 1965, introduced by Mr. MONRONEY (for himself, Mr. BREWSTER, and Mr. CARLSON), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The letters presented by Mr. MONRONEY are as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 6, 1965.

Hon. A. S. MIKE MONRONEY,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, New Senate Office Building.

DEAR MR. CHAIRMAN: This is in response to your request of July 20, 1965, for the views of the Commission on a draft bill to authorize additional supergrade positions for use in agencies or functions created or substantially expanded by legislation enacted after June 30, 1965.

The Commission fully supports the need for this legislation and urges that it be given favorable consideration.

Under the proposed amendment, the Government-wide quota of positions which may be placed in GS–16, 17, and 18 would be increased by 100. These additional positions, however, would be available for use only upon approval by the President and only for agencies or functions created or substantially expanded by legislation enacted after June 30, 1965. A similar reserve of 50 positions

which the Congress designated for this purpose in 1961 has been exhausted.

Although the immediate purpose of this legislation is to meet the need resulting from an expansion in programs of the Social Security Administration, the draft bill appropriately amends section 505(b) of the Classification Act to make the 100 additional GS-16, 17, and 18 positions available for Government-wide use. This type of amendment is much more equitable and desirable than the enactment of piecemeal legislation for this purpose each time a function is expanded or a new program is created.

The Commission suggests the title of the bill would be more descriptive if "GS-16, 17, and 18" were substituted for the word "supergrade."

The Commission would not, however, favor this proposal if there is any implication or assumption in supporting statements or the committee reports that the President will be limited in allocating these additional positions solely, or even primarily, to the Social Security Administration.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission or this report.

By direction of the Commission.

Sincerely yours,

(Signed) JOHN W. MACY, Jr.,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., August 6, 1965.

Hon. A. S. MIKE MONRONEY,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request of July 20, 1965, for the views of the Bureau of the Budget on a draft bill to authorize additional supergrade positions for use in agencies or functions created or substantially expanded by legislation enacted after June 30, 1965.

The draft bill would raise from 2,400 to 2,500 the limitation on the total number of positions authorized to be placed in grades GS-16, GS-17, and GS-18 under section 505(b) of the Classification Act, and would make the 100 additional positions thereby established available only for allocation with the approval of the President for agencies or functions created or substantially expanded by legislation enacted after June 30, 1965. The purpose of the draft bill is similar to the purpose of action taken in 1961 to authorize allocation of positions to these grades with the approval of the President for agencies or functions created after date of enactment.

We believe provision of authority to allocate additional positions to these grades, with the approval of the President, would be desirable. We believe, however, that flexibility should be provided to allocate positions not only where agencies or functions are created or substantially expanded by legislation, but also where new positions are needed, because of such other action as reorganization plans, and accordingly suggest the phrase "by legislation enacted" be omitted from the draft bill.

Our review of the needs of actual and prospective new agencies and new or expanded functions leads us to believe that the additional number of 100 in the draft would be very helpful at this time, although, of course, exact requirements can only be defined as these programs evolve to their intended level.

In individual cases, such as the expansion of the Social Security Administration which you mention in your letter, the exact minimum requirements can only emerge as the new or expanded program unfolds. We would, therefore, strongly urge that neither the bill itself nor statement of intent place any limitations, as to the number of positions or specific agencies, upon the President's discretion to approve positions for use within the overall ceiling in the category of agencies and functions stated in the bill.

In summary, the Bureau of the Budget would urge favorable action to provide an increase in the total number of positions authorized to be placed in grades GS-16, GS-17, and GS-18, with the approval of the President, in agencies or functions created or substantially expanded after June 30, 1965.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

ACQUISITION OF AN OFFICIAL RESIDENCE FOR THE VICE PRESIDENT

Mr. MONRONEY. Mr. President, I introduce for appropriate reference a bill to provide for the acquisition of an official residence for the Vice President of the United States. I ask unanimous consent that the bill be printed at the conclusion of my remarks.

The bill would authorize the establishment of a Commission for the Acquisition of an Official Residence for the Vice President composed of three members appointed by the President, one from the executive branch and two from private life. It would be the duty of the Commission to select and acquire a suitable residence in the District of Columbia for the use of the Vice President.

The Commission would be authorized to select and acquire an existing building and make necessary alterations and improvements or select and acquire land and construct a new building. The Commission would also be authorized to select any federally owned building now in existence.

The care, maintenance, and operation of the residence would be borne by the Government as is presently the case at the White House. The bill authorizes the appropriation of a maximum of $1 million for the acquisition.

In the past decade the duties and responsibilities of the Office of the Vice Presidency have increased immeasurably. There is little likelihood this trend will be reversed. As the complexities of a democratic government in a troubled world multiply, it is imperative that the President rely more and more on the Vice President to aid him in the performance and functions of state and other important governmental duties.

To enable the Vice President to carry out in a fitting and proper manner his role as the second ranking leader of our Government, an official residence in the District of Columbia, located near the heart of the city, convenient to the White House and the Capitol, commodious and attractive for the holding of state functions, and maintained at the expense of the Government, is needed.

I hope that hearings will be held promptly and favorable action taken by the Congress so that the business of acquiring such a residence can proceed with all due speed.

I ask unanimous consent that the bill lie on the table for a week so that other Senators may join with me in cosponsoring the measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and lie on the table, as requested by the Senator from Oklahoma.

The bill (S. 2394) to provide for the acquisition of an official residence for the Vice President of the United States, introduced by Mr. MONRONEY, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established the Commission for the Acquisition of an Official Residence for the Vice President (referred to hereinafter as the "Commission"), which shall be composed of three members appointed by the President, one from the executive branch of the Government and two from private life.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Two members of the Commission shall constitute a quorum.

SEC. 2. (a) The member of the Commission from the executive branch of the Government shall serve without compensation in addition to that received for his services in the executive branch, but he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(b) The members of the Commission from private life shall each receive $75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SEC. 3. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $75 per diem for individuals.

SEC. 4. (a) It shall be the duty of the Commission to select and acquire, on behalf of the United States, a suitable building in the District of Columbia, together with appurtenant buildings and grounds and appropriate furnishings and equipment, for use as the official residence of the Vice President of the United States.

(b) In carrying out its duties under subsection (a) of this section, the Commission may select and acquire an existing building with appurtenant land (including any federally owned building and land) and make necessary alterations and improvements, or may select and acquire land (including federally owned land) and provide for the construction thereon of a suitable building (together with appurtenant buildings). Any acquisition for the purpose of this Act may be made by gift or purchase, or in the event the Commission selected federally owned property, the agency or department having jurisdiction over such property shall, subject to the approval of the President, make such property available for such purposes.

(c) There are hereby authorized to be appropriated such sums, not to exceed $1,000,000, as may be necessary to carry out the foregoing provisions of this Act.

SEC. 5. The care, maintenance, repair, alteration, refurnishing, improvement, heating and lighting (including electric power and

fixtures), and operation (including the employment of a staff) of the official residence and grounds of the Vice President shall be provided at the expense of the United States, and there are authorized to be appropriated annually such amounts as may be necessary for such purposes.

SEC. 6. If the Commission is unable within a reasonable period of time to acquire a suitable residence for the Vice President, it shall report that fact to the Congress, together with its recommendations for such additional legislation as it determines may be necessary to acquire such a residence.

SEC. 7. Upon the completion of its duties under this Act, the Commission shall submit to the Congress a final report concerning the action taken hereunder, and upon the expiration of thirty days following the submission of such report, the Commission shall cease to exist.

BILL TO AMEND NATIONAL LABOR RELATIONS ACT TO PROVIDE FOR AN EXPEDITED ELECTION IN LIEU OF RECOGNITION ON THE BASIS OF A "CARD CHECK"

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend sections 8 and 9 of the National Labor Relations Act to provide for the holding of an expedited election in lieu of recognition on the basis of authorization cards or similar evidence purporting to show that a majority of an employer's employees wish to be represented by a union.

The bill relates to the famous card-check controversy. We believe the bill represents a compromise which will result in earlier elections and, at the same time, not involve the jeopardy to the employer which is claimed now takes place. I shall be proposing the consideration of this matter in connection with the bill to repeal of section 14(b), which is expected to come before the Senate soon.

The recent hearings on repeal of section 14(b) of the Taft-Hartley Act have amply demonstrated that the NLRB has increasingly allowed "card checks" as a basis for requiring union recognition. Under existing law, if a union presents an employer with cards signed by 51 percent or more of the employees, the employer is legally obligated to recognize and bargain with the union, unless the employer has a good faith doubt as to the authenticity of the union's showing of a majority. Under this rule, an employer can be effectively deprived of his right to present his arguments about unionization and then have the employees decide. The employees likewise can be deprived of the right to a secret ballot, even though section 9 of the act provides machinery for conducting such a secret ballot election. Also, a vital point is that a racket posing as a union has a much better chance to get in.

On the other hand, it is sometimes argued that the ordinary election procedures of the act, except in organizational picketing cases, may in some cases unnecessarily delay the process of determining the wishes of the employees.

This bill, however, would neither be a vehicle for delay nor limit the right to a secret ballot election.

The bill makes two changes in existing law.

First. Section 1 of the bill would create a new section 9(c)(6) of the Act, and thereby would provide that an employer faced with a "card check" of more than 50 percent may file a petition and get an election, and if he files such a petition, no unfair labor practice proceeding based solely upon refusal to recognize the card check will be processed unless the employer dissipates the majority by other unfair labor practices or so "poisons the air" by unfair labor practices that it would be futile or unfair to hold an election at all. Any petition for an election filed under this amendment would be followed by an expedited election under procedures comparable to those now in use under section 8(b)(7)—the high-speed election in cases of organizational or recognition picketing, established by the Landrum-Griffin Act. Under the expedited election procedure, all determinations of bargaining unit questions, eligibility of voters, objections to the conduct of the election, and so forth would be resolved by the Regional Director with only discretionary review by the Board. Under this procedure the time lapse between filing the petition and issuance of a certification would rarely exceed 30 days and often be much shorter.

Second. Section 2 of the bill would create a new section 8(g) of the act, under which, if a card check is presented, the employer is given a reasonable time to verify whether the signatures on the cards are genuine and have been signed voluntarily by the employees and have not been revoked. Thereafter, if he has no good faith doubt as to the authenticity of the union's majority showing on the basis of cards, the employer is obligated either to recognize the union or else file a petition for an expedited election as provided in this bill. If he has no good faith doubt and fails either to recognize the union or request an expedited election, he could be guilty of an unfair labor practice.

In short, the amended proposal cures the main defects in the "card check" procedure—that it could be inaccurate and deprive the employer of the right to tell his side of the story—while at the same time definitely improving the existing certification procedure by providing a union with a quick procedure for a vote heretofore available only in "stranger picketing" cases.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2395) to amend sections 8 and 9(c) of the National Labor Relations Act so as to provide for the holding of expedited representation elections upon petition of employers where labor organizations seek recognition on the basis of employees' authorizations or similar evidence, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(c) of the National Labor Relations Act is amended by adding the following new paragraph:

"(6) In any case in which it is alleged in a petition filed by an employer pursuant to paragraph (1)(B), that a labor organization seeking recognition as the representative of the employees of such employer has presented evidence purporting to show that a majority of employees in the appropriate bargaining unit desires to be represented by such labor organization, it shall be the duty of the Board, if it determines that in all other respects a question of representation affecting commerce exists, to forthwith, without regard to the provisions of paragraph (1), direct the holding of such an election in such unit as the Board finds to be appropriate and to certify the results thereof. The consideration of the petition and the holding of the election, in any such case, shall not be delayed by reason of the pendency of an unfair labor practice charge based upon the refusal of the employer to bargain collectively with the labor organization, and no such unfair labor practice charge based upon a refusal to bargain prior to the election shall thereafter be considered unless the Board determines that the labor organization had once been authorized to represent a majority of the employees in the bargaining unit, but that as a result of unfair labor practices committed by the employer (other than unfair labor practices under section 8(a)(5)), (a) such labor organization is no longer authorized to represent such majority or (b) the conditions required for the holding of a fair election no longer exist."

SEC. 2. Section 8 of such Act is amended by adding the following new subsection:

"(g) It shall be an unfair labor practice under subsection (a)(5) of this section for any employer to refuse to recognize a labor organization as the representative of his employees if such employer—

"(1) has been presented with evidence purporting to show that a majority of employees in the appropriate bargaining unit desires to be represented by such labor organization;

"(2) has no bona fide doubt that such majority desires to be so represented; and

"(3) has failed within a reasonable time to file a petition pursuant to paragraph (1)(B) of section 9(c), containing the allegations referred to in paragraph (6) of such section."

FUNDS FOR EACH SENATOR TO HIRE THREE SUMMER INTERNS

Mr. WILLIAMS of New Jersey. Mr. President, our country has always considered itself a young country, and this is as it should be. Part of this is attributable to the constant emphasis that has been placed on youth and education in America. This, too, is in our own best interests. One aspect of this attitude has been a growing effort to demonstrate to younger Americans the workings of our Government.

We hope, thus, to stimulate their thinking about government and politics and their activity in this field. Some, we hope, will be interested enough to take up Government service as a career. Some will, in later life, take an active part in government and politics in their home community. And some will stir

thinking on their campuses on these subjects.

Here in the Senate, many Members have attempted to further this ideal by establishing summer internships for college students. The students work in a senatorial office for the summer, gaining exposure to and involvement in many facets of the work of the Congress and the executive branch.

Unfortunately, most Senators who have conducted these summer internship programs have had to finance them out of their own pockets. This has had two results: It put a personal financial squeeze on the Senator, and it sometimes has restricted the program to young people who come from well-to-do or wealthy families, who can afford to subsidize them.

Consequently, many deserving students are unable to avail themselves of this rewarding experience because it is a luxury they cannot afford.

I submit a resolution establishing three summer internships for each senatorial office, each to carry a maximum stipend of $750 for the 3-month period of June, July, and August.

Certainly this is a modest wage, especially considering that these interns will be living away from home. But at least it will meet their living expenses and, perhaps, permit them to put something aside for the next year's school bills.

And it will relieve the financial burden on Senators who have been supporting these programs out of their own private resources.

I hope you will agree with me that the summer internship program is a valuable one and ought to be financed by the Senate.

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

The resolution (S. Res. 139) was referred to the Committee on Rules and Administration, as follows:

Resolved, That (a) notwithstanding any other provision of law, each Senator in the United States Senate is authorized to hire for three months during the period of June 1 to August 31, inclusive, each year, effective 1966, three additional employees to be known as "student congressional interns." For this purpose each Senator shall have available for payment to each intern a gross allowance of $750, at the gross rate of $250 per month, payable from the contingent fund of the Senate until otherwise provided by law. Such allowance and such interns shall be in addition to all allowances and personnel made available to such Senators under other provisions of law.

(b) No person shall be paid compensation as a student congressional intern who does not have on file with the Senate finance clerk, at all times during the period of his employment, a certificate that such intern was during the academic year immediately preceding his employment a bona fide student at a college, university or other institution of higher learning.

SEC. 2. The Committee on Rules and Administration of the Senate shall make such regulations as may be necessary to carry out this Act.

CHANGE OF REFERENCE

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from consideration of the bill S. 2363, and that the bill be re-referred to the appropriate committee.

This bill authorizes the Administrator of Veterans' Affairs to convey certain lands situated in the State of Minnesota to the city of Saint Cloud, Minn.

Since it is similar to two other bills before the Committee on Labor and Public Welfare I recommend that S. 2363 be referred to that committee also.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

BENEFITS TO CHILDREN OF CERTAIN VETERANS UNDER THE WAR ORPHANS EDUCATIONAL ASSISTANCE PROGRAM—AMENDMENT

AMENDMENT NO. 381

Mr. MILLER submitted an amendment, intended to be proposed by him, to the bill (H.R. 227) 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, which was ordered to lie on the table and to be printed.

INCOME TAX TREATMENT OF CERTAIN CASUALTY LOSSES—AMENDMENTS

AMENDMENTS NOS. 382 AND 383

Mr. MORTON submitted two amendments, intended to be proposed by him, to the bill (H.R. 7502) relating to the income tax treatment of certain casualty losses attributable to major disasters, which were referred to the Committee on Finance and ordered to be printed.

CORRECTION OF CERTAIN ERRORS IN THE TARIFF SCHEDULES—AMENDMENT

AMENDMENT NO. 384

Mr. KENNEDY of New York submitted an amendment, intended to be proposed by him, to the bill (H.R. 7969) to correct certain errors in the Tariff Schedules of the United States, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. CANNON. Mr. President, at its next printing, I ask unanimous consent that the name of the senior Senator from Utah [Mr. BENNETT] may be added as a cosponsor of the bill (S. 2281) to amend section 3 of the act of July 23, 1955 (69 Stat. 367, 368), and to authorize mining locations for certain mineral deposits, introduced by me on July 23, 1965.

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

Mr. METCALF. Mr. President, at its next printing, I ask unanimous consent that the name of the Senator from Maryland [Mr. TYDINGS] be added as a cosponsor of the bill (S. 1816) to amend the Migratory Bird Conservation Act with respect to the disposal of land and interests in land acquired pursuant to such act.

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

Mr. METCALF. Mr. President, I also ask unanimous consent that, at its next printing, the name of the Senator from Utah [Mr. Moss] be added as a cosponsor of the bill (S. 1974) to amend title 23 of the United States Code relating to highways for the purpose of protecting fish and wildlife and recreation resources.

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

Mr. TYDINGS. Mr. President, I ask unanimous consent that my distinguished senior colleague from Maryland [Mr. BREWSTER], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Alaska [Mr. GRUENING], and the Senator from Pennsylvania [Mr. CLARK] be added as cosponsors of my bill, S. 2339, to permit a State to elect to use funds from the highway trust fund for the purposes of urban mass transportation.

I further ask unanimous consent that the bill lie on the table until August 13 for the purpose of permitting additional cosponsors.

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

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate of August 3, 1965, the following names have been added as additional cosponsors for the following bills:

S. 2351. A bill to protect the morale and efficiency of members of the Armed Forces by prohibiting the making of certain threatening and abusive communications to members of such forces or their families, and for other purposes: Mr. HARTKE and Mr. MUNDT.

S. 2352. A bill to amend the Labor-Management Relations Act, 1947, as amended, so as to provide for the regulation of certain employees benefit funds: Mr. ALLOTT.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader about the program for the remainder of the day, and what he proposes to call up in the Senate tomorrow.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this is partially in response to the question raised by the distinguished minority leader—that when the Senate completes its business tonight, it stand in adjournment until 12 o'clock noon tomorrow.

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

Mr. MANSFIELD. It is anticipated that a unanimous-consent request will shortly be made to call up a bill which has been cleared on all sides. It will probably take about a half a minute to dispose of it.

Then the Senate will proceed to consider the nominations on the Executive Calendar, beginning with those in the Department of Justice.

After that, it is hoped, if we complete consideration of the nominations in time—and I am hopeful that we can, and without a yea-and-nay vote—that we shall be able to take up the Peace Corps conference report.

If we are able to dispose of that today, it is the intention of the leadership to lay before the Senate H.R. 8369, the State-Justice, Commerce, and judiciary appropriations bill.

That will be followed by H.R. 7969, the tariff schedule bill; and, of course, conference reports as they arise will be called up.

Mr. DIRKSEN. There is little likelihood that discussion on the tariff reclassification bill will get underway today. Is that correct?

Mr. MANSFIELD. There is no likelihood.

CONVEYANCE OF CERTAIN PROPERTY TO DARE COUNTY, N.C.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calender No. 310.

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

The LEGISLATIVE CLERK. A bill (H.R. 2176) to authorize the Secretary of the Interior to convey certain property to the County of Dare, State of North Carolina, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the third reading of the bill.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 322), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 2176 is to provide for the transfer to Dare County, N.C., of 1½ acres of land in the village of Hatteras which is now owned by the United States and administered by the national park system.

NEED

The land in question is needed by Dare County for a hospital. It was acquired by the National Park Service in 1958 by transfer from the General Services Administration under the act of July 18, 1958 (72 Stat. 398). At that time the Park Service expected to use it for administrative purposes in connection with the Cape Hatteras National Seashore. This use, however, has not materialized and the land, which is not within the national seashore though it is close by, is not needed for Government purposes. The land covered by the bill is valued at $1,860.

Utilization of this land for a hospital will be helpful to visitors to the national seashore as well as to the local inhabitants. Although more than half a million people are attracted annually to the seashore, the nearest hospital is 125 miles from its center.

Enactment of H.R. 2176 is required to permit the proposed transfer to be made, since the Federal surplus property laws are not applicable to National Park Service landholdings. It is the committee's belief that the advantages to the Government of the proposed transfer and the inclusion of a provision for reversion of this property if it is not used for a public health facility justify a waiver of the usual rule against disposition of Government property without recouping its fair market value.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF JUSTICE

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

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

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Chief Clerk read the nomination of John W. Gardner, of New York, to be Secretary of Health, Education, and Welfare.

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

Mr. KENNEDY of New York. Mr. President, the Senate has just voted to confirm an outstanding appointee to the post of Secretary of Health, Education, and Welfare. John Gardner's entire life has been devoted to public service. He has been a teacher; he has served the executive branch of the Government; and he has devoted many years to the work of the great charitable foundation from which he comes to his present post.

John Gardner has done more than serve. He has served with devotion and excellence. Indeed, his work, his writing, and he himself have become synonymous with the quest for excellence in American life.

The post which he now assumes is, in my judgment, as important as any other for the future of our country. For as we move to meet the challenges of a changing world, the quality of the education we give our children will determine the quality of our response. Our problems are many and various; and their magnitude is great. There can be no greater tribute to John Gardner than our knowledge that he is fully equal to the job.

U.S. SUPREME COURT

The Chief Clerk read the nomination of Abe Fortas, of Tennessee, to be an Associate Justice of the Supreme Court of the United States.

Mr. SYMINGTON. Mr. President, I was extremely gratified that the distinguished Committee on the Judiciary has without a dissenting vote favorably reported the nomination of Abe Fortas to be Associate Justice of the Supreme Court of the United States. This committee, composed of able and experienced lawyers, by this action gives recognition to the principle that practical legal experience is one of the most important qualifications for this high judicial office.

Mr. Fortas was a brilliant student at Yale Law School, a distinguished and dedicated Government official in a number of capacities, and more recently has achieved high eminence at the bar as a private practitioner.

The Judiciary Committee's unanimous recommendation attests these qualities, and it is my view that Mr. Fortas will bring to the Court those high qualities of intellectual attainment and judicial temperament all his friends know he possesses.

For many years, I have been privileged to know Mr. Fortas as a personal friend. But, my complete support of his nomination is based upon the conviction that the established facts of his record justify the Senate of the United States in exercising its constitutional responsibilities by confirming the President's appointment.

Mr. Fortas' practical experience, his recognized scholarship in the field of constitutional law, his career in government and at the bar, unqualifiedly support the conclusion that Abe Fortas possesses the qualifications to make a great Justice of the U.S. Supreme Court. I predict with confidence that he will; and therefore I am happy to support the nomination of this distinguished American lawyer.

Mr. THURMOND. Mr. President, the nomination of Mr. Fortas to be an Associate Justice of the U.S. Supreme Court is, in my opinion, most unfortunate.

The Constitution does not establish specific qualifications for judicial appointment to the courts of the United States. Although a number of bills have been introduced for the purpose of establishing minimum requirements, the Congress has failed to remedy this inadequacy. Legally, therefore, there is no bar to Mr. Fortas' appointment to the Court.

Despite the lack of constitutional or statutory guidelines, individual Senators are not relieved of the responsibility for forming a judgment as to the competence of each designee for the position to which he is nominated. We, as individual Senators, must, under the Constitution, share with the President the responsibility for such appointments. When he was here in the Senate, President Johnson demonstrated his concurrence that confirmations by the Senate should be on the basis of individual evaluations by each Senator of the nominee's competence. I recall, for instance, the leadership role exercised by the then Majority Leader Johnson in successfully defeating confirmation by the Senate of Adm.

Lewis Strauss to be Secretary of Commerce.

The mere fact that the President has designated a particular person for this post does not relieve Senators from their responsibility for assessing the wisdom of the appointment.

Judicial appointments, by their very nature, require a special type of competence; and appointments to the highest U.S. Court require the highest degree of such special competence.

One essential element of the competence required is often described as "judicial temperament." Judicial tempermanent is a requisite because of the nature of the position. One of the most essential elements of judicial temperament is the ability to interpret and apply the law to specific cases and controversies, and in so doing to refrain from substituting individual opinion for the applicable law.

Law, by its very nature, is largely composed of absolutes. It is from this quality of the law that stability and order inures. Judicial temperament requires sufficient respect for the rule of law to overcome any disagreement with a particular law.

After careful examination of the available information on the nominee, Mr. Fortas, I am convinced that he is totally lacking in judicial temperament. Both his public conduct and his words demonstrate a disdain for absolute values, and that he holds a philosophy based on relativism.

Illustrative of the nominee's philosophy of relativism is an appreciation written by him of Gen. G. B. Chisholm's lecture in 1946 to the William Alanson White Psychiatric Foundation. I ask unanimous consent that the William Alanson White memorial lectures, second series, of February, 1946, including "An Appreciation" by Abe Fortas, the lecture by G. B. Chisholm, and the panel discussion be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. The relativism, or in Mr. Fortas' words, "freedom from moralities," expressed and endorsed by the nominee on this occasion is consistent with his actions reported in the press over the years. It is the antithesis of a judicial temperament. One who finds it desirable to replace moralities with the flexibility of "sensible thought and behavior" would hardly be capable of resisting the impulse to modify or replace with flexibility the law of the land.

I oppose the confirmation of Mr. Fortas as Associate Justice of the Supreme Court.

EXHIBIT 1

THE PSYCHIATRY OF ENDURING PEACE AND SOCIAL PROGRESS

(The William Alanson White memorial lectures by G.B. Chisholm, C.B.E., M.D., with a foreword by Abe Fortas and discussion by Henry A. Wallace, Watson B. Miller, Samuel W. Hamilton, Ross McC. Chapman, Harry Stack Sullivan)

WILLIAM ALANSON WHITE AND THE SPONSORS OF THESE LECTURES

It was to carry on the work of their beloved teacher and friend that, with his consent, the William Alanson White Psychiatric Foundation came into being in 1933 and was incorporated in the District of Columbia. Its program crystallized under his direction. Dr. White became a trustee and its honorary president for life on the 19th of February, 1934.

No one did more than William Alanson White to withdraw psychiatry from its cell and influence its integration with general medicine. He was a great interpreter and his lucidity of thought and expression, his capacity for the wisely spoken, as well as written, word carried far. Medicine owes him much as a distinguished teacher and editor. He was, moreover, a great hospital administrator.

The board of trustees of the foundation undertook to support research and to establish facilities for training research and treatment personnel as far as possible to a new level of competence.

The Washington School of Psychiatry (1936) was a project of mature deliberation as to the existing facilities for postgraduate training. Dr. White was to have participated in its program as clinical professor of psychiatry. The school has stood for a growing integration of the biological and social sciences.

The second project of the foundation, its journal, Psychiatry, with the same aims in view, has lived up to its purposes and has gained a warm reception.

The William Alanson White memorial lectures, as an occasional activity of the foundation, are to have, I believe, a not inconsiderable place in the history of psychiatry.

Dr. Harry Stack Sullivan, first president of the foundation, the editor of our journal and president of the Washington School of Psychiatry, was the first memorial lecturer.

General Chisholm was until recently Director-General of Medical Services, Canadian Army and is Deputy Minister of Health in the Dominion Department of National Health and Welfare, as well as president of the National Committee for Mental Hygiene, Canada. I need scarcely add that he is a psychiatrist of worldwide distinction.

ROSS MCCLURE CHAPMAN,
President.

AN APPRECIATION

(By Hon. Abe Fortas, the Under Secretary of the Interior)

General Chisholm's remarkable lectures on "The Reestablishment of Peacetime Society" will undoubtedly startle many people. This is not the first time that wisdom has mercilessly illuminated the nature and consequences of the fantastic fabric of man's training and behavior. But I dare say that it is one of the few occasions in which pitiless disclosure has been accompanied by the drawing of a clear, cleanly-defined alternative which may inspire our efforts. General Chisholm is paradoxical. He not only pleads for mature men and women, but the nature of his plea discloses that he himself is that extraordinary creature: a man of maturity.

Dr. Sullivan says that "the mental disorder of modern man" is the attempt "to protect a peace of mind that at best is the peace and quiet of fresh thistledown on a windy day." But the prescription of General Chisholm for this disorder is not the patent formula in the medicine book. He does not suggest a renewed effort to anchor the mind and personality. He does not even propose that the trouble be solved by anchorage to different and better foundations. He says that the difficulty is with the very idea of anchoring at all.

Man has sought through the ages to define and classify behavior: this is good, that is evil; this is religion, that is taboo. It matters not that different groups of men at different times and in different places have arrived at conflicting results. The results have always been as unimpeachable as a decision of the Supreme Court of the United States. The inducements to the results, although more complex, have been similarly basically intelligible: to define a code, to compel a course of conduct which would apparently permit man to live with man in the given society, and, as a presumably necessary part of this, to bind each new individual to his elders, his rulers, and their past.

But the human past is no longer suitable to the material present. It hasn't been for some time, but we have now reached the point where drastic readjustment of human personality and conduct appears necessary for survival.

As General Chisholm points out, the problem of society in a world trembling with the power of self-destruction is essentially the problem of society's individuals. Unless we can remake ourselves—unless in every country there are large numbers of mature, reasonable people, free of guilts and inferiorities, there may soon be none of us left, not even to bury the dead.

So it is that General Chisholm proposes that we put aside the mistaken old ways of our elders, and that we take charge of our new destiny. On his agenda, no one is without a part to play in this challenging undertaking; the church, the home, schools, and government should set themselves to the task of examining and understanding and treating the ills that beset society—and the individual. And the role of the psychiatrist in this venture is not merely that of a healer; it is the greater task of him who seeks the causes of fear, anxiety, prejudice, and vicious passion, and works to eradicate those causes.

We must make it possible, General Chisholm advocates, for human beings to think, and thereby to act rationally. If we are to do this, we must first free them of the terrible burden of blind authoritarianism, of the slavish acceptance of the doctrines which each generation is supposed to accept from its predecessors like a burial urn, and to pass on untouched and unexamined to its successors.

There are some, no doubt, who will take alarm at this precept. But the rejection of authoritarianism which it implies is neither an adjuration to repudiate authority nor a mandate to cast aside reasonable standards of behavior. It is merely an invitation to seek fact and reason, which cannot be found in the blocked tunnel of prescribed formula.

Indeed, most of the essential principles which we teach as religious or moral imperatives are solidly founded in sensible social necessities. "Thou shalt not kill" is a reasonable multilateral arrangement among the members of society. But "Thou shalt not kill," advanced merely as the ipse dixit of a thunderous war-god, is a bewildering contradiction which spawns with equal facility avengers, aggressors, Quakers, and Jehovah's Witnesses; the GI's of Bill Mauldin's cartoons and the GI's of the neuropsychiatric wards.

General Chisholm's proposal is practical pedagogy. We are interested, after all, not in the mere learning of good and evil, but in the practice of reasonable mature individual and community living. This comes about not through the acquisition of doctrinal information, but through the application of reason and humanity, maturely, to the complex facts of life. "Thou shalt not kill" has not yet stopped a war. "Thou shall not commit adultery" has not yet solved all of the emotional and social problems of fancy which has gone astray. But careful analysis of the problems of human life, killing, love, sex, and family, might give us a start toward reasonable attitudes, and an approach to workable solutions. At any rate, from it will not result the frustrations and agonies of undebatable principle in sharp conflict with undeniable fact.

Teaching should not be a substitute provided for thinking—and it too often is, from

nursery through Ph. D. and beyond. Instead of precepts, it should offer for discussion and analysis the relationships of people and events, factors and things. General Chisholm says, "Freedom from moralities means freedom to think and behave sensibly." Freedom from authoritarian imperatives, divorced from reason and life, means freedom to acquire, in usable form, understanding and comprehension of behavior and relationships, which may equip us to deal with the urgent problems of a desperate time. We have smashed the atom and unleashed the terrible power of nature. We must smash the housing of preconception and prejudice which encases the mind and spirit of man, and set them free to cope with the forces of dissolution and disintegration which are loose in the world.

THE REESTABLISHMENT OF PEACETIME SOCIETY [1]

THE RESPONSIBILITY OF PSYCHIATRY

(By G. B. Chisholm) [2]

William Alanson White's teachings and writings from his "Outlines" in 1907 to the last days of his life provided much of the impetus in the development of psychiatry which occurred during those years. His vision and humanity, honest thinking, and devotion would have been of great value to the world in the troublous times ahead of us now. It would not, however, be a fitting memorial to William Alanson White to spend our time on this occasion looking backward at his work and bemoaning his absence and the loss to psychiatry. He would not have us at any memorial of his, talk about William Alanson White. The most sincere way we can honor him is to try to look forward, in the spirit of honesty, devotion, and service which characterized his whole life, to face and deal with the vast problems which lie ahead.

He would recognize that there is much for psychiatry to do and we should be getting on with the job as he would be doing if he were here. He would recognize, as we must, that this is a sick world, with an old chronic but ever more extensive and serious sickness. Its sickness has recently become acutely dangerous and the future is uncertain indeed.

Man, again, and on a wider and more highly organized scale than ever before, has been indulging in one of his most consistent behavior patterns, war. Though it seems that, among the people of the world, relatively few want or enjoy wars, and very many suffer in many ways during wars, man persists in this senseless behavior century after century. Until recent years wars could take place locally without necessarily affecting or causing concern on the part of peoples in other parts of the world, but that time is past. Every war is now a threat to all the people in the world, either directly or through deprivation of materials or loss of trade.

This situation is widely recognized and no nation will ever again be able to formulate its policies on the basis of isolationism. The interdependence of all the people in this shrunken world is obvious. Fast air transport and the atomic bomb are only the latest steps in that process, which has been going on for a long time, of breaking down the geographical barriers between groups of peoples. We are all now, perforce, citizens of the world, whether we are sufficiently mature adequately to carry that responsibility or not.

In the face of this new status as world citizens we must accept the uncomfortable fact that we are the kind of people who fight wars every 15 or 20 years. We always have, for as far back as we know anything of the race, and if we go on being the same kind of people it is to be supposed that we will continue to fight each other.

Now that the latest war has just finished we must take one of several possible courses. First we can return to the kind of life and society we had before the war, go back to our peaceful pursuit of a living, or local social betterment, or political importance, or psychotherapy as the case may be. We could probably count with luck on 15 years, or even 20, of peace if we do that, but those occupations would be completely futile as we would be taken over and enslaved, literally, and our comfortable social developments thrown into the discard by a master race to whom we would appear weak and unrealistic and not fit to run our own lives. Every present indication is that the next time any self-styled master race is allowed to prepare and make such an attempt it will succeed. If our future concern is just the reestablishment of the prewar society, slavery is absolutely inevitable. We were before the war the kind of people who allowed the Germans, Italians, and Japanese to prepare openly for war for years and to pick their own time and place to attack us. If we go on being that same kind of people we are indeed not fit to survive. We will have proven clearly our lack of ability to learn from even the most painful experience—a biologically intolerable condition.

The second possible course is to prepare earnestly for the next war, recognizing its inevitability, training our children from infancy to live dangerously, to be able to fight effectively with ever more efficient, ruthless, and terrible weapons. They must be trained to strike first because there may be no second blow in the wars of the future. Constant alertness and ruthless killing of all potential enemies will be the price of survival if we go on as we always have.

The third possible course is to find and take sure steps to prevent wars in the future. While this possibility seems obviously preferable it is something that has never yet been undertaken successfully. Perhaps it can be said that such a course has never been undertaken at all. Perhaps there is no way of preventing wars; if so we must decide whether to be slaves or ruthless killers, but before accepting either of those uncomfortable alternatives let us at least explore possible ways of preventing war.

Before exploring such possibilities however, we should first consider war in relation to the human race so that we may be assured that it would indeed be good for the race to prevent future wars. It would seem to be true that, whatever the destiny of the race, the killing off of large numbers of its physically fit, intelligent, and socially minded younger men can hardly be advantageous. A case might be made for wars if they could be fought by the old men and the mental defectives but that does not seem to be even a remote possibility as wars become ever more technical and demanding of all the fittest men. While the atomic bomb has been a dramatic weapon in the closing phases of the recent war, other possible weapons may be still more terrible. What of the introduction into major water supplies of a chemical which will prevent pregnancy in all females? What of the infinite capacity for killing in the hands of biologists and chemists all over the world? Any country could be paralyzed and destroyed at leisure by a well-organized attack of any one of various new types—and without any development of heavy industries. In fact then the tendency is to involve not only fit young men, but every sign points to the killing in any future wars of large numbers of unselected whole populations, including women and children. This can hardly possibly be a useful procedure from a racial point of view unless conceivably it could serve to reduce population pressures in some parts of the world. This end could surely be attained, however, in less painful ways and with better selection if such reduction of population should become necessary to the human race.

Some aspects of war are undoubtedly attractive to many people, but these advantages are clearly so far outweighed by the sufferings of others that no case can be made for continuing to wage wars on that score. Wars affect the economic status of millions of people, many of them for the better. Business booms, money flows freely, prosperity is widespread, but only where the war is not actually being fought. In the future, war may well be fought everywhere throughout the world without immediately compensating prosperity for anybody. Furthermore, it ought to be possible for us to produce the same prosperity without killing, starving, or enslaving millions of people.

Look as we may, we cannot find a sensible reason, from the point of view of the welfare of the human race, for continuing to fight wars or for not preventing them. Then why do we go on doing it? Let me repeat—we are the kind of people who fight wars every 15 or 20 years. Why? Shall we only throw up our hands in resignation and reply "human nature"? Surely other expressions of human nature are subject to extensive changes. Why not this one? We may not change nature, but surely its expression in behavior patterns can be modified very extensively.

The responsibility for charting the necessary changes in human behavior rests clearly on the sciences working in that field. Psychologists, psychiatrists, sociologists, economists, and politicians must face this responsibility. It cannot be avoided. Even a decision not to interfere is still a decision and carries no less responsibility. We must earnestly consider what can be done to save the race from itself, from its insatiable desire for its own blood. Can this old habitual pattern of the race be eradicated by strong combinations of powerful nations, or by legislation, or by pretending that now everyone will love everyone else and there will be no more wars, or by prayer and fasting, or by control of enemy industries? These have all been tried repeatedly and uniformly unsuccessfully. There is nothing to suggest that any of them can be successful, though they are all seriously being recommended again by many interested people. We are even

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[1] M.D. University of Toronto 1924; postgraduate work Middlesex and All Saints' Hospitals, London, England, 1924–25; general practice Oakville, Ontario, 1925–31; lecturer psychiatry, Yale Medical School, 1931–33; National Hospital, Queens Square, and Maudsley Hospital, London, England, 1933–34; practice psychological medicine, Toronto, 1935–40. Canadian Army infantry for 4½ years through ranks to captain in First World War; battalion and brigade commander in the militia; in present World War served as commandant Northern Area M.D. 2, was chairman Canadian Medical Procurement and Assignment Board, Deputy Adjutant General and Director Personnel Selection, 1941–42, Director General Medical Services, 1942–44, Deputy Minister of National Health Department, National Health and Welfare, November 1944. Chairman Dominion Council of Health; president, National Committee Mental Hygiene, Canada; chairman Health Committee, Canadian Youth Commission.

[2] This is the second series of William Alanson White memorial lectures. The first of these two lectures was given in Washington, D.C., at the auditorium of the New Interior Department Building, October 23. The Honorables, the Secretary of Commerce, the Federal Security Administrator, and the Deputy Director of War Mobilization and Reconversion, participated in panel discussion with Drs. Chisholm, Ross McClure Chapman, Samuel W. Hamilton, and Daniel Blain, at the same place the succeeding evening. The second lecture was given in New York City at the Academy of Medicine, October 29, 1945. Honorable Jerome N. Frank, U.S. Circuit Court of Appeals Judge, spoke in discussion.

being told we can prevent wars by controlling our potential enemies' heavy industries. I am reminded that when the Romans were concerned to keep the Britons from fighting them they cut down all the yew trees in England so the Britons could not make long bows. The Britons took the cross bows instead, which were much better weapons. Surely we have learned something in 2,000 years. Or have we? We might as well forbid the Germans to make spears or breed horses for cavalry as control their heavy industries. Every lesson of history and of commonsense would suggest the futility of these methods. It is clear that something new is needed—but what?

Can we identify the reasons why we fight wars or even enough of them to perceive a pattern? Many of them are easy to list—prejudice, isolationism, the ability emotionally, and uncritically to believe unreasonable things, excessive desire for material or power, excessive fear of others, belief in a destiny to control others, vengeance, ability to avoid seeing and facing unpleasant facts and taking appropriate action. These are probably the main reasons we find ourselves involved in wars. They are all well known and recognized neurotic symptoms. The only normal motive is self-defense, to protect ourselves from aggression, but surely we should be able to see the aggression coming long before it breaks out in warfare and take appropriate action to satisfy or suppress it. Even self-defense may involve a neurotic reaction when it means defending one's own excessive material wealth from others who are in great need. This type of defense is shortsighted, ineffective, and inevitably leads to more wars.

When we see neurotic patients showing these same reactions in their private affairs we may also throw up our hands and say "human nature" or "psychopathic personality of this or that type" or we may go to work to try to help the person in trouble to grow up over again more successfully than his parents were able to do. This can be done frequently but it would have been still better if his parents had been able to help him to group up successfully in the first place.

It would appear that at least three requirements are basic to any hope of permanent world peace.

First—security, elimination of the occasion for valid fear of aggression. This is attainable, at least temporarily and as a stopgap until something better can be arranged, by legislation backed by immediately available combined force prepared to suppress ruthlessly any appeal to force by any peoples in the world. The administration and command of such a force is a delicate problem but can be devised if and when the great powers really want it. A less effective substitute for this method but one which may work well enough for long enough is for the great powers to assume this function themselves. To work even well enough it will be necessary that all disputes between nations be submitted to arbitration by a world court of the highest integrity.

Second—opportunity to live reasonably comfortably for all the people in the world on economic levels which do not vary too widely either geographically or by groups within a population. This is a simple matter of redistribution of material of which there is plenty in the world for everybody, or of which plenty can easily be made. This can easily be attained whenever enough people see its necessity for their own and their children's safety if for no more mature reason.

It is probable that these first two requirements would make wars unnecessary for mature normal people without neurotic necessities, but their attainment depends on the ability of enough people in the right places to want to implement them, and few people are mature and without neurotic necessities. So far in the history of the world there have never been enough mature people in the right places. We have never had enough people anywhere who have been able to see and accept these facts and who are sufficiently well developed and responsible to tackle these problems.

It follows inevitably then that the third requirement, on which the attainment and the effectiveness of the others depend, is that there should be enough people in the world, in all countries, who are not as we are and always have been, and will not show the neurotic necessities which we and every generation of our ancestors have shown. We have never had enough people anywhere who are sufficiently free of these neurotic symptoms which make wars inevitable.

All psychiatrists know where these symptoms come from. The burden of inferiority, guilt, and fear we have all carried lies at the root of this failure to mature successfully. Psychotherapy is predominantly, by any of a variety of methods, the reduction of the weight of this load. Therefore the question we must ask ourselves is why the human race is so loaded down with these incubi and what can be done about it.

Strecker and Appel have recently defined maturity in terms of abilities which, if attained by enough people, could insure the continuity and continued development of the race along the lines of its inherent destiny without wars. To quote, "Maturity is a quality of personality that is made up of a number of elements. It is stick-to-it-iveness, the ability to stick to a job, to work on it, and to struggle through until it is finished, or until one has given all one has in the endeavor. It is the quality or capacity of giving more than is asked or required in a given situation. It is this characteristic that enables others to count on one; thus it is reliability. Persistence is an aspect of maturity: persistence to carry out a goal in the face of difficulties. Endurance of difficulties, unpleasantness, discomfort, frustration, hardship. The ability to size up things, make one's own decision, is a characteristic of maturity. This implies a considerable amount of independence. A mature person is not dependent unless ill. Maturity includes determination, a will to achieve and succeed, a will to life. Of course, maturity represents the capacity to cooperate; to work with others, to work in an organization and under authority. The mature person is flexible, can defer to time, persons, circumstances. He can show tolerance, he can be patient, and above all he has the qualities of adaptability and compromise. Basically, maturity represents a wholesome amalgamation of two things: (1) dissatisfaction with the status quo, which calls forth aggressive, constructive effort; and (2) social concern and devotion. It is morale in the individual."

Let me repeat parts of this "The ability to size things up, make one's own decisions, is a characteristic of maturity," "A mature person * * * above all he has the qualities of adaptability and compromise." Can anyone doubt that enough people reaching maturity in these terms would not want to start wars themselves and would prevent other people starting them? It would appear that this quality of maturity, this growing up successfully, is what is lacking in the human race generally, in ourselves and in our legislators and governments, which can only represent the people.

This fact puts the problem squarely up to psychiatry. The necessity to fight wars, whether as aggressor or as a defender who could have, but has not, taken steps to prevent war occurring, is as much a pathological psychiatric symptom as is a phobia or the antisocial behavior of a criminal who has been dominated by a stern and unreasonable father. They are alike irrational behavior patterns resulting from unsuccessful development and failure to reach emotional maturity. It is evident that this failure is usual in the whole human race and has been so throughout historical time.

For a cause we must seek some consistent thread running through the weave of all civilizations we have known and preventing the development of all or almost all the people to a state of true maturity. What basic psychological distortion can be found in every civilization of which we know anything? It must be a force which discourages the ability to see and acknowledge patent facts, which prevents the rational use of intelligence, which teaches or encourages the ability to dissociate and to believe contrary to and in spite of clear evidence, which produces inferiority, guilt and fear, which makes controlling other people's personal behavior emotionally necessary, which encourages prejudice and the inability to see, understand and sympathize with other people's points of view. Is there any force so potent and so pervasive that it can do all these things in all civilizations? There is—just one. The only lowest common denominator of all civilizations and the only psychological force capable of producing these perversions is morality, the concept of right and wrong, the poison long ago described and warned against as "the fruit of the tree of the knowledge of good and evil."

In the old Hebrew story God warns the first man and woman to have nothing to do with good and evil. It is interesting to note that as long ago as that, "good" is recognized as just as great a menace as "evil." They are the fruit of the one tree and are different aspects of the same thing.

We have been very slow to rediscover this truth and to recognize the unnecessary and artificially imposed inferiority, guilt and fear, commonly known as sin, under which we have almost all labored and which produces so much of the social maladjustment and unhappiness in the world. For many generations we have bowed our necks to the yoke of the conviction of sin. We have swallowed all manner of poisonous certainties fed us by our parents, our Sunday and day school teachers, our politicians, our priests, our newspapers and others with a vested interest in controlling us. "Thou shalt become as gods, knowing good and evil," good and evil with which to keep children under control, with which to prevent free thinking, with which to impose local and familial and national loyalties and with which to blind children to their glorious intellectual heritage. Misguided by authoritarian dogma, bound by exclusive faith, stunted by inculcated loyalty, torn by frantic heresy, bedeviled by insistent schism, drugged by ecstatic experience, confused by conflicting certainly, bewildered by invented mystery, and loaded down by the weight of guilt and fear engendered by its own original promises, the unfortunate human race, deprived by these incubi of its only defenses and its only reasons for striving, its reasoning power and its natural capacity to enjoy the satisfaction of its natural urges, struggles along under its ghastly self-imposed burden. The results, the inevitable results, are frustration, inferiority, neurosis and inability to enjoy living, to reason clearly or to make a world fit to live in.

The crippling of intelligence by these bandages of belief, in the name of virtue and security for the soul, is as recognizable as that of the feet of the Chinese girl who was sacrificed to the local concept of beauty. The result is, in both cases, not beauty of character or of feet, but distortion and crippling and loss of natural function. Intelligence, ability to observe and to reason clearly and to reach and implement decisions appropriate to the real situation in which he finds himself, are man's only specific methods of survival. His unique equipment is entirely in the superior lobes of his brain. His destiny must lie in the direction indicated by his equipment. Whatever hampers or distorts

man's clear true thinking works against man's manifest destiny and tends to destroy him.

Man's freedom to observe and to think freely is as essential to his survival as are the specific methods of survival of the other species to them. Birds must fly, fish must swim, herbivorous animals must eat grasses and cereals, and man must observe and think freely. That freedom present in all children and known as innocence, has been destroyed or crippled by local certainties, by gods of local moralities, of local loyalty, of personal salvation, of prejudice and hate and intolerance, frequently masquerading as love; gods of everything that would destroy freedom to observe and to think and would keep each generation under the control of the old people, the elders, the shamans, and the priests.

Let us go back to Strecker and Appel's definition of maturity. "The ability to size things up, to make one's own decisions is a characteristic of maturity." "A mature person * * * has the qualities of adaptability and compromise." Were you and I brought up in that direction? No; we were taught to be absolutely loyal and obedient to the local concept of virtue, whatever that happened to be. We were taught that Moslems or Hindus or Jews, or Democrats or Republicans (with us in Canada, Grits or Tories), or capitalists or trade unionists, or Socialists or Communists, or Roman Catholics or Methodists, or any of all other human groups are wrong or even wicked. It almost always happened that among all the people in the world, only our own parents and perhaps a few people they selected, were right about everything. We could refuse to accept their rightness only at the price of a load of guilt and fear, and peril to our immortal souls. This training has been practically universal in the human race. Variations in content have had almost no importance. The fruit is poisonous no matter how it is prepared or disguised.

"The mature person is flexible, can defer to time, persons, and circumstances. He can show tolerance, he can be patient, and, above all, he has the qualities of adaptability and compromise," say Strecker and Appel. Is family, or school, or church, teaching in that direction? Almost never, and yet it is surely true that helping their children to reach this state of maturity successfully is the first responsibility of each generation. Only when this has been done successfully can we hope to have enough people able to see and think clearly and freely enough to be able to prevent the race going on as we have gone, from slaughter to bigger and better slaughter.

Psychiatrists everywhere have spent their lives trying, more and more successfully with a variety of methods, to help individuals who are in trouble to approach near enough to this state of maturity to be able to live comfortably for themselves and for the group; but surely it would be more advantageous to the world for psychiatrists to go into the preventive field where the big job needs to be done. The training of children is making a thousand neurotics for every one that psychiatrists can hope to help with psychotherapy. To produce a generation of mature citizens is the biggest and most necessary job any country could undertake, and the reward in saving of misery and suffering would be colossal.

The re-interpretation and eventually eradication of the concept of right and wrong which has been the basis of child training, the substitution of intelligent and rational thinking for faith in the certainties of the old people, these are the belated objectives of practically all effective psychotherapy. Would they not be legitimate objectives of original education? Would it not be sensible to stop imposing our local prejudices and faiths on children and give them all sides of every question so that in their own good time they may have the ability to size things up, and make their own decisions?

The suggestion that we should stop teaching children moralities and rights and wrongs and instead protect their original intellectual integrity has, of course, to be met by an outcry of heretic or iconoclast, such as was raised against Galileo for finding another planet, and against those who claimed the world was round, and against the truths of evolution, and against Christ's re-interpretation of the Hebrew God, and against any attempt to change the mistaken old ways or ideas. The pretense is made, as it has been made in relation to the finding of any extension of truth, that to do away with right and wrong would produce uncivilized people, immorality, lawlessness, and social chaos. The fact is that most psychiatrists and psychologists and many other respectable people have escaped from these moral chains and are able to observe and think freely. Most of the patients they have treated successfully have done the same and yet they show no signs of social or personal degeneration, no lack of social responsibility, no tendency toward social anarchy. This bugbear has no basis in fact whatever. We all recognize these reactions as those of the immature, the inferior, the guilty, which are not found in the mature, integrated personality. Freedom from moralities means freedom to observe, to think and behave sensibly, to the advantage of the person and of the group, free from outmoded types of loyalties and from the magic fears of our ancestors.

If the race is to be freed from its crippling burden of good and evil it must be psychiatrists who take the original responsibility. This is a challenge which must be met. If psychiatrists decide to do nothing about it but continue in the futility of psychotherapy only, that too is a decision and the responsibility for the results is still theirs. What the world needs from psychiatry is honest, simple, and clear thinking, talking and writing. It needs the same from psychology, sociology, economics, and politics. Clear and honest thinking can almost always be expressed in simple words which are understandable by the people who matter in a democracy. The people who matter are the teachers, the young mothers and fathers, the parent-teacher associations, youth groups, service clubs, schools and colleges, the churches and Sunday schools—everyone who can be reached and given help toward intellectual freedom and honesty for themselves and for the children whose future depends on them. Can we psychiatrists give up our protective device of hiding behind a specific, difficult, and variable vocabulary to avoid our obvious responsibility?

The battle, if it is to be undertaken, will be long and difficult but truth will prevail—whenever enough people want it to. With luck we have perhaps 15 or even 20 years before the outbreak of the next world war if we remain as we are, 20 years in which to change the dearest certainties of enough of the human race, 20 years in which to root out and destroy the oldest and most flourishing parasitical growth in the world, the tree of knowledge of good and evil, so that man may learn to preserve his most precious heritage, his innocence, and intellectual freedom, 20 years in which to remove the necessity for the perverse satisfactions to be found in warfare, and to insure that enough people everywhere do not close their eyes to the awful threats facing them as we did from 1910 to 1914 and 1917, and from 1933 to 1939 and 1941.

We are the horrible example. We are the people who fight wars every 15 or 20 years. We must at whatever cost prevent our children and their children from being as we have been, but freedom from the tyranny of these faiths and fears is not to be gained in one generation.

It is therefore necessary that, for so long as it may take to change the bringing up of children in enough of the world, our close watch on each other and everyone in the world should not be relaxed for a moment. Let us all be prepared, not for another like the last war with navies and armies and air forces, but for the next war with rockets and atomic bombs and all the mobilized power of our laboratories. These are the weapons of the future and with them the whole world can be reached from any place on the earth in some minutes. The people who definitely do not want to fight any more wars must promise annihilation to any nation which starts to fight and must be prepared immediately and ruthlessly to carry out that promise without parley or negotiation. This involves the continual upkeep of widely dispersed atomic rocket stations covering the whole world and a continual high pressure research program to discover ever more efficient methods of killing to keep ahead of any possible competition. This must go on until we, all the people, are reeducated to be able to live in peace together, until we are free to observe clearly and to think and behave sensibly.

The most important thing in the world today is the bringing up of children. It is not a job for economic or emotional misfits, for frightened, inferiority-ridden men and women seeking a safe, respectable and quickly attainable social and emotional status, nor for girls filling in their time before marriage. Fortunately there are recent signs of intellectual stirrings amongst teachers which give some hope. To be allowed to teach children should be the sign of the final approval of society. The present scale of values is clearly illustrated by the disparity between teachers' salaries and those of movie actresses or football coaches. I am reminded of a group whose responsibility was the reclamation, training and rehabilitation of all the unmarried mothers in a certain community. The procedure was to have an I.Q. done and then to train the girl according to a simple chart. The upper levels rated various types of useful training. Those at the bottom, not fit for anything else, were trained as nursemaids, to bring up children. Thus, hundreds of defenseless children in that large community have been brought up by moronic unmarried mothers. Because these are psychopathological matters, psychiatrists simply have to take the responsibility of interpretation and initiative.

Can such a program of reeducation or of a new kind of education be charted? I would not presume to go so far, except to suggest that psychology and sociology and simple psychopathology, the sciences of living, should be made available to all the people by being taught to all children in primary and secondary schools, while the study of such things as trigonometry, Latin, religions and others of specialist concern should be left to universities.

Only so, I think, can we help our children to carry their responsibilities as world citizens as we have not been able to do. Only so can we prevent their having to live in a world of fear and chaos and cruelty and death, far more horrible than we can know.

We have never had a really peaceful society in the world, but only short interludes of forgetting and then frantic preparation between wars. Can the world learn to live at peace? I think so, but only if individual psychiatrists and psychologists can live up to Strecker's and Appel's definition—"Basically maturity represents a wholesome amalgamation of two things, one, dissatisfaction with the status quo, which calls forth aggressive, constructive effort, and two, social concern and devotion." If we cannot, the job will be left to what survivors there may be after the next war, or to intellectually

more honest and braver people who may get a chance some generations later. With the other human sciences, psychiatry must now decide what is to be the immediate future of the human race. No one else can. And this is the prime responsibility of psychiatry.

THE RESPONSIBILITY OF PSYCHIATRISTS

The object of the William Alanson White memorial lectures is stated as the perpetuation of "the tradition of Dr. White in disseminating significant developments in psychiatry to the profession and in encouraging the critical utilization of psychiatric principles by those responsible people on whom largely depends the functional effectiveness of our democratic social order." Any value there may be in such periodic lectures as these should be found in the opportunity to step outside the field of our usual preoccupations and routines in order to see more clearly the larger picture, within which we all function, but in relation to which personal contacts may be few and limited. It would seem desirable, in any changing situation, to undertake a periodic reevaluation and reorientation of our relationships. We may reasonably ask ourselves what our objectives are, what our methods and what our plans. We may further reasonably ask ourselves whether, in relation to the total situation, recognizing our status and responsibilities as world citizens, we are satisfied with these as they are, or now perceive clearly that they are in need of revision.

We have in the past commonly shown a certain complacency about our progress. Many of us have been thinking, in relation to social developments, in terms of two or three or more generations. It has been taken for granted widely that the trends of recent years, though interrupted by reaction and wars and depressions, would continue. These expectations have received many rude jolts in the last 10 years, and many people are beginning to wonder whether time is, in fact, on the side of orderly progress along the road of man's increasing humanity to man. Other interruptions in the near future may prove to be much more serious threats to this progress than have the reactions, wars, and depressions of the past. The potential of man's efforts has been stepped up greatly, but the increase has so far been of a kind that increases the power of reaction rather than promotes social progress.

Man clearly has been developing more and more concern about his comfort and security in his local environment, and has done much in this field. His environment, however, is no longer local. Relatively suddenly, over a period of only a few hundred years, more recognizably in the last 10 years only, and finally quite unmistakably in the last few months, everyone has become a world citizen. I think it was Schiller who said, "The most virtuous man cannot live in peace unless his wicked neighbor wants him to." All the people in the world, at least with respect to their power to destroy each other, have recently become neighbors. No lack of understanding between ourselves and other peoples is any longer unimportant. Every such rift becomes a potential source of great danger to all of us. Man's destructive power has become so manifestly great that there are but three alternatives for any peoples in the future—one, passively to accept any fate arranged by any group which puts itself in a position of sufficient power; two, to watch carefully for signs that any individuals or groups are becoming potential enemies and to kill them all ruthlessly before they can become strong; or, three, to learn to live peaceably with the other peoples of the world.

But what has this to do with psychiatry and psychiatrists? Possible objectives for psychiatry can be seen only in the light, and within the framework, of the realities of its environment. The world in which we live is not the same world that we were living in a few years ago. There is much reason to fear that time has gone over to the side of reaction. We are in mortal danger of reverting to something resembling the social development of the world hundreds or even thousands of years ago.

Einstein stated recently that he thinks it possible that the next war may leave alive as many as one-third of the human race. He is clearly among the optimists, not particularly because he believes that a third of the people in the world may survive, but because, as he goes on to say, he believes that after the next war progressive men may have an opportunity to build a better world. This is optimism, indeed. There would seem to be little chance that men of good will and clear thinking will be a significant factor among those who survive the next war. There are many reasons for expecting a long period of authoritarian control by the strongest of the survivors—the people who were best prepared in advance, who chose the time and method of attack. If we remain as we have been, we certainly will not be among these people.

Again, what has all this to do with psychiatry? Is it any of the psychiatrists' business? The answer depends on both professional and on lay appreciation of the function and capacity of psychiatrists. Some have thought that our only responsibility is therapy, treatment of the casualties produced by man's struggles against himself. This attitude reflects a stage of development through which many other branches of medicine have passed. At one time doctors concerned with tuberculosis were content just to treat infected patients. Little headway in controlling tuberculosis was made until pasteurization of milk was undertaken and attack made on living conditions, poverty, and ignorance. It was not until the attack on malaria had shifted from the patient to the mosquito vector that control of these diseases really began to be effective. Typhus flourished until the louse which propagates it was attacked. The treatment of patients in these and many other instances has proven inadequate or even futile, until informed prevention was undertaken. Psychiatry, thus far, has remained almost exclusively in the treatment field, and it is clear that its present resources are grossly inadequate for any attack on the problem of prevention.

It may be profitable briefly to consider the status of psychiatry in relation to the field of treatment. Dr. George Stevenson has stated that the United States of America, now needs some 19,000 or 20,000 psychiatrists. Of this number some 3,000 are available, many of them still being with the Armed Forces. Available training facilities may produce as many as 200 new psychiatrists a year. If the population could remain constant both in numbers and in needs, and if it could be arranged that no psychiatrists could retire or die, there could be enough psychiatrists to meet the treatment needs in about 80 years. Facts being as they are, it is obvious that if we go on as we have been going, we shall never catch up to the requirements. A similar situation has been reported in the case of psychiatric social workers and clinical psychologists.

Shall we then resign ourselves to the prospect of just not providing the help which many suffering people want, shall we face the problems of enormously increasing the numbers of psychiatrists being trained, or shall we attempt treatment by less well trained workers. Is there some combination of measures which will offer some hope of meeting the responsibilities which surely lie on psychiatry?

There are indeed areas of hope. Some help may well be found in possible developments of shorter, more effective techniques of treatment. Shock, chemotherapy, group therapy, hypno- and narco-analysis, psychodrama, even surgery, can all be used, and some of these methods may be employed by other than trained psychiatrists. There is no indication, however, that any developments in these fields will be able to meet the volume of needs previously suggested. Can it be made possible for the general practitioner to carry a large share of this burden of psychotherapy? This apparently reasonable suggestion would require for its realization much more teaching of psychopathology and psychotherapy in the medical schools, as well as an increase in the proportion of practitioners to population. Many more general practitioners would be needed, because whatever real therapy the general practitioner undertakes will certainly require much more time than does now the prescription of a sea voyage, a bottle of medicine, or vitamin pills, or the passing out to the patient of a drug traveler's sample, perhaps the commonest treatment of the neuroses.

The hope that at some time in the future much of the present load of psychotherapy may be borne by the general practitioner is hard to evaluate. Some medical schools are moving at least a little in this direction, but any such movement is slow, and the general picture will hardly be affected appreciably for a number of years, perhaps 20 or more. One can scarcely find reason to hope any large number of doctors now in practice will develop an interest in psychotherapy so strong that it will induce them to undertake the necessary study and training which would equip them to help their patients in this way.

There is some encouragement in the possibility of developing clinics which, under psychiatric direction, would use clinical psychologists, group therapists, psychiatric social workers, psychodramatists, hypnotists, and others; and, given sufficient experiment, other types of therapy aides may be developed.

However we view it, the picture of the whole situation would seem to indicate that present immediate needs for psychotherapy are not going to be met adequately. The developments possible in several fields may contribute some help, but these will take time, large numbers of personnel, and much money. We must accept the fact that very many people in serious need of treatment are not going to get it, and that this situation will continue for at least some years into the future.

If large numbers, additional thousands, of psychiatrists, clinical psychologists, psychiatric social workers, hypnotists, group therapists and general practitioners are to be produced within any reasonable number of years, a very extensive overhauling of the educational system will be necessary. Existing therapeutic services will have to be modified or curtailed to provide the teachers and teacher-hours which will be required for work in the training schools for teachers that will have to be set up to staff the medical and other professional schools concerned. Novel methods of financing will have to be devised to make all this enormous growth possible.

It is clearly desirable at this stage of things that any advantages for suffering people to be found in psychotherapy of any type should not be advertised; the recognized need is already far greater than can possibly be met within the next 10 or 20 years. It is, therefore, perhaps fortunate that many thousands of people who could benefit from psychiatric treatment do not now realize either their need or the direction from which help should come. If all the people showing neurotic symptoms, inferiorities, irrational fears, personality disabilities affecting their relations with other people, unreasoning prejudices and hates, over-suggestibility which makes them the victims of spellbinders and demagogues, attachments to ridiculous cults and magics, weird superstitions

and faiths, were suddenly to identify the source of these symptoms within their own personalities and to demand help from psychiatrists, then many times the previously suggested number of psychiatrists and other professional workers would be needed. If, however, we are to accept the role of psychiatry as one only of further development in the field of therapy, and do in fact go about training vast numbers of therapists, we surely must recognize in our planning, even though they do not, that all these kinds of people, millions of them—or of us—need treatment, and might in ever-increasing numbers seek it, if it were known to be available.

When now we also have to recognize that neuroses propagate themselves and affect whole families, we may well begin to speculate on the advisability that psychiatrists, once the necessary 1 or 2 or 3 million of them are available, should be trained as salesmen and taught all the techniques of breaking down sales resistance. Should not the prospective groups of psychotherapists employ advertising and sales organizations in order to drag in customers? Should discounts be offered for treatment of whole families? Should attempts be made by the profession to induce governments to institute compulsory treatment of the neuroses as for other infectious diseases?

If we believe in our wares, if more and more psychotherapy is what is needed, then surely it is legitimate and sound to do everything possible to educate the public to an appreciation of the need, and to use all the modern inducements which are getting results for soap or toothpaste. True, we might suffer some embarrassment from our failures, but we might in time be able to advertise, or even to guarantee, 75 percent or so of cures in the treatment of personality disorders, which is probably as high an efficiency as soap or toothpaste has been able to show. In brief, these projections of a possible development in psychiatry as a curative art might at least go far toward solution of national unemployment problems.

This is indeed a dismal and ridiculous picture, but if we are content to go on just as we have been going I do not see where we can stop short of these absurdities. We may well feel impelled to search earnestly for alternatives. Are there answers possible other than more and more extensive psychotherapy? I think we must grant that for the immediately presenting problem there can be no adequate answer. Thousands of people, including our veterans, will not get the help they need within the next few years. Can we use the analogies provided by the methods which have led to more or less adequate control of such other human disabilities as I have previously suggested: tuberculosis, typhoid, diphtheria, smallpox, typhus and others? The problem of neuroses, warped personality, and behavior disorders is much more widespread and much more serious than has been that of any of these other diseases, but is there not something to be learned from the successes of prevention? The first necessity in effective control of any of these other afflictions has been understanding the cause, the ways that infection spreads, the early signs and symptoms, and the physical, climatic, economic, and social conditions which contribute to propagating the infecting organism. Is enough known of the etiology, methods of spread, early signs and symptoms, and conditions under which the neuroses and behavior disorders flourish, to warrant a campaign along the lines which have been so effective in these other fields? I think that I have shown in the first of this series of lectures that I believe there is an affirmative answer, and that there are the best of all possible reasons for undertaking just such a campaign.

This campaign cannot but be a very serious undertaking. When the other disabilities were attacked at the preventive level some martyrs had to be sacrificed to the cause of humanity, because reactionary forces fought back. Ignorance, superstition, moral certainties, prejudice, and interests vested in exploiting the people resisted through antireform organizations, religious and political pressure groups, even political parties; and this is by no means wholly a thing of the past. It is not yet possible to lay a manslaughter charge against parents who allow their untoxoided or unvaccinated child to die quite unnecessarily of diphtheria or of smallpox. Children still die because their parents say, "I do not believe in toxoid or vaccines," or, "I believe it is sinful to introduce these things into the human body," or even, "There is no longer any diphtheria or smallpox around our town, so why bother?" The problem is no longer the germ of diphtheria, or of smallpox, but rather the attitudes of parents who are incapable of accepting and using proven knowledge for the protection of their children. Were enough people to adopt these attitudes, founded on their neurotic disabilities, the great epidemics which decimated Europe and other parts of the world in the past would soon reappear. It is apparent that in the field of prevention of other diseases, the behavior disorders and neuroses have important adverse effects; that if present knowledge could be applied in relation to many diseases, countless lives could be saved and much misery prevented. That which stands in the way is ignorance and moral certainty, superstition and vested interest. Against these handicaps headway is being made in at least some directions. Cults and reactions repeatedly arise which temporarily and locally block rational progress with new faiths or retranslations or disinterments or reaffirmations of old ones, but in spite of all these retreats to, and reanchorings in, our mistaken past, there seems to be perceptible movement toward intellectual honesty and truth.

In principle, there seems to be no great difference between the control of the other diseases and that of the neuroses. The main problems which have to be overcome are the same—the ignorance, moral certainties, prejudice, and so on. Just as it so commonly has been taken for granted that parents have a perfect right to leave their children exposed to death, by neglecting to protect them from diphtheria or smallpox; so it has long been generally accepted that parents have a perfect right to impose any points of view, fears, superstitions, prejudices, or faiths on their defenseless children. It is, however, only relatively recently that it has become a matter of certain knowledge that these things cause neuroses, behavior disorders, emotional disabilities, and failure to develop to a state of emotional maturity which fits one to be a citizen of a democracy, able to take one's part in making a world fit to live in. "I believe" or "I do not believe" have been acceptable as valid reasons for arbitrary limitations or distortion of a child's experience for imposing any kind of guilt and fear on the child, for perverting the child's capacity to observe and to think clearly, without thought about the effect on the life of the child and on the society in which he will live.

Surely the training of children in homes and schools should be of at least as great a public concern as are their vaccination or toxoiding, for their own protection and that of other people. Emotional and social health is at least as important as physical health; neither type of health can be held to be exclusively the concern of the parents, for it has much importance for the community. The states of emotional health of the individuals determine the internal organization and consistency and the external relations of the community. The vastly increased importance of the eternal relations of the community in terms of actual survival has become obvious to every thinking person. Events in recent months have made this clear. The psychiatrist knows that individuals who have emotional disabilities of their own, guilts, fears, inferiorities, are certain to project their hates on others, on groups, communities, or nations, and thus to jeopardize seriously the external relations of those who are associated with them, in view of their "enemy." They are the people who must believe the worst of all foreigners and who then react emotionally and irrationally to these beliefs. They are a vrey real menace. The government of a country cannot organize and impose any social developments or external relations which are too far ahead of the state of maturity of its citizens. There would otherwise result internal conflict and dissension, producing a reactionary government and a retreat to a less mature stage of social development. We must realize that such a retreat will never again be a matter for merely local concern in the particular country, as it has often been in the past. Any such reaction now becomes a dangerous threat to the whole world. Any such retreat from maturity may presently lead to the horrible death of a great many people, perhaps the extermination of whole nations, or the decimation of continents. For the very survival of large parts of the human race, world understanding, tolerance, and forbearance have become absolutely essential. We must be prepared to sacrifice much if we would hope to have opportunity to go on with our development. At whatever cost, we must learn to live in friendliness and peace with our neighbors, who are all the people in the world. In time, if we prove worthy of their trust and confidence, we shall obtain it.

Here, perhaps, is the trouble, or much of it. The need for psychiatric treatment in at least some other countries is as great, relatively as in the U.S.A.; perhaps greater. Can any country showing these vast amounts of emotional disability reasonably hope to develop and maintain rational, tolerant, and consistent external relations? Recognizing the absolute necessity of such relations, we must recognize also that our hope of maintaining them is not well founded, and will not be until we can depend more on the people in our countries to take rational, tolerant and mature attitudes about themselves and other peoples. In a democracy only mature people can maintain the mature social organization and stability in which alone lies hope of avoiding world chaos and slaughter.

In whatever direction we explore, and I realize the discursiveness of this attempt, we come back inevitably to the necessity of having in every country large numbers of mature, reasonable people, free of guilts and inferiorities. We can only hope that it may be possible for the race to survive through the troubled period which is inevitable while we are learning to grow up successfully. It must be clear to every person who is able to think in terms of evident reality that we cannot any longer afford to shelter and protect the old mistaken ways of our forebears. The New World is too sensitive; it can explode, literally, too easily. We are walking on dynamite; or perhaps I should say on atomic bombs, and we must learn to tread lightly and with great discretion. We cannot afford the certainties of the past; everything which may affect our ability to live at peace must be reevaluated—and that means everything in our lives. We know that we have been misguided and mistaken. The fact of our enormous incidence of emotional disability is proof that our past methods have been in some way mistaken. We have not been growing up successfully. Emotional maturity is anything but the common lot of our peoples. The fact that we allowed the Second World War to happen is a clinching proof, if proof were necessary.

It is easy to find excuses for the bewilderment of this generation. The past 50 years have embraced violent upheavals in the social order and in interpersonal relations. At the beginning of this century many values and certainties which have since come adrift were well anchored in community sanctions. In the typical town 50 years ago every individual was clearly labeled as good or bad, respectable or not. Good girls were at home by 9 or 10 at night as might be the local custom. There were no excuses for tardiness. The old grey mare brought young people home from the allowed buggy or cutter ride on time. Everyone in the village knew almost exactly what everyone else was doing at any time of day or night. The town drunkard was drunk as he was supposed to be, and would no more be expected to step out of character than would the minister or the choir leader. Then came the automobile, and the impact of its arrival had far-reaching consequences. Those of you who are old enough will remember the delightful unreliability of the early attempts at tires, not to mention lights, carburetors, distributors, and other aids to seduction. When the boy and girl returned at 3 a.m. or next morning from a ride in the old man's car, no one knew, or at least no one could prove, whether they were bad or not. Perhaps they had had four punctures. And so the clearcut moral classifications of people and behavior began to break down. No longer could one be sure who was bad and who was good, a very disturbing state of mind in a world of competitive personal salvation. At about this time was added the movies, through instrumentality of which previously respectable people began to see illustrated types of behavior they had always been taught to believe would lead straight to damnation. Some of these kinds of behavior looked rather attractive and no one seemed to be struck dead by an angry God—so yet more certainties slipped a little. Then came the First World War, for no good reason that anyone could find, and accomplishing nothing that appeared to be of any particular value. It contributed to the confusion of mind and clarified nothing. When it was ended, all the idealism which had been mobilized seemed to sink without a ripple in the struggle for power and personal aggrandizement.

Then came a period of understandable prosperity when the stock markets boomed and fortunes were made overnight. Again there was nothing for reason to lay hold on. Wealth, power, and prestige seemed to have no relationship to personal integrity, intellectual or educational equipment, hard work or social value. To know the right people and to be lucky were the requirements for success. The following world depression again did not make sense. Why should people be hungry when the world was glutted with food? Why should the prairie farmer be unable to sell his wheat when people elsewhere were desperately hungry? Why should people not have many things they wanted while the people who had been making those things were out of work? Here was more food for bewilderment and confusion. No sensible reasons were found; attempting to understand the mess that man had gotten himself into became futile and unproductive. Then came the final insult to intelligence, World War II. Again why; and there was no sensible answer. Why didn't we stop the Japs in the early thirties, why didn't we stop Mussolini in Ethiopia, why didn't we stop Hitler not later than 1936? The only conclusion could be that there was no sense to anything; causes and effects were apparently beyond effective identification.

At the same time, throughout these bewildering years, people were being taught the same old faiths and rules that their ancestors had been taught. There was no apparent relationship between the virtues and vices that had been, and real events. Virtue was not rewarded, except in the movies and pulp magazines.

It is easy to build up and to accept reasons for the world of the present being as lost and bewildered as it is. It is also obvious that we should not go on like that. We should not tamely submit to the unpredictable and understood cycles of wars, and prosperity and depression, and wars again. There is something to be said for taking charge of our own destiny, for gently putting aside the mistaken old ways of our elders, if that is possible. If it cannot be done gently, it may have to be done roughly, or even violently—that has happened before.

And what of the training of psychiatrists, which I may appear to have forgotten? Programs as projected by various groups typically deal with training for psychotherapy, though sometimes with earlier stages of disability than previously. One program, remarkable in that it is a joint memorandum of the Royal College of Physicians, the British Medical Association, and the Royal Medico-Psychological Association, makes these recommendations:[3] "(1) Psychiatry is not a limited speciality. It permeates and influences general medicine, surgery, obstetrics, and gynecology. Psychiatrists should be appointed to the staffs of general hospitals with status equal to that of other physicians and surgeons. (2) The mental health department of the health service of the future should be responsible for the organization of all medical work which is essentially psychiatric. (3) The psychiatrist is not concerned merely with fully developed mental disorders. The mental health service should include provisions for prophylaxis of mental disorders over the widest field. (4) In the educational sphere psychiatric advice is essential for children showing neurosis, behavior disorder, or mental defect. (5) In industry a full and efficient consultative psychiatric service should be available, which should work in close cooperation with the patient's doctor and the industrial medical officer. Psychiatrists should cooperate with industrial psychologists in the investigation of industrial fatigue and ill health, working hours and conditions, incentives, personnel management and the like. (6) Psychiatrists should cooperate in the work of vocational guidance and selection, an essential part of which is the assessment of personality and temperament. (7) Psychiatrists should take part in the rehabilitation of patients after accident or illness. This work should be carried out in close liaison with employers, workers' representatives, and patients' doctors."

Of these recommendations the only real hope for the future seems to lie in No. 3: "The psychiatrist is not concerned merely with fully developed mental disorders. The mental health service should include provision for prophylaxis of mental disorders over the widest field." But No. 4 reverts to the old defeatist therapeutic attitude: "In the educational sphere psychiatric advice is essential for children showing neurosis, behavior disorder, or mental defect." Surely we should project psychiatry into actively preventing at least some of these conditions from arising. It is clear that psychotherapy must be continued but it is also clear that there will need to be selection of cases. The greatest importance of psychotherapy is, I think, in the training of psychiatrists, not with view to their doing psychotherapy but to prepare them to undertake preventive work. We cannot afford to squander our best brains on psychotherapy, except as a teaching procedure, and for the benefit of certain people who are of manifest potential or proven value to the social organism.

[3] Foreign Letters, London, the Journal of the American Medical Association, July 28, 1945.

In cooperation with leaders in all fields, social psychology, sociology, law, politics, labor, the churches and others, psychiatrists should do their utmost to examine, compare, study, understand, and treat the ills of our society. Everything we think and do and believe should be looked at. All should be suspect, because they are all part of us and we are not living successfully. We need fear no sacrednesses. Truth has nothing to fear from our earnest and sincere search for truth. Anything that should survive will certainly survive the most searching light of intellectual examination. We, not just psychiatrists, should look at our laws and our courts for instance. We would find that despite all modern understanding of the human being, judicial procedure still applies the McNaughton rules, though the right and wrong to which they refer have changed greatly in the 100 years since those rules were formulated. Sincere people should examine our schools and our churches. Are their methods of teaching consistent with present-day knowledge of the developing human personality? Is the intellectual heritage of children kept intact through these experiences? Most of you will agree with me that it generally is not.

These are only illustrations of the work there is to do. These are desperate times and the time for remedy may be exceedingly short. Let us deal in plain words, let us talk in simple factual terms and let us try to begin to be honest with ourselves. Of course, any planning for the future which would discard any burden of the past is almost always reproached as disloyalty to tradition, to ancient faiths, or to the authority of our forefathers. But what would we think of a father, who, his house on fire and his children burning, stopped to rescue his ikon, his prayer wheel, his beads, or the picture of his first schoolteacher?

Let us be our own authority. We know far more than any of our ancestors. Scientists of this generation have no obligation to admit superiority of knowledge or of wisdom in any body of traditional belief or authority. There is no room for authoritarian dogma in the field of human relations. Let us discard the bromides which have kept us drugged, obedient to the old people and afraid of their displeasure. Let us accept our own responsibility to remodel the world in bolder, clearer, more honest lines. Let us stop prostituting man's noblest and highest development, his intellect, to the service of guilt and fear and shame.

We have learned to raise pigs and cows and horses, even to grow flowers and vegetables, in ways that make them of greater service to mankind. If your son is going to raise pigs for a living he goes to a college for 3 or 4 years to study under experienced teachers. But if he is merely raising children he commonly learns nothing; nor appreciates, even dimly, that there is anything that he has to learn. Surely the rearing of children is greatly more important, and more complicated, than the raising of pigs. Within the possible expressions of human nature are the personalities of a Caligula or a Franklin Roosevelt, a female guard at Belsen Camp or a Florence Nightingale, a Hitler, or, almost, a Christ. Is it not important to us which we produce? Is not this the great problem facing our generation? Is there any greater field for earnest, devoted work? Whatever will help our children to grow up to be mature, compassionate, tolerant and worthy of being citizens in the world they must make, must be of interest to psychiatrists—but not to psychiatrists, alone—and part of their training in the future. Psychiatrists must, with all the help they can get from every source, become specialists in living. We have our chance now. If now we all revert to our little private concerns. If we all tell ourselves "it is someone else's responsibility," there will

one day be none of us left, not even any to bury the dead.

PANEL DISCUSSION OF THE FIRST LECTURE[1]

(NOTE.—The following statements are mostly verbatim from the proceedings of the panel. Moderator's remarks and some of the interchange have been omitted.)

HON. HENRY A. WALLACE, THE SECRETARY OF COMMERCE

My Presbyterian conscience, which I inherited from my father who was an elder in the United Presbyterian Church and my grandfather who was a minister in the United Presbyterian Church, caused me to awake at 4 o'clock this morning to read the lecture in order to be prepared tonight, and on reading the lecture, I had no difficulty whatsoever in discovering the psychiatric explanation of our distinguished visitor. I recognized in him at once what you might call a second generation derivative from a Presbyterian background, a fact which I verified a little later on. It is a marvelous background against which to work, although a slightly difficult background in which to find yourself.

There is a passionate search for security among the Presbyterians and a belief that security is attained with very, very great difficulty. By the skin of your teeth at the last moment you are saved by the grace of God from utter damnation. Those who are raised in that atmosphere or those who are only once removed from that atmosphere are caused to become great philosophers, as a matter of escape. Dr. Chisholm has definitely escaped. He has risen above the realm of "morality" in a Presbyterian sense, and yet it is only a superficial release—it could not be otherwise, being raised as he was.

I do want to congratulate him and all psychiatrists, however, on the protective coloration with which they have managed to surround themselves. I have found when I attempted to deal with thoughts of this sort that I have tended to speak my mind without that protective coloration, and the results have not always been best for everyone.

Seriously, the talk, the lecture of General Chisholm last night is one of the most thought-provoking which has ever been given in Washington. It goes to the very roots of future peace. It recognizes the supremely important fact that security is not attained merely by radar, by V-2 rockets, by atom bombs, by the other devices which were on the point of perfection but which have not yet been tried, which may be even more devastating than any which were brought out during the war. General Chisholm recognizes that beyond all of these devices of force, there is still something mightier, and I am tempted at this moment to read a quotation from Pavlov, the great Russian who dealt, as you know, with conditioned reflexes—who I found out tonight has a varied standing among psychiatrists—but with regard to this quotation I think there will be no difference of opinion. This a quotation which I have used repeatedly during recent weeks because it made such a profound impression on me.

Said Pavlov in 1928: "Let the mind rise from victory to victory over surrounding nature. Let it conquer for human life and activity not only the surface of the earth but all that lies between the depth of the seas and the outer limits of the atmosphere. Let it command for its service prodigious energy to flow from one part of the universe to the other. Let it annihilate space for the transference of its thoughts, yet the same creature, led by dark powers to wars and revolutions and their horrors produces for itself incalculable material losses and inexpressible pain and reverts to bestial conditions. Only science, exact science about human nature itself, and the most sincere approach to it by the aid of the omnipotent scientific method will deliver man from his present gloom and will purge him from his contemporary shame in the sphere of interhuman relations."

I congratulate General Chisholm for grappling with the fundamental issue raised by Pavlov in this statement.

I had not been aware that it was accepted universally by psychiatrists that the sad state of the recent generations of mankind was due to a sense of inferiority and guilt and fear. That to me was a most challenging statement. I will not, in order to maintain the protective coloration, indicate where General Chisholm thinks this feeling originated. I am sure we should not betray that secret. Suffice it to say, however, that I would that this address was mailed to all of the ministers and priests in the United States. The thought created in the minds of all those who have to do with religion would be very helpful, I am sure. There might be a very deep disagreement in certain quarters, but the final result, I am sure, would be constructive because, after all, those who are profoundly concerned with religious matters are also concerned with the objective stated by Pavlov. Pavlov wanted to reach that objective by what he called the omnipotent scientific method. Why shouldn't those who are concerned with religious matters use the omnipotent scientific method? It is precisely the purpose of psychiatry to discover a scientific way the wellsprings of human nature even as those who are working in the religious field have endeavored to find those wellsprings in an authoritarian way from the Book, from the Bible, from tradition.

But as I read the Bible, there was among the prophets a continuous change to meet changing circumstances. Undeniably the New Testament is different from the Old; undeniably Jesus Christ was preaching a message to slaves, essentially—slaves of the Roman Empire in Palestine; undeniably He was conditioned by that fact. He had to use words that recognized it. Otherwise, why did He proclaim rendering unto Caesar that which was Caesar's?

Why shouldn't we, in the spirit of Christ, continue to grow? Did the insight of humanity end 2,000 years ago? I feel that there is room for a uniting of the scientific method of psychiatry with the intense longing of genuinely religious souls to bring about an abiding peace. I was struck by Dr. Chisholm's posing of the question that either we had to find a sure way to peace or else we had to become either slaves or ruthless killers. I know that General Chisholm selects the first path, the path toward an abiding peace.

Those people who proclaim that wars are inevitable, if they really followed their conclusions, could only preach one of two courses today. If they had the courage of their convictions, and were genuine Christians, they would take the course of slavery. If they were not Christians, they would proceed at once toward the dominance of the United States over the whole world. I know that Dr. Chisholm is not advocating that course, but are we "softies," we who do not believe in the inevitability of war, that we don't embark wholeheartedly on the course that leads to abiding peace? Or are those who believe in the inevitability of war "softies" that they don't embark at once on the course of the "United States über alles?"

The logic of Dr. Chisholm's presentation is extraordinarily compelling. It suggests to all right-thinking people, to my mind, that we haven't gone out with full faith, with full vigor, toward reaching a genuine mechanism for abiding peace.

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[About the returned veteran and the displaced warworker;] I suppose the problem is to try to distinguish between the field of the psychiatrist and the field of the economist. I think it is good psychiatry so far as possible to treat the returned veteran and the displaced warworkers just like anybody else. That doesn't necessarily take care of all cases. Dr. Chisholm was telling me earlier in the evening that they found as a result of observation of men overseas that some of them, without being aware of it, developed stomach ulcers and ulcers of the intestinal tract, ulcers which healed up rapidly when they came back to this hemisphere—men who eagerly wanted to get into combat again. This suggests, of course, a peculiar type of nervous tension which might have to be dealt with by psychiatric methods from time to time. Nevertheless, I am convinced that we would reduce enormously the number of psychiatric cases among the returned veterans and the displaced warworkers if, by means of cooperation between Government, business, and labor, we were able to promote that necessary flow of private funds—and in case of need, of Government funds—which would make possible full employment. I don't care if you do call work the curse of humanity. I have the feeling that it is a lesser curse than the sense of not being needed.

I think one of the supreme psychiatric or psychic needs of humanity at the present stage of evolution is the sense of being wanted, being needed, being useful. It may be that the Presbyterian capitalists have given us this complex, but it is very definitely with us. We do want a job and until atomic energy has freed humanity from the curse that was placed on Adam and Eve, I think full employment is a pretty good intermediate goal.

At the same time, I realize very well that it is proper one of these days to raise the question: Beyond 60 million jobs, what? I wish somebody would write, say 5 or 10 years from now, a book along that line. I think it is important, but I think the immediate goal is full employment for the veterans and for the displaced workers. In order to realize the immediate goal, it is important also to have a more distant goal. I think that is good psychology; whether it is good psychiatry or not, I don't know.

That more distant goal, one on which I think we could all agree, is the sense of well-being and happiness which comes from service of the general welfare as the concept of the general welfare changes year by year. I will admit that just working for work's sake can eventually prove to be an ugly thing. What we want is beauty and joy in life, but in order to realize that beauty and joy in life it seems to me that there has been imposed upon man the discipline first of discovering some method by means of which all of us can work together, possibly for incomplete goals in the first instance. Atomic energy has undoubtedly placed a great responsibility and strain upon mankind. It places upon mankind the absolute necessity, in my opinion, of finding the road to an abiding peace; and second, it has placed upon mankind the absolute necessity of learning how to live joyously with abundance. The whole religious training that has come to us out of the past has worked in the direction

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[1] Held in the auditorium of the New Interior Department Building on the evening of Wednesday, Oct. 24, 1945. The comment of Dr. Samuel W. Hamilton, president-elect of the American Psychiatric Association, has been expanded into a statement pertaining to the two lectures, which follows this digest of discussion. The statement and comment of Dr. Daniel Blain, acting director of the Neuropsychiatric Division, U.S. Veterans' Administration, and the immediately related remarks of Dr. Chisholm, are omitted from this digest, as hereinafter explained.

of teaching mankind how to live grimly with scarcity. I think it is a much greater moral challenge to learn to live joyously with abundance than to learn to live grimly with scarcity.

As I understand the psychiatrists as a result of my brief contact with them this evening, one of their purposes is to teach mankind to live joyously with abundance on behalf of the general welfare. Apparently they believe that if we learned that, perhaps ulcers of the stomach would tend to disappear. We have seen many people around Washington who have suffered in this way—I mean that the soldiers on the peace front suffer this way as well as do soldiers on the battlefront. There are good soldiers on the peace front. They apparently are fighting a good fight with all that is in them, but nevertheless their nervous system does give way. Their stress comes from the fact that they have questioned whether all of us here in Washington have been working determinedly on behalf of joyous living with abundance on behalf of the general welfare. There has been a sense of frustration and strain from time to time. If psychiatry can help clear that up, so much the better.

I trust you will let us, General, go through this intermediate period of striving for 60 million jobs, provided we give you a promise that later on we will try to solve the more ultimate problems of joy and beauty.

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[As a concluding comment] I would like to put in a plea for the place of people who are not fully mature. It seems to me that it is generally agreed that our friends the Russians are not fully mature; I am speaking now in the population sense. Russia has a very large proportion of young people to old people, whereas Western Europe has a very high proportion of old people to young people. We here in the United States are more like Western Europe than we are like Russia with regard to having a high proportion of old people.

A young population is a dynamic population, of necessity. Growth is not necessarily a sin. Growth characterizes young people. Mature people tend to be static. The psychiatric ideal might be taken to be a people who are completely mature, therefore, not growing.

HON. WATSON B. MILLER, THE FEDERAL SECURITY ADMINISTRATOR

I am afraid that my rather sketchy observations set down quite recently because, like the Secretary, I was not able to attend the presentation of the paper, may be rather inadequate. I made some marginal notes here which I think may be regarded more in the nature of questions so as to clarify my own thinking on what without doubt is, at least from an economic and social sense, the most important question that faces us.

I suppose what we are dealing with here in an international sense is something like the internal and external emotional and intellectual manifestations of people in their relationships one to the other, and that, I think, might be regarded as the regular regularity of nature, or the irregular irregularity of it, depending upon the mood in which you are, and the circumstances in which you find yourself.

General Chisholm has spoken about atomic energy and that we all become perhaps more concrete citizens of the world, and I just wondered in using Dr. Chisholm's thesis if that fact might draw us as individuals and communities closer together, perhaps occasionally lead us to trust one another, and finally to cultivate mutual protection; and I am wondering whether the physical and mental propinquity finally might get us into an atmosphere where we might trust each other more than we sometimes do now.

General Chisholm says, "Every present indication is that the next time any self-styled master race is allowed to prepare and make such an attempt, it will succeed"—meaning, of course, in the matter of conquest. Well, I don't know whether this is essential or whether it is important, but I don't know what master race means. It might mean one thing today and another thing tomorrow. Certainly it did as to the Attilas, the Genghis Khans, and the Tamerlanes, and the Athenians in the days of Pericles, to the Spartans, to the Romans, and finally to the Germans; so maybe a master race, looking at it in any sense you like to consider the term, master race one day, may through many, many varieties of reasons fail to be the master race the next day.

I think probably one of the principal reasons why the civilization we love doesn't always prevail, and has not prevailed through such ages where intellectual and religious advances have been made, is because in the face of power, success, affluence, even if they be accompained by the development of the arts and the sciences, history has shown us that at times a strange sonnolence comes over the active and aspiring mind of man and then we begin to lose ground in every way and finally our national existence, with all that it means to us and all that we have or fail to have, is blotted out.

I agree with the General in the proposition, expressed colloquially, that one of the things we have to do in the age in which we live, certainly, and probably through the many generations which will follow us, is to keep the powder dry. I have read the paper only twice, hurriedly, and that after I left the office this evening. Perhaps at first I construed the conclusions of General Chisholm in too insular a manner and internally revolted at the proposition of leaving our entire future and every segment of the mosaic in which we live to the psychiatrist—not that I undervalue them and I take no part in what sometimes discern as very light and thoughtless poking of fun at them. Anything that is embraced by a considerable number of intelligent and thoughtful and earnest and honest and tenderhearted people, I don't think should rightly be susceptible to poking fun, even if it isn't very seriously meant.

I would like to think of the future combining the sort of training and the inculcation of what methods there may be of self-development and self-control with what I have written on the margin here. I have reverently, but very broadly, said, "The spirit of Jesus Christ." If people love each other—and many people around us do love each other for many reasons, some difficult to describe and some perfectly well understood—it seems to me if we can eliminate the prejudices and the selfishnesses and think less maybe of who has access to this or that other waterway, or this or that other political advantage; that we may at length, through the generations to come, learn to trust each other in a worldwide political sense.

The doctor says that we can identify the reasons why we fight wars, and he lists them as being prejudice, isolationism, the ability emotionally and uncritically to believe unreasonable things, excessive desire for material power—and that is what I was trying to say, General, in a rather abstract and clumsy way, are some of the things that we have got to learn if we develop some kind of brotherhood, and those elements may be composed and not be made to predominate the whole world and all parts of it.

I have often wondered, when we are considering here what amounts to an international police force, where you would locate its persuasive elements, Mr. Secretary. It seems to me that a quick moving fire in Baltimore can't very well be quelled by the Washington Fire Department, to take a homely illustration. I don't think that is important to what the discussion is here. This paper is a remarkable thing and one to which we all ought to give much thought, and if possible add to the channels and extensions by which a formula for exploratory purposes, at any rate, should be formed.

I like the combination of these things, General Chisholm. I know of a certain religious creed in the Christian atmosphere where there is a reasonable combination of faith and good medicine, and that is what I would like to see as we address our long-range international future. A great man lived in Georgia, born in 1812 near a little town called Crawfordville. His name was Alexander Stephens, and he was not a psychiatrist. There was a great man who was born in Kentucky, I think in 1809, and his name was Abraham Lincoln. I think he was not a psychiatrist, although I am sure his internal reactions were those that psychiatrists would have. But it is perfectly safe to say, I am sure, Mr. Secretary, that no war between the States, no great fratricidal war, would have occurred if it had been left to those two men.

So, can't we cultivate some of the things they had and some of the understanding things that rise spontaneously in all of us, because truly if we don't pause sometimes in the drudgery of our daily A, B, C, D work and consult the good emotions that lie deeply in all of us, we do not truly live. What I am trying to say to myself and am forced to say aloud is that what you suggest and what I am thinking of might be a good combination in the things to which the Secretary has referred.

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[About the returned veteran and the displaced warworker] in a large sense I quite agree with General Chisholm. I have seen documents recently contrived by one or two of the best-meaning personnel officers of the Government, rather voluminous things, calculated to ease the returned veteran back into the association that he left before he put on the uniform, which amazed me, as a matter of fact. I approached the subject just 180 degrees away. They certainly don't want any patronizing and they don't want anybody to give them the notion that they have no volition, that they have been a serial number and their volition has gone since they have been under somebody else's command. It was rather laughable to me. I won't go into that, but I just wouldn't have handled it that way at all.

I wonder if maybe the general doesn't mean by the last line of his paper that it is the responsibility, really, of the psychic; and then I wonder whether the psychiatrist is in command of the psychic and the understandings, the revulsions and attractions, that go with it. It won't do us any good if you gentlemen propose to exercise your psychotherapy by remote control.

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[A final question;] General Chisholm gave us some intimations of localities and organizations and individuals who talk about a lot of things, tending to elevate the morale and morals and to fit us better for the social and business climate in which we have to live as we grow up; but taking quite seriously the suggestion that now is the time to do something, is there a formula to be developed by you that we could use for going into meetings, or are you pleading for just a continuation and perhaps an accentuation of what millions of us are doing in this country and in your own country and in other countries so far as I know, to develop honest, God-fearing people with honest judgment and compassion and humanity and tenderness and things that go in those broad categories? You want to begin on something; have we a program to read from, a series of subjects to discuss?

HONORABLE ANTHONY HYDE, DEPUTY DIRECTOR, OFFICE OF WAR MOBILIZATION AND RECONVERSION

(NOTE.—The statement by Dr. Daniel Blain, senior surgeon (retired), U.S. Public Health Service, Acting Director of Neuropsychiatric Division, U.S. Veterans Administration, who spoke for and in the absence of Maj. Gen. Paul R. Hawley, M.C., U.S. Army, Acting Surgeon General of the Medical Service of the Veterans' Administration, and Dr. Chisholm's reply thereto, have been omitted from this digest, for inclusion in the report of the roundtable conference on technical training of personnel, held October 27, 1945. The conference appointed two committees, to investigate curriculums, and to consider standards, respectively, and adjourned to a later date. Publication of the proceedings is not contemplated at this time.)

I shall confine myself to asking a couple of questions and wait respectfully for the answers in due time. First, I wonder whether it was our neurotic tendencies that got us into this war. I think we can make a pretty good case for the fact that the German nation had paranoid tendencies, feelings of inferiority, and I think that perhaps had a great deal to do with the comparative ease with which Hitler got the Germans into war. But my recollection of the facts is that we had a heck of a time getting the democracies to go to war and there was a lot of talk about appeasement, and I think that a great deal of that talk of appeasement was a basic loathness and unpreparedness from a psychological point of view of the democracies to go to war.

Second, I am delighted that the question of saving the world is now safely in the hands of the psychiatrists so that a lot of us can relax. Certainly, I think we all agree that there is a great need for a program of psychotherapy. We see that on every hand, but I am wondering whether hand in hand along with that psychological program we don't need an economic program leading to full employment. I think it is pretty difficult for an unemployed man to be a happy and well-adjusted man.

G. B. CHISHOLM, THE WILLIAM ALANSON WHITE MEMORIAL LECTURER

It is greatly essential that every once in a while—in fact, continuously—attempts should be made to reinterpret, to reunderstand the philosophy of living which fits with our current observations, to keep our thinking, our attitudes, our feelings, our beliefs, up to date. Believe me that this effort I have made is an effort in that direction, not by any means in hope of giving anybody any of the answers but only in the hope of stimulating some people to do their own thinking in an effort to see whether or not their thinking, their beliefs, their attitudes, their points of view, are actually up to date with current knowledge, knowledge which is reasonably sure.

I like the reference of the Honorable, the Secretary of Commerce to our mutual Presbyterian ancestors. I think Presbyterian ancestors are a great asset. They are something like Scotland; they are excellent places to come away from, and there is undoubtedly a great urge for people who live in places like Scotland, or the Maritime Provinces in Canada, or some of the New England States, to go elsewhere, which, I think, can be seen as a distinct advantage. But it is perhaps not sound to send our children back to Scotland and make them do it all over again, because they will only leave Scotland or the Maritimes with great searching of spirit and soul, great difficulty, great internal conflict, and commonly and usually with a great nostalgia to be back there where everything is quite certain and one doesn't have to use one's head to think with, which is often difficult.

This is only one attempt to do a little catching up. I hope it will stimulate people, everybody that it can reach, in their own attempts not to do the same thing but to do their own catching up; and most particularly I hope it may help people to avoid sending their children back to start all over again for themselves.

The Honorable Mr. Miller, I think, was more optimistic than I can be about propinquity helping people to love each other. We have so many notable examples. There are, just for example, the Mohammedans and the Hindus in India; there are the well-known Irish and English who don't live very far apart. The Poles haven't got along very well with their more immediate neighbors. They get along much better with people who are much farther away from them. I doubt if propinquity is actually a reliable basis for hope.

I agree that if it could be arranged that we all love each other and trust each other, everything would be fine, but I wonder how we are to do that. One way, of course, is to eliminate those that we don't love and trust, and that has been tried repeatedly by many people, sometimes with reasonable local success for a time, but it has never been successful for very long and probably isn't a sound method for us to undertake at the moment, although it might be better than lots of other methods that we could think of.

The master race idea to which I alluded in the address last night was an attempt to move forward into a projected future the type of thing that has happened in the past. There have been master races before but they didn't have atomic bombs; they didn't have lots of the things that we have or will have available within a few years. The master races were limited in the past by their transportation, by their weapons, by the undeveloped state of their science. In the future it would seem to be probable that if a master race arises, is given a few years of freedom to develop as it pleases and to prepare itself, that its earnest endeavor to take over and control the whole world may well succeed.

It is possible to reach every part of the world within at least a few hours from any place on the earth's surface now. Within 10 years it will probably be possible to reach perhaps not personally, but with quite enough destructive material, any part of the world from any other part of the world within some minutes. That does undoubtedly tremendously increase the potential for control of any master race once it had occupied the productive capacity of the world and had it firmly in its hands.

It is quite to be supposed that after a time, 3, 4, 10 generations, sometime or other, they might break down. They would be subject inevitably to internal stresses and strains. Their own controls would weaken and break as they have in the past whenever that has happened, even locally, but it would probably take at least a few generations. Hitler's objective was only 10 centuries of control of the whole world. Even he seemed to realize that his type of "civilization" would break down inevitably and the human race would struggle up again. It would have been a long, slow, painful and difficult process.

I am sorry that some little misunderstanding may have crept into the discussion of what psychiatrists are going to do. Please believe that I scarcely expect that psychiatrists will do much of anything themselves. I only had some hope that psychiatrists might sit back and tell other people what should be done—a much more pleasant occupation and much rather to be expected from psychiatrists.

The Honorable, the Secretary of Commerce alluded to protective coloration, and that, of course, psychiatrists have developed superbly. Their vocabulary is an excellent defense. It is gifted with all the things that obscure meanings, words now mean one thing and now something else, and in the hands of different people mean entirely different things, so that as a method of obscuring thought, of saying things without appearing to say them, or saying things which will be understood by some people and not by others, it is an excellent instrument. I believe that psychiatrists can be of no great service to the human race until they shall have given up this protective coloration.

The Honorable Mr. Hyde spoke of the neurotic tendencies which got us into war—or questioned whether our neurotic tendencies got us into war. I would like to quote a German to you, a German officer, a Prussian, a doctor, an intelligent person, well educated and keen, whom I knew quite well about 1934. At that time he told me quite clearly what the Germans were going to do, how they were going to do it, what their organization was developing toward at that time, and what it would look like when they finished. The picture, to him, was perfectly clear. There would be a Prussian governor under orders from Berlin in every city and province in the world, with absolute power of life and death over all the people. The German people, servants of the Prussians, would garrison the world.

I asked him what this meant to him personally, and he said that this was a permanent dedication of his race; if not this time or the next time, then the time after that or the time after that because it was destiny—destiny for the human race to be controlled by the superior Prussian "kultur." I asked him if it bothered him at all that he was talking freely about this intention and he said, "Oh, no, not at all. You people don't want to believe and so you won't until it is too late."

He was dangerously nearly right. A long time ago someone said, "If a man has a garden in which there are poisonous serpents and beautiful flowers, he must first deal with the serpents before he may enjoy the flowers." The neurotic person goes about his garden admiring the flowers and pretending that there are no serpents, or if there are, they are not poisonous but pleasant little playthings. That is reminiscent to me of ourserves during the periods of 1908 to 1914 and 1917, and again during the period of 1933 to 1939 and 1941. We were pretending that everything in the garden was lovely, that everyone loved everybody else, there wasn't going to be any more war, and while the dear Germans were naturally slightly misguided, as we ourselves come to be sometimes, they would recover from this and become the nice people they have always really been at heart.

I think no one but a well-developed neurotic could believe any thing of that kind in the face of the overt, obvious, clear-cut, advertised evidence during those years.

We are the people who allowed this world war to arise, and the one before it. We even sat back and let them take the first bite at us. We allowed them to choose the time and place because we went right on pretending to ourselves, more or less successfully that there weren't going to be any wars.

We called the German reaction neurotic, but certainly we are no less entitled to call our own reaction neurotic. We allowed it to happen, and in my own mind there is no doubt whatever that if the English-speaking people of the world had faced the facts as the facts were advertised during those years, they could have prevented war.

I quite agree, too, that full employment is necessary for happiness, but the variety of definitions of employment is infinite. I have seen people busily employed lying on their backs in the sunshine enjoying

themselves. Sometimes I feel that I would be glad to enjoy that mode of employment for some considerable part of my future.

You know we were all brought up on one of these moralities of which I have been talking—perhaps some of you weren't but I am sure that all good Presbyterians were: "Satan finds some evil still for idle hands to do." Of all things, hard work has become a virtue instead of the curse it was always advertised to be by our remote ancestors. Even the most authoritarian statement of the case is to the effect that Adam and Eve were condemned to work as the result of their sin. They weren't supposed to work before that.

And so I think the time is going to come, if it hasn't come already, when we shall have to redefine a little our idea of employment. It may well be that within a few years, as atomic energy is made releasable and usable in industry, there won't be enough productive employment available for anything like all the people in the world. It may well be that this time can come within 20 years. What is education doing about that? Are we preparing our children to spend large parts of their lives denied the "privilege" of working? Our children should be prepared to bring their children up so they won't have to work as a neurotic necessity. The necessity to work is a neurotic symptom. It is a crutch. It is an attempt to make oneself feel valuable even though there is no particular need for one's working. There are people who dig holes and fill them in just to "busify" themselves. I think we need to look at this whole problem of employment in relation to man's enjoyment of living not just with regard to his "busification" which is something quite different.

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[Concerning the returning veteran:] The problem of men and women coming back from the services needing help, and how to get them to accept it and how to get it to them, is a vastly difficult problem, indeed, because many of the men who most need help cannot admit it to themselves, and insist on struggling along when they could be given effective help reasonably easily.

There are very many men and women coming out of the services who have needs that the normal civilian community will not normally supply unless it is done purposefully, intentionally, by people who know what they are doing. These people who come out of the services have specific needs. They are not the same people they were when they joined the service. They have developed and grown enormously. They are far more developed people. They are far more civilized people than they were as so-called civilians. They have developed an ability to count on people around them. It is impossible for a fighting soldier to question the reliability of his comrades or the other arms. He must for his very security learn to accept absolutely the responsible people about him. He must know that the tanks will be in the right place at the right time, he must know certainly that the air will not let him down; he must have learned through the process of military training to count completely on the people who are about him. For soldiers it is all very simple, and I mean soldiers who have been good soldiers for a long time, and particularly those who have been a fighting kind of soldiers. All people are divided clearly into two kinds: our friends and our enemies. You kill off the enemies whenever you get a chance. You make as many of these chances as possible. You count completely and absolutely on your friends to be on your side on every occasion.

When the returned soldier comes home from overseas, he typically starts with the belief that we at home are his friends; therefore, we are all right, we are on his side, he can count on us. He knows that we won't let him down. The painful process of awakening to facts in that relationship has been the precipitating factor in the developing neurosis of many a good soldier who has given everything required of him and done all he could. It has commonly happened that the failure of the civilian to live up to his standards of civilization has been the precipitating factor in the trouble in which he finds himself.

The returned soldier may be precipitated into neurosis or he may feel an utter lack of sympathy and understanding around him from civilians and find that his only spiritual home is with other soldiers. If that happens, he tends to segregate himself from civilians, with other soldiers, and to set himself apart as a particular kind of person. I don't need to suggest to you the damage that this type of reaction can do to a community and to very large communities. It is essential to the integrity of any country that its returned service people shall stop being veterans as soon as possible and become full-out citizens and civilians and leaders in their communities.

If the soldier in this war has learned anything, he has learned to do his own thinking, to take charge of situations, to do what needs to be done. He has developed the need of a standard of service which is rarely found in civilian life. It is to be hoped that soldiers coming out of the services will recognize their own needs in this connection and invest their emotions in service to the community in order to produce some continuity of feeling of being needed and important. It is devoutly to be hoped that civilian communities will make it possible for soldiers to meet these needs, have them fulfilled. It is vastly important that there should be places—and I mean emotionally significant places, valuable places—in every community for every soldier who is coming out of service to fill.

I believe earnestly that the biggest therapeutic problem and the whole course of treatment are in the hands of the people of this and other countries, not in the hands of psychiatrists. Psychiatrists can touch only the fringes, treat only a few, and those not by any means always successfully unless the community is able to do its part—which certainly does not mean seeing the soldier as a pathological specimen or in any way peculiar or unusual, but rather as a grown-up man, not "our boys" coming home. These are not boys. They are men, if there ever were men; and they don't like being called boys. They may take it, even with a smile, but it hurts inside. It is an indication to the returned soldier of the patronizing attitude of the civilian who expects him to come back and resume his place as the little boy again and do what is expected of him.

The returning soldier from this war is not that kind of man. He is the kind of man who, if he knows what is good for his emotional health, will take charge of situations when he comes home. It will be well for him and for this and other countries if he is given the opportunity.

The question of cost in relation to treatment of the neuroses in veterans is utterly irrelevant, as I see it. There is no way of evaluating the comfort, the peace of mind, the ability to live, of a man and a family. There is no way of evaluating in monetary returns the effect on children of the peculiarities of their parents. Any amount of money that it is necessary to spend to stabilize returned veterans, to make it possible for them to live peacefully in their community, to be good citizens, to help to bring up their children to be contributing citizens of the community, can hardly be too great, and whatever requirements there are will be a good investment. It is perfectly true that adequate psychiatric care is an expensive business, but it will be much more expensive not to give that care.

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[Concerning Dr. Hamilton's comment;] I could talk about original sin for quite a long time. Of course we have original sin. It can be called human nature or anything else you like, but it is the same thing. The way people are when they are born is not civilized. Therefore, it is sinful, because that is what sin is—not conforming to what is expected of one when one is growing up—and so of course we will have sin in that sense always with us.

The thing that I object to is everybody having to feel guilty all their lives for having been born the way they were born. That is what makes trouble, it is the learning that they weren't supposed to be that way, despite the fact that everyone who has been born is that way and will probably go on being that way for quite awhile yet. It is the guilt that is foisted on people, on children, on children while they are still defenseless, for being natural products, for not having been born civilized, that makes the trouble.

I am not optimistic about our having a world full of well matured people within 20 years. It just doesn't add up to that. Arithmetic makes it impossible. But maybe we can go quite a distance. There are soft spots. There are groups of people who are earnest, intelligent, concerned people, who do not know all the answers, and who are anxious to find out what some other people do know. I think one of the hopeful spots in our kind of civilization is the parent-teacher association, where young parents meet together with teachers to discuss what is best for their children. If every psychiatrist and social psychologist and everyone else who feels himself capable—and whether he is capable or not is relatively unimportant as long as he stirs up people's thinking—will take even as little as one evening, say, every 2 weeks to talk about these things with groups of people, service clubs, youth groups, schools, parent-teacher associations, anyone else who will listen to him, I think a very great deal can be done in the span of 20 years.

Such a program will doubtless increase to some considerable degree the insecurity and anxiety of quite a number of people who will be jolted and made somewhat uncomfortable. But after all, this is a major illness. If a patient has an appendix ready to burst and is going to die if nothing is done about him, even if there is no anesthetic handy it is still sound humanitarian practice to cut a hole in him and take his appendix out anyway, even if it hurts. I think that this is a sound analogy for the situation in which we find ourselves. Of course it will hurt, but that does not argue against the necessity for doing something about it, and we won't get around to it any sooner than now. The longer we put it off, the longer it will take to do it and the more difficult it will be to do. I would hate to have to prove that but I think it is true.

Now is the time when people are at the stage of reevaluating very many things. The fact is that a lot of things have come loose in the last 30 years, and now is the time, perhaps the crucial time—again a crossroads—a time for reevaluating things with some hope of being able to see them more clearly than we or our ancestors have previously. Because of all these factors and because of these considerations, I believe that we should go to work at it now, even though there is relatively little hope, if any, of actually producing very large numbers of mature people within 20 years. If we start now, we might do it in 40 years. If we don't start it for 10 years it may be several generations before another chance is found.

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[In reply to Mr. Miller's question;] I would not suggest any program. I would not dare to draw up a statement of what people should think about themselves, nor tell them where to go to hear good advice. I would suggest only, and most earnestly, that everyone should regard as suspect everything that we have believed up to now.

I am suggesting a most earnest searching for the reasons we are the way we are, with a willingness to change anything that we believe and any way that we think if we find that any of the things we believe or ways that we think are, in fact, liabilities rather than assets.

ROSS M'CLURE CHAPMAN, PRESIDENT OF THE WILLIAM ALANSON WHITE PSYCHIATRIC FOUNDATION

You, General Chisholm, have given me much to think about, but not for a sufficient time. I have not yet been able to think through to an adequate discussion of your splendid address of last night, which I then remarked was one of the most healthily provocative presentations I had heard.

I should choose for special attention the last third of the lecture which challenges not only psychiatrists but all other individuals and groups in the community and the world who have to do with education. Particularly you referred to the teachers of children as well as psychologists, sociologists and politicians.

Because a great many people will be reading and thinking about this address I want to add to the contribution of Mr. Fortas in which he spoke of freedom from moralities. Quoting, he, as I recall, said, "Freedom from moralities means freedom to think and behave sensibly," to which should be added, "to the advantage of the person and the group." Emphasis on the group is an important thought in that connection.

General Chisholm has defined maturity to his own liking as the sizing up of difficulties and making one's own decisions, which maturity carries with it flexibility, adaptability, tolerance.

The essential part of his address is his courageous approach to the development of a more mature citizenry through the education of children. This deserves, and I have no doubt will receive, careful reading and much thought. I hope it leads to constructive effort.

AN APPRECIATION AND CRITIQUE—SAMUEL W. HAMILTON, MENTAL HOSPITAL ADVISER TO THE U.S. PUBLIC HEALTH SERVICE

In these addresses General Chisholm, like a prophet of old, has presented a picture of the New Jerusalem in which life will be better lived because better leadership will dominate. This leadership will be in the hands of persons who have been brought up to make their own decisions, not worry about precedents and not reproach themselves for what goes wrong. They will be clearheaded, suitably deliberate, strong in action. Perhaps this makes one think of the Swiss, or the Swedes. There will still be room in the world for people with fears and foolish ideas, but they will no longer run it. There will be fewer of them than now, because more people will be of the kind that are calm, confident, free from prejudice, and capable.

This is an inspiring picture. But to the ordinary psychiatrist the concomitant challenge is disturbing. General Chisholm argues with close-knit reasoning that psychiatry must turn more strongly than ever to prevention; that we should not allow unhealthy attitudes to develop. This he rightly calls a challenge to psychiatry.

Of course it is also a challenge to the individual psychiatrist, who may have no children to educate, no opportunity to sit on a school board, only limited influence on the character development of the little folks of the neighborhood. He is quite busy with his adult patients, seems to be useful and enjoys his professional work. Perhaps there is need of interpretation of the thesis. The psychiatrist, being a physician, can seldom compel people to do as they should about rearing their children. Only at times is the physician backed up by the law so that he can call on the policeman and the judge to enforce his decisions. That is when he can make a very strong case to the effect that something that a person is doing endangers the health of his neighbors.

One may point out two matters, perhaps small, that will impede this advance:

1. Preventive medicine may not free many physicians for activities they would like to engage in, for unexpected results develop. When epidemic disease ceases to be fatal, we have more cardiacs to care for, so preventive medicine is far from abolishing therapeutic medicine. Probably many psychiatrists will be needed even when wars shall cease.

2. It takes intelligence to carry on an advanced program of training in any field. A vast number of parents over the world are of modest intelligence, or less. Children inevitably imitate their parents in many attitudes. Perhaps we cannot harness them to our better scheme within any short period.

When a man has a vision it is right for him to proclaim it, though he trouble his colleagues. If a thing needs to be done, it is the duty of every one of us to figure out his part, and do it. Whatever each of us can contribute toward control of affairs by persons of mature attitude of mind, should be willingly contributed.

THE CULTURAL REVOLUTION TO END WAR—HARRY STACK SULLIVAN, PRESIDENT OF THE WASHINGTON SCHOOL OF PSYCHIATRY

In his William Alanson White memorial lectures, Maj. Gen. G. B. Chisholm in an argument characterized by pertinacity of consideration, lucidity of analysis, and rigor of its reasoning, has put squarely before psychiatrists a clear statement of the all but overwhelming responsibility that lies on them at the present juncture of national and international affairs.

The task which he delineates is stupendous. The personnel to whom primarily he addresses himself is numerically small and spiritually impoverished.

A call to assume significant leadership in what Albert Deutsch well designates a cultural revolution may seem to most psychiatrists too fantastic to be heard clearly, much less, to evoke responsible effort.

It would not be strange if psychiatrists, by and large, were among the last to be moved to action by Dr. Chisholm, himself a psychiatrist. It has already been said that he is crusading. One is asked why psychiatry should feel called upon to take up such a program.

It is easy to close the mind to a disturbing prospect. Compared to man, the ostrich's burying its head is uningenious.

Dr. Chisholm is anything but a visionary living out a myth tolerated by his particular culture. He is a rarely wise man, a man of great foresight. His career documents this; it is shown by his established works.

Those who close their minds to his words are chiefly of two classes: the people demoralized by the defeats of life and those whose prestige and income are imperiled by his views; these and the stupid.

The stupid and the demoralized have in common a sad necessity to protect a peace of mind which at best is the peace and quiet of fresh thistledown on a windy day.

Where they can, they seek to avoid anxiety and the feeling of helpless unworthiness by demands that "if I am a molehill, then let there be no mountains."

Perhaps this is by no means the prerogative solely of the demoralized and the stupid. Perhaps this protecting a dubious peace of mind by disparaging anyone and everything which is disturbing is the mental disorder of modern man.

Broadly speaking, we are all—and I speak not by any means for psychiatrists only—like angry children. We are like children because we have failed to develop our human potentialities. We are angry for two reasons. It is more pleasant to be angry than to feel anxious, frustrated, and humiliated; and everyone at least occasionally realizes, however dimly, that the world need not be so hopelessly confused and demoralized.

Some psychiatrists, in fact, have been most fortunate. I think of William Alanson White, and of those who came to know him. Psychiatry itself, as it has developed in a union of Canada, and the United States, owes in singularly large measure a world preeminence to the judicious and synthetic qualities of mind of Dr. White the teacher.

It was William Alanson White who fused into a vital unity the relatively sterile nosological interest of Emil Kraepelin, the precise scientific approach of Adolf Meyer, and the vivifying dynamic conceptions of Sigmund Freud.

He was among the first to encourage rapprochement of all the sciences concerned with human life. He was immensely enthusiastic in his support of preventive psychiatry, the program of mental hygiene, and the use of psychiatric principles in humanizing the practice of medicine.

Dr. White was quick to see that psychiatry, as it grew in importance as a body of insights into living, was coming to have greater significance outside than inside the mental hospital; that psychiatry was becoming far too important to society at large to be restricted in use to the monastic world in which it was nurtured.

Psychiatry was forging tools indispensable to all those who strive to facilitate human living.

Dr. White labored mightily to encourage the critical utilization of psychiatric principles by those responsible people on whom always largely depends the enduring good of a democratic society.

As I understand it, the William Alanson White memorial lectures were instituted at a time when it seemed imperative to carry forward this one of Dr. White's great interests.

The first series of these lectures sought to outline to a diversified audience the conceptual structure and practical position that psychiatry had reached at a time when the world was almost certainly moving toward disaster. It was hoped that something useful might be given to those who would soon be husbanding human resources and social values in the pandemonium of war.

The first series of William Alanson White memorial lectures was not particularly distinguished from many another effort of that time. They were too little, far too late.

By wonders of wartime organization, by the miracle of solidarity and morale in a people belatedly alive to its peril, but even more by the fortune of redoubtable allies who earned us time by their sweat, blood and tears, at cost of unutterable devastation of all human values, we are still intact—even if seriously impoverished.

The second series of the memorial lectures comes at a time when the perils of the world are greater, more imminently dreadful, than has ever before been the case in historic time.

It is exceedingly to the credit of our Western World that at this awful juncture there is a greatly distinguished man among us who speaks unequivocally, with calm determination that at whatever cost he shall make clear what psychiatry has to offer as an at best forlorn, but also the only, hope.

What does this man, this most practical psychiatrist, say to us?

He says, as does many another, that we are choosing now, perhaps passively, but inevitably, whether we shall be slaves of the next

"master race," or members of a world-unity so alert and so powerful that potential aggressors will be destroyed before they can strike the first horribly destructive blow in a future war. These are the only alternatives.

He says that the second alternative, to be chosen quickly if we would insure ourselves and our children a continued progress in civilization, is but a way to gain time in which to find and take sure steps to prevent wars of the future.

He reviews past efforts in this direction and notes their repeated and uniformly unsuccessful outcome. "Every lesson of history and commonsense would suggest the futility of these methods. It is clear that something new is needed."

He seeks to identify the human factors which have repeatedly eventuated in wars. He recognizes political factors operating in national and larger aggregations. He recognizes causative factors inhering in the no longer necessary economies of scarcity, with their exploitation of backward peoples. He observes that remedial modification of these two elements in human society would probably make wars unnecessary for mature people.

"So far in the history of the world there have never been enough mature people in the right places. We have never had enough people anywhere who have been able to see and accept these facts and who are sufficiently well developed and responsible to tackle these problems."

Some influences which show consistently in every civilization of which we have knowledge must be responsible for arresting, personality development in all or almost all its people, so that they failed of true maturity—could not come to perceive and utilize patent facts; could continue to believe contrary to and in spite of clear evidence; were burdened by irrational inferiority, guilt, and fear; and had urgent necessity to control others' behavior because of prejudice and an incapacity for sympathetic understanding.

Dr. Chisholm concludes that the only factor common to all civilizations which acts as a psychological force capable of producing these ubiquitous arrests and perversions of personality development is morality, the structure of man's beliefs concerned with "right and wrong," anciently warned against in the Jewish creation-myth as fruit of the tree of the knowledge of good and evil.

Some voices are heard denouncing this conclusion.

Among the 500 people who heard General Chisholm's Washington lecture there were few or none of those who since then have lifted their voices in denunciation and antagonistic exhortation. "Intelligence," says the General, "ability to observe and to reason clearly and to reach and implement decisions appropriate to the real situation in which he finds himself are man's only specific methods of survival. His unique equipment is entirely in the superior lobes of his brain. His destiny must lie in the direction indicated by his equipment. * * * Man's freedom to observe and to think freely is as essential to his survival as are the specific methods of survival of the other species to them. * * * That freedom, present in all children and known as innocence, has been destroyed or crippled by local certainties, by gods of local moralities, of local loyalty, of personal salvation, of prejudice and hate and intolerance—frequently masquerading as love—gods of everything that would destroy freedom to observe and to think and would keep every generation under the control of the old people, the elders, the shamans, and the priests."

What psychiatrist entitled to respect himself as a therapist would find fault in this statement?

What educator free from the domination of a group with vested interest in controlling his charges would question it?

What social scientist secure in his academic freedom and his income would change a word?

Is not this the central finding of every serious student of personality or of culture, everywhere in the world?

If humanity is to be freed from this crippling burden, "it must be psychiatrists who take the original responsibility. * * * What the world needs from psychiatry is honest, simple, and clear thinking, talking and writing. It needs the same from psychology, sociology, economics, and politics. Clear and honest thinking can almost always be expressed in simple words which are understandable by the people who matter in a democracy."

In the second lecture, given in New York City, Dr. Chisholm reviews the status of psychiatric personnel and practice with regard to meeting in a somewhat practical fashion the needs which now confront psychiatrists.

"Possible objectives for psychiatry can be seen only in the light, and within the framework, of the realities of the environment. This world in which we live is not the same world we were living in a few years ago."

Commenting on those who believe that the only responsibility of the psychiatrist is custodial care and therapy, the lecturer shows that a vast increase in the number of practitioners is needed to meet the self-recognized needs of the population, in turn but a small part of manifest mental illness.

There are several ways of ameliorating this situation, including the evolution of shorter and more effective techniques of treatment and the use of less well-trained workers.

If this is to continue to be the major concern of psychiatrists, and if current and prospective needs are to be met in the reasonably near future, training facilities must be increased enormously, and those now engaged in effective therapy must be withdrawn from that field and put to teaching in training schools for psychiatric teachers.

Also, "If we believe in our wares, if more and more psychotherapy is what is needed, then surely it is legitimate and sound to do everything possible to educate the public to an appreciation of the need * * * [in which case] possible developments in psychiatry might at least go far toward solving national unemployment problems."

In seeking alternatives to this program of ever bigger and better mental hospitals and more and more extensive psychotherapy, Dr. Chisholm draws a telling parallel with the treatment of infectious and deficiency diseases as compared with prevention in these fields.

Clearly, if psychiatry hopes to make sense in the world of today, some of its practitioners must raise their eyes from a goal of passing in moderate respectability from their professional birth to the obituary notice.

The petit bourgeois ideal is all right for the psychiatrists who are correctly defined as doctors who have failed in the practice of medicine. They have found for themselves a useful function in sheltering society from those whom it has destroyed.

The upper middle-class ideal is all right for the psychiatrists who are content to be variants of Wagner-Jauregg's bitter aphorism about "a way to live on one patient," or as mass-production experts in shock therapy, modified decortications, or distributing drug-house detailmen's wares.

I surmise that at least the psychiatrists who, as members of the war effort, have caught a glimpse of living as collaboration will not be content to return to these modest respectabilities—even as I fear that the sequels of demobilization will discourage all too many of them.

Dr. Chisholm is calling to psychiatrists to live in reasonable conformity with the implications of their knowledge of personality and interpersonal processes.

He is calling not to a crusade, but to an honest, diligent, and demanding public service the quiet nobility of which was well reflected in the profound comment of Secretary Wallace when he once remarked that all great religious leaders, the prophets, even Jesus Christ, had actually brought religion up to date.

As Abe Fortas says, Chisholm is a mature man who realizes that the human past is no longer suitable to the material present, that we have now reached the point where drastic readjustment of human personality and conduct appears necessary for survival, and that the role of the psychiatrist in the work of man's taking charge of his destiny is not merely that of a healer, but that of one who seeks the causes of fear, anxiety, prejudice, and vicious passion, and works to eradicate those causes.

Less than a thousand people heard Dr. Chisholm. By now, many thousands know that he has spoken, have some idea of what he said. I venture it will not be long before millions will have rumor of his message. The fact that he has spoken and has spoken clearly and unequivocally what he had to say is bound to affect psychiatrists everywhere. It makes it much less easy for them to go on with their little private concerns, saying, "This is someone else's responsibility."

However awkward it may be to have people expect them to make public sense instead of private marvel, however, miserably some of them may fail to measure up to the unwonted task, psychiatrists will be finding that communities are awaking from the trance imposed throughout historic times by the mythmakers.

The bomb that fell on Hiroshima punctuated history. The man whose wisdom and foresight in large measure made that bomb had dealt with human destiny with fully human competence.

The gods of local certainties, of local moralities, of local loyalty, of personal salvation, of hate and prejudice, and the intolerance of others passed into history.

As mundane distance shriveled into insignificance in the eddies of radioactive matter which swept space around the earth, so also did the swathings of immaterial fictions and habitual evasions with which everyone had been methodically enwrapped.

The peoples of the world, wherever language reaches, caught a glimpse of reality, felt with whatever terror a moment of insight into alike the minuscule and the magnificent in human being. As their apathy and stupefaction yield to the dynamics of life within them, they will hear and understand Chisholm: if we go on as we have, there will one day be none of us left, not even any to bury the dead.

As a psychiatrist, it has been my privilege to see in the difficult treatment of persons suffering obsessional distortions convincing evidence that people strive however blindly toward improved mental health. No contrary hypothesis could account for the brute fact that severe obsessional conditions actually change, with appropriate help, in the direction of relatively simply gratifying and successful living.

This tells me that there is imminent in human personality a striving toward a way of life that is not destructive to others. It tells me that man would live at peace had he ever had a chance to be free of that "slavish acceptance of the doctrines which each generation," to quote Abe Fortas, "is supposed to accept from its predecessors like a burial urn, and to pass on untouched and unexamined to its successors."

As reactionary trends are swamping every government, as every possible cleavage in every people is being encouraged, as every issue is being confounded by irresponsible if not indeed unscrupulous expressions of prejudice, interpretation, and rumor; at

such a time is it not apparent to every serious student of any aspect of human living that events call upon him to manifest his particular kind of functional activity in an effort to preserve that very human society which has culminated in his peculiar privilege to pursue the truth?

Even the lowest form of caution would support this; this can scarcely be a time for just playing safe. Decision lies in indecision quite as certainly as in observation and foresight. One will be with the forces of reaction and human exploitation; or one will be actively against them.

A distinguished company of publicly very quiet people, the physicists, have read the omens. They have left their laboratories and classrooms. Their voices are heard. The public understands them. This is not because physics has been popularized; not because the physicists are talking down to the masses. It is because they are reporting their clear and honest thinking in simple words which are understandable by the people who matter in a democracy.

Will the physicists outdo the people in the study of personality, in the study of culture, in sociology, in economics, in the science of politics, in the vast field of pedagogy, in responsible religion, in administration in practical politics? Shall we offer nothing from our special capabilities toward implementing that utterly indispensable and wholly inconspicuous responsible leadership which is exerted in every community by men who respect the rightness of their facts and the care and correctness of deduction reflected in their expressed opinion?

I think that the peoples of the world would be less hesitant to become subjects of a world government eternally vigilant to maintain overwhelming destructive force, ready instantly to use every sanction and to destroy any who would again provoke war, if it were evident to the thoughtful among them that things otherwise were not going to go on much the same way that they have gone on up to now; if, in other words, it were certain that this mighty garrison state which would exercise sovereignty over every person in the world was to be but a temporary precaution to protect the helpless while men of good will would be working out a fully civilized way of life for the peoples of the earth.

It is from the custodians of knowledge and those skilled in human techniques that the evidence of this benevolent probability must come.

This is a challenge to each of us, and a challenge which each of us must meet. A decision to do nothing about it identifies one with the destructive principle which the great mass of humanity has not yet found a way to escape: one shows by inaction that one is of those who irresponsibly exploit their less fortunate fellows. Possible for how much longer? Can one be sure?

Chisholm calls on us to proceed responsibly with a cultural revolution. The first step is to uncover the archaic control ideas that make of every extant culture anything but the ideal medium in which the human animal becomes the human being. Along with this investigation, there must go the teaching to every parent—bright or stupid, rich or poor—the fact that children do not grow like green plants on chemicals activated by solar energy, or in any other way that may be taken for granted, but rather by assimilating ideas and examples given them by significant elders. Parents must be made to see that children are in no sense their chattels but instead their wards, held in trust as future members of the community.

The good of every community requires that children shall be much better prepared for social life than were their parents when they reached legal maturity. The survival of human society on anything like a civilized plane depends absolutely on this.

When these conjoint first steps are in progress, there will begin the second great step, the practical realization of dynamic, evolving, principles of living initially suited to particular culture areas and ethnic groups but progressively uniting all the peoples of the world in a great benevolent community singly devoted to human progress everywhere.

Mr. JAVITS. Mr. President, I would not wish the confirmation of the nomination of Mr. Fortas to pass unnoted. As a member of the Judiciary Committee, I heard him, and asked, by agreement of the committee, for him to add to the record anything that needed to be added.

At the time of the hearing many controversies were aired. There were direct witnesses against Mr. Fortas. Personally, I have known Mr. Fortas for 25 years, or thereabouts, as a lawyer, and I have known him socially and personally. The Senate should know that, in my judgment, he stood up magnificently well under the questioning and he justified all the fine things that people like myself have for years thought about him. He proved in the hearings what we all believed to be true about him as a lawyer and a distinguished American in all this time.

Mr. WILLIAMS of Delaware. Mr. President, our Government is divided into three branches—the executive, the legislative, and the judiciary. Each branch performs a separate and essential function, and under our system each, while having separate powers and duties, acts as a check upon the other two.

At the top of the judiciary branch there is the Supreme Court, with authority to overrule lower court decisions and interpret or nullify laws which have been approved by the other two branches. For this reason the members of the Supreme Court should be selected with the utmost care as to ability, integrity, and judicial experience as well as temperament. The President appoints these members, but it is the duty of the Senate to pass upon their confirmation.

The President in making his most recent appointment of Mr. Abe Fortas claims that after having searched our country over he was unable to find a better man than the appointee, Mr. Fortas. I disagree with that claim. It is apparent that the President in his extensive search did not go beyond his inner circle of friends.

No one is questioning the fact but that Mr. Abe Fortas in recent years has developed a national reputation as the man to see in Washington to get things done. His tremendous rise in power has been greatly accelerated and particularly noticeable in the past couple of years when he became known as the man closest to the President and as one who is able to obtain favorable decisions from various Government agencies.

But the fact that a man knows the right people in the right places or the fact that he has been exceptionally successful in influencing departmental decisions does not necessarily qualify that man for membership on the Supreme Court.

True, there is nothing wrong with Mr. Fortas being a friend of the President. Nor is the fact that Mr. Fortas was the attorney selected to represent Bobby Baker in the early stages of his investigation a determining factor. Mr. Baker was entitled to legal representation. It is significant, however, that when Mr. Baker and Mr. Jenkins, another Presidential associate, got into trouble Mr. Fortas was the first man they turned to for assistance and legal guidance.

Later, when Mr. Johnson assumed the Presidency, within a matter of a few days Mr. Fortas separated himself from the Baker case, and the rumor then was that this was done to place him in a position to act as a special adviser to the President and to pave the way for later consideration for a high appointment.

Last year, when Mr. Walter Jenkins, a top Presidential assistant, was arrested on a morals charge, it was Mr. Fortas who interceded with the Washington press in what almost resulted in a successful effort to suppress the story. Had the case not been discovered and broken by one of the wire services conceivably Mr. Jenkins would still be serving as an aid in the White House with his top-secret clearance.

It was Mr. Fortas to whom Mr. Johnson turned in 1948 when the results of his senatorial election were challenged on the basis of fraudulent ballots. Much has been written about the strange handling of this case involving phantom vote charges.

As recently as July 17, 1965, the magazine, Business Week, published an article questioning the propriety of the Interior Department's decision to relax the import quotas for Phillips Petroleum Co. In this article Mr. Fortas' contribution as the attorney for Puerto Rico, the country involved, was referred to as "influence peddling."

I quote a paragraph from the article:

> Influence-peddling? Privately, oil men point to what they consider influence-peddling affecting the Phillips decision. They see it as significant that Puerto Rico was represented by the Washington law firm of Arnold, Fortas & Porter, although Abe Fortas, a personal friend and confidant of President Johnson, denies he had anything to do with it. Oscar L. Chapman, an influential Democrat who was Harry S. Truman's Secretary of Interior, was attorney for Phillips.

In this article the writer raises a serious question as to the manner in which Phillips Petroleum was able to obtain from the Interior Department a favorable decision worth millions.

I ask unanimous consent that the complete article entitled "Udall Sparks Another Oil Battle," published in the magazine, Business Week of July 17, 1965, be printed at this point in the RECORD.

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

UDALL SPARKS ANOTHER OIL BATTLE—THE INTERIOR SECRETARY'S DECISION TO RELAX IMPORT QUOTAS FOR A PHILLIPS COMPLEX IN PUERTO RICO HAS BROUGHT REQUESTS FOR SIMILAR TREATMENT BY OTHERS AND THREATS OF COURT ACTION

Just 17 days after he entered the White House, President Johnson gave his Secretary of the Interior full responsibility for shaping the Nation's oil policy. Since then, Stewart

L. Udall has grappled with that problem in the face of almost constant criticism. But rarely, if ever, has he found himself in as big a snarl with the oil industry as he does now.

The trouble began when Udall approved a plan for Phillips Petroleum Co. to build a multimillion-dollar petrochemical complex in Puerto Rico, starting late this summer. The complex will ship nearly 25,000 barrels a day of gasoline byproduct to the U.S. mainland. Raw material needs of 50,000 barrels of naphtha daily will be met entirely by foreign oil.

To give Phillips the foreign oil, Udall decided to relax the quota controls that have governed imports into the United States for 6 years. He based this decision on Puerto Rico's need for heavy industry. Pestered by low wages and high unemployment, the commonwealth has been seeking petrochemical investment since the early 1960's and hopes this complex will create 33,000 jobs.

PROBLEM'S ROOT

But it was giving this aid to Phillips that touched off the conflagration. Until the Phillips plan went through most companies felt they were ruled out of Puerto Rico by import restrictions. Now, some of the biggest oil companies are out either to block the project or reap profits for themselves. By midweek, Standard Oil Co. (New Jersey), Standard Oil Co. (Indiana), Sinclair Refining Co., Tennessee Gas Transmission Co.'s Tenneco Oil Co., and Cities Services Co. all had applied to build petrochemical plants of their own in Puerto Rico. This strategy is embarrassing Udall. He knows that granting all the applications would undermine oil import controls, while refusing any one of them will almost certainly result in a court challenge.

HIGH STAKES

Quotas to bring in foreign oil, which is cheaper by $1 to $1.25 a barrel than the domestic stuff, are one of the most valuable disbursements of the Federal Government. Doled out among domestic refiners, they are worth in excess of $1 million a day. With stakes that high, even the slightest change in quotas sends shivers through the oil industry. Udall's decision to approve the use of foreign oil for the Phillips project—at the expense of other companies—enraged those that didn't benefit.

Opposing companies charged that the grant was arbitrary, that it would open a loophole in import controls, that shipments of low-cost gasoline to the east coast would shake up markets there, and that assistance to Puerto Rico, however desirable, has no place in the oil import program.

INFLUENCE PEDDLING?

Privately, oil men point to what they consider influence peddling affecting the Phillips decision. They see it as significant that Puerto Rico was represented by the Washington law firm of Arnold, Fortas & Porter, although Abe Fortas, a personal friend and confidant of President Johnson, denies he had anything to do with it. Oscar L. Chapman, an influential Democrat who was Harry S. Truman's Secretary of the Interior, was attorney for Phillips.

Udall's decision evoked dissention even within his own Department. Assistant Secretary of the Interior John M. Kelly, an independent producer and Udall's top oil adviser, didn't see eye to eye with his boss. Subsequently, Kelly quit his post and went home to New Mexico.

STATUS REPORT

Despite the opposition, including threats of lawsuits by some companies, it was soon apparent that Udall would stand his ground. "Other companies will be a little bit unhappy," he says, "but I'm willing to take the criticism."

Then Udall's opponents in the oil industry launched their counterattack. The companies that began lining up at his door with demands for foreign-oil-supplied complexes of their own were the same that had most vigorously objected to the Phillips decision.

Besides those interested in Puerto Rico, a sixth company proposed a petrochemical complex to be run on foreign oil in Appalachia. The company, Borg-Warner's chemical division, Marbon, reasoned that West Virginia has unemployment problems, too.

SERIOUS INTENT

While the companies are grimly serious about their Puerto Rican applications, they, as well as Udall, realize that he cannot approve them all without opening a wide breach in import controls. Thus, any company that has its proposal granted will be sharing relatively exclusive economic advantages. On the other hand, if a request is turned down, the threat of a court challenge would have a basis for being carried out.

Thus, the Secretary, still feeling his way on uncharted seas, is moving with deliberation. His staff points out that the Phillips plan took 2 years to be approved, so there is no need for hurry on the rest. Meanwhile, one company official says with ill-concealed glee: "I'm just waiting to see how Udall will wiggle out of this one."

Mr. WILLIAMS of Delaware. Mr. President, in the June 1965 issue of Esquire there appeared another detailed article outlining the spectacular rise of Mr. Fortas to the position of the "President's most powerful persuader." The first paragraph of this article reads as follows:

Politically, the law firm of Arnold, Fortas, and Porter is the most powerful in Washington, D.C. The No. 1 partner, Thurman Arnold, was a famous New Deal trustbuster and is now recognized as one of the wiliest old lawyers in the Capital. The third partner, Paul Porter, was in charge of price controls during most of World War II and is on a first-name basis with everybody who matters. And the man in the middle, Abe Fortas, an Under Secretary of the Interior in the Roosevelt era, is confidant, adviser, good friend, and behind-the-scenes handyman to the President of the United States.

Continuing, this article outlines the success story of an influentially connected law firm with particular emphasis upon the close connections which the members of the firm have with certain Government agencies as well as with the President.

At this point I ask unanimous consent that there be printed in the RECORD an article entitled "Abe, Help.—L.B.J." written by Charles B. Seib and Alan L. Otten, and published in the June issue of Esquire.

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

ABE, HELP—L.B.J.

(By Charles B. Seib and Alan L. Otten)

Politically, the law firm of Arnold, Fortas and Porter is the most powerful in Washington, D.C. The No. 1 partner, Thurman Arnold, was a famous New Deal trustbuster and is now recognized as one of the wiliest old lawyers in the Capital. The third partner, Paul Porter, was in charge of price controls during most of World War II and is on a first-name basis with everybody who matters. And the man in the middle, Abe Fortas, an Under Secretary of the Interior in the Roosevelt era, is confidant, adviser, good friend and behind-the-scenes handyman to the President of the United States.

Arnold is a presence. Porter is a hail fellow. Fortas is a dry, quiet, violin-playing legal craftsman. And today, in Johnsonian Washington, the greatest of these is Fortas. Any White House insider, when asked to name the men on whom President Johnson most relies for unofficial help and advice, will almost certainly put Fortas on the list, very likely at the top. But ask just what he does for the President and you'll get a mystifying variety of answers: he's a fixer, the man who takes on jobs too delicate to be done by anyone with official status; he's always close at hand, either actually or at the other end of the phone line, suggesting, reacting developing; his contacts with the President are only occasional but consequential—a discussion of an important speech or message, a hashing over of candidates for a top appointment, the dissection of a proposed Great Society project.

The President and Fortas are on the telephone together at least once a day and often as many as three or four times. One top White House aide says, "He's as close to Johnson as BOBBY KENNEDY was to Jack" (an analogy Fortas rejects out of hand). According to another White House staff member, "There is very little of importance that affects Lyndon Johnson that he won't at some point talk over with Abe Fortas." Fortas himself maintains that the relationship has been greatly exaggerated, but members of his own firm report that he is constantly being called out of conferences to take White House calls. Neighbors say the President is a frequent evening guest at the Fortas home.

The "mystery" surrounding Johnson vis-a-vis Fortas is unreal, for there must always be a good deal that is secret or at least never revealed concerning the President and the men who do his personal bidding.

Assigning all the unreliable rumors and obfuscations to their proper place, the following emerges as a fair picture of the Johnson-Fortas relationship:

Fortas is respected by Johnson as an extremely intelligent man who is as knowledgeable as anyone in Washington in the technicalities of government and the law. He has the advantage both of a 30-year friendship with the President and the independence that his refusal to accept an official position gives him; he owes the President nothing and the President knows it. In this context, his advice is sought on important appointments; on administration policies, particularly in the domestic field; on the content and phrasing of speeches and messages. He is sought out in times of stress (as in the days immediately after the Kennedy assassination) and when there is a ticklish job to be done (as when the President needed a trust agreement that would disconnect the family television holdings from his high office).

This dependency extends beyond the President. It is clear that when an emergency arises in the Johnson official family, it's Fortas who is called first.

Nothing is more illustrative of this than the Walter Jenkins case. The sequence of events on the day it all came out is revealing.

That morning—Wednesday, October 14, 1964—the Washington Star, acting on a tip, sent a reporter to the records of the Metropolitan Police morals squad. There he found that Walter Jenkins, on the basis of identifying data clearly the one in the White House, had been arrested once in 1959 and again just the week before in the men's room of the Washington YMCA, a notorious hangout for homosexuals. In both cases he had posted collateral, later forfeited, and been released. A star editor called Mrs. Elizabeth Carpenter, Mrs. Johnson's press secretary (George Reedy, the President's press secretary, was out of the city with Mr. Johnson), told her the facts and asked if the White House knew about the arrests and had

any comment. Choking down her shock, Mrs. Carpenter said the whole thing was ridiculous but she would look into it. A few minutes later she called back and said that she had talked to Jenkins and that he would be calling the Star to deny the story as a case of mistaken identity.

Jenkins never called. But within fifteen minutes Abe Fortas was on the telephone to say that he was coming down to the Star at once.

The first edition was about to go to press, but the Star decided to hold out the story of the arrest until Fortas could have his say. And within minutes he appeared with Clark Clifford, another Washington lawyer and friend of the President. Jenkins, it developed, had rushed to Fortas' Georgetown home as soon as he had learned from Mrs. Carpenter that the Star knew of the arrests. He was distraught, Fortas said, in a state of emotional collapse, and asking for help.

Fortas himself was deeply shocked. He examined the Star's information and conceded that it appeared to be true. In a low, exhausted voice he urged compassion—saying that this was a sick man, a man who had been working day and night ever since Johnson assumed the Presidency, a man so devoted to his boss and his job that his wife had to bring his dinner to his desk because he wouldn't take time out for meals. The night of the most recent arrest, Fortas said, Jenkins had gone to a cocktail party after a day of hard work and had a few drinks; he couldn't remember what had happened to him after that. (According to the police records, he went to the YMCA, a few blocks from where the party was held, and was there arrested by morals-squad officers in the men's room in the company of another man.)

Fortas urged the Star's editors to think carefully and humanely before they printed the story. He reminded them of Jenkins' wife and six children. He assured them Walter Jenkins would be hospitalized and stated flatly that his days as a White House aid were over.

The Star decided not to print the story—a decision consistent with the paper's policy in such morals cases—and Fortas and Clifford went on to present their case before Washington's other papers. As it turned out, United Press International finally broke the story of the arrests that evening, but by then Jenkins was a patient in a Washington hospital and the President, in New York, was about to accept his resignation.

The incident illustrates several things about Fortas. First, his role in the official family: when beset by the blackest trouble man can imagine, Jenkins literally ran to him. Second, his high status; although he had not been in touch with the President, he was able to say confidently in the conference with the Star editors that Jenkins was finished at the White House—and they knew his word had the stamp of authority.

A top-level White House staff member, thinking back over the Jenkins case recently, said it was easy to understand why the distraught man turned to Fortas when he found himself in deep trouble. "Walter had been with Lyndon Johnson for many, many years," he explained. "And he naturally thought of Fortas just the way the President thinks of him—as the ablest, wisest counselor around." Johnson had this in mind when he offered Fortas—even urged upon him—the job of Attorney General of the United States when Robert Kennedy resigned in the summer of 1964. Fortas turned it down.

While he won't comment specifically on the offer of the attorney generalship, Fortas was willing in a recent interview to hold forth on the question of going back into the Government as a general proposition.

"I have made it clear to the President," he said, "that I'm simply not interested in returning to Government. I've been through all that. Now I'm 54 years old. I want to be able to give time to my music. I have a law firm with large interests. We've got a lot of fine young lawyers who marry fine young wives and have fine young babies. I have my responsibilities here."

As he spoke his eyes swept contentedly over the modern art and comfortable furniture that adorn his office in the high-ceilinged old mansion his firm occupies in the fashionable DuPont Circle area. It was clear that he likes his life's present rewarding course and that it will take something very special—perhaps the Supreme Court appointment for which he is frequently mentioned—to tempt him to change it.

There may be another contributing reason for his decision to stay out of Government. President Johnson is a notoriously difficult man to work for—insistent, demanding, hard-riding, sometimes brutal. By remaining with his law firm Fortas can avoid the rigors of a formal working relationship with Johnson and possibly, because of his independence, play an even more important role in national affairs than he could if he took a high administration position.

Although the Fortas-Johnson friendship began back in the Roosevelt days, it became considerably closer after President Kennedy's assassination. Johnson turned to Fortas for help almost immediately after his return from Dallas. On the plane to Washington, the President had considered the need for a blue-ribbon investigation of the assassination that would put to rest forever all questions and speculations. The next night at Les Ormes, his Washington home which he continued to use during the early days of his presidency, he asked Fortas to go to work on what was to become the Warren Commission. That was just one of the assignments Johnson gave his old friend during the period of transition. "You must remember," Fortas said recently, "that there was no functioning White House during that time directly after the assassination. President Kennedy's staff was in a state of shock. Ted Sorensen, who had been the key man of the Kennedy staff, was completely out of action. At the Justice Department, of course, it was somewhat the same thing."

Exactly what Fortas did for the President in that period is not known. But it is interesting to note that less than 2 weeks after Johnson took office the lawyer notified a Washington court that he was withdrawing as attorney for the President's one-time Senate aid, Bobby Baker, then under Senate investigation. The reason given: "In the crisis of transition, I have undertaken certain assignments" for the President. He expounded no further, but some of his later assignments are indeed known. For example, he took part in strategy conferences when the Democratic Convention in Atlantic City was thrown into a turmoil by the challenge of the Mississippi delegation by civil rights groups. Also, he and Clark Clifford and White House assistants Bill Moyers and Douglass Cater had weekly strategy luncheons throughout the presidential campaign. In fact, he was in and out of the White House all through the fall, checking on the flood of new scandal rumors released by the Republicans. "We were running a damn vice squad over there the last few weeks of the campaign," an associate recalls. "And Abe was squad leader."

After the election, he and Clifford were asked to suggest ways of streamlining the White House staff and to keep their eyes open for talent to fill a huge backlog of vacancies in key Government posts. One important job was filled, by the way, by a bright young lawyer from Arnold, Fortas & Porter—Sheldon Cohen, who became legal counsel and later Commissioner of the Internal Revenue Service.

Through it all Fortas continued to function as the President's personal attorney. Soon after Johnson became President, Fortas presided at a meeting at Les Ormes at which an agreement was drafted to put the Johnson television properties into a trust, at least theoretically sealing them off from the presidential influence.

The meeting took place in the elegant second-floor sitting room. Two trustees-to-be, A. W. Moursund and J. W. Bullion, Texas lawyers long involved in Johnson affairs, were present. So were Leonard Marks, the Johnson lawyer on television and radio matters, and tax specialists from the Fortas firm. Mrs. Johnson, active head of the television interests, was there throughout, and the President drifted in and out of the sitting room.

The choices facing the conference were clear: The President and his family could keep the stations and operate them, which, in view of the close Federal control of broadcasting, would mean a highly embarrassing conflict of interests; they could sell the properties outright, paying a tremendous capital-gains tax on the great increase in value since acquisition; or they could put them in a trust that would remove them from the family's control for as long as Mr. Johnson held public office. Practically all present favored the trust, and Fortas supervised its creation.

Today Fortas echoes the President's annoyance with criticism of the trust. He defends it as "the tightest, toughest trust arrangement ever drawn for a public official." To those who question the wisdom of appointing a close friend and associate of Johnson to head the trust he says snappishly, "Anyone who says anything like that just doesn't know Judge Moursund."

Despite this spirited defense, some influential voices have been raised against the agreement Fortas devised. The New York Times, for one, recently criticized the President because his assets are "in the hands of a trustee who is an old friend and business associate with whom he continues to maintain a close personal relationship," and because much of the fortune consists of television and radio stations, which depend on franchises issued by the Federal Communications Commission, whose members are appointed by the President.

Fortas is considered an expert on the Johnson financial position generally, although he is not inclined to talk about it. When the Washington Star was about to publish an exhaustive study of the family wealth, Press Secretary Reedy referred the newspaper to Fortas, who went over the proposed story, line by line, disclosing a tremendously detailed knowledge of Johnson's financial position. During the 1964 campaign, when news stories and Republican campaign speeches about his wealth began to get under Johnson's skin, the White House made public a formal accounting by the firm of Haskins & Sells. It was Fortas who made the arrangements with the accountants and gave them their instructions.

In January 1964, Fortas stepped into another delicate situation. The Washington Star uncovered details of the gift of a stereo record player in 1959 to Johnson, then Senate Majority Leader, by Don Reynolds, who had written several large insurance policies on Johnson's life. It was a touchy matter because the Bobby Baker story had just broken, and Baker was alleged to have solicited the stereo for Johnson. A copy of the Star's proposed story on the gift was taken to the White House and Andrew Hatcher, the assistant press secretary on duty, was asked if the President would care to comment. Hatcher glanced at the story, left the room with it for 10 or 15 minutes, and then returned to say that there was no comment.

But by the time the Star executive handling the story got back to his office, Fortas was on the phone to the paper's editor, urg-

ing that publication be withheld. When the full facts came out, he said, they would give a different picture of the whole incident. In this case, after a few minor changes, the story was published and proved correct in every essential detail.

On the face of it, Johnson and Fortas are an oddly matched pair, a big, driving Texan and a slight, restrained Memphis Jew. Fortas says that originally it was admiration for Franklin D. Roosevelt that brought them together. They met some 30 years ago, when Johnson was an assistant to Congressman Richard Kleburg, the King Ranch cattle baron from Texas, and Fortas was a Yale assistant professor of law getting his feet wet in the Washington bureaucracy on weekends and vacations. As Fortas recalls it, they were introduced by Arthur Goldschmidt, a Texan and a mutual friend. They soon developed a warm friendship cemented by their commitment to F.D.R. and the New Deal. As each man moved ahead—Fortas through a number of Government assignments and then into private law practice and Johnson up the political ladder—the relationship flourished.

One has to go below the surface to find the reasons for their similarities. Both are compulsive workers; Fortas puts in long days at the office, then works beside his phone evenings and weekends almost as feverishly as Johnson. And as with Johnson, his magnolia-tinted charm does not completely hide the tension and drive.

It would be foolish to deny that self-interest, too, has kept them together. Johnson, as an ambitious politician, needed—and needs—trustworthy counsel. Fortas, first as a rising bureaucrat and later as a practicing lawyer, has not suffered from this important friendship. Finally, just as the New Deal drew them together, they still see eye to eye in their political philosophy.

Fortas subscribes completely to Johnson's Great Society approach and sees it as an extension of the pattern set by Roosevelt. "It is New Deal to the extent that it manifests itself in concern for people and in a readiness to put the Government to work where necessary to accomplish things for them," he says. "But there is a fundamental difference from the old New Deal philosophy, and it's most dramatically illustrated by the President's insistence on unity and consensus. This, I think, accurately reflects the fact that the country's posture today is such that it can and should move as a whole to do the things that need to be done. Back in the New Deal days some segments of society had lagged so far behind that it was necessary to take measures for them alone."

The first professional service Fortas remembers performing for Johnson was crucial to the Texan's political career. In 1948 Lyndon Johnson, then a Member of the House of Representatives, was trying to move to the Senate and was engaged in a bitter primary fight with Coke Stevenson, a former Texas Governor. The vote was close and was followed by charges and countercharges of fraud and vote stealing. The State Democratic executive committee finally decided—29 to 28—that Johnson had won the Democratic nomination, which was then tantamount to election, by 87 votes out of almost 1 million cast. But the Stevenson forces went to court with charges of fraud in Jim Wells County and threatened to keep Johnson from being certified as the Democratic nominee. A Federal district judge enjoined the State from printing ballots so designating Johnson, pending an investigation.

As he was later to do repeatedly, Johnson turned to Fortas for help. "I was in Dallas taking depositions in an antitrust case," Fortas recalls, "and suddenly I got a call from Alvin Wirtz [a close mutual friend]. 'Lyndon's here in Fort Worth and he's in trouble,' Wirtz told me. 'Come over right away.'"

Fortas managed to extricate himself from his antitrust case and went to Fort Worth where he found a desperate situation. Johnson, at the end of his money and credit, was faced with the danger of having to go through another campaign. A strategy was devised by Fortas and the other lawyers that very night. An appeal from the district judge's ruling was filed in the Fifth Circuit Court of Appeals and then Fortas brought the case to Washington, going before Justice Hugo Black, the Supreme Court Justice charged with hearing emergency appeals from that circuit. After Fortas presented Johnson's case, Black ruled that the district judge had overstepped himself, and stayed the injunction.

Although the 87-vote margin won him the nickname "Landslide Lyndon," which he hates, Johnson easily won the election and his rise to power and the Presidency was advanced an important step.

Fortas continued to do chores for Johnson all through his career as Senate majority leader and Vice President, but his role only rarely came to public notice. Senate aids say he was an influential adviser on the two civil-rights bills Johnson pushed through the Senate in 1957 and 1960—measures Johnson was to cite repeatedly as evidence that he had outgrown his southern background. Fortas proudly states that he backed Johnson's attempt to win the presidential nomination in 1960. "My liberal friends were startled," he says, "but I told them that I knew the man—that if he were to do only one-tenth of what he actually did but spend more time telling people about what he had done and what he believed in, people would be falling all over themselves to get behind him. I had the advantage of knowing him and what he stood for."

When Johnson, as Vice President, was head of the Government's Equal Employment Opportunity Committee, seeking to reduce discrimination in hiring, Fortas unofficially supervised the early work on policies and regulations. "Any problems we had we were told to 'check it with Abe,'" a staffer recalls.

Fortas refuses to discuss his present work for Johnson. He considers the President as his client, and no good lawyer discusses his client's business. The silence that he—and the White House—observe gives rise to all sorts of conjecture. Early this year, for example, one Washington writer noted that the President's health message had failed to support any campaign to discourage cigarette smoking and suggested darkly: "It may be merely a coincidence that the President's personal attorney and close confidant is Abe Fortas, whose law firm represents Philip Morris cigarettes."

This is recognition in the Washington manner, and it is a sort of backhanded realization of the American dream for the Memphis cabinetmaker's son who began making his living at the age of 13 by playing the violin at dances and parties.

Fortas' family came to this country from England and went directly to Memphis, where his father's older brother lived. Abe was the last of five children, the second to be born in the United States. His childhood, he recalls, was "as poor as you could imagine," but with the help of his violin he put himself through Southwestern College in Memphis and Yale Law School.

Immediately on graduation from law school in 1933 he joined the Yale faculty, serving as an assistant professor under William O. Douglas, the present Supreme Court Justice. Before long, however, Douglas and other Yale colleagues were in Washington working for the New Deal. And soon they were calling on Fortas for special assignments on weekends and vacations at the Agricultural Adjustment Agency, Securities and Exchange Commission, and other alphabet agencies. By 1938 he was ready for full-time Washington work, and Douglas, then Chairman of the SEC, installed him as Assistant Director of the Public Utilities Division.

Fortas' sharp legal mind and southern charm moved him steadily up the bureaucratic ladder. He became general counsel of the Public Work Administration, head of the Interior Department's Coal and Power Division, and eventually Under Secretary of Interior under Harold Ickes.

Soon after the war ended he left the Government to form a law partnership with Thurman Arnold and two other former Government lawyers (Porter joined the firm a few years later). Today it is a high-powered operation of about 40 lawyers, most of them former Government officials or teachers, practically all chosen because of their intellectual capacity. Arnold, Fortas, and Porter lawyers tend to throw themselves into cases with distinctive fervor. "We're the Avis of the law field," says one partner. "We try harder. We're the firm people come to when they are looking for a miracle."

The business is almost entirely oriented to the Federal Government—cases involving taxes, antitrust suits, savings-and-loan regulation cases, proceedings before the Securities and Exchange Commission, and the like.

The reporter's attempt to link the absence of an anticigarette statement in the President's health statement with Fortas' representation of Philip Morris illustrates the delicate position he occupies as a man with the President's ear and a lawyer doing business with the Government.

There are some who feel that Fortas could be a bit more like Caesar's wife when he gets into such activities as, for example, his work for the cigarette makers, who are wrestling with the Government over warnings against smoking on labels and in advertising.

Fortas has described himself as a "meticulous legal craftsman." An associate calls him "one of the most able legal machines I have ever seen." He is rated an outstanding appellate arguer, and one of the best brief writers in the business.

But he is considered a difficult man to work for—demanding, exacting, always after perfection. "Take it back and put some poetry into it," he once told a junior lawyer who had worked up an important brief. He meant the legal work was fine, but the thing needed polish and style.

He is almost unfailingly serious and businesslike. He has no small-talk topic other than his longtime love, music. "I wish he'd laugh more," a longstanding associate says, and another comments, "I can't imagine any better professional opportunity than to practice law with him, but he's the last guy I want to spend a weekend with."

In briefing new lawyers coming into the firm, Fortas declares, "We're not just guns for hire." The firm, he says, accepts its responsibilities to take cases in the public interest, even though no big fees are involved.

Though he is not a criminal lawyer, Fortas himself has won two trailblazing criminal decisions. Each was a feeless case assigned by the court, and the firm bore all of the considerable costs.

One, referred to as the Durham case, gave legitimacy to a psychiatric defense for persons charged with crimes. Fortas has been interested in psychiatry since the late forties. "I feel that a lawyer who doesn't know about the discoveries and arts of psychiatry is not a complete lawyer," he says. Apparently aware of this interest, the U.S. Court of Appeals for the District of Columbia appointed him to represent a small-time criminal, Monte Durham, in a case involving the question of criminal responsibility. Fortas won a new ruling from the court undoing the old right-from-wrong test of responsibility and substituting a broader rule that an accused is not responsible if his crime is the product of a mental disease or defect.

Fortas also was the hero in the 1963 Gideon case before the Supreme Court, recently described by the New York Times reporter Anthony Lewis in his book "Gideon's Trumpet." Clarence Earl Gideon, who had been convicted of burgling a Florida poolroom, claimed in a handwritten petition to the Supreme Court that he had been convicted illegally. He couldn't afford a lawyer, he said, and the Florida court had refused to appoint one for him. This denied his constitutional right to "due process of law."

In a proud exercise of American justice, the Supreme Court accepted Gideon's case and appointed Fortas to argue it. Characteristically, he threw himself into the assignment. "I want this to be a little jewel," he told the assistant working with him on the brief. The result was an historic decision that the "due-process" clause in the 14th amendment requires that each accused person be represented in State criminal trials by a lawyer whether he can afford one or not. For Gideon, it meant a new trial, with a lawyer, and acquittal.

Fortas has also been involved in a number of the early civil-liberties cases of the McCarthy era, defending Government employees and others accused of disloyalty. One of these early cases involved Owen Lattimore, the State Department adviser, a prime McCarthy target. His experience with this case established for him the fact that association with a "cause" case does not necessarily scare away bread-and-butter clients.

The general counsel for Unilever, one of his firm's big accounts, arrived from Holland for a conference with Fortas just as Lattimore was called to testify on Capitol Hill. Fortas told the Unilever man that he wouldn't be able to meet with him since he had to go to the hearing. For lack of anything else to do with his time, the Dutch lawyer went along. There he became so enraged with the McCarthy technique and so impressed with the Fortas performance that he left more enthusiastic about the Fortas firm than ever. Some years later, when Fortas and Porter were on a European trip, they visited the Unilever man at his estate outside Amsterdam and while there noticed a trio of geese parading across the lawn. Their host and his wife informed them that the geese were named Arnold, Fortas, and Porter. They hastened to explain, however, that this was a complement, since geese traditionally have warned of barbaric invasion, and the law firm was doing the same thing in handling civil-liberties cases.

Perhaps the firm's victories in "cause" cases have convinced businessmen that Arnold, Fortas, and Porter was an aggressive sharp group of lawyers. Or perhaps the firm's deep roots in Government service and impeccable political ties are its main selling points. Whatever the reasons, Arnold, Fortas, and Porter has clearly prospered. The firm represents a number of giant companies, and Fortas himself sits on the board of Federated Department Stores, Greatamerica Corp., and several banks and insurance companies.

Fortas and his wife, a small, dynamic woman who smokes cigars and is recognized as one of Washington's leading tax lawyers, lead a quiet life in Georgetown. They met when he was altering between Yale's law faculty and the Department of Agriculture's legal staff. She was an economist at the department. After they married in 1935, he encouraged here to go to law school—so, of course, she went to Yale and graduated No. 2 in a class of 125. For many years she resisted joining her husband's firm, working instead in the Washington office of Adlai Stevenson's firm. But when that office closed in 1960 after President Kennedy siphoned off Stevenson and several of his partners for Government assignments, most of the staff moved over to Arnold, Fortas, and Porter and she went along. Today she heads the firm's tax division.

The Fortases have broad cultural interests. He is a director of the Casals Festival in Puerto Rico and a trustee in the Carnegie Hall Corp., the Washington Gallery of Modern Art, and the John F. Kennedy Center for the Performing Arts, the latter still in the planning stages. They generally shun the social circuit, however. Fortas explains that he developed a profound distaste for the standard Washington function back in his Interior Department days when he had to attend many as a standin for Secretary Ickes.

His greatest pleasure is his music. He plays the violin with near professional skill, and every week, without fail, he and three other musicians (two professionals and another amateur) devote an evening to playing string quartets. His cultural interests permit him to serve President Johnson as an occasional pipeline to the arts. Typically, he was chairman of the concert last inauguration eve which, with the help of his friend Isaac Stern, Van Cliburn, and others, brought a touch of class to the somewhat garish inaugural festivities.

For a week or two each summer Fortas takes the other members of his string quartet to his summer home in Westport, Conn., where, he says, "I spend the mornings hauling manure for my wife's garden and the rest of the time playing chamber music." He and Mrs. Fortas usually manage at least one trip to Canada every winter for skiing and skating.

Fortas has a long-standing friendship with Pablo Casals, growing out of ties to Puerto Rico which began when he managed the island's affairs as part of his Interior Department job. He helped arrange the Casals Festivals and also engineered the cellist's White House appearance during the Kennedy administration.

As the first Casals Festival was about to open in San Juan in 1958, Fortas found himself entrusted with a mission as delicate as any he has performed for the President. A seam split in Casals' precious cello, and the maestro would not let anyone repair it but an expert in New York. Fortas was called in. He booked two first-class tickets on a plane for New York, took the window seat for himself and propped the cello in the other, holding it in place by the seat belt. A very moderate drinker, he recalls that he ordered two Martinis on that flight—one for himself and one for the cello—and drank both. "I was nervous," he explained. "Carrying a man's cello is like carrying his wife."

Mr. WILLIAMS of Delaware. Mr. President, I next ask unanimous consent that an editorial entitled "Fixer on the Bench," which appeared in the Chicago Tribune of July 30, 1965, be printed at this point in the RECORD.

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

FIXER ON THE BENCH

Abe Fortas, the man President Johnson has appointed to the seat vacated by Arthur J. Goldberg on the Supreme Court, has been a political fixer around Washington since the earliest days of the New Deal more than 30 years ago. He has run some important errands for Mr. Johnson and has had a somewhat dizzying record defending loyalty and security risks.

When, last October, at the height of the presidential campaign, Lyndon Johnson found himself deeply embarrassed, turned instinctively to Fortas. The embarrassment was occasioned by the disclosure that Walter Jenkins, Mr. Johnson's most trusted White House assistant, had been arrested for a second time by Washington police on a morals charge.

Jenkins, aware of Fortas' close relationship with Johnson, anticipated the President by telephoning Fortas with the words, "I'm in terrible trouble." Fortas arranged for Jenkins to meet him at the Fortas home in Georgetown, where he poured out his story. The newspapers had got hold of the facts.

Fortas immediately called Clark Clifford, another lawyer with clout, an intimate of Presidents Truman and Johnson, and together they made the rounds of the Washington newspapers, seeking to get the story suppressed. But Mr. Johnson, in New York, learned that the story would shortly move on the wire services. He called Fortas at once and assigned him to go to the hospital where Jenkins had been put in storage and get his resignation. Fortas was able shortly to report that the mission had been accomplished, and Mr. Johnson was able to wash his hands of a scandal.

In previous time Fortas helped Alger Hiss and Harry Dexter White, Soviet agents, to draft the United Nations Charter. He appeared as counsel for Owen Lattimore when that "expert" on the orient had to rush home from Afghanistan to face charges by the late Senator Joseph R. McCarthy that he had been promoting Communist objectives in Asia.

Lattimore termed Fortas a "solid rock" in helping him through his "ordeal." Fortas' services did not, however, save Lattimore from being indicted on seven charges of perjury arising from his testimony before the Senate Internal Security Subcommittee, nor did it prevent the committee from pronouncing that from around 1930 Lattimore had been "a conscious, articulate instrument of the Soviet conspiracy."

"Liberals," however, know their way around Washington, and a Federal judge of that persuasion was easily induced to get Lattimore off the hook by finding that the indictment lacked clarity. The Department of Justice had suggested that the judge disqualify himself for reasons of manifest bias, but the suggestion was spurned and the case never went to a jury to be heard on its merits. Fortas and his associates represented Lattimore.

The appointment of Fortas has two advantages in the eyes of the administration. It provides the White House with an astut and trusted agent with a sharp instinct for the political angles on the highest Court in the land, and it perpetuates the liberal majority which holds forth under Chief Justice Earl Warren. If it also pays off a few political debts, who, among friends, is to cavil about that?

Mr. WILLIAMS of Delaware. Mr. President, I recognize Mr. Fortas as an able lawyer, but with all due respect for his ability I do not consider Mr. Fortas' record or accomplishments as providing the proper background to qualify him for membership on the highest tribunal in our country.

I shall vote against the confirmation of his nomination.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. I compliment the distinguished Senator from Delaware for his courageous statement. I also compliment the distinguished Senator from South Carolina for his statement.

I shall join Senators who oppose the confirmation of the nomination of Abe Fortas.

As a lawyer I am very much wedded to the idea that every individual is entitled to counsel.

I do not oppose the nomination because of the clients that the nominee has had. If there is anyone who has my profound

admiration, it is the able gladiator in the courtroom. I believe that after a citizen has been charged with a crime, or when he is involved in any other proceeding, a lawyer has a duty to do his very best in any honorable way to make certain that his client has the benefit of the doubt; that the presumption of innocence is maintained; and that every possible point, both in law and in fact, is brought out emphatically.

But there is a vast difference between representing someone in an established tribunal under the rules of law, and the practice that goes on in Washington, referred to as the practice of law, but which, after all, is the law of "fixing," and nothing more.

Although, it is one thing to give every accused person a defense and let him be represented by an able and determined lawyer, there is a distinction between a participant and a legal defense.

As the distinguished Senator from Delaware has so ably said, Walter Jenkins held the most confidential position in the U.S. Government. He sat at the right hand of the President of the United States. He could determine who would see the President. He had access to every military secret, every diplomatic secret, every secret of the Secret Service, and all the other confidential information of the Government.

Had Mr. Abe Fortas been successful in what he attempted, Walter Jenkins, the security risk, would still be in the same position today. I do not wish to condemn Mr. Jenkins. He said that the last thing he would do would be to betray his country. I believe he means that. But I also believe that when certain individuals are vulnerable, little by little the pry can be put under them and it will be successful. That is a risk that should not be imposed on 190 million Americans.

I do not believe that it was in the public interest that such activities be covered up so that they could continue. That is far different from the defense of an individual who is brought before a tribunal.

If ever there was a time when we needed a Supreme Court that was firm on the question of law and order and regarded offenders as offenders, and not as sick, unfortunate people, that time is now.

I believe that every person accused of crime should be defended to the full extent of the law. I believe that they should have the benefit of the doubt. I believe that they should be presumed to be innocent. I believe that society is on the wrong road when it turns its back on criminals and says: "They are sick. They are unfortunate. I wish that we could do more for them." That is tommyrot.

If I have read the newspapers correctly, and if the newspapers have correctly reported what transpired in the Committee on the Judiciary, there is further reason to oppose the nomination on that ground, because of the manner in which he handled this very serious charge against Mr. Jenkins, a charge involving the United States. He put the United States last, rather than first.

On matters of security, let us put the United States first. Let us have a presumption in favor of the United States, or there will come a time when precious things such as the right to a trial by jury, the presumption of innocence, and the right to be defended will mean very little.

I thank the distinguished Senator very much.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Nebraska. I join in his remarks.

Every accused man is entitled to counsel and to the presumption of innocence.

I respect counsel who can go into court and win their cases. However, as the Senator from Nebraska points out, these cases should be won on legal grounds, and not on who the accused or their attorney might know.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I should like to point out that the nomination of Mr. Fortas was reported from the Committee on the Judiciary by a unanimous vote.

I have known Abe Fortas since I first came to Washington 23 years ago. At that time he was Under Secretary of the Department of the Interior. He was very helpful to me in dealing with problems affecting my district, the western part of the State of Montana, at that time.

Abe Fortas is a man with a good reputation. Many of the questions which have been raised here were raised before the committee. The questions were answered. The answers are on the record.

Mr. Fortas' reputation as a brilliant lawyer is well known and has been freshly recalled in the hearings on this nomination. He has represented indigent clients to insure the protection of their individual liberties and thus has dramatically influenced, by the advocacy of his clients' case, the course of law.

I feel confident that as an Associate Justice on the Supreme Court, Abe Fortas, will not be advocating a point of view but will be equally concerned about the rights of all people in society including the victims of criminal attack and will focus his great legal background to the protection of their rights as well as the rights of the perpetrators of crime. It is my own belief that the rights of the victims of crime and of society as a whole have not been given the proper weight in recent judicial decisions.

I urge the confirmation of his nomination.

Mr. BASS. Mr. President, since there has been some discussion concerning the record of Mr. Fortas and some of his activities as an attorney, which were answered in the committee hearing during the testimony of Mr. Fortas, I believe that the RECORD should be made complete.

I ask unanmious consent that that part of the record of the hearings before the Committee on the Judiciary, which includes Mr. Fortas' testimony only, and the questions of the committee members, be included in the RECORD at this point so that some of the questions raised there may be answered in his own words. It is impossible for Mr. Fortas to appear before this distinguished body.

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

TESTIMONY OF ABE FORTAS

The CHAIRMAN. Mr. Fortas, you have before you your biography. Is it correct?

Mr. FORTAS. Yes, it is.

The CHAIRMAN. That will be placed in the record.

(The biography referred to follows:)

"BIOGRAPHY OF ABE FORTAS

"Born: June 19, 1910; Memphis, Tenn.

"Education: 1930, Southwestern College, Memphis, Tenn., A.B. degree; 1933, Yale University, New Haven, Conn., LL.B. degree.

"Bar: 1934, Connecticut; 1945, District of Columbia.

"Experience: 1933–37, Yale University, assistant professor of law; 1934–39, Securities and Exchange Commission, Assistant Director and Consultant; 1939–41, Department of Interior; General Counsel, Bituminous Coal Division; 1941–42, Director, Division of Power; 1942–46, Under Secretary. Present: Arnold, Fortas & Porter, Washington, D.C., law partner; 1941–43; member of Board of Legal Examiners, Civil Service Commission; 1943, member of President's Committee To Study Changes in Organic Act of Puerto Rico; 1946–47, visiting professor of law at Yale University; 1945 and 1946, adviser to U.S. delegation to the U.N., San Francisco and London.

"Marital: Married.

"Office: 1229 19th Street NW., Washington, D.C.

"Home: 3025 N Street NW., Washington, D.C.

"To be an Associate Justice of the Supreme Court."

The CHAIRMAN. What is the nature of your law practice, Mr. Fortas?

Mr. FORTAS. It is a corporate practice, Mr. Chairman. We represent a number of large corporations in the country. I should say that we have several areas of specialization. One is corporate finance. One is the antitrust laws. Another is taxation, and another is communications.

The CHAIRMAN. Have you had much courtroom experience?

Mr. FORTAS. Yes, sir. I think I have had quite a good deal, mostly appellate work, but some trial work.

The CHAIRMAN. Now, Mr. Fortas, there have been many documents passed around and there have been charges hurled. I want to lay them on the record.

Did you have any connection with the Southern Conference of Human Welfare?

Mr. FORTAS. Mr. Chairman, I probably did in the early New Deal days. I am a little vague as to whether I was—I am a little vague as to whether I was a member of the Southern Conference, but I remember in the early New Deal days I, like a number of other southerners, thought it was a fine organization, dedicated to bringing the South out of the depths of the depression.

The CHAIRMAN. When did you quit the Southern Conference of Human Welfare?

Mr. FORTAS. As I say, Senator, I am not sure I was ever a member of it. I am just giving you an attitude that I had along with many other southerners in those days.

The CHAIRMAN. You do not know whether you were a member or not?

Mr. FORTAS. That is correct.

The CHAIRMAN. What about the International Judicial Assocation?

Mr. FORTAS. Mr. Chairman, to the best of my knowledge and belief I never attended a meeting of such an organization, never had any connection with it whatsoever. Now, this is an old charge that has plagued me for many years, including my previous two

confirmations by this Senate when I was Under Secretary of the Interior, and the best I can reconstruct, and I want to emphasize that it is reconstruction, is that some time in the thirties and probably when I was on the Yale law faculty, because I was on the Yale law faculty and spent summers and vacation time in Washington in those years, someone may have written me and suggested that I join this. That was the day when joining was mighty easy, and we were all quick to do it, and I may have said, yes, and that is the totality of my connection with it, if any, and in all these years nobody has ever said that I attended a meeting or even did the slightest thing in connection with that organization. My mind is blank about that.

The CHAIRMAN. You never attended a meeting?

Mr. FORTAS. No, sir.

The CHAIRMAN. You were not active at all?

Mr. FORTAS. No, sir.

The CHAIRMAN. Did you pay any dues?

Mr. FORTAS. No, sir, not to the best of my recollection.

The CHAIRMAN. What about the National Lawyers Guild? Were you a member of that, sir?

Mr. FORTAS. Yes, sir, I was a member of that for a time. I left at the same time that Mr. Justice Jackson and a great many other people left that organization. I am sure you know its history. There came a time when it appeared rather clearly that a left-wing group had moved in to take control of that organization and a great many people left then, including me.

The CHAIRMAN. If I remember correctly you left at the same time the former Congressman John Rankin left.

Mr. FORTAS. Yes, sir, that is correct.

The CHAIRMAN. What about the American Peace Mobilization?

Mr. FORTAS. I have no connection with that whatsoever, to the best of my knowledge and belief.

The CHAIRMAN. Were you associated with Alger Hiss?

Mr. FORTAS. In the sense that we served in the same Government agency and I knew him. As a matter of fact, Mr. Chairman, and members of the committee, in all these years when I have successively had to read things about myself and Alger Hiss, and so on, it has occurred to me that maybe I ought to have a cause of action against the U.S. Government. I was on the Yale law faculty.

The CHAIRMAN. Now you may proceed.

Mr. FORTAS. Thank you.

In 1933 I got my degree at the Yale Law School, and the same year I was elected to the faculty. That was the summer of the beginning of the New Deal. One of my professors, Prof. Wesley Sturgess, who subsequently became dean of the law school, was called down to Washington to the Department of Agriculture to do some work on sugar, and he asked me to come down for the summer, and I came down for the summer and at the Department of Agriculture there were these people, and I was a boy fresh out of Tennessee 3 years before I got my degree, and I came down here as a result of Professor Sturgess' invitation, and I worked that summer and then the following Christmas holiday and so on, at the Department of Agriculture, and they were present.

The CHAIRMAN. You were not a constant associate of that——

Mr. FORTAS. I beg your pardon.

The CHAIRMAN. You were not a constant associate of Alger Hiss as has been charged?

Mr. FORTAS. Oh, no, sir.

The CHAIRMAN. Now, you represented Mr. Owen Lattimore.

Mr. FORTAS. Yes.

The CHAIRMAN. Mr. Lattimore is now in Britain I understand.

Mr. FORTAS. I think so.

The CHAIRMAN. When is the last time you heard from Mr. Lattimore?

Mr. FORTAS. I believe that some months ago he was in Washington, he and his wife came into the office to say hello, and that was it.

The CHAIRMAN. Did Mr. Lattimore contact you to get the State Department to validate his passport for travel to China?

Mr. FORTAS. One of my partners, I think Mr. Rogers handled that several years ago. Is that what you are talking about?

The CHAIRMAN. No, sir. Last year.

Mr. FORTAS. It may have been last year. I did not myself handle it.

The CHAIRMAN. Now, did you know Walter Alvin Wiess?

Mr. FORTAS. Of New York?

The CHAIRMAN. Yes, sir.

Mr. FORTAS. Yes, sir; I know him slightly. He was again someone who consulted my firm professionally. I believe he is quite a wealthy man. He had some professional problem. He consulted my firm. Another one of my partners handled the matter. I did not. It was an estate matter, as I remember.

The CHAIRMAN. I know it is nothing wrong in the association. What about Isadore Needleman?

Mr. FORTAS. I do not know him at all, sir.

The CHAIRMAN. Arthur Robert Kanowitz?

Mr. FORTAS. Yes, sir. Dr. Kanowitz is one of the outstanding citizens of the country in the space field. I believe he is connected with ADCO in their space work, and he did come to us a good many years ago with respect to a clearance problem, and that was handled by my distinguished partner Paul Porter, who is here today.

The CHAIRMAN. Yes. I believe that the record shows that you and Mr. Porter told him to make full disclosure to the U.S. Government——

Mr. FORTAS. That is correct.

The CHAIRMAN. Or you would not represent him, is that correct?

Mr. FORTAS. We told him to make full disclosure and worked on him and viewed the situation with him, took him over and he did it.

The CHAIRMAN. And he did make full disclosure or your firm would not represent him?

Mr. FORTAS. That is correct, sir; yes, sir. That has been our general position.

The CHAIRMAN. That is all.

Senator MCCLELLAN. Mr. Fortas, I am one of those, maybe only a few, a little concerned about conditions that prevail in this country today with respect to law enforcement.

Mr. FORTAS. I share that view, sir.

Senator MCCLELLAN. I may premise what I am about to say, the question I am about to ask you, with this statement. I do not believe that we can continue the course and path we are traveling now and preserve civilized society in this country. Lawlessness and chaos will take over. I think there is a very heavy responsibility on the courts, and I think that the pendulum has swung in court decisions in the other direction to where today it favors the criminal rather than protects society in some instances. I think that trend is noticeable. I think it is a trend that must be corrected.

I make these statements to you as a matter of opinion, before I ask this question, and I am not sure you are prepared to answer it today.

First, I will ask if you are familiar with the exchange of letters and their contents between Judge Bazelon, I believe is his name, and the Attorney General which were published?

Mr. FORTAS. I have seen those letters some time ago; yes, sir.

Senator MCCLELLAN. You are familiar with them?

Mr. FORTAS. Yes, sir.

Senator MCCLELLAN. I think they present a markedly contrasting, if complete, philosophy and viewpoint with respect to law enforcement. I am going to give you the opportunity, if you care, to make comments about them, about what is involved in that issue. You may do it voluntarily or whatever you wish to say about it.

I may say this to you. I would have some difficulty voting to confirm a nominee for a judicial position who expressed a viewpoint of only one of them. You be your own judge.

Mr. FORTAS. Senator, I was sent a copy of those two letters. I was deeply distressed when I read the letters. I was deeply distressed because I think that if I may say so the letters are unfortunately phrased. I think that the letters are couched in language which tends, unhappily, to precipitate controversy which I am sure that neither the distinguished Attorney General nor Judge Bazelon desires.

The substantive question that they raise is a question of the greatest importance and the greatest difficulty. It is a question that has not yet been settled by the courts. It is a question of the extent of interrogation of persons who are arrested or even prior to arrest under investigation for crime.

I think it is one of the most difficult and one of the most important problems that we have in criminal jurisdiction and procedure.

The occasion for the letters, as you know, Senator MCCLELLAN, was a draft published by the American Law Institute. I regret to say that I have not had time or opportunity to study that draft. I really hope that views of these two very distinguished and very fine men, the Attorney General and Judge Bazelon, are not as far apart as the wording of these letters would make it appear, and I, myself, think I can say without impropriety I know that nominees for the Supreme Court here in the past have expressed great diffidence in speaking about matters that may possibly come before the Court, and I appreciate that, and I do not want to breach that rule, but I may say that I think it is appropriate for me to repeat what I have said in the past before I was nominated for the high position which is that I believe that an adequate opportunity is in the hands of the police to interrogate persons who are accused of crime or who are suspected that they might have been involved is absolutely essential to law enforcement. At the same time I recognize that there comes a point at which such persons should be brought before a judicial officer, such as a magistrate, for the purpose of ascertaining whether there is probable cause for their continued detention, and the great difficulty, the great problem, which I confess I would not be able to suggest a solution to, the great problem is where to draw that line and, as you know, Senator, because this is a field with which you are very much concerned, there is a great debate raging right now in all professional circles and in the law schools, and so forth, as to where that line ought to be drawn, and it is a problem of the utmost difficulty and if, and I hope to gain much more wisdom and hear many more opinions of lawyers and judges and police officers before arriving at a conclusion. I am far from it right now.

Senator MCCLELLAN. Do you agree that it is probably one of the most vital issues facing our courts today with respect to law enforcement?

Mr. FORTAS. I certainly do, and I think I said that, Senator. I certainly do. It is a critical issue.

Senator MCCLELLAN. However it may be resolved may have a comparable impact upon the security of society.

Mr. FORTAS. Yes, sir; I think so.

Senator McCLELLAN. You recognize it along with the rights of individuals. I mean it is in that delicate area.

Mr. FORTAS. Yes, sir; I fully agree with that, yes, sir.

Senator McCLELLAN. Now, one other question. I am not trying to press you. I do not think maybe a nominee should be compelled to make a court decision in his testimony here. That is not the point. But I could not refrain from bringing this issue to light at this time and let you make some comment on it because it is probably one of the most important things you are going to have to help resolve as a member of that Court.

Mr. FORTAS. Yes, sir.

Senator McCLELLAN. And I think that is one of the questions.

Mr. FORTAS. And I can only pray to Heaven that I have or will acquire the wisdom to participate in a good resolution of it, Senator.

Senator McCLELLAN. Only one other question.

Out of your broad experience and your recognition of the acuteness, the criticalness of this problem and issue, would you say that legislation might be appropriate in this field, that some legislation by the Congress might be helpful in resolving it, or are you prepared to comment about that?

Mr. FORTAS. Yes, Senator. I think I can answer it this way.

Just what are the constitutional limits I am not prepared to say. But within the constitutional limits I would think that this is an appropriate matter for legislation; yes, sir. But just where the Constitution, where the power of the Congress and the impact of the Constitution hit on this particular problem is a very difficult question and I do not even have an idea on it.

Senator McCLELLAN. Without trying to identify or define the legislation, its provisions or terms, as you approach, possibly, as anticipated here, as you approach these responsibilities that will rest upon you along with your colleagues on the Court to resolve this problem, I just wondered if we adopt legislation in this field, the Congress might within the framework of the Constitution enact some legislation that would be helpful toward resolving it.

Mr. FORTAS. I beg pardon, Senator. Do you mean do I have any specific ideas?

Senator McCLELLAN. No; I did not mean necessarily that you recommend specific legislation. I will put it this way. Do you agree that it is of that moment, of that importance and grave concern, that it is quite probable that Congress can be helpful if it will study its opportunities and possibilities and its duty with respect to legislating in this field?

Mr. FORTAS. Yes, Senator; with the same reservation that I do not know, I cannot suggest, I cannot volunteer any ideas even as to the precise point at which the legislative power is exhausted on this subject.

Senator McCLELLAN. I would not expect you to try to say. I am not even trying to say at the moment just what legislation is needed. I am talking about the broad area. I think it is urgent that this trend that I referred to be reversed. I think it is imperative, more than urgent, I think it is imperative, and I think there is possibly a dual responsibility on the part of Congress and the court and without specifying or trying to define just what should be done in the sense we ought to have a law to do this or do that, I think it is of that urgency that the Congress and the court who has the primary responsibility in this field, shall with all diligence proceed to try to resolve it.

Mr. FORTAS. I completely agree, Senator, completely.

Senator McCLELLAN. Thank you very much. I do not want to take up too much time.

Does anyone else have any?

Senator SCOTT. Mr. Chairman.

The CHAIRMAN. Senator SCOTT.

Senator SCOTT. May I comment on this?

Mr. Fortas, I want to associate myself with what Senator McCLELLAN has said regarding the concern about the whole crime situation and the exchange of correspondence, and I do not ask you, obviously, to comment on the somewhat varied point of views expressed. I respect both gentlemen. I know them both.

I happen to find myself in agreement with the Attorney General.

What does greatly concern me is the implication of Judge Bazelon's letters. If that kind of thinking enters into the circuits' reasoning and that of the Supreme Court, it seems to me there will be considerable danger, if I read the right implication into his letters, because he seems to be saying something about compensatory equality, or, to put it another way, he seems to be saying that because crime involves primarily the poor, therefore, the court has the responsibility as a sort of equalizer and that equality is that which is being fought for and that person who is poor ought somehow, because he is poor, to have thrown into the balance of the judicial scales something in his favor as against the State or the people so as to equalize his unfortunate condition.

But crimes, as the Attorney General pointed out, is one of the awful concomitants of poverty, and this being so, the society to be protected includes the poor people who surround the poor man who is accused of crime, but the purpose of the laws is for the protection of society as well as for the protection of himself, and if we find creeping into our doctrine a belief that because someone is disadvantaged vis-a-vis society generally or vis-a-vis even his own neighborhood that somehow the court has the responsibility to the State as one of the weights and dropping it in the scales on his side and weighing the scales against society in order that in this way a compensation can be given to him because of the fact that being poor and having less advantages he is the more likely to be involved in crime.

To my mind, that is a dangerous philosophy, and it hits most severely against the people whom it assumes to protect, those who live in the closest society with the person accused of crime.

I do not know whether you feel free to comment philosophically on that, but I think it is one of the things which make people a little more likely to commit a crime than they otherwise would.

Mr. FORTAS. Senator, I do not want to interpret or comment on Judge Bazelon's letter or on the Attorney General's letter. I do want to say this, if I may, because I am interested in your committee getting as much of an impression of me from what I am as possible. I do want to say this:

I could never subscribe to the theory that because a man is poor the scales of justice should be weighted in his favor. I could never subscribe to the proposition that because a man is rich the scales of justice should be weighted in his favor. But I do profoundly believe and I want to make this clear that I believe that because a man is poor he should not be deprived of the representation of counsel and of the wherewithal, the facilities to make his defense in our courts of law. But I would utterly reject any suggestion that the scales of justice should be weighted by one ounce or a fraction of an ounce in his favor because he is poor.

Senator SCOTT. Either for the poor or for the rich.

Mr. FORTAS. Exactly, sir.

Senator SCOTT. And as to the right of counsel and as to what you said I could not agree with you more, but I did want to get this sort of creeping theory of some sort of compensatory equality whereby society makes up to a person in his treatment of him the ills which long-existing conditions in society have wrought in the first place.

Mr. FORTAS. Justice is not like the progressive income tax.

Senator JAVITS. Mr. Chairman, Senator McCLELLAN, will you yield for a question on this point?

Senator McCLELLAN. I do not have the floor. The chairman has returned.

Senator JAVITS. I have one question.

Senator McCLELLAN. I had yielded the floor.

Senator JAVITS. Mr. Fortas, do you believe, however—I heard your testimony, and I find myself most sympathetic to it—do you believe, however, every man, rich or poor, is entitled to counsel at the earliest possible moment in any criminal proceedings and that criminal proceedings are not a game of the police holding counsel at the door while they get a confession and then letting him in the door?

Mr. FORTAS. I believe that, Senator, but I would have to hasten to say in order that I should not be misunderstood that the question of what is the earliest possible moment is an extremely difficult and complex one. That is to say it obviously is not when a man is stopped on the street and the policeman wants to ask him a question, it obviously is not there and, on the other hand, it obviously is not the other extreme just after he has been convicted and when he comes up for sentencing. It is somewhere in there and that, again, to my mind is the second most difficult problem with which the law, the lawyers, the bar association, and the law schools are now struggling painfully, and I again hope that from this great effort there will come forth a result which is good for the protection of society and which is good in terms of the protection of the individual.

Senator JAVITS. May I say that having been an attorney general concerned with law enforcement I thoroughly agree with you in this, and I like the fact that you are not giving an opinion now, that you are going to hear the arguments and consider the situation in a dynamic way because it is a dynamic situation and try to come to a judgment which will be fair, but you do agree, do you not, that we should try to see that counsel is available to defendants no matter how indigent and that this is a proper function of government to make them available.

Mr. FORTAS. Senator, my record on that I think speaks for itself. I have a good deal of blood in that particular cause.

Senator JAVITS. I mean that still is not a reply. You do agree with me.

Mr. FORTAS. Yes, indeed; yes, indeed.

Senator JAVITS. Thank you very much.

The CHAIRMAN. Senator Ervin?

Senator ERVIN. No questions.

The CHAIRMAN. Senator Dodd?

Senator DODD. I think I am prejudiced. I will not ask any questions.

Mr. FORTAS. Thank you, Senator, very much, for your fine statement.

The CHAIRMAN. Senator Hart?

Senator HART. I have no questions except to indicate that I think the nomination is an excellent one.

Mr. FORTAS. Thank you, Senator.

Senator HART. And if Abe Fortas has fooled America over these years we ought to quit, we are wrong on everything, and we are definitely wrong on this one.

Mr. FORTAS. Thank you, Senator.

The CHAIRMAN. Senator Long?

Senator LONG of Missouri. No questions.

The CHAIRMAN. Senator Kennedy?

Senator KENNEDY of Massachusetts. No questions.

The CHAIRMAN. Senator Hruska?

Senator HRUSKA. Mr. Fortas, pursuing the subject that was originally broached by Senator McCLELLAN and then added to by my other colleague, this committee has been concerned with the trend to which Senator McCLELLAN has referred. It is a trend toward

an ideal, theoretical and legalistic. This concern for the rights of the individual charged with crime has been to the exclusion of all the other underlying purposes and the values sought to be achieved in the criminal process. When such a trend goes to a point where it clashes with the rights and the safety and the well-being of society at large as well as with the individual victims and potential victims of those who are charged with crime, that is where we find two propositions which must be balanced. In recent years the scene has been heavily weighted on the side of the man charged with crime, many times to the exclusion of the competing interests of society.

All of us, I think, who have spent any time studying this question know the difficulties which arise when specific cases are considered in this context. You put it so well when you referred to the difficulty of determining the earliest moment at which the prisoner of the man accused of crime is entitled to certain rights.

It is for this reason that I followed with a great deal of interest your answers and your discussion. I found particular comfort in your statement that you would hope to gain further wisdom in the consideration of specific items and specific cases——

Mr. FORTAS. Yes, sir.

Senator HRUSKA. From the briefs and from the facts and from the police and law enforcement officers and so on.

I would ask whether or not the statement I made with reference to the requirement that these interests be balanced when they clash comports with your understanding of the problems which have arisen in this area.

Mr. FORTAS. Precisely, Senator. I think what is happening in this field is that an effort is being made as so often happens in our society to achieve a new kind of equilibrium, and that is what is going on now, and if it is weighted too heavily on one side or the other the results can be extremely harmful, and Senator JAVITS complimented me by inference a moment ago by saying that he was glad that I did not say—did not take a position on this. I have to confess, Senator, that I do not have a position on this except that I have studied it and considered it, and I regard it as exceedingly difficult, and what Senator HRUSKA said is, in my opinion, the right way to go about it; that is to say, to take it up in terms of specific issues presented in specific cases.

Senator HRUSKA. This committee, and particularly one subcommitee, had occasion to go in depth into the theory and the concepts of *Gideon* v. *Wainwright* when we considered the Criminal Justice Act of 1964.

Mr. FORTAS. I know you did, Senator, and I know the wonderful work you did on that subject.

Senator HRUSKA. I want to commend you for the aid and comfort you gave to the members of the committee with your sage counsel and your advice in applying that principle to legislation that had to be drawn——

Mr. FORTAS. Yes, sir.

Senator HRUSKA (continuing). And specific procedures that had to be prescribed. It was far different than dealing in generalities. We had to get down in words those specifics which can occasionally rise to haunt you at a later date.

Mr. FORTAS. That is correct, Senator.

Senator HRUSKA. Mr. Fortas, there are some other questions I should like to ask you. Some of them are the product of my own mind; some are questions I have been requested to put to you and in deference to those of my colleagues I will do so.

One of the subjects which has been discussed extensively both in the press and otherwise, is your representation of the Commonwealth of Puerto Rico in the oil refining company case. It was the Phillips, was it?

Mr. FORTAS. Yes, sir.

Senator HRUSKA. Phillips?

Mr. FORTAS. Phillips refinery or oil company. I forget which.

Senator HRUSKA. And the fact that there was awarded to a company certain privileges in the field of the refining and importing of oil and petroleum products into the United States which no other company had. Would you care to give us a brief account of the nature of that suit and any other comments you might want to make on it?

Mr. FORTAS. I should, indeed, and I appreciate the opportunity, Senator.

No. 1, we have been counsels for the Commonwealth of Puerto Rico and before that the government of Puerto Rico for well over 15 years.

No. 2, we had nothing whatsoever—nothing whatsoever to do with the Phillips Refining-Puerto Rico matter until after Secretary Udall announced that he was going to recommend to the President that the oil quotas be revised so as to permit Phillips to locate a petrochemical plant in Puerto Rico. My firm was not consulted. We had nothing whatever to do with that, directly or indirectly. That was handled entirely by officials of the government of Puerto Rico with the Phillips people.

Now, item 3, I, personally, had nothing whatever to do with that matter at any time. The only involvement of my firm was as follows: After Secretary Udall announced his decision, one of my young partners, John Ridgley, was called in by the government of Puerto Rico to work with them in connection with the contract negotiations with Phillips.

Item No. 4, I have never at any time made representation about this matter to Secretary Udall, anybody at the Interior Department, anybody at the White House, anybody in the U.S. Government. I have never attended a conference on the matter. I had nothing whatever to do with it.

And that is the sum and substance of the story.

Senator HRUSKA. It is a forthright statement. I am pleased that you responded as you have.

There is another subect which has formed the basis for much speculation and many comments. It deals with efforts allegedly made by you to get a suppression of the news with reference to the Walter Jenkins case last fall. Would you like to comment on that subject, sir?

Mr. FORTAS. Yes, sir. I will comment on that.

There came a day, a morning when I was in my office, and I got a telephone call from Walter Jenkins, whom I greatly admired as a dedicated, selfless servant of his country. Mr. Jenkins told me that he was in great trouble. I think I can remember it. He said, "I am in terrible trouble. I have to see you." I said, "Walter, come on over to my office. Be glad to see you." He said, "No; I want to see you at home."

Now, I immediately proceeded to my house and Walter came there. He was extremely distraught. I have never seen a man as distraught as he was at that time. I took him up to the second floor of my house, to my study, and I sat him down and I did not know what this was about, and I asked him if he had had breakfast and he said "No," and I said, "Could I get you some?" He said, "No."

And I said, "Let me get you some coffee anyway." And I got some coffee for him. And he then told me, and there is no way to convey this as it actually happened, told me in an extremely distraught way that he had been told by somebody on the White House staff that a call had come in from a newspaperman saying that he had been arrested about a week ago, a week prior to the time that he came to my house, and I said, "Well, Walter, you have been in the kitchen before and no point in getting disturbed about this; what is it? What is the charge specifically and is it true or is it not."

I did not get an answer from him. The man could not at that moment put one word consecutively after the other. And I found out the name of his doctor from him and I called his doctor and I asked his doctor to come over.

I think it was after the doctor was over that I then asked Walter where his wife was, if I could call her and tell her that he was sick, and he said he didn't know, and I tried various ways to reach his wife, and I could not reach her.

The doctor came over and told me that this man was in the midst of a complete breakdown and that he wanted to take him to the hospital and, remember, gentlemen, that at that time I still did not know whether this horrible story had any relationship to fact or whether it was just some absolutely scurrilous accusation.

But Walter had told me that the Washington Evening Star was about to publish this. I was desperately concerned, of course. I was desperately concerned for this man's wife and for his six children.

The doctor took Walter off to the hospital, and I then went to the Evening Star. I am not ashamed of it at all. I am glad of it. I am proud of it. I had a meeting with the folks there, and I told them precisely what the situation was. I said: "I do not know, I cannot find out from this man whether the story that you have has any foundation in fact, or whether it is the kind of desperate thing that sometimes happens in Washington." And I did ask them to hold up the story until it could be checked out and until we could locate Mrs. Jenkins and at least prepare her and have her prepare the children for that.

I pointed out to them that the Evening Star and the Washington papers do not ordinarily publish information about incidents of this kind. They do not, and that perhaps a man in public office has to resign himself to the fact that he is a special case and that stories of this sort are publishable about him, but that they should at least give us time to find out and be able to present them with a story with Walter's side of the story and at least give us time to communicate with his wife.

I shall always honor these men at the Star. They had a scoop. I shall always honor them. I shall always as a human being feel grateful to them because they said they would withhold it, and they told me that the other papers might have it, the story. There was nothing that I could do for Walter except perhaps give him a little time so that the doctor could get him in shape so that he could tell us what actually happened and so we could get in touch with Mrs. Jenkins.

And I went to the other papers with a similar request.

And that is the Walter Jenkins story.

Senator HRUSKA. The fact, however, was that there was on the police blotter a record by that time, is that not true?

Mr. FORTAS. I did not know it, sir.

Senator HRUSKA. You did not?

Mr. FORTAS. I did not, of course, no sir, the incident happened a week ago. It was amazing there was a week's lapse between the time of the incident and the time of the Jenkins call to me, the time the newspapers had the story.

Senator HRUSKA. Now, there is another general proposition that has also been widely discussed. Through the years you have formed a very close friendship and relationship with our President, which is not merely personal and social, it has also involved professional, business, and political dealings including many personal transactions with the President's own estate, and so on. In the President we not only have a man whom you have represented and from whom you

have apparently great affection and respect; we also have a man in the political world who is espousing a particular kind of political and legislative program. And doing quite well at it in the last 6 months, I might add.

I presume in due time various aspects of this administration's program will wind up before the Supreme Court of the United States. Now, for the benefit of those who have asked me to ask this question, is there anything in your relationship with the President that would militate in anyway against your being able to sit on that bench and pass judgment on cases that come along and thus would affect your ability to function in true judicial fashion and tradition?

Mr. FORTAS. The short answer to that, Senator, is absolutely not, but let me take this opportunity to say to you that there are two things that have been vastly exaggerated with respect to me.

One is the extent to which I am a Presidential adviser, and the other is the extent to which I am a proficient violinist. I am a very poor violinist but very enthusiastic, and my relationship with the President has been exaggerated out of all connection with reality.

The odd thing about it is every time I have said that to people and to the press they think that this fellow Fortas must be very close to the President because he says this exaggeration and there is no way to catch up with this. But the President—I value highl, my long friendship with the President, and there is absolutely nothing, no possibility that that relationship could in any way enter into any judgment that I might make.

You know, Senator, I did not want any public position, and I made that clear to him. I did not want it for a great many reasons. I revere the courts. I have like all lawyers always entertained a hope that someday despite the amount of modesty, that someday that opportunity to serve there would come to me. But I am very distressed at any suggestion or idea that any relationship that I might have with the President would in any way bear upon the discharge of my functions in the Court. It could not be.

Senator HRUSKA. I asked that question not only because I was requested to do so but also because historically one of the propositions to which the Senate has addressed itself concerning appointments of this kind has been the possibility of a conflict of interest. As I remember it, about 30 years ago a confirmation by the Senate was denied because of the business interest and the professional alinement that the nominee had with a certain business firm which was very much involved in the antitrust laws at that time. Conflict of interest can assume many forms, and your relationship with the President is one possibility of a conflict of interest. It is for that reason I asked the question.

Mr. FORTAS. I have no business relations with the President or his family whatsoever. The extent of legal assistance that I have furnished has been again magnified out of all proportion. It began, Senator, many years ago, shortly after I left Government, and then Mr. Johnson's then-lawyer was Alvin Wirtz, who had been my predecessor, one of the Under Secretaries of the Interior, and he was a lawyer, too, with Mr. Johnson and family, and the problem came up and he called me in and usually that is the way it has happened, that other lawyers have called me in. I do a great deal of work of that sort.

Senator HRUSKA. Thank you very much, for your patience in answering my questions.

Mr. FORTAS. Thank you.

Senator HRUSKA. And thank you, Mr. Chairman.

Senator FONG. Mr. Fortas, Mr. Callas this morning charged that you brought Dr. Dodd to the committee room and passed her off as an ex-Communist when you knew she was then a Communist. Would you like to comment on that?

Mr. FORTAS. Senator, that is absolutely inconceivable to me. In the first place I cannot conceive of misrepresenting whether Dr. Dodd or any other witness was or was not a Communist. I can't imagine that happening. In the second place, I have never in my entire career, and it has been a busy and active career, it has never been suggested that I have deviated in the slightest degree from the standards, and I hope the highest standards, of my profession. I have never, would never, could never misrepresent directly or by implication anything to a committee of the Congress or to a court—I hope to anybody else.

Senator FONG. I asked you the question to give you a chance to answer it.

Mr. FORTAS. I appreciate it, sir.

Senator FONG. Now yesterday in the Senate we had a very, very important matter that was discussed by the Senate, the question of reapportionment.

Mr. FORTAS. Yes, sir.

Senator FONG. As you know, I come from a small State with a population, oh, approximately 600,000, according to the 1960 census, and there are approximately 15 States that have less than a million people, and I am sure you are familiar with the case of *Reynolds* v. *Sims*. In that case the Court held that all the State legislatures must be apportioned according to one man, one vote.

In article V of the Constitution it says as follows, which is very simple language:

"No State without its consent shall be deprived of its equal suffrage in the Senate."

And amendment 17, the 17th amendment says:

"Senate of the United States shall be composed of two Senators from each State."

I would like to ask you as to whether these phrases here are simple enough so that you can give me an answer as to whether the decision of *Reynolds* v. *Sims* could logically be pushed to its conclusion so that the Senate of the United States may follow the decision of *Reynolds* v. *Sims?*

Mr. FORTAS. Senator, you flatter me. I could not. I could not give you an opinion on that.

Senator FONG. May I ask you, are these words simple enough so that you can give me an answer if the matter of reapportionment came before the Supreme Court of the United States that the Senate of the United States is not reapportioned according to the one-man, one-vote and an argument was made before you that this is violative of the 14th amendment and 5th amendment, the 14th amendment equal protection clause and the 5th amendment due process clause, and reading these very simple words that there shall be two Senators and that the State shall not be deprived of equal representation of Senators? How would you rule in a case like this?

Mr. FORTAS. Senator, you compliment me very much by assuming that I have an opinion which I could state if I felt at liberty to state it. I do not have an opinion.

Senator FONG. Now, let me ask you, these words are very simple, let me read them to you again. Article V says that no State without its consent shall be deprived of its equal suffrage in the Senate. Do you feel that the 14th amendment or the 5th amendment can abrogate that?

Mr. FORTAS. Senator, I just have to repeat that this is a kind of question that you obviously have studied and I must say to you that I would equally obviously have not studied and it would be arrogant on my part to say anything about it except that I have no opinion.

Senator FONG. Do you feel that the 17th amendment which says that there shall be—the U.S. Senate shall be composed of two Senators from each State, that the 14th amendment and 5th amendment can supersede that?

Mr. FORTAS. I regret to have to give you the same answer.

Senator FONG. Now, let me ask you the question concerning electors on article II which states as follows:

"Each State shall appoint in such manner as the legislature thereof may direct a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."

That means that Hawaii now has four Members in the Congress; we are entitled to four votes in the electoral college.

Following the decision of *Reynolds* v. *Sims* we could easily be cut down to one vote or at most two votes. And every State that has a population of less than 3,800,000, that means that 34 States of the Union, two-thirds of the States of the Union have less than 3,800,000, and so therefore, if *Reynolds* v. *Sims* were pushed to a logical conclusion, these States would suffer a loss in senatorial representation because they do not have 3,800,000 in each. According to the 1960 census we have 180 million people in these United States. So 1 Senator would be representing 1,800,000 people and 2 Senators would be representing 3,600,000 people.

Now, this matter is very important to 34 States of the Union as to their representation in the U.S. Senate, as to their strength in the electoral college, and these phrases here in the Constitution to me are very simple, that could be understood by a fifth grade pupil.

Now, you have refused to give me an answer on the grounds you have not studied it. Now I ask you again as to whether the very simple language in article II, the very simple language in article V, the very simple language in the 17th amendment which says very definitely that you cannot take away the equal representation of the States without a consent, that the electors shall be equal for the number of representatives, whether the 14th amendment or the 5th amendment, according to your philosophical or political or social bent—social economic bent—with regard, because the matter has come before the court in Hawaii and they used a socioeconomic argument, whether that would force you to abrogate these phrases in the Constitution?

Mr. FORTAS. You are presenting a legal question, Senator.

Senator FONG. Yes.

Mr. FORTAS. And all I can say with apologies to you is that I have not studied it and I don't have an opinion, surmise, or a guess.

Senator FONG. Do you think——

Mr. FORTAS. I hope you forgive me.

Senator FONG. Do you think these words are clear enough?

Mr. FORTAS. Sir?

Senator FONG. Do you think these words are clear enough?

Mr. FORTAS. My profession is words.

Senator FONG. Yes; I understand that.

Mr. FORTAS. And I have the greatest, greatest respect for them and greatest fear of them, and there are very few words that are simple. I don't want to answer your question, Senator.

Senator FONG. You don't want to answer it?

Mr. FORTAS. Because it would be idle, because I have not studied it, and there is no point in my giving you an——

Senator FONG. I appreciate your position.

Mr. FORTAS. Uninformed reaction.

Senator FONG. Thank you.

Senator ERVIN. Mr. Chairman, if I may give Senator FONG a little brief on that subject which disturbs me very much, I will do so.

The provision of the Constitution that says that each State shall be represented in the Senate by two Senators and no State without

its consent can be deprived of its equal representation in the Senate appeared in the original Constitution. It is a fundamental principle of law in the Constitution that a new susbequent provision of law or subsequent provision of the Constitution which is inconsistent with the prior provision controls.

Now, the Supreme Court of the United States held in striking down segregated schools in the States, that the equal protection of the laws clause in the 14th amendment invalidated segregated schools in the States. That was held in the case of *Brown* v. *Board of Education of Topeka*. Well, the Court also had before it the same question as to the schools of the District of Columbia, and the District of Columbia was not a State, therefore, the equal protection of laws clause of the 14th amendment did not apply to the District of Columbia. So the Supreme Court could not hold that equal protection of laws clause of the 14th amendment prohibited the segregated schools in the District of Columbia. So they wrote, handed down the opinion in the case of *Bolling* v. *Sharp*, in which the Chief Justice said the due process clause of the fifth amendment which does apply to the Federal Government meant the same thing on that aspect of the case as the equal protection of the laws clause of the 14th amendment.

Now, if the Court meant what it said in that case, and it holds to that consistently, I do not know of anything that would prevent it from holding that since the due process clause of the 5th amendment applied to the Federal Government means the same thing in one context as the equal protection of laws clause in the 14th amendment, then it means the same thing in another context. When the Court handed down *Reynolds* v. *Sims* and these other reapportionment cases it said that the 14th amendment controlled because it was later in point of time than the original Constitution.

And I do not know why the Supreme Court could not equally say that since they held in *Bolling* v. *Sharp* that the due process clause of the 5th amendment, which applies to the Federal Government, meant the same thing in one case as equal protection of the laws clause of the 14th amendment meant that, therefore, this one-man, one-vote theory controls the Federal Government and it is a violation of that theory to allow Hawaii to have the same number of Senators as New York and, therefore, the one-man, one-vote theory is going to require a reapportionment of seats in the U.S. Senate.

You can do it with the greatest of logic.

Senator FONG. We have 34 States—may I interrupt the Senator here? We have 34 States that would be interested in this.

I would also like to say that in that case of *Bolling* v. *Sharp* the Chief Justice Warren said:

"In view of our decision that the Constitution prohibits the State from maintaining racially segregated public schools it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government——"

and my distinguished colleague from Nebraska, the other day paraphrased it and said by using this decision it could very well abrogate the very specific words here in the Constitution relative to apportionment, relative to Senators and electors from the States by just paraphrasing and says as follows:

"In view of our decision that the Constitution prohibits the States from maintaining legislatures unless they are apportioned solely on the basis of population, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government——"

Now, this is what I am trying to get at, whether you feel that the 14th and 5th amendments will abrogate these very simple clauses in the Constitution which has been there for a long, long time and whether you feel that the logical extension of *Reynolds* v. *Sims* will give you a chance to knock all of us out from the Senate? There are 34 States that are involved in this.

Mr. FORTAS. Well, if I should, which I doubt, but if I should arrive at the conclusion that it does, I hope I will not avail myself of that privilege. In other words, Senator, I really do not, my immediate reaction to this is to tell you that as a matter of hunch in the way I feel about it, it would seem to me to be sort of inconceivable to reach such a result, but I know I should not say that and primarily I should not say it because I have not studied the question.

Senator FONG. You think it is inconceivable?

Mr. FORTAS. You and Senator ERVIN have studied it and discussed it here with a way that is of great interest to me, but I have not.

Senator FONG. Did I get you to say, Mr. Fortas, that you think that result is inconceivable?

Mr. FORTAS. Yes, and I probably——

Senator FONG. In fact, that is all I wanted to get from you.

Senator ERVIN. If I might be just as pessimistic as the law allows me to be, I would say it was also inconceivable that the one-man, one-vote theory would be espoused by the courts in Tennessee.

Mr. FORTAS. You have a difference here. Senator ERVIN pointed out the difference between the explicit provisions of the Constitution and the general provisions.

Senator FONG. That is right.

Mr. FORTAS. Here you have explicit provisions, but I really would beg of you to excuse me from further discussion of this because——

Senator FONG. I have your answer already. Thank you.

Mr. FORTAS. It is really in the area of—so far as I am concerned—just casual conversation which is a dangerous thing to do before a Senate committee.

Senator FONG. That is all I want, is casual conversation.

The CHAIRMAN. Senator JAVITS?

Senator JAVITS. Mr. Chairman.

Senator ERVIN. I might add, more dangerous than that, though, is the fact that judges can take the due-process clause and make it mean almost anything they want it to mean. I think the Senators here learned that they do that on many occasions, and I hope you will not do so.

Mr. FORTAS. Thank you, Senator.

The CHAIRMAN. Mr. JAVITS.

Senator JAVITS. Mr. Chairman, I have known Mr. Fortas for at least 20 years as a distinguished and able lawyer, and I have also known him personally and socially to a modest extent. It seems to me that he has shown, in all the years I have known him, every qualification to be a Justice of the U.S. Supreme Court, and so I, like Senator DODD, am a little prejudiced by virtue of past association and knowledge.

I would like, however, to ask this of the witness.

The witnesses who have testified this morning have gone into great detail about many organizations, mentioned the names of many people. Like Mr. Fortas and others, I, too, have been the butt of this kind of thing in one form or another, and there is always the point raised after a hearing of this character that we did not ask you this question or that question or some other question or about this individual or that individual.

Therefore, I would respectfully ask the witness whether he would feel it entirely proper for me to ask the Chair's consent that the witness may have an opportunity to review the record and to write to the chairman a letter which would deal with any aspect of the record that he feels he would like to deal with just to be sure that the record is absolutely complete for all posterity and that that letter may be made a part of the record? Would the witness feel that that was a constructive, useful thing to do?

Mr. FORTAS. I shall be glad to do that, Senator. Thank you.

Senator JAVITS. I ask that, Mr. Chairman.

The CHAIRMAN. Make the motion.

Senator JAVITS. I ask that consent, Mr. Chairman.

The CHAIRMAN. Senator Javits asks consent. Is there objection? The Chair hears none.

(Subsequently the following letter was received:)

"ARNOLD, FORTAS & PORTER,
"*Washington, D.C., August 6, 1965.*

"Hon. JAMES O. EASTLAND,
"*Chairman, Committee on the Judiciary, New Senate Office Building, Washington, D.C.*

"MY DEAR MR. CHAIRMAN: I appreciate the opportunity which your committee has given me to comment upon the record of hearing concerning my nomination as Associate Judge of the Supreme Court of the United States.

"Upon reflection, I doubt if further comment—in addition to the statements that I made at the hearing—with respect to the testimony of the two hostile witnesses who appeared in the proceedings would serve any purpose. I should like to point out, however, that it is not merely the right of lawyers to defend unpopular causes, but also their duty, when confronted with the need and the summons to service.

"It was on this principle that my firm has represented various persons (including some commonly regarded as rightwing extremists) accused of activities which were repugnant to us as well as to Americans generally.

"The special training and position of lawyers in our society, in my opinion, require of them something more than professional competence and integrity. They also require a willingness to serve in nonremunerative and frequently hazardous capacities, sometimes involving matters which are personally distasteful.

"I take this opportunity, Mr. Chairman, to express to you and the members of the committee my profound appreciation for the courteous hearing which you accorded to me.

"Respectfully yours,

"ABE FORTAS."

Senator JAVITS. Just one other thing.

I like the fact that you have refused to give an opinion on any legal case, and I hope the charm and wit of my colleague, Senator FONG, and the answer which it elicited will not be considered a breach of that principle on the part of the witness.

Mr. FORTAS. I hope so, too, Senator.

Senator JAVITS. I agreed with the witness. I agree with him. Let me say and leave the witness out of it that that is inconceivable. I do not agree it is a logical result of *Reynolds* v. *Sims*, nor do I agree with the proposition that the latest amendment to the Constitution overrules all previous provisions of the Constitution or all previous amendments, but that is a legal question which the courts can hear and I can only tell the witness that if a court ever made any such provision as implied by these questions it would be a lot less important than the Court I hope Mr Fortas will be confirmed to, and there will be a lot of allies that the small States will have of a very unexpected character, including me.

Be that is it may, however, is there anything, Mr. Fortas, that you feel in all of your past associations, business, social, investment, of any character or condition, in the greatest conscience, facing probably the most awesome responsibility of your life, personal and professional, that would prevent you from administering in this office the standards of the bar with which as a distinguished lawyer and of the bench you are as familiar as anybody in this country?

Mr. FORTAS. There is absolutely nothing, Senator. My only hope is that I have within me the capacity, the wisdom and the personal qualities which will permit me to discharge these great and really awesome responsibilities with credit to myself and to the Government of the United States.

Senator JAVITS. As one of your peers I feel you do.

I have no further questions, Mr. Chairman.

Senator HRUSKA. Mr. Chairman, I would just like to make this observation.

My views and my convictions on the *Reynolds* v. *Sims* case and the 14th amendment were not only well known, but they were as firmly voted yesterday afternoon as I could assert with my voice.

Notwithstanding that and notwithstanding my sympathy for the questions in Senator FONG's mind I want to say that I feel the nominee has given the only answer that he could give when he said he does not have an opinion on it.

We have always felt that it would be unfair to ask any nominee for any judicial office to give a legal opinion on the basis of a hypothetical question.

Obviously if a question of this kind arose it would be well briefed, it would be voluminously and extensively researched, and it would be argued at great length, so the answer that Mr. Fortas has given, in my judgment, is in compliance with the only course of action open to him.

Senator ERVIN. And as a lawyer, will you not agree with me, that judges are more competent of handing down a decision after they heard the facts?

Mr. FORTAS. Yes, I always felt that way, too, Senator.

Senator HRUSKA. We can furnish the light but we cannot furnish the understanding necessarily.

Senator HART. Mr. Chairman, the able junior Senator from Maryland is out of the city to honor a longstanding commitment. He has asked me to state for the record that he regrets this, but that he supports fully the nomination and commends the President and the Attorney General on the recommendation.

Mr. FORTAS. Thank you, Senator.

Senator HART. You may wonder, Mr. Fortas, about our persistence in asking for opinions, if you are surprised. You know we are very reluctant without briefs or the benefit of both points of view to express opinions on these things all the time.

Mr. FORTAS. I must say, Senator, that it requires considerable restraint on my part to avoid engaging in a discussion of these questions no matter how uninformed I am, and I am uninformed on these particular points.

Senator ERVIN. I say that is because we operate on a different principle.

Mr. FORTAS. Yes, sir.

Senator ERVIN. If you find out what the facts are a court can usually tell what the decision is going to be, but the U.S. Senate operates on a different basis. You can't foretell what it will do, because it is like Josh Billings' mule that don't kick to no rule whatsoever.

The CHAIRMAN. The committee will adjourn.

(Whereupon, at 1:15 p.m., the committee adjourned.)

Mr. BASS. Mr. President, as a Senator from the State of Tennessee, we are proud of the fact that Mr. Fortas is a native son of the great Volunteer State.

I know of his record as an eminent attorney. He is a man of the highest intellectual capacity. He is a man who is well versed in the law and dedicated to the principles of law.

I predict here and now that history will record the fact that President Johnson made a wise decision in choosing and, actually, in almost drafting this distinguished American to serve on the highest Court in the land.

Mr. TYDINGS. Mr. President, although Mr. Fortas is only recently a resident of Maryland, nevertheless I take great pride in his nomination by the President to the highest Court in our land.

Mr. Fortas has had a brilliant, as well as a grounded legal career. He has served in many capacities in our Government.

The nature of his service to the legal profession has been unique and unusual. Not only has he represented a broad range of the business community, but he has also represented the poor and the indigent of our country in at least one landmark case. I refer to the Gideon case.

I believe that with his background, his experience, and his overall capacity he will make a brilliant contribution to the Supreme Court of the United States.

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

The nomination was confirmed.

TREASURY DEPARTMENT

The Chief Clerk read the nomination of W. True Davis, Jr., of Missouri, to be an Assistant Secretary of the Treasury.

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

COMMISSION ON CIVIL RIGHTS

The Chief Clerk read the nomination of William L. Taylor, of New York, to be Staff Director for the Commission on Civil Rights.

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

U.S. SOLICITOR GENERAL

The Chief Clerk read the name of Thurgood Marshall, of New York, to be Solicitor General of the United States.

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

Mr. MANSFIELD. Mr. President, before I ask that the President be notified, I think it is only proper that I say a few words on behalf of the nomination of OREN HARRIS, of Arkansas, a Member of the House of Representatives, just confirmed by the Senate, to be U.S. district judge for the eastern and western districts of his State.

OREN HARRIS has been an outstanding Member of Congress during all my years of service in both bodies.

I believe this is an excellent appointment. He will do honor to his State and his Nation on the bench, as he has in the Congress. However, it is with regret that many of us note his departure because he has made so many contributions to the welfare of his country. He is a good and dedicated man and he will continue to serve his country with great distinction and honor.

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

Mr. MANSFIELD. I yield.

Mr. METCALF. Mr. President, I concur in the remarks made by my colleague the senior Senator from Montana in praising Representative HARRIS.

I served for 4 years with Representative HARRIS. He is a fine and outstanding Representative.

Representative HARRIS has rendered great service to his Nation as a member of the Commerce Committee. He has the attributes necessary to be an outstanding judge.

I congratulate the President on his appointment. I congratulate Representative HARRIS for the opportunity to serve as a district judge.

I concur in all the remarks made by my distinguished colleague, the majority leader.

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

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

LEGISLATIVE SESSION

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

MELVIN J. MAAS MEMORIAL HOSPITAL, VETERANS' ADMINISTRATION HOSPITAL, WASHINGTON, D.C.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 548, S. 788.

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

The LEGISLATIVE CLERK. A bill (S. 788) to designate the Veterans' Administration hospital being constructed in the District of Columbia as the Melvin J. Maas Memorial Hospital.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital being constructed in the District of Columbia shall be known and designated as the Melvin J. Maas Memorial Hospital. Any reference to such hospital in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the Melvin J. Maas Memorial Hospital.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 565), explaining the purposes of the bill.

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

EXPLANATION OF THE BILL

The bill (S. 788), if enacted, would designate the Veterans' Administration hospital

in the District of Columbia as the Melvin J. Maas Memorial Hospital.

BIOGRAPHY OF GENERAL MAAS

General Maas was reappointed Chairman of the President's Committee on Employment of the Handicapped on March 4, 1961, by President Kennedy. He had previously served as Chairman since appointed on April 13, 1954, by President Eisenhower. In addition, he served as Chairman Emeritus of the Committee for the Handicapped People-to-People programs, having been named Chairman by President Eisenhower on May 29, 1956.

His career included 16 years as a Congressman from Minnesota; service in the U.S. Marines, rising from a private in marine aviation in 1917 to the rank of major general in August 1952. He was a native of Duluth, Minn.

CONGRESS

General Maas was first elected to Congress from Minnesota in 1926, at the age of 27. He served from 1927 to 1933 and from 1935 to 1945. In 1933 he received national recognition and the Carnegie Silver Medal for heroism when he disarmed a man in the House galleries who was threatening Members with a loaded revolver. During his career in Congress, he specialized in legislation promoting aviation, national defense and measures to improve the unemployment situation. As a member of the Foreign Affairs Committee of the House, General Maas sponsored several international conferences designed to bring about better relations with foreign powers. Prior to World War II he sponsored legislation to fortify Guam and was joint author of legislation setting up a promotion system for the Navy. He also was sponsoring author of the Naval Reserve Act of 1938 which governed the Naval and Marine Corps Reserve until passage of the Armed Forces Reserve Act. He was also the congressional author of the legislation creating the first military women's reserve.

MARINE CORPS

General Maas entered the Marine Corps April 6, 1917. He served with marine aviation in the Azores throughout the war. In 1926 he accepted a Marine Reserve commission prior to entering Congress. In the summer of 1941 he returned to active duty and served at sea on the staff of Adm. William Halsey and in 1942 with Adm. Frank J. Fletcher in the Solomons campaign. He also served as a Marine Corps observer with Gen. Douglas MacArthur in Australia and New Guinea. He was awarded the Silver Star Medal for service with the Army Air Force at the Battle of Milne Bay in 1942. He also won the Legion of Merit in combat. In addition he was awarded 12 other ribbons. In the fall of 1942 General Maas resumed his duties in Congress but returned to active duty in January 1945. In May of that year he assumed command of the Awase Air Base, Okinawa, where he received the Purple Heart. He was promoted to brigadier general in the Marine Reserve, June 1, 1950. Blindness overtook him in 1951 and on August 1 of that year he retired and was advanced to major general rank for having been specially commended in combat.

PUBLIC LIFE

For his untiring efforts in behalf of the Marine Corps Reserve he was known as "Mr. Marine Corps Reserve." For 6 years he served as a member of the Reserve Forces Policy Board in the Department of Defense. He served as chairman of the board, Marine Corps Reserve Officers Association, and was a past commander in chief, Military Order of the World War, past national commander, Disabled American Veterans (1955–56), and past national president of the Blinded Veterans Association (1960–61).

In his early business career he was a salesman and sales manager. Later, he managed a manufacturing firm in St. Paul, Minn. In 1925 he organized his own insurance firm. He was assistant to the board chairman of the Sperry Corp. from 1946 until recalled to active duty in the Korean conflict. He was a director of the United Services Life Insurance Co. and of Mutual of Omaha.

PRESIDENT'S COMMITTEE

On June 4, 1954, General Maas was awarded a degree of doctor of laws at the College of St. Thomas, St. Paul, Minn., his alma mater. Subsequently, he was honored by Marquette University, Goodwill Industries of America, United Cerebral Palsy, National Rehabilitation Association, American Foundation for the Blind, Tri-Organization Scientific and Rehabilitation Conference, 1961, and with the Veterans' Administration citation for exceptional service. In 1958 General Maas received the AMVETS Silver Helmet Award for his long career in public service.

On January 17, 1961, General Maas received a Presidential citation signed by President Eisenhower, noting his major contribution to the cause of the handicapped. On the following day he was presented with the Department of Defense Distinguished Public Service Medal in recognition of his contribution to national defense.

President Lyndon B. Johnson made the following statement upon being notified of General Maas' death, April 13, 1964:

"Not just the handicapped, but all the land grieves the passing of one of America's true heroes, Maj. Gen. Mel Maas.

"Blinded in the service of his country a decade ago, he taught himself a new existence without sight, traveled the world over, and inspired people everywhere about the capacities and abilities of the handicapped. Arthritis crippled his limbs and massive heart attacks limited his mobility; yet his spirit was whole; his spirit was never disabled.

"He has shown us how to live in the face of adversity. His courage and conviction have enriched us all. His spirit marches in us and in our land."

The courageous and gallant spirit of Gen. Melvin J. Maas will live on for untold future generations through the designation of this hospital in his memory.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1966

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of calendar No. 546, H.R. 8639. There will be no discussion on it at this time.

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

The LEGISLATIVE CLERK. A bill (H.R. 8639) 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 10, 1965, was approved.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief 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.

MILITARY PAY INCREASE—PERSONAL STATEMENT ON BEHALF OF SENATOR RUSSELL OF SOUTH CAROLINA

Mr. MANSFIELD. Mr. President, I am in receipt of a communication from our distinguished colleague the Senator from South Carolina [Mr. RUSSELL] in which he states that he regrets that official business necessitated his being absent from the Chamber at the time of the rollcall on the military pay raise bill, but he would like very much to be recorded in favor of the bill and would like the RECORD to show that had he been present, his vote would have been "yea."

Mr. President, I am delighted that the distinguished Senator from South Carolina has just entered the Chamber after his absence on official business. I am sure he will corroborate what I have said.

The PRESIDING OFFICER. Without objection, the RECORD will so show.

Mr. RUSSELL of South Carolina. Mr. President, I am very grateful to the majority leader for his courtesy. I corroborate exactly what he has said. I appreciate his incorporating it in the RECORD.

WHEAT SALES TO THE SOVIET UNION

Mr. McGOVERN. Mr. President, the news media today reported that the Soviet Union has completed an agreement for the purchase of another 4.6 million tons of wheat and 40,000 tons of flour from our neighbor to the north, Canada. Last week the Soviet Union and Czechoslovakia bought 35 million bushels, nearly another million tons, from the Canadians, bringing total purchases this week and last to some 6 million tons.

I indicated earlier that we could anticipate sales by Canada to the eastern bloc countries in excess of what they made last year. For the marketing year 1964–65 sales by Canada, Argentina, Australia, and France totaled 5.6 million tons of wheat and wheat flour to the Soviet Union and other countries of Eastern Europe. Canada's sales to the Russians this year thus exceed the total of all countries to the whole Soviet bloc last year.

I think these sales by our Canadian friends—but also our competitors in the wheat market—point out the self-defeating nature of the shipping restrictions which we have placed on ourselves which makes it impossible for us to sell wheat in this very profitable market.

In 1963, officials in our Government, from the President on down, reached the conclusion that it was in the national interest to make commercial sales of wheat

to the Soviet Union and to countries of Eastern Europe. But once that policy decision was reached, we applied a restriction at the demand of maritime union leaders on shipping that, in effect, made it impossible for us to implement that policy. That restriction required that when sales of wheat are made to the Soivet Union, 50 percent of such wheat or wheat products must be carried in American ships. Shipping rates on American ships are much higher than in foreign vessels. There is no other commodity that is sold to the Soviet Union, whether we are talking about farm equipment, farm machinery, bird cages, or what have you, which is required to meet such a restriction. In those cases we proceed to sell to the Soviet bloc or Eastern European countries products which are carried on ships at the most economical cost. We have applied this restriction only on wheat. As a consequence of what we are doing, 50 percent of the sales amounts to 50 percent of nothing. We are not making any sales. What we are doing is turning the market over to our Canadian rivals. It has resulted in an agricultural boom there. Wheat production in that country is booming. Their railroad and shipping industries are active. This is occuring at the very time when we are imposing tighter controls in order to prevent our farmers from raising surplus wheat on what traditionally has been wheatgrowing land. No one in this country is benefiting from this foolish and self-defeating restriction.

We are hurting the wheat farmers. We are hurting the Nation by losing an opportunity to improve our balance-of-payments position by approximately $100 million a year. We are benefiting no one in the maritime industry, for they, as well as wheat producers, are getting no business at all.

The wheat shipping restriction was placed, not on the statute books, but was an administration ruling laid down purely for one purpose, and that was to pacify two or three influential labor leaders in the maritime industry who insisted on this restriction as the price of loading out and not blocking the sale of wheat and wheat flour to the Soviet Union.

Mr. President, we are going to be asked, shortly, to support the repeal of section 14(b) of the Taft-Hartley Act, and it is going to be argued by labor leaders that this is an unfair restriction on the activities of their unions. I fully believe that the restrictions which have been placed on the shipment of wheat to the Soviet Union—apparently at the request and insistence of these maritime labor unions—is hurting the wheat farmers, and our balance-of-payments position, and doing more damage in every way to the economic life of the United States than any damage that may flow from a continuance of section 14(b).

I hope that those labor leaders and others who are responsible for continuing this irrational and totally indefensible restriction on sales which we determined almost 2 years ago was in our national interest, will reconsider their position and that we can move ahead into this market which we so desperately need and which is now being entirely supplied by our competitors.

U.S. MARITIME POLICY

Mr. BREWSTER. Mr. President, I propose to speak for approximately 5 minutes on U.S. maritime policy.

Mr. President, nothing less than the future of the entire U.S. merchant marine is at stake in the current strike by the Marine Engineers and two other unions against eight American-flag carriers.

This senseless waste of our Nation's resources, already figured in direct losses of almost $100 million, has made a shambles of the fine reputation of American merchantmen for reliability of service and dependability.

If a ship cannot sail, she must turn away cargoes and passengers. Shippers and travelers have no time to wait for negotiating sessions to end successfully. Commerce and tourism continue on their way—on foreign-flag ships—to the loss of the striking personnel, the shipowners, the U.S. balance of payments, and every American taxpayer. Every ton of freight and every passenger lost to the American fleet is irreplaceable, and the cost comes right out of all our pockets.

While this strike directly concerns only eight steamship lines on the east and gulf coasts, it casts its cloud over every ship that sails the Stars and Stripes and also menaces the U.S. shipbuilding industry. The eight lines, owners of more than 100 of our best cargo liners and passenger ships, operate on Government contracts which is intended to assure parity of costs with the foreign competition. This is necessary principally because of higher wage costs for U.S. personnel, who have higher standards of living than their opposite numbers on foreign-flag vessels.

These contracts with the Government entail obligations on the part of the ship lines to maintain a first-class cargo liner fleet, and to sail established trade routes on regular, dependable schedules. The contracts also call for periodic replacement of ships involving vast expenditures of capital. The result of this business-Government relationship, to date, is one in which every American can take pride. The $4 billion replacement program of the 15 American lines at the top in tonnage—including the 8 struck lines—has given the United States the quality fleet of the world. We sail 80 percent of all cargo liner vessels in the world capable of more than 20 knots. In quantity, only Great Britain has more ships.

The strike has now threatened the replacement program. Several lines have postponed plans for new, automated ships because of the uncertainty. The major issue is automation: the number of men required in the engine room of an automated vessel.

All the answers to the manpower problems caused by increased mechanization are not solved so quickly as the technical possibilities of automation become practical. Automation represents the only route toward genuine cost reduction for the Government and the lines, but an equitable adjustment for the people who man the ships is also recognized as essential by all concerned.

The ship companies have proposed that the marine engineers who, except in the case of premium pay on automated ships, are satisfied on wage conditions, return to work under a 4-year contract with a binding arbitration procedure to adjust problems along the way.

The Marine Engineers Beneficial Association, through its president, Jesse M. Calhoon, and its legal adviser, Lee Pressman, has rejected this suggestion and will settle for no more than a 6-month labor peace while the president of the AFL–CIO undertakes to establish binding arbitration machinery. The union insists on reserving the right to strike the highly mechanized ships at any time after this period during the life of the collective-bargaining agreement.

This idea could mean the death of American shipping. Few passengers or shippers will book on vessels which are threatened with the possibility of a strike at the end of a truce period. With only a 6-month labor peace in sight, what sensible businessman will venture his goods or his vacation plans or his business time on American bottoms and risk the chance of having his cargo sit idle on the docks, while the union goes out on strike again?

Mr. President, I believe that the Maritime Engineers Beneficial Association has clearly acted against the public interest.

The MEBA has refused to clear an American-flag ship to carry military cargo to Vietnam. The union then suggested that a foreign-flag ship be used—which resulted in military cargo being shipped on British and Danish vessels. This is hardly a contribution to a strong American merchant marine.

The negotiator for the MEBA engaged in physical violence, according to press reports, at the bargaining table. In brief, in a situation which calls for the utmost in responsibility, the MEBA union has been incredibly irresponsible.

The president of the National Maritime Union, Mr. Joseph Curran, recognized this when he attacked the MEBA tactics, saying:

> They have done long-range damage to the MEBA membership and other workers in the American maritime industry.

And I agree with Mr. Curran.

Secretary of Commerce John T. Connor has called the strike "intolerable." I believe that this is true. Every day that the strike continues, it costs thousands of dollars to businessmen and workers, in the maritime industry and in other industries. It harms our balance of payments. It may result in permanent shifts to foreign-flag shippers. And it damages our military effort in Vietnam.

Neither side is blameless in the dispute, of course. But the MEBA union has refused to accept a proposal which might lead to enduring peace in the labor-management relations of the industry.

I have said before that labor peace is of the greatest importance in this industry. It is my conviction—and I intend to elaborate on this at greater length soon—that the Government

should require a no-strike clause in the contract of all subsidized shipping lines.

In general, I believe that Government should interfere as little as possible in labor-management relations. But in an industry which is so important to American prosperity and national security; an industry whose bills are paid in large part by the American taxpayers; and an industry faced with a union which has repeatedly demonstrated its irresponsibility—in such a situation, the Government may have no choice but to intervene.

Again, I urge both parties to agree as soon as possible, for the good of all concerned. The immediate settlement of the dispute, on fair and reasonable terms, assuring continued labor peace, is surely in the national interest. Let us hope for a speedy settlement, so that more drastic action will not become necessary.

ADDRESS BY CIVIL SERVICE COMMISSIONER L. J. ANDOLSEK AT THE 44TH NATIONAL CONVENTION OF THE DISABLED AMERICAN VETERANS

Mr. BREWSTER. Mr. President, last week I had the great privilege of addressing the annual convention of the Disabled American Veterans in the delightful city of New Orleans. I had the additional pleasure of meeting many of the fine men who fought so valiantly for the United States.

May I take out a moment here to assure them that, as long as I am in the Congress, I will do my best to see that we never fail to be generous at home toward those who were so generous overseas.

In New Orleans, I was privileged to nominate—and see elected—as national commander of the DAV, a distinguished fellow Marylander, Mr. Claude L. Callagary, of Baltimore.

Among his other qualifications, Mr. Callagary has long been a noted fighter for conservation. I can say from personal experience that he was very helpful to me in my efforts to preserve Assateague Island as a national seashore. If his past achievements are any indication, he will be an outstanding DAV commander.

While attending the DAV convention I had the opportunity of hearing an excellent address by Commissioner L. J. Andolsek. Mr. Andolsek is a distinguished Civil Service Commissioner and an old friend of mine. His address, which was very warmly received, dealt with the responsibilities of parents toward their children. I believe that his remarks ought to be taken to heart by all American parents.

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

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

ADDRESS BY COMMISSIONER L. J. ANDOLSEK, U.S. CIVIL SERVICE COMMISSION, AT THE 44TH NATIONAL CONVENTION OF THE DISABLED AMERICAN VETERANS AT THE JUNG HOTEL IN NEW ORLEANS, LA., AUGUST 6, 1965

Commander Dwyer, national officers of the DAV, members of the national staff, delegates, and friends, I am most grateful and appreciative of the invitation to be with you on the occasion of your 44th national convention, and particularly pleased that I was privileged last evening to hear the tremendously fine speech—frank and to the point—which was delivered by Senator DANIEL B. BREWSTER, of Maryland.

The most valuable asset we have in this country today is in our children, and the destiny of our great Nation is in the hands of the young men and women who are today preparing themselves to take over the leadership for tomorrow. Therefore, I want to talk this morning about the youth of our country.

We expect so very much of the coming generation, we love them so much, and we express so much concern over the young people who make bad headlines, that I want to discuss two very meaningful questions:

1. Do we really understand our young people?

2. Are we living up to our responsibility in preparing them to meet the demands that will be placed on them?

In raising these two questions, I want to make it clear who I mean by the term "we."

I mean we who are parents.

I mean we who are veterans, or the life-partners of veterans.

I mean we who are public servants.

I mean we who are breadwinners, whether we run a business or work for somebody who does.

I mean we who are taxpayers and voters.

Generally, I mean we who are adult Americans.

So, let's take on the first question first: Do we really understand our young people?

I fear that as we have struggled to keep up—or perhaps I should say catch up—with all the change that has been taking place on this good earth, we have somehow attempted to gear our child-raising concepts to the belief that no change has taken place. There are exceptions, of course, but hardly a day passes but what I hear somebody remark: "That's not the way things were handled when I was a kid"—meaning, of course, that today's way is all wrong.

It is meaningful, I believe, to review some of the changes that have taken place in the past 25 years, for these changes have had a profound effect on us as individuals, and they have had a profound effect on the business of raising children.

I will use June 1940 as a benchmark to make a few comparisons.

First, technical change.

In June of 1940 various groups of scientists were working on nuclear studies, but the famed Manhattan project team—whose mission was the hurry-up development of a nuclear bomb—would not be formed for another 2 years and 3 months.

It is particularly important that I link the "technological explosion" to the Manhattan project, for the team of scientists, engineers, and managers who produced the bomb produced something far more important—a team approach to research and development.

We have seen subsequent teams develop the jet airplane that made 1940's piston-engine job look like a piker.

We have seen them rebuild the black boxes that permit direct dialing to practically any place in the Nation, whereas—in 1940—many of us knew our local operator by name.

We have seen the R. & D. teams produce a computer that serves as a brain—and a process called automation that serves as the slave—to build more and better products than human hands could build in 1940.

Teams made possible the science of rocketry and the manned conquest of space. They found a cure for common measles and uncommon polio. They have, without question, changed the shape of man's life.

In moments of nostalgia, we might think back to the "good old" Chevy, the almost-new Ford V-8, the streamlined Chrysler we owned or envied in 1940, but we're only teasing ourselves when we pretend it was as good as today's model. (The truth is, we didn't demand as much from the product of 1940 as we demand from the product of 1965.)

The same comparison could be made in the fields of communications, medicine, the hardware of war, or many other items that come to mind.

Technologically, our world has advanced more in the past 25 years than it advanced in the preceding 25 thousand years.

Now, we might ask, what is the implication of technological change on today's youth?

It is profound.

Today's youngster needs more knowledge to build and operate things that are infinitely more complicated than the things we knew in 1940.

That's why our sons and daughters are getting a level of math in junior high school that we got in college.

That's why today's high school dropout is an object of social concern—he simply does not have the base upon which sophisticated knowledge can be built.

That's why the advice has changed from "go to college" to "go through graduate school."

It might have been possible—indeed it was very common—for the boy who finished high school in 1940 to "break in" on his father's work bench; to learn his father's trade, or to aspire to heading his father's small business or small farm.

Not so today. Papa works for the chain supermarket, the chain drugstore, the nationwide corporation, the Government, or some large organization—if papa is typical. And somehow, the boss of the corporation, or his branch manager, would just as soon not have Junior under foot when there is a production quota to meet.

In other words, the natural bridge between school and the working world that existed in 1940 does not necessarily exist today. The young man who completes his schooling had better be prepared to call himself a specialist—one who knows a great deal about the operation, and the science behind it, before his first day on the job.

There is an anecdote that indicates the extent of specialization in today's world. A man called his family doctor because he had an earache. The doctor said that he should go to the eye-ear-nose-and-throat clinic. He got there and they directed him to the ear department. As he walked up to the desk, a nurse asked him, "Right ear or left ear?"

I am also reminded of the doctor who called his plumber in the middle of the night and asked him to come over as he had a problem. The plumber asked what seemed to be the problem and the doctor explained that a trap was plugged up and the water was overspilling, upon which the plumber replied, "Doctor, give it a couple of aspirins and I will be over tomorrow and take a look at it."

This is as good a point as any to examine some of the social change that has taken place during the past 25 years.

In 1940 it was not uncommon for a baby to be born in the same town, on the same street, and in the same house that his father and his grandfather had been born in. He might go to the same school, drink pop in the same drugstore, play on the same high school football team, engage in the same business, join the same clubs and church, and vote in the same precinct. The "tracks" that divided "upper class" from "lower class" were pretty well defined.

Again, I say, how things have changed. Look at the mobility that has taken hold of America. Consider the exodus away from the village and the farm to the big

city. Tie this in with the technological explosion and its new demands for higher skills and better education. The one "gap" that has remained constant—no, it has become even more distinct—is the gap that separates the haves from the have nots.

Those who came to the city with a skill or a good education have hitched onto the technological star and they have ridden it to economic and social success. They live in Suburbia. Those who hit the big town without a skill or without the education upon which a skill could be built—and here I am talking about the sharecropper and the common laborer—have moved into the slums, the ghettos—or to put it another way, the same "other side of the tracks."

Often the hardest hit have been those we classify as members of minority groups for one reason or another: those whose skin is a different color, those who spell their last names a different way, those who are physically handicapped, and frequently those who have grown old.

The ones who were most disadvantaged become even more disadvantaged, and the minorities pay the highest price.

Sometimes it seems to me that we remember least those lessons that were the most expensive to learn.

We in this room are veterans, or the understanding mates of veterans, so I think a point is in order here. We who are veterans were in our prime when the bell sounded for World War II or for Korea.

We griped about the shots, the chow lines, the movie lines, and the other common annoyances, but when it came time to stage for combat, we were a close-knit, determined team of Americans.

It didn't matter much if the next man at the rail of the troopship or in the next foxhole after we got there, was a man with a brown skin, or whether he answered to the name of "Tony," "Hymie," "Tom," or "Ski." He was one of us. And, as Americans working together, we did what we went there to do.

What a contrast with what we see today.

At a time when our Nation and our society need to see love being practiced, men of sick minds are practicing and teaching hate.

It is terrible enough when one sick man takes it upon himself to assassinate one national leader. It is reprehensible when organized groups of hatemongers take it upon themselves to drive wedges between large groups of our society.

Forgive me for going off on a tangent. This matter of love and hate means a lot to me because I feel that as we strive to improve our society, and to create opportunities for our youth, the first thing we've got to do is to start working together in peace as we worked together in war.

The second thing we've got to do is to realize that some of our people who are most poverty stricken—and I mean poverty of the mind as well as poverty of the belly—are people who have been denied the chance to be full-fledged citizens, and people who have been denied the responsibility of full-fledged citizenship.

So far, I have touched upon two elements of change—technological change, and social change. Since this audience is comprised of both DAV and DAV Auxiliary, I'd like to raise the lid on another significant change that has been taking place, and one that is having a serious effect on our young people. I am talking about the relationship between parental neglect and crime rate among young people.

This problem can be traced in part to some of the social change that has been taking place in the past quarter of a century.

When we veterans were being mustered for military service, our Nation's industrial potential was being mustered for wartime production.

Thousands and thousands of jobs had to be filled, on a "now" basis, and Rosie the Riveter became a part of the American scene.

Rosie's employment was necessary—very necessary—and we owe Rosie and her fellow females a debt of gratitude for working so faithfully when they were needed so badly.

The pattern of two incomes per family that was, in a sense, born in desperation has become something of a national standard. It is commonplace now to find two breadwinners in the family, two cars in the driveway, two vacations, two (or more) charge plates, often two mortgages, and so forth and so on.

We need the talents that women can bring to the labor market, but we need also to assure that children get proper parental care and attention. We need to accommodate our employment practices to the requirements of child-rearing so that women can devote to a working career that portion of their time which is not needed in the home.

When parents are "too busy" to give children the time, attention, and concern that is necessary to their emotional development, some unfunny things happen.

The Director of the Federal Bureau of Investigation said the other day that more than 70 percent of the arrests for serious crimes throughout the United States involve persons under 25 years of age.

"The common denominator in the cases of these young offenders," he said, "has been parental neglect."

Moreover, there are those who feel that too much affluence, too much free time, and too much spending money in the pockets of young people, are just as much responsible for delinquency as too little affluence, too little income, and too little wholesome activity for young people who are underprivileged.

There are other areas, besides technology, social changes, and changes in the family environment, that we could consider in this assessment of the effects of change on the life of young people.

The point I want to make, however, is that so much change has taken place in the past 25 years, and so much of this change has a direct influence on the lives of young people, that I am convinced that if we are going to try to understand our young people, we must seek to understand them within the context of change.

We can't just say, "Don't sit around and watch television all day. When I was your age I had work to do, and I did it."

We must bear in mind that the work opportunities that were open to us are often not open to the children of our present society.

Thus, we are confronted by the second question I raised: Are we living up to our responsibilities in preparing young people to meet the demands that will be placed upon them? To be more specific, what else can we do that we are not already doing to prepare them? I have several recommendations to make.

First, we can provide the opportunities that will help our young people to mature properly, and to take their place in society as responsible citizens.

One important opportunity we can strive for is job opportunity; whether it is a money-making type of job, an experience-building type of job, or one that will allow our young people to learn the valuable art of giving some of themselves to their fellow man.

But there is another type of job opportunity that is not being exploited as widely, and I think it is one that might well be pursued for both the needy and the affluent members of our younger generation. I am talking about the opportunity for service, often without pay.

My second recommendation is that we do more as parents and as individuals—things that we can do so much better than an organization can do—to enrich the lives of our young people.

I read the other day about an incident that happened in the life of a famous newspaper columnist. Once, when the columnist was writing an "advice to anglers" column in New York, he got a letter from a boy saying:

"You are always pointing out the good places to fish, and my dad and his friends always go there. Can you tell me a good place for boys to fish? My father never wants me to go along."

Instead of publishing the boy's letter, or answering it in his column, the newspaperman sent the letter to the boy's father. He got back a letter from the boy's dad, saying: "I will be forever grateful to you for opening my eyes. My son and I are now regular fishing companions, and I never had so much fun in my life."

This man learned—in time, fortunately—that it was important for him to give some of himself to his son. There are many other instances, published and unpublished, that point up the virtues of sharing one's knowledge and experience with a youngster.

My third recommendation is that we do everything in our power to upgrade the quality of our schools, and that we encourage our young people to get all the education they can absorb.

Many of us do not feel competent to meddle in such matters as curriculum and school administration, and perhaps this is just as well. But we can and should exercise our citizen's responsibility to insist that our schools be staffed by the very best administrators and teachers, and that our salary structures are designed to attract and reward talented people. In this way we can be sure our schools are riding the leading edge of the changes that affect our society.

My fourth recommendation is that we try sincerely to indoctrinate our young people in the proper virtues of citizenship. Sometimes this calls for us to look into a mirror and ask ourselves what kind of examples we are setting.

Take the matter of racial prejudice as one example. When a baby is born, he is—for all intents and purposes—color blind. He develops prejudices largely on the basis of observing the attitudes of adults around him—in the home and in public.

I think we can do a much better job of example setting. We have learned, and we are proving—as employers—that it makes sense to judge people on the basis of individual merit. Wouldn't it be good for our young people if we were to practice the same philosophy in other ways?

The last point I want to cover is, in a sense, the other side of the coin. I have talked at some length about what we need to do in order to understand our young people, and how we might do a better job of conditioning them for a very demanding future.

I think there are some lessons we could learn from them.

Look at the number of young people who have volunteered for service in the Peace Corps.

Look at the number of college kids who feel so strongly about civil rights that they are demonstrating their feelings.

The big question in my mind is this: Have we of our generation lost sight of some human values that are very apparent to our young people? Have we perhaps stayed too busy or grown too complacent to care?

I believe we have a very strong obligation to prepare our young people for the tasks ahead, and that we have a big responsibility to help them to stand alone. I believe we would do well, in the process, to recharge our batteries with some of the enthusiasm that they feel to stand up for moral issues, and to stand up for the rights and the dignity of our fellow human beings.

The fact still remains that the great bulk of our young people are decent loyal Americans who do not make headlines but who are diligently preparing themselves for tomorrow. With the help of everyone of us, particularly the fathers and mothers, these young people will be adequately prepared to carry on, and will also do the same for their children, to assure the continuity of this great form of government—the greatest that has ever been designed by man, the United States of America.

TRIBUTE TO ASSOCIATE JUSTICE-DESIGNATE ABE FORTAS

Mr. INOUYE. Mr. President, surely the dignity of public service has never been emphasized more strongly by any President than by President Lyndon B. Johnson in his recent governmental appointments. And surely no appointment is worthier of the Nation's applause than the elevation to the Supreme Court of Abe Fortas: distinguished lawyer, courageous advocate, a man of cultivated interests and brilliant talents.

The appointment of Mr. Fortas to the Court has won unanimous praise throughout the Nation.

I should like to add to that praise my own congratulatory sentiments, and I submit for entry into the RECORD the following editorial from the Louisville Courier of August 7.

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

A CHAMPION OF INDIVIDUAL LIBERTY MOVES TO THE SUPREME COURT

Some of Abe Fortas' friends are musicians. Among them are some of the most eminent in the world today: the cellist, Pablo Casals; the violinist, Isaac Stern; the pianist, Van Cliburn. Some of Fortas' friends are politicians. One of them—and one of the closest—is the most powerful in the world, the President of the United States, Lyndon B. Johnson.

This wide range of friendships is one measure of the man nominated by President Johnson to take Arthur J. Goldberg's place on the Supreme Court. Fortas obviously is a man of many moods and interest, and this quality speaks well for him.

IMPRESSIVE MEASURES

But there are other measures of the man, and these too are impressive: his long and varied service in the Government, officially in the New Deal days, unofficially later; his extraordinarily successful Washington law practice, and, far from least, work in such precedent-setting legal actions as the *Gideon* case, which resulted in a Supreme Court decision that every defendant must have counsel in every State court, regardless of whether he can pay for the attorney's work. His professional qualifications have been termed "highly acceptable" by the American Bar Association.

What kind of Justice will Fortas be? His public career promises that he will be a champion of individual liberties. As John P. Mackenzie wrote in the Washington Post:

"All signs point to a continuation of the trend that was accelerated after 1962 when Arthur J. Goldberg, who left the bench last week to become Ambassador to the United Nations, replaced the late Felix Frankfurter. The trend has been toward more use of judicial power when deemed necessary to protect individual rights and raise State practices to Federal standards."

Most of President Johnson's appointments, it seems to us, have been of a very high standard. The Fortas appointment, we believe, is one of the best.

IN DEFENSE OF "INSTANT HISTORY"

Mr. McGOVERN. Mr. President, a few years ago J. Donald Adams observed that "nothing, surely, is more alive than a word."

Former Presidential Assistants Arthur Schlesinger and Theodore Sorensen are now verifying Adam's observation with excerpts from their forthcoming books on the late President Kennedy as selected by two magazines.

These two authors, one a Pulitzer Prize-winning Harvard historian and the other John F. Kennedy's chief speech writer and confidant during his years in the Senate and the White House, have set off a flurry of opinions on their propriety and judgment. Some critics have concluded without waiting to read the books that it is a mistake for any Presidential Assistant to set down on paper his observations about one who has left us so recently as John F. Kennedy.

Two contributions to the controversy over the books by Schlesinger and Sorensen that appeal to me are an editorial appearing in the Virginia-Pilot, August 1, 1965, entitled "In Defense of 'Instant' History," and the column by Mr. Max Freedman appearing in the Washington Star, August 8, 1965, entitled "Idealism Spurs Kennedy Authors." I ask unanimous consent that these two commentaries be printed at this point in the RECORD.

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

[From the Washington (D.C.) Evening Star, Aug. 9, 1965]

IDEALISM SPURS KENNEDY AUTHORS

(By Max Freedman)

It has become the fashion to sneer at the books now being written about President Kennedy and to mock their authors by attributing mean motives to them. The more judicial minded would have been wise to wait until they had the completed books before them instead of pronouncing a summary and unfair judgment on the basis of a few highly flavored extracts. But perhaps this detached fairness is beyond human nature in dealing with memories as recent or as vivid as those of the Kennedy years.

In all the torrent of talk about these books, almost nothing has been said of the real impulse which led to their composition. These friends and colleagues of President Kennedy are eager to bring their testimony before the Kennedy period is submerged in the larger history of our time. Except for Mrs. John Kennedy and Senator ROBERT KENNEDY, there is no one better qualified to give this personal testimony.

It is impossible, of course, for any cluster of friends to chronicle the Kennedy years with the trenchant eloquence and vivid humor that would have illuminated President Kennedy's own history. That is merely another grievous loss which we have suffered. But at least his friends can do what they can to fill the void, and I for one rejoice that they are trying.

Surely it is unnecessary to add that I can hold this view without agreeing with everything that has been written or with the way it has been set down for our instruction and delight. What baffles me beyond explanation is the consummate arrogance which can presume to scold Ted Sorensen on the duties of public responsibility or solemnly lecture Arthur Schlesinger on the commandments of good taste.

Often in the past we have read the disappointed memoirs of broken officials consulting their malice and their imagination to explain why they no longer are in office. What we are reading now is totally different. These are not ventures in self-esteem or advertisements of a mistaken faith in one's own wisdom. Their purpose rather is to set high in honor the proud name of John Kennedy so that neither the stealthy oblivion brought by time nor the organized jealousies of politics can ever dim its splendor.

As Ted Sorensen has written with such profound insight, the most astonishing quality about President Kennedy was his endless capacity for growth. He was neither a saint nor a monument, but a man, magnificent and many sided, and yet smilingly willing to admit his own faults and limitations.

Unless his ability to learn from mistakes is understood, his greater ability to pluck the mystery from the future will forever remain a puzzle. Sorensen has gone about his task the right way in showing Kennedy moving steadily forward to a standard of excellence which becomes steadily more exacting as he develops his genius for greatness.

Long months before the tragedy at Dallas, Arthur Schlesinger reflected on the hazards and triumphs of contemporary history. He recalled with bitter agreement the famous warning by Sir Walter Raleigh that "whosoever, in writing a modern history, shall follow truth too near the heels, it may haply strike out his teeth." It seemed even then a risk worth taking, for it is one of his majestic endowments as a historian that he never is depressed into solemnity by an accumulation of documents.

His unafraid gaiety and the presence of truth has enabled him to reveal aspects of the Kennedy administration that the hooded prudence of more timid minds would have hidden furtively from public view. He was taught by his years in the White House, as he himself told us in 1963, to mistrust the process by which historians "transformed a disheveled and murky evolution into a tidy and ordered transaction."

Writing out of that conviction, he has remembered the claims of history by giving us the breathless improvisations that are often mistaken for great decisions. The rest of us, or at least large numbers of us, have reasons to be grateful, even though prim and wounded officials may protest.

[From the Virginian-Pilot, Aug. 1, 1965]

IN DEFENSE OF "INSTANT HISTORY"

Controversy has developed over not only what Arthur M. Schlesinger, Jr., and Theodore Sorenson have to say about the late John F. Kennedy's Presidency, but even over whether they should have anything to say. Excerpts from both books have been appearing in magazines prior to publication later this year.

Representative WILLIAM B. WIDNALL, Republican, of New Jersey, recently criticized on the House floor the writing of "instant history" by White House personnel. Mr. Schlesinger has been criticized editorially for his revelation, in Life serialization, that President Kennedy was unhappy with Secretary of State Dean Rusk. It is, to be sure, a criticism which Mr. Rusk is hardly in any position to answer gracefully.

Both books have revived the Bay of Pigs question. The accounts of how Lyndon Johnson was picked for the Vice Presidency in the Schlesinger serialization and in

Theodore H. White's "The Making of the President, 1964" have fanned the flames of old speculation. The appearance of Schlesinger's and White's works, comments the Nation, "is further evidence that the United States has entered its late Roman age, when the citizen views government as popular entertainment and political leaders as glamorous stars with whom he can vicariously taste the intoxication of power. Both books could justifiably be subtitled 'What the Valet Saw,' in the sense that their appeal derives less from their analysis of public affairs than from their revelations of private behavior."

All the dudgeon is misplaced, it seems to us. Neither Mr. Schlesinger nor Mr. Sorensen is tattling, as the ethics imply. (And as they implied of Emmet John Hughes' book critical of the Eisenhower Presidency, "The Ordeal of Power.") Both held positions privy to the confidence and decisionmaking processes of the late President, and their accounts of his White House years are bound to be instructive and significant.

It ought to be remembered, too, that Mr. Schlesinger is a historian by trade, and among the best, who was expected to put his experiences in the White House on paper. (The assassination deprived the Nation of the other Pulitzer Prizewinning historian in the White House, who doubtless would have written his own history had he lived.) Likewise Mr. Sorensen is able to add to the knowledge of the Kennedy years and has the talent to discharge his obligations to the record. Both books will be contributions to history of an on-the-spot sort we have had only rarely. If the accounts are occasionally painful, that is history's way.

NEW JERSEY DIPLOMAT COVERS "KIPLING COUNTRY" BY JEEP AND HORSE

Mr. WILLIAMS of New Jersey. Mr. President, David A. Macuk, a resident of my own State of New Jersey, has recently returned from his tour of duty as a foreign service officer in Pakistan. While serving at that post he traveled extensively in "Kipling's Country." Traveling by jeep and horse, Mr. Macuk observed some of the most inspiring country in the world.

Macuk is to be congratulated for his dedication to our country. The accomplishments of this man have done much to foster good will between our Nation and Pakistan. It is heartening to know that we have such capable men representing us in the foreign service. I hope that the experiences of Mr. Macuk will serve as an inspiration for other men to actively work for our country in this vital field of foreign affairs.

I therefore ask unanimous consent that the report of Mr. Macuk's tour of duty be printed at this point in the RECORD.

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

NEW JERSEY DIPLOMAT COVERS "KIPLING COUNTRY" BY JEEP AND HORSE

The rugged mountain country of northwest Pakistan—the locale of many of Rudyard Kipling's stories— provided some exciting adventures for U.S. Foreign Service Officer David A. Macuk, who traveled by jeep and horse on consular field trips in the area.

Mr. Macuk, 33, a New Jersey resident, was interviewed here after returning from a 4-year tour of duty in Pakistan. He served both in the American Embassy in Karachi and the U.S. consulate in Peshawar.

The Peshawar consular district stretches along the Pakistan-Afghanistan border from the desert city of Loralai in the south to the mountains of Chitral in the north. "This is the former Northwest Frontier Province of British India, the gateway to south Asia. It has been a traditional invasion route ever since the Aryan migrations into India," Mr. Macuk notes.

"The mountainous border area of west Pakistan is incredibly rugged and the tribal structure of its society fascinating. I knew enough of the Urdu language to communicate with the tribesmen in most cases, but when they spoke various dialects of the local Pushtu language, they left me far behind," he says.

Traveling mostly by jeep, Mr. Macuk sometimes had an armed escort of government frontier scouts. "These scout units are steeped in history. One of them, the Khyber Rifles, is a reminder of the days when a British military post guarded the famous Khyber Pass."

Mr. Macuk's most hair-raising reporting trip was made on horseback over tortuous mountain paths. "My only previous experience on 'horseback' had been an occasional pony ride when I was a kid," he recalls. "The horse provided for me insisted on walking on the outside edge of the narrow path instead of hugging the mountainside. This gave me a wonderful view of the gorge below but some scary moments."

On another occasion, he visited the area near the highest mountain peak in his consular district—over 25,000 feet high. In a neighboring village he found people living in stone houses only 5 feet high. "These people were extremely hospitable, and pleased that a foreigner had taken the interest to come and see them."

On one field trip, the American diplomat visited the valleys of Kafiristan, inhabited by a fair-skinned, pagan tribe, known as Kafirs. "No one really knows their origin," he relates. "Among the various theories advanced is that they are descended from soldiers in the army of Alexander the Great."

Mr. Macuk had a highly gratifying experience in the valley of Parachinar near the Pakistan-Afghanistan border. There a farmer proudly displayed American varieties of cucumbers and cabbages, which he had raised from seeds obtained in the United States.

"This man," Mr. Macuk recounts, "visited America under a farmer exchange program. He traveled widely in this country for several months, learning about America. Because of the warm reception he received here, he has a deep affection for the United States."

Mr. Macuk's family accompanied him on the trip to Parachinar. "My wife was invited into the women's quarters and was warmly welcomed by the ladies of the household," he adds.

Prior to his assignment in Peshawar, where he was consul and political officer, Mr. Macuk served in the Economic Section of the Embassy in Karachi as an economic officer—acting primarily as Assistant Commercial Attaché.

"My main responsibility while stationed in Karachi was to explore, and report on, opportunities for American businessmen in Pakistan," he states. "This required traveling to various cities, contacting local businessmen, and members of the chamber of commerce to assess business conditions."

Mr. Macuk is presently assigned to the Office of South Asian Affairs in the Department of State as the economic desk officer for Pakistan.

RAINBOW BRIDGE IN UTAH

Mr. MOSS. Mr. President, during the last 2 years, when the Colorado River has been backed up behind Glen Canyon Dam, many spectacular changes have been noted in the beautiful, historic Glen Canyon region.

With a near-record runoff being experienced this year, Lake Powell is rising rapidly.

New vistas of scenic beauty are now being made available to thousands of visitors to this rugged country. One of the true marvels of wind and water erosion is the famous Rainbow Bridge. Before Lake Powell began filling, this massive stone arch was accessible only to the strong hiker or rider.

Now, a short boat ride to a landing just over a mile from Rainbow Bridge leaves an easy hike to this natural wonder.

Mr. President, so that many more American tourists might be made aware of the new nearness of Rainbow Bridge, I ask unanimous consent that an article from the San Diego Union edition of July 25, 1965, be printed in the RECORD.

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

THE NEW NEARNESS OF RAINBOW BRIDGE

(By Don Dedera)

RAINBOW BRIDGE, UTAH.—Membership in one of the world's most exclusive travel clubs has been thrown wide open.

Rainbow Bridge, crown jewel of the Colorado, is now within reach of anybody who can sit for a few hours in a boat and hike a bit more than a mile along a well-graded trail.

It wasn't always so. Because of the formidable fastness of the Colorado River country along the Arizona-Utah border, Rainbow Bridge was not viewed by white man until 1909, by Cummings and Wetherill.

Art Greene, then a young cowboy, was among the first dozen who followed in 1910. He had to ride a good horse a hard day through 20 miles of the wildest land remaining in the United States. Not only did those early visitors brave the dangers of an unmapped region, but they also were the unwanted trespassers upon the most holy ground of the Navajo.

Since that first visit, Greene has returned to Rainbow more than 100 times, in every possible way: by air, afoot, on horseback, and by the routes he pioneered over water.

The choices were all tough.

Even though Rainbow Bridge National Monument was established in 1913, fewer than 3,000 persons had signed the guestbook by the mid-1920's. The Kolbs, the Goldwaters, the Muenches, Zane Grey, nimble college kids, the Sierra Club, advanced Boy Scouts—these were the sound of wind and limb who claimed Rainbow for their own.

The hike and horse ride were never shorter than 14 wearing miles. By boat, the trips were at best unforgettable adventures, and at worst, fatal tragedies. Seldom a year passed without a death in Glen Canyon. Greene never lost a customer while running the river, but he never collected his guide fee in advance.

From Greene's base camp at Marble Canyon, it was a 400-mile roundabout portage to Hite, Utah, where boats could be floated on the Colorado. Then it was a hundred miles of treacherous river and 11 frothing rapids to the side canyon leading to Rainbow. The

hike from the river was 7 miles through boulder-strewn narrows.

Greene charted a daring upriver route from Lee's Ferry in the 1940's and 1950's. He tried all manner of power, both inboard and outboard, and finally subdued the Colorado current and hidden boulders with a water-bug boat pushed by a 400-horsepower radial airplane engine.

Governors and Cabinet officers and movie stars were Greene's guests then. But still, as late as 1960, the number of visitors to Rainbow, since its discovery, totaled no more than 10,000.

Then the great change came to the Glen Canyon country. The diversion tunnels of Glen Canyon Dam were closed, and placid lake water began to back up, covering the rapids and whirlpools. No longer did the chocolate Colorado madly race to the sea; no more did those gambling inland vikings, the river rats, cast their fragile craft on the angry waters.

Today, Greene's cruisers keep a city-bus schedule in the 60-mile run from Wahweap marina, near Page, Ariz., to Rainbow. Recently Greene guided the largest group, 63 members of a Phoenix travel club, to Rainbow. The senior tourist was 83 years old, and many were in their sixties and seventies. Three of them walked with canes.

No amount of reading, no viewing of photographs, can prepare the senses for Rainbow Bridge. Sight of that slice of stone hanging over blue sky jangles the optic nerve, stirs the heart muscle, and accelerates the breathing machine.

Imagine a football field. One leg of Rainbow would rest on a goalpost, and the other leg would reach to the other goalpost. The arch would rise 309 feet above midfield. Now imagine that lofty sandstone arch set in a landscape of complementary stone draperies and flattering plant growth. That is Rainbow, and some tourists have been drawn back to it scores of times.

Such is the new nearness of Rainbow. In the first 50 years, visitors were no more than 10,000. Now there are 10,000 visitors each month.

TRIBUTE TO AMBASSADOR GOLDBERG

Mr. INOUYE. Mr. President, one of the most striking facts of the Johnson administration to date is that the President has consistently appointed to high office men of impressive professional qualifications.

This fact has been made doubly clear in recent days in the appointment of Justice Arthur Goldberg as U.S. Ambassador to the United Nations.

Among the tributes paid to this splendid American, one in particular has impressed me. I should like to enter in the RECORD this column from the New York Times of August 8: "Goldberg: The Militant Dove," by James Reston.

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

WASHINGTON: GOLDBERG, THE MILITANT DOVE

(By James Reston)

WASHINGTON, August 7.—It is already clear that Ambassador Arthur Goldberg is going to be a powerful force in the formation of American foreign policy, probably more so than Adlai Stevenson under President Johnson or Henry Cabot Lodge under Eisenhower.

Mr. Goldberg did not resign from the Supreme Court of the United States in order to provoke the U.N. with cold war speeches written by other men in Washington. He is a militant peacemaker, and while he will carry out the policy of his Government, he will be in on the making of it, or he'll be out in a hurry.

Like Goldberg, Stevenson and Lodge had the personal assurance of the President that they would be consulted on all foreign policy questions, but John Foster Dulles ignored Lodge when it suited him, and Presidents Kennedy and Johnson treated Stevenson with polite indifference or worse.

THE ACTIVIST

Arthur Goldberg, however, will not be banished to the opulent misery of his embassy in the Waldorf Towers so easily. He is not the kind of man you would hand your hat to by mistake. President Johnson has invited him to speak up, and neither shyness nor lack of words has ever caused him to refuse such invitations in the past.

BACK AT THE RANCH

He was at the ranch with the President last weekend. He has already had a long talk with U Thant, the Secretary General of the U.N., on the financial crisis of that organization. He has been a lively new figure at the State Department ever since his appointment, and he had lunch today with Ambassador Averell Harriman to get a report on Harriman's most interesting findings on the Soviet Union's ideas of a wide nuclear control agreement and expanded trade.

The importance of the Goldberg appointment is not so much what he is likely to do at the U.N. in New York as what he is likely to do within the private councils of the Government in Washington. He will be influential here, not because he is diplomatic but because he isn't.

This is highly important in the present struggle within the Johnson administration between those who would go faster in risking a bigger war in Vietnam, and those who would keep the level of violence about where it is. The hawks not only outnumber the doves by a very wide margin in Johnson's inner circle, but they outtalk them. Goldberg's importance is that he is a pugnacious dove, who is now likely to join the very few in Johnson's upper inner circle, who believe more can now be done by imaginative and persistent diplomatic explorations than by increased military violence.

DECISIONS ON VIETNAM

It has been widely assumed that the military are dominating President Johnson's decisions on Vietnam, but nothing could be further from the truth. In the recent searching debate about how much to increase the American commitment on the ground, he sided with a very small minority against a very large majority of his top advisers, who wanted him to do more, and this majority included not only the Joint Chiefs of Staff and the Secretary of Defense, but the Secretary of State as well.

The moderates, then, whether they are right or wrong, undoubtedly have a new and powerful supporter in Goldberg. He may not prevail in this continuing debate, but he will resign, as he offered to do as Secretary of Labor when President Kennedy was hesitating to take on Roger Blough, of United States Steel, during the steel price crisis of 1962.

ARTICULATE NEGOTIATOR

At the U.N., too, nobody will be left in doubt about where he stands. He is articulate, and while he may not succeed in converting the Arabs to Zionism, his long experience as a labor negotiator in finding and fighting through compromises is bound to be an influence.

But it is in Washington where the real significance of this appointment lies. Goldberg will not only be the U.S. Ambassador to the U.N., but, on the side, the Ambassador of the U.N. and the peacemakers in general to the United States. And unlike every other foreign policy adviser to the President, he has powerful political forces behind him in the country.

ADDRESS BY SENATOR KENNEDY OF NEW YORK AT THE BUFFALO SESSION OF THE WATER POLLUTION CONFERENCE FOR LAKE ERIE

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the following speech on problems of water pollution in Lake Erie given by Senator ROBERT F. KENNEDY, of New York, at the Federal Water Pollution Conference in Buffalo, N.Y., be printed in the RECORD.

Senator KENNEDY's statement to the Conference stressed the need for effective cooperation between Federal and State Governments in eliminating pollution in Lake Erie. Pointing to the need for prompt action by New York to meet this critical problem, Senator KENNEDY suggests a number of steps that should be taken at this time. I want to compliment Senator KENNEDY for his continued interest in this important area.

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

STATEMENT OF SENATOR ROBERT F. KENNEDY TO BUFFALO SESSION OF WATER POLLUTION CONFERENCE FOR LAKE ERIE, AUGUST 10, 1965

Mr. Chairman, I would like to welcome you and the other conferees to the Buffalo session of this Water Pollution Conference for Lake Erie. I know that the people of New York State and the Buffalo metropolitan area are pleased to see this conference convene in Buffalo.

Both Congressman RICHARD D. MCCARTHY and I appreciate the response of Secretary Celebrezze, to our request this spring for a Federal water pollution conference for Lake Erie. In light of the many water pollution hearings that the U.S. Public Health Service has been called upon to hold this year, I think we are fortunate to have Chairman Stein and his associates hold this hearing.

I know that everyone in this room is aware of the urgency of today's hearing. The continuing contamination of Lake Erie is evident to anyone who is familiar with water pollution problems.

I am not sure, however, that the more than 1 million citizens living in the Buffalo area and along the shores of Lake Erie in New York State are fully aware of the need for this Conference.

POLLUTION OF LAKE ERIE

The need for the Conference is found in the danger of pollution to Lake Erie. Perhaps the value of Lake Erie to its users can best be illustrated by the story about the Oriental sage who was pulling up a bucket from a well. Full of gold, it came into his hand. The sage dumped out the gold and dipped his bucket a second time. Full of silver, it reappeared. "Lord," he protested, "I'm thirsty." Emptying out the silver, he dipped his bucket a third time. Filled with fresh water it rose, and he drank.

Water is in danger of becoming as precious to us as it was to the sage.

Lake Erie is in danger of becoming polluted to the point where cities can no longer draw drinking water from the tremendous reservoir, where commerce on its shore is endangered, where the growth of algae and other aquatic plants threatens those who wish to enjoy the lake for boating, swimming or just the magnificent scenery.

The Public Health Service has said in its report dated July 1965: "Lake Erie and its tributaries are polluted. The main body of the lake had deteriorated in quality at a rate many times greater than its normal aging processes, due to * * * pollution resulting from the activities of man."

If this pollution worsens, the 835,000 people in New York State and the 2,442,000 people in other States who draw their drinking water directly from Lake Erie will have to turn to other sources for their water supplies. They may be faced with a report on Lake Erie from the New York State Department of Health stating that the lake is not suitable from a sanitary point of view as a permanent source of public water and should only be used as a source of water during grave water shortages.

If this sounds unlikely, I might point out that the Department of Health issued a report of this nature for the Hudson River in 1950. As a result, the citizens of New York City who use about a billion and a quarter gallons of water every day do not draw any water from the 20-billion gallons of fresh water that the Hudson pours into the Atlantic Ocean every day.

The industries in the five States that currently use 4.7 billion gallons of Lake Erie's water daily will be forced to look elsewhere for water. If Lake Erie becomes clogged with algae and the pollution level rises, New York State industry, using 1.6 billion gallons a day for power generation and 350 million gallons a day for cooling or other processes, would be severely crippled. The costs of removing pollution after the fact are much higher than those of preventing a source of water from becoming polluted in the first place.

The residents of New York State along Lake Erie have been particularly fortunate in recent years because they have not been plagued by drought. By contrast, people living in the Mohawk and Hudson River Valleys and other areas of New York State this summer are suffering from the worst drought in almost 100 years. Rural residents in many counties are buying drinking water at costs of 15 cents a gallon and more. A number of communities are already taking emergency measures to obtain additional water. New York City may run out of water in January or February of the coming year if the current drought lasts.

One of the relief measures being considered for New York City involves piping water from Lake Ontario into the Mohawk River to supplement the flow of the Hudson. If Lake Erie and Lake Ontario become too polluted, where will we turn for additional water?

CONTROL PROGRAM FOR NEW YORK STATE

The New York State Legislature has passed during this last session a program which can make some difference, particularly in relation to municipal sewage. Under this program New York State will provide one-third of the funds required by municipalities to construct sewage treatment plants. The Federal Government is being asked to provide the next third, and local communities will be required to contribute the remaining 40 percent.

The voters of New York State are being asked to approve the first part of this program in a referendum item that will be on the ballot this November. I hope the voters will approve the proposed bond issue.

In legislation shortly to be enacted in Congress, the Federal part of this program is being completed. Project size limitations that have hindered use of Federal funds for construction of municipal sewage plants are being increased to assist communities in meeting their sewage treatment plant needs. In addition to the increases in project size limitations, $50 million is being added to the funds already authorized, and there are no project size restrictions on this sum.

Thus as a result of the efforts of Congressman McCarthy, in particular, and many others, a total of $150 million in Federal funds is expected to be available this year. New York State will be able to qualify for a major share of these sums.

There are, however, other immediate local, State, and Federal steps that can and must be taken now if we are to have any success in combating water pollution over the long run.

LOCAL AND STATE POLLUTION CONTROL

We need more political innovation at the State and local levels, particularly in relation to industrial pollution. Of course, no town or State government likes to tell an industry that they must eliminate their pollution. The economics of plant investment often lead a firm to reply that it will relocate its plant in another State if local pollution controls are enforced. Because there are major differences in State regulations and enforcement of pollution laws, industry can play one municipality or State off against another.

INTERSTATE WATER QUALITY STANDARDS

One of the barriers to effective local and State enforcement is the fact that communities using water from bodies of water crossing State boundaries are currently faced with different pollution standards on each side of a State line. A community cannot reasonably be asked to treat its wastes if the next community does not. If New York and Pennsylvania, or Massachusetts and Rhode Island, or any two or more States are to effectively reduce pollution, common pollution standards and enforcement for the communities sharing a waterway must be established on both sides of their common borders.

Control of pollution in Lake Erie is a good example of this problem. Michigan, Indiana, Ohio, Pennsylvania, and New York as well as Canada are each individually responsible for the control of pollution flowing into Lake Erie. It has been shown clearly that pollution from each of the States affects the quality of water used by the other States and Canada. Yet there is no common standard of pollution control between the States and Canada. Communities and industry along the lake are being asked to take steps to clean up pollution with no assurance that other locations will be required to do the same thing. Unless common standards are applied, it is difficult to require action from communities and industry.

Yet New York, Massachusetts, Vermont, Maine, and many other States opposed the establishment of Federal interstate water quality standards recommended in the water pollution legislation brought before the Congress this session.

The water quality standards passed by the Senate this year but rejected by the House should be adopted by Congress. I have urged the House conferees to join the Senate in adopting these interstate water quality standards. They are a critical underpinning for State and local antipollution efforts.

LICENSING OF POLLUTION SOURCES AND OTHER FEDERAL POLLUTION CONTROL

We must go beyond the establishment of standards that apply only to interstate waters, and establish and enforce quality standards for all waterways.

I do not believe that continued Federal aid to fight the contamination of water will be available until the States are willing to enforce pollution regulations. There would be no sense in spending large amounts of money to remove municipal pollution in one area only to have a river or stream polluted by the neighboring community, industry, or State.

There are a number of ways in which better pollution control can be exercised.

In Germany and England, for example, which are countries that have already faced the water shortage that we are now experiencing; each source of pollution is licensed by the appropriate river or water basin commission so that there is full knowledge of the pollution that is going into the waterway. And certain kinds of pollution are prohibited.

We could well do the same in the United States. We might, for instance, have a federally established licensing or permit system, with enforcement generally to be accomplished by States and municipalities. The control agency could be given a right of entry and inspection for all licensed sources of pollution. Such a system of licensing would insure that competing firms with pollution problems would be treated alike.

Another source of control might be a user fee applied to each source of pollution on the basis of the cost to the government of removing the pollutants that are discharged. Since collective treatment of waste is less costly, this user fee might cost the polluter less than installing his own purification unit would cost.

ECONOMIC INCENTIVES

I also believe that Federal economic assistance to industry in meeting new pollution standards can be provided through rapid Federal tax write-offs of the cost of acquiring and installing adequate pollution control equipment. Assistance of this type could be useful if coupled with a broad attack on water pollution.

THE LAKE ERIE CONFERENCE

Turning specifically to the current conference:

In the first session of the Water Pollution Conference for Lake Erie held in Cleveland, a number of recommendations were discussed by the conferees and, in most cases, agreed to by the conferees from Michigan, Indiana, and Ohio. We do not know whether New York State or Pennsylvania agreed to these recommendations.

I think that the potential results of this conference are important enough to the 11.2 million people living on the shores of Lake Erie to warrant the participation of New York State. I hope that New York State will now endorse the recommendations of the conference so that the five States and Canada can move ahead with a program to eliminate pollution in Lake Erie.

1. Secondary sewage treatment: Of particular importance are the recommendations that the communities along the lake provide at least secondary treatment of their municipal wastes. New York State has at least 50,000 people who discharge waste into Lake Erie with no treatment at all. It has an additional 1,160,779 residents whose sewage receives only primary treatment before being discharged into the lake. Only 285,000 residents are serviced by secondary sewage treatment plants, a necessity for all municipal waste if we are to prevent the contamination of the lake.

2. Interception of storm and sanitary sewage runoff: Of great importance in the Buffalo area is the need for interception and treatment plants to handle the municipal sewage that normally is washed out into the lake during rainstorms.

3. Pollution information: Perhaps the most important recommendation from the standpoint of industrial pollution is the recommendation that specific pollution information from industry and municipalities be reported and maintained in open files by the State agencies controlling pollution.

This information has not been available in the past. In a major step taken in Cleveland last week, a number of industry representatives agreed to make this information available. State representatives from Indiana, Michigan, and Ohio also agreed to the recommendation that this information be collected and made available in open files. I would think that industry and government in New York State would want to fully endorse this principle.

At the present time, a section of New York State penal code passed last year is used to prevent State government from releasing specific information to either the public or Federal agencies. I find it incredible that

the basic pollution information telling us about the nature of our industrial pollution is not available to either the Federal Government or the public.

The U.S. Public Health Service spent over $1 million in making a detailed study of pollution in the Detroit River waters of Lake Erie because the specific information on pollution was not available. I would hope that a similar study would not be required for the Buffalo-Niagara area. Yet if the basic pollution information is not made available, I would urge that a study of this type be conducted.

4. Schedule for pollution control: The Federal conferee in Cleveland also recommended a schedule for the elimination of pollution. State representatives should either endorse this schedule or set a date at which a more acceptable schedule can be agreed to.

5. Dredging: I also urge the State conferees to agree to the recommendation that the Corps of Engineers work out a plan by which material dredged from Lake Erie and its tributaries, such as the Buffalo River, be disposed of in a manner which will protect the quality of Lake Erie's water.

CONCLUSION

The control of water pollution is a complex subject of critical importance to New York State and the rest of the Nation. The question is not so much whether we will have water, but what price we pay for water. New York State and the other States on the Great Lakes have been magnificently endowed with clear fresh water. It is up to us to keep from fouling it to the point where it cannot be used without expensive treatment. To do this we must act now.

New York State has been a leader in many areas, in education, in industrial development, and in transportation for example. Yet when foreign visitors ask where they can see effective water pollution control, they are sent to Indiana or Michigan and not New York State. New York State can be a leader in this critical area. I urge that we take the steps to gain this leadership.

U.S. PRIME ASSET: EXCELLENCE OF RUSK, McNAMARA

Mr. PROXMIRE. Mr. President, this Nation is blessed with competent and articulate leadership in the State Department and the Defense Department. Critics may disagree strongly with our policy in Vietnam, but, Mr. President, anyone—critic or supporter—who heard Secretaries Rusk and McNamara defend it in an hour-long interview on the Columbia Broadcasting System Monday night must have been impressed by the intelligence, the logic, the understanding with which Rusk and McNamara defended our Vietnam policies.

Unfortunately, television—despite its unrivaled impact on millions of people—is highly perishable. Rusk and McNamara spoke out in words that must have persuaded many an American, but the words vanish on the wind. This is why I feel that the transcript of that broadcast should be printed in full in the RECORD.

Mr. President, to give the Senate a little of the flavor of this broadcast let me quote from Secretary Rusk's reply to CBS Correspondent Reasoner's question of how American honor is involved in our action in South Vietnam. This is Rusk's reply, in part:

We have a very simple commitment to South Vietnam. It derives out of a southeast Asia treaty, out of the bilateral arrangements that President Eisenhower made with the Government of South Vietnam, out of regular authorization and appropriations of the Congress in giving aid to South Vietnam, out of the resolution of the Congress of last August, out of the most formal declarations of three Presidents and both political parties. Now there's no need to parse these commitments in great detail. The fact is that we know we have a commitment. The South Vietnamese know we have a commitment. The Communist world knows we have a commitment. The rest of the world knows it. Now this means that the integrity of the American commitment is at the heart of this problem. I believe that the integrity of the American commitment is the principal structure of peace throughout the world.

Let me repeat that last sentence. Said Rusk:

I believe that the integrity of the American commitment is the principal structure of peace throughout the world.

Can we doubt that statement by our Secretary of State—and if we grant it, here is a very big part of our answer to what we must do in South Vietnam.

Secretary Rusk continued:

We have 42 allies. Those alliances were approved by overwhelming votes of our Senate. We didn't go into those alliances through some sense of amiability, or through some philanthropic attitude toward other nations. We went into it because we considered these alliances utterly essential for the security of our own Nation. Now if our allies, or more particularly, if our adversaries should discover that the American commitment is not worth anything, then the world would face dangers of which we have not yet dreamed, and so it is important for us to make good on that American commitment to South Vietnam.

Mr. President, any fair-minded Member of Congress or any other American citizen who will read this transcript with an open mind must come to the conclusion that this administration's policy in South Vietnam is based on logic and intelligence and that it is overwhelmingly motivated by the desire to secure peace, but a peace that can be stable and enduring, a peace that will permit freedom to persist and grow.

As I said earlier, any reader must be encouraged by the excellent caliber of these top officials of our Government—the men who most closely advise the President of the United States on the crucial problems of war and peace.

I ask unanimous consent that the transcript of the CBS News special report entitled "Vietnam Perspective: 'The Decisions' " be printed in the RECORD at this point.

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

[From a CBS News special report]

VIETNAM PERSPECTIVE: "THE DECISIONS"

(Part I of four parts, as broadcast over the CBS television network, August 9, 1965)

Participants: Secretary of State Dean Rusk; Secretary of Defense Robert S. McNamara.

Reporters: CBS News Correspondent Peter Kalischer; CBS News Correspondent Alexander Kendrick, and CBS News Correspondent Harry Reasoner.

Mr. REASONER. Good evening. Across the table from me are the two decisionmakers who sit on the right and left of the President of the United States. This is Secretary of State Dean Rusk, who with the President formulates the foreign policy decisions. This is Secretary of Defense Robert McNamara, who with the President formulates the military decisions. Two of my colleagues and I have joined them in the John Quincy Adams Room of the Department of State: Alexander Kendrick, now stationed in Washington, who covered Europe and the Soviet Union for many years, and Peter Kalischer, who has covered the war in Vietnam a long time, maybe longer than any other correspondent. In the past year CBS News has broadcast a half dozen special reports on Vietnam, with foreign dignitaries, professors, hawks and doves and now we are presenting the decisionmakers. I would like to begin by asking both Secretaries two basic questions. First, how is our honor involved in Vietnam and second, how is our security involved in those rice paddies and remote villages and, since sometimes in international relations, security comes before honor, I will ask Mr. McNamara to answer first.

Mr. MCNAMARA. First, let me make it clear, Mr. Reasoner, that this is not primarily a military problem. Above all else, I want to emphasize that. It is a battle for the hearts and minds of the people of South Vietnam and will only be won if we make clear to those people that their longrun security depends on the development of a stable political institution and an expanding economy. That is our objective. As a prerequisite to that, we must be able to guarantee their physical security. How does our physical security, our national interest become involved in this? That is your question. Secretary Rusk will elaborate on it, but let me say to start with, that it is apparent that underlying the terror, the harassment of the South Vietnamese by the Vietcong is the purpose and the objective of North Vietnam backed by Communist China to expand Communist control over the peoples of the independent nations of southeast Asia and to use this as a test of their method of expanding control over independent peoples throughout the world, in the underdeveloped areas of Asia, Africa, and Latin America. The leaders of those two nations have, on numerous instances, stated this as their purpose. For example, General Giap, who is the head of the North Vietnamese military forces, said not long ago that South Vietnam is the model of the national liberation movement of our time. If the special warfare that the United States is testing in South Vietnam is overcome, then it can be defeated anywhere in the world.

And perhaps more pertinently in relation to Latin America is the comment of Pham Van Dong, who is the Prime Minister of North Vietnam, who said recently, "The experience of our compatriots in South Vietnam attracts the attention of the world, especially the peoples of Latin America." And the interest of the Chinese Communists in advancing Asian communism by force are well known, but I want to call your attention to two important statements emphasizing that. The Peiping People's Daily said about 12 months ago, from Peiping, China, "It's advantagous from the point of view of tactics to refer to the desire for peaceful transition of capitalism to communism, but it would be inappropriate to emphasize that possibility. The Communist Party must never entertain the illusion that the transition to communism can be achieved through the parliamentary road. Violent revolution is the universal law of proletarian revolution. To realize the transition to communism, the proletariat must wage armed struggle." And to put it even more succinctly, Mao Tsetung said recently, "Political power grows out of the barrel of a gun." That's why our national security is involved in South Vietnam.

Mr. REASONER. And the honor, Secretary Rusk?

Mr. RUSK. Mr. Reasoner, the answer to this question is extremely simple and need not be complicated. When President Johnson talks about our national honor, he is not using some empty phrase of 18th-century diplomacy. He is talking about the life and death of the Nation. Now the essential fact from which we start is that North Vietnam has sent tens of thousands of men and large quantities of arms into South Vietnam to take over that country by force. We have a very simple commitment to South Vietnam. It derives out of a southeast Asia treaty, out of the bilateral arrangements that President Eisenhower made with the Government of South Vietnam, out of regular authorizations and appropriations of the Congress in giving aid to South Vietnam, out of the resolution of the Congress of last August, out of the most formal declarations of three Presidents and both political parties.

Now, there's no need to parse these commitments in great detail. The fact is that we know we have a commitment. The South Vietnamese know we have a commitment. The Communist world knows we have a commitment. The rest of the world knows it. Now this means that the integrity of the American commitment is at the heart of this problem. I believe that the integrity of the American commitment is the principal structure of peace throughout the world. We have 42 allies. Those alliances were approved by overwhelming votes of our Senate. We didn't go into those alliances through some sense of amiability, or through some philanthropic attitude toward other nations. We went into it because we considered these alliances utterly essential for the security of our own Nation. Now if our allies, or more particularly, if our adversaries should discover that the American commitment is not worth anything, then the world would face dangers of which we have not yet dreamed, and so it is important for us to make good on that American commitment to South Vietnam.

Mr. KENDRICK. But sir, don't you have to reckon honor at its cost? I mean, it's not an abstract thing. It has to be evaluated and weighed according to what it cost you and what about dishonor? What about the world image that we now present? We're burning villages. We're killing civilians. Now, don't you weigh one against the other?

Mr. RUSK. Well, let me say that you also weigh the cost of dishonor, that is, the failure of an American commitment and I would hope that our own American news media would go to some effort to present a balanced picture of what is going on in South Vietnam. There are thousands of local officials who have been assassinated or kidnapped. There are tens of thousands of South Vietnamese civilians who have been killed or wounded by South Vietnamese—by North Vietnamese mortars and by the constant depredations of these acts of violence against the civilian population. No, there are costs involved in meeting your commitments of honor. There always have been. There always will be, but I would suggest if we look at the history of the last 30 or 40 years, that the costs of not meeting your obligations are far greater than those of meeting your obligations.

Mr. REASONER. Well, having—having set the stage, more or less, with your opening statements, I'd like to start off first in the area of what we hope to achieve there this year and how we're doing militarily and politically. Peter?

Mr. KALISCHER. Well, I would like to bring up the subject of who we're committed to. You mentioned the fact, Mr. Secretary, that we have a commitment to the Vietnamese Government. That government has changed some 7 or 8 times in the last 18 to 20 months and when we say we have this commitment to this government, we are reasonably assured that this government represents the people of South Vietnam, or even a large number of the people of South Vietnam?

Mr. RUSK. Well, we recognize, of course, that there are difficulties in the top leadership of South Vietnam and have been over the months but that does not mean that our commitment to the nation and to the people of South Vietnam has changed, any more than the fact that we've had three changes of government in our own Government during the period of this commitment.

Mr. KALISCHER. It's slightly different.

Mr. RUSK. The impression we have is that among the 14 million people of South Vietnam, we do not find any significant group outside of the Vietcong itself, relatively limited in numbers, that seems to be looking to Hanoi for the answer. The Buddhists are not; the Catholics are not. The other sects are not. The Montagnards are not. The million Cambodians living in South Vietnam are not. In other words, we—I think—would know very quickly, because we have lots of Americans living throughout the countryside; we would know very quickly if these people of South Vietnam wanted the program of the liberation front, or wanted domination from Hanoi. That we do not find. Now there have been some problems in the government in Saigon as you know, and we and the leaders in South Vietnam have tried to work very closely together to try to resolve those problems, but that is quite separate from the problem of whether Hanoi should be permitted to come in by force and impose a solution on the people of South Vietnam by force. If these people in South Vietnam were left alone in peace, these problems that you're concerned about and we're concerned about, could be worked out by normal, peaceful means.

Mr. KALISCHER. By Department of Defense statistics sir, I think we now estimate there are 190,000 to 200,000 Vietcong with a commensurate influx of North Vietnamese and only three battalions have been directly identified as being North Vietnamese Army battalions. Against this, in Vietnam, we have now, with the American commitment of about 100,000 and 545,000 Vietnamese, more troops fighting the Vietcong than the French had and their Vietnamese auxiliaries fighting the Vietminh and we control only a little less than half of the territory and about one-third of the rural population. Would you say then that this policy that we have been following was notable for its success?

Mr. RUSK. Well, I will ask Secretary McNamara to comment on the military aspects of what you were saying. We do not find that the people in the countryside in South Vietnam look to the liberation front or to Hanoi for leadership. These are villagers who are trying to get on with the day's work. We find that there is no difficulty about their cooperation with the Government or with us in those areas where they can cooperate without having their throats cut by terrorists the following night. Now the villagers there are like villagers everywhere else. They're not perhaps highly motivated politically in any particular direction, but we are quite convinced that they are not reaching out to the liberation front of Hanoi for their answers. Now on the question—Secretary McNamara can comment on the military aspect.

Mr. MCNAMARA. Well, first, has our policy been successful? I think you have to look at this over a period of years. I would say the answer is "Yes." For 10 years, since the nation was born, or reborn, after the Geneva accords of 1954, it has maintained its independence. It is not dominated—dominated by the Communists and for much of that period prior to the recent expansion of the terror reign directed against it by the guerrillas, it did increase its strength, economically and politically. As you undoubtedly know, between 1954 and 1961, when the terror raids began to increase in number and frequency, the number of teachers in that country increased threefold. The number of students in schools increased 300 percent. The rice production nearly doubled and by the way, that happened at a time when the rice production per capita in North Vietnam was declining. The income per capita is 50 percent more than it is in North Vietnam.

So I'd say much progress has been made, continues to be made. Last year, the Communist guerrillas killed or kidnaped about 1,500 civic officials. Now when you recognize that the population under the control of the Government is less than a 20th of that in this country, you should multiply those figures by 20 to get an impression of what that would mean in this country. It would mean that we would have lost last year, 30,000 mayors, members of boards of education, city managers, and yet despite that tremendous loss and despite a loss of about 10,000 civilians kidnaped, murdered, assassinated, the people are continuing to fight, continuing to resist. They're absorbing fatalities today at a rate greater than we've ever absorbed in our history, twice that of World War I, twice that of World War II, 10 or 15 times that of the Korean war, showing that they are fighting. They do have a will to resist. They are opposed to Communist domination. I think this is the best measure I can give you of the success that follows.

Mr. KALISCHER. Well, would you say, sir, that if they were resisting that their defection rate, or their desertion rate should drop appreciably? I understand now that they're 4,000 to 5,000 a month and that recruitment barely keeps up with it.

Mr. MCNAMARA. Recruitment is in excess of desertions, but I don't want to fail to recognize that desertions are at a rate higher than we would like to see, higher than the South Vietnamese Government believes satisfactory and they have acted recently to—to increase the pay, to take care of the families and dependents of men wounded and killed in battle and I understand the desertion rate is falling. It has been higher than we would have liked to have seen, however, but the fact that they can continue to recruit, the fact that they continue to fight and die for their country in the numbers that they do, I think indicates their will to resist, and also I should mention that the desertions are not to the Vietcong. The desertions are back to their home to take care of their ricefields and also on that same point, I should emphasize that the defections from the Vietcong are rising, and further that there have been no desertions of any important personality and no movement to defect of any group; no religious group, no economic group, no labor group has deserted the Government for the Vietcong, although the opportunities for that have been numerous.

Mr. KENDRICK. Sir, let me take this a little bit forward. You started by saying that this was not entirely a military problem and I gather that you felt that it was not even primarily a military problem.

Mr. MCNAMARA. It is not primarily a military problem.

Mr. KENDRICK. All right, and from what you've said since about the situation in the villages, the kidnapings, the terroristic activities, obviously it is more than a military problem, but we are now in the process of a gigantic military buildup in Vietnam. Don't military considerations now assume a larger role than ever before? Is it possible that they have taken over from political considerations? Don't they have a logic all their own, which is not always related to policy? Aren't military actions taken usually to support or reinforce previous military actions? In other words, are we now in the maws of a military machine?

Mr. MCNAMARA. No; I think not. This problem is primarily a political and economic

problem. We will succeed, the Government of South Vietnam will succeed only if it obtains and retains the confidence of its people. It can't retain the confidence of its people unless it appears to be advancing their interests, economically and politically. That is the objective of the Government of South Vietnam. That is our objective. The military operations are necessary, but not a sufficient action to assure achievement of that objective. We must provide physical security in the countryside, otherwise the peasants can't till their fields; the government representatives can't move to carry on elections as they did 60 days ago. The members of the United States Economic Aid Mission who are stationed out in the districts and provinces can't work with the peasants to increase the yield per acre of rice, to add to the pig population, to double the corn production, as it is our objective to do between 1964 and 1966. So that physical security is an absolute requirement for achievement of our economic and political goals, but it is not a substitute for those goals in any sense of the word. We realize that. Every one of our men there realizes that.

Mr. RUSK. Secretary, I think it might be worth pointing out, Mr. Reasoner and Mr. Kendrick, that when we say this, this is not a military problem. This is profoundly true from the point of view of the Vietnamese Government in what we are trying to accomplish. Our economic and social development aid to South Vietnam has been as large as our military aid. But we want to be very careful that we not say that the other side can have a military solution. Now you can't get on with this job in the countryside if the other side puts a man with a rifle in his hand there to stop you. So that the security element is a very important part of the main theme which is to develop that country economically and socially and to pull these people together.

Mr. REASONER. There's an area here that I think affects the confidence in this country in what we are doing. And I think maybe we can dispose of it without trying to pin either of you down on things you've said before. But for instance, as you remember about 18 months ago, when we had a conversation, you said to the effect that this is a Vietnamese war, it must be won by the Vietnamese. We cannot win it for them. The kinds of things that administration leaders say have changed radically in the last 2 years. Is this because you have changed your minds that much, or is there a possibility that you have even now a more advanced attitude, and you're letting the country in on it little by little?

Mr. MCNAMARA. Well, let me say first, that the outlook has changed over the past 2 years, because the action of the North Vietnamese has changed during that period of time. They have vastly increased the number of men that they have infiltrated into South Vietnam. They have vastly increased the amount of equipment and material which they have infiltrated into that country. And this has temporarily given them an advantage which they particularly have applied in the form of terror and harassment.

Today, they have for all practical purposes a numerical advantage not absolutely, but relatively, in guerrilla war terms. They have about 70,000 regular guerrillas; perhaps 100,000 irregulars, and another 20,000 or 30,000 in political cadres to collect taxes, distribute propaganda, and so on. So as Mr. Kalischer mentioned a moment ago, there are some 200,000 Communists acting in guerrilla forces. Opposing them are about 550,000 South Vietnamese regular and paramilitary forces—the ratio of something on the order of 3 or 3½ to 1, and somewhat less a ratio in the form of combat battalions. Quite an unsatisfactory ratio in terms of guerrilla wars of the past, where in Malaya, in the Philippines, in Greece, a 10-to-1 advantage was required to defeat the guerrillas. This increase in the strength of the North Vietnamese occurred in the last 12 months. It requires that we supplement, not substitute for, but supplement the South Vietnamese forces and since our forces will supplement and not substitute for their forces, it remains a South Vietnamese war. They are bearing the brunt of the fighting. They will continue to bear the brunt of the fighting. We will furnish a mobile reserve to come in to assist them when their forces are inadequate numerically to effectively counteract the Vietcong concentration directed against them.

Mr. KALISCHER. Mr. Secretary, how many of the 200,000 guerrillas are South Vietnamese?

Mr. MCNAMARA. I think the bulk of them are. But that is not the important point. The important point is that the leaders, political and military, the cadre men if you will, some 50,000 of them have been sent down from the north, trained in the north, sent down from the north, directed, operated, controlled from the north. And the bulk of the weapons, I would say probably 80 percent of the weapons today, have been supplied by the north. The main force units of the guerrillas were completely reequipped in the last year—year and a half—with 7.62 millimeter rifles, by the north. All the ammunition for that comes from the north. The interrogation of prisoners in recent months shows that North Vietnam, out of Hanoi, is directing the war day by day, hour by hour and I mean that literally, by commands, political and military out of the north.

So while the bulk of the guerrillas are from the south, the control, the direction, the foundation, the effort is from the north, and as a matter of fact, North Vietnam doesn't deny that, and I think it's important to recognize this. It's not a civil war. It is a war of aggression by an outside power seeking to subvert the established political institutions, and they say that. In 1960, Ho Chi Minh issued orders, and this is a matter of record, to step up the revolution in the south and a year or two ago, which is the periodical of the North Vietnamese Communist Party, said that the authorities in South Vietnam are well aware that North Vietnam is the firm base for the revolution in that country, and the point on which it leans. So North Vietnam hasn't made any effort to hide the fact that it is directing the activities in the south. Now I don't mean to say that there are no dissident minorities in the south. There are in all countries evolving as rapidly as that one is, politically and economically. And there are dissident minorities there. But they are minorities which could be properly controlled and properly assimilated into the structure of that nation were it not facing this aggression from the north.

Mr. KALISCHER. Mr. Secretary, pragmatically, granted that it's being—that the revolutionary effort is being directed from North Vietnam, the defense of South Vietnam is being directed by us and supported by us. We are Americans, the North Vietnamese are Vietnamese. In a matter of contesting for the minds and the hearts of the people, wouldn't we, whether we liked it or not, be stuck with the onus of invaders, rather than the North Vietnamese since we are showing ourselves in the countryside, as what we are?

Mr. MCNAMARA. First, Mr. Kalischer, let me make clear, the defense of South Vietnam is not being directed by the United States. The defense of South Vietnam is being directed by the Government of South Vietnam, the forces of South Vietnam operate under the military command of their own leaders. Our soldiers will operate under the command of U.S. officers, but it will be in a supplementary role, and we are not assuming direction of the military program there.

Mr. RUSK. I think we ought to clarify this point about who are the Vietnamese. We resisted the effort of the North Koreans to move in and take over South Korea, although both were Koreans. And I can assure you that the other side would not call it simply an indigenous matter if the Federal Republic were to put tens of thousands of Germans into East Germany to take over East Germany. In other words, there was a basic settlement in 1954 on southeast Asia, and following that, an agreement in 1962 on Laos. Now a very important effort is being made by Hanoi to change those settlements by force. This is a thing that is not acceptable. The infiltration by the north is what causes the presence of American combat troops in South Vietnam. Had this not started, our combat forces would not be there. If this were removed, our forces could come home. We're not there to take on what might be called a purely indigenous problem, within South Vietnam. It is aggression from the outside that causes us to be there.

Mr. KALISCHER. Yes, but can this be explained to the Vietnamese peasants?

Mr. MCNAMARA. Let me answer that, if I may, by telling you that 10 days ago, 2 weeks ago, when General Wheeler and I were in South Vietnam, we, of course, were very much interested in that point. This was before the President had decided to increase the strength of the military, U.S. military forces assigned to South Vietnam. We asked a number of South Vietnam leaders this exact question. Without a single exception, they asked for additional U.S. forces, and they stated that unless additional forces came, the people of South Vietnam—and by this they meant not only the sophisticated citizens of the city, but the peasants as well—would doubt our determination to stay and our ability to provide the physical security which they require to advance their economic and political welfare.

I was particularly interested in the comment of one of these individuals. Dr. Quat, whom you know was a former Prime Minister, asked to see us and we went to talk to him, and he had just two points to make. One, you must increase the number of U.S. military personnel in South Vietnam. Unless you do, our soldiers cannot continue to fight effectively against the expanded Vietcong guerrilla force. And two, if you do increase your forces, of course, there will be isolated instances of friction between your soldiers and our people, but our people will welcome it, because they know that you have no designs on our nation that conflict with our own interests. They know that when the Vietcong are defeated, you will leave and, therefore, they welcome you.

Mr. RUSK. We have thousands of Americans throughout the countryside, both civilian and military, living with the South Vietnamese and in a sense completely at their mercy. Now I think it's important to realize that we have not had reported a single instance of treachery on the part of the South Vietnamese with respect to an American who is living right inside their villages, or right with them in the countryside. Now, this is an important thermometer of political attitudes, it seems to me.

Mr. REASONER. I'd like before we turn to another aspect of this, Secretary McNamara, you've been there. We've made these decisions. We've had a few months of experience with increased U.S. forces. How is it going this year?

Mr. MCNAMARA. The Vietcong did expand their force in the last 12 months and as we stated during the winter of last year, and the spring of this, a major part of this expanded force had not been committed to combat at that time. We could only assume they were holding it for some special purpose or some special period. And we assumed that they might be holding it to start operations on an expanded basis following the beginning

of the monsoon season. This is the season of heavy rains in the highlands. It is a season when our air power is somewhat less effective than during the dry period, and we assumed that the Vietcong would believe it was an advantage for them, therefore, to expand operations under those weather conditions.

They did so. They expanded operations in number and intensity, beginning in May and they increased their control of the area. They began to isolate certain particular portions of the villages, isolate them in terms of road transportation, road communications, with other parts of the country. This made it difficult to move rice from the storage centers out into certain of the rural areas. It made it difficult to move produce from the rural areas into the cities. The number of South Vietnamese killed in action increased. But while that is true, the number of Vietcong killed in action increased dramatically. It is about 70 percent higher today than it was a year ago. So in recent weeks, recent months, they have had some success. They are paying a terrible price for it, and in the last 30 days, as a matter of fact, there seems to have been some withdrawal on their part. Whether this is for regrouping, recuperation, because some of their battalions were severely mauled, I don't know. It may be a reflection of the fact that larger U.S. forces are beginning to enter the country.

Mr. KENDRICK. Sir, I would like to pursue that. Now, would you give us a view into the future? There are estimates that it might take another $10 billion a year to carry this on. The military advisers are supposed to have proposed a level of 750,000 men in Vietnam. If there is a failure of bombing of North Vietnam, as there may be, isn't the next logical step ground action into North Vietnam? I wonder if you'd develop these points in the perspective of the months ahead?

Mr. MCNAMARA. First, let me say I can't predict the future with accuracy. I do want to mention one thing about the future, however, that I think is very interesting. Within the last 3 or 4 weeks, Ho Chi Minh looked into the future and he said it might take 20 years for them to win.

So while they have had some temporary success, it is obvious even to their own leaders that this is not going to lead to an immediate victory on their side. Let me comment on one or two of the points you made. First, I don't know of any military adviser to our Government who has proposed a level of 750,000 U.S. military personnel in South Vietnam. Secondly, as to the bombing program in the north, I think it is important we understand what we hope to achieve by that program. In the first place, you recall, it started in part as a reprisal action for the terror bombings that had been carried on by the Vietcong last year at Bien Hoa airfield, at Brinks Barracks and more recently in February—early February of this year—at Pleiku. It was necessary to show the North Vietnamese who were directing those activities that this would not go unchallenged; that they would pay a price for the continuation of them. Our bombing started, in part, to make that clear. It was also important to begin to raise the price to the North Vietnamese of carrying on this war. It was important to try to restrict, although certainly it was never considered it would be possible to stop, the movement of men and equipment to the south. And I think these objectives have, in part, been accomplished. We never believed, and we don't believe today that bombing in the north will drive the North Vietnamese to the bargaining table or force them to cease their terror tactics and harassment and subversion of the political institutions of the south. There is only one thing that will stop that in my view and that's to prove to them they can't win in the south. And, therefore, our strategy is directed to that end. How long it will take I can't tell.

Mr. KENDRICK. We don't envision then going into the north on the ground?

Mr. MCNAMARA. We have made clear time and again, we have limited objectives in the south. I think it is important for our own people to realize that and certainly for the people of the world to realize that. We do not seek to overthrow the Government of North Vietnam. We do not seek permanent military bases in South Vietnam. We do not seek to force the South Vietnamese into an alliance with Western nations. We seek only to insure that they have the right and the opportunity to control their own destiny, to shape their political and economic institutions according to patterns of their own choosing.

Mr. RUSK. Mr. Kendrick, I wonder if I might not add, that it's always easy to turn a lesser war into a big war. This can be done in any 5 minutes. Now, in this postwar period, had we and others not been concerned about the effort of the Communist world to take over a country by force, we well might have seen Iran and Greece, Turkey, Berlin, Korea, the Philippines, southeast Asia, including Malaya—other areas—taken over by force by the Communist world. Now, we and others have had to meet that with firmness and determination. We have taken considerable losses. We alone have taken 160,000 casualties since 1945; others have taken more, but in that process we have tried to keep open the doors to a peaceful settlement. We have tried to avoid the slippery slope down into a general war. In the case of Berlin we used an airlift rather than divisions on the ground in order to try to resolve that by peaceful means. In the case of Korea, with a monopoly of nuclear weapons, we took substantial casualties rather than open up a nuclear war. We waited over 4 years before we bombed North Vietnam in this southeast Asian situation. In other words, it is not a part of our desire to turn these difficult and mean and frustrating issues into general war. That is the easiest thing to think of and the easiest thing to do. The commitment of the American people and the American Government is to a decent world order in which these problems can be resolved by peaceful means.

Mr. KENDRICK. But might not the suspension of bombings of North Vietnam be more conducive to negotiations than the continuation of them?

Mr. RUSK. Well, we did, as you know, suspend the bombing for a period, and long before we resumed the bombing we had the answer from the other side which was very harsh indeed, and there have been public statements recently from the other side indicating that suspension of the bombing is not necessarily the door to a peaceful settlement.

Mr. KENDRICK. Mr. Harriman was in Europe and he talked to Tito, and Tito reflecting the Russians—apparently thought that if we did suspend the bombing it might help.

Mr. RUSK. Well, it might help them, but——

Mr. KENDRICK. No, no; they said it might help bring about talks——

Mr. RUSK. Well, we have asked them; we have asked everybody that we can find to talk to. What else do you think would happen if we stopped the bombing in North Vietnam?

Mr. KENDRICK. Why don't we stop it and find out?

Mr. RUSK. Would the operations in the south stop? Would the infiltration of men stop? Would they even come to a conference table? In other words, we can't find from the other side the slightest hint as to what would happen if we stopped the bombing.

Mr. KALISCHER. Mr. Kendrick asked why don't we stop and find out.

Mr. KENDRICK. Why don't we stop——

Mr. RUSK. Of course the answer is we did stop. It wasn't long ago—8 or 9 weeks ago.

Mr. KENDRICK. I know you stopped for 4 or 5 days. Even on the Hill people thought that wasn't long enough.

Mr. MCNAMARA. It was long enough for North Vietnam to make perfectly clear that they didn't plan to do anything as a result of our stopping other than what they had previously been doing. They wouldn't talk. They wouldn't stop the aggression in the south. They wouldn't agree to talk in the future, so all I can say, we stopped and maybe sometime in the future——

Mr. RUSK. We made it clear in recent days that this question of bombing of North Vietnam has to do with the making of the peace and that we're prepared to consider this if, in fact, it can be a step toward peace but we want to see some indication that this will have that effect and not just the opposite effect.

Mr. KENDRICK. Over the weekend Hanoi announced that the Vietcong had appealed to it for aid and that they were thinking about asking volunteers from the north to go back to the south. This, of course, may be a matter of throwing dust into our eyes, but could it also be a matter of having our assumptions wrong to start with? This is the thing that a great many people are still confused about. The Vietcong, Hanoi—that is, North Vietnam—and the Chinese Communists in the background. Now, Mr. McNamara indicated much more broadly than you did, sir, that our objective in east Asia—in southeast Asia—was more than simply the restoration of a status in South Vietnam. He was talking about overall Communist aggression there as if we were sort of thinking of trying to roll it back. Now I wonder if we are still fighting the same war with Communist China that we were fighting in Korea? Is that really the enemy?

Mr. RUSK. Well, the present enemy on the ground is North Vietnam and the infiltration from North Vietnam as far as we are concerned. This appeal by the liberation front to Hanoi and Hanoi's response to it simply repeats the factual situation. Hanoi has been sending tens of thousands of men and large quantities of arms into South Vietnam. This is not new. Now in terms of the more general problem, as you know there have been very important disputes within the Communist world and specifically between Moscow and Peiping, on the question of strategy and tactics in promoting the world revolution. Moscow has been more prudent, more cautious in this respect. Peiping has announced a doctrine of militancy which has caused great problems even within the Communist world. Now if Peiping should discover that a doctrine of militancy is a successful policy through what happens in southeast Asia, then the dangers throughout the rest of the world mount very quickly and very substantially.

Mr. KENDRICK. We are putting our priority on Vietnam and I was thinking in terms of our relations with the Russians, let us say. You speak of the split in the Communist world, but are we making it impossible, really, for the Russians to cooperate with us even if they might want to? They, at Geneva, for instance, intruded Vietnam before all other questions, and the whole business of disarmament, of nuclear control, of proliferation is just left hanging in air until, they say, we resolve the Vietnam problem by getting out of Vietnam.

Mr. RUSK. Well, Mr. Kendrick, we do want improved relations with the Soviet Union. We should like to find whatever points of agreement we can find in order to build the possibilities of a more normal relationship. The test ban treaty raised some hopes that we might be able to find those other points. But we can't have good relations with the Soviet Union at the expense of letting a country like Vietnam be taken over by force.

We could have had good relations with the Soviet Union had we pulled out of Berlin in 1948, or had we ignored Korea in 1950. This is not the basis on which safe, good relations can be based.

We've got to get to a point where those who have power will leave the smaller countries alone. I know that there are some who think that China is entitled to a sphere of influence out in its part of the world. Those people don't usually specify which are the great powers that are entitled to a sphere of influence and who are the rest of them that have to accept a sphere of influence. I can't think of a more dangerous development in world affairs than for three or four, or perhaps five great powers to embark upon a great race for influence through spheres of influence because there you would find a race for power that would be almost unmanageable in its violence and in its danger. We've got to establish the point that a small country that is within reach of a great power is nevertheless entitled to live at peace, and to be unmolested by that great power; otherwise, the entire structure of world order comes to pieces and we're back in the law of the jungle.

Mr. KALISCHER. Mr. Secretary, the Russians aside, what is the picture of our effort among—not among our potential enemies, but among our allies?

Mr. RUSK. We have been in touch, of course, with a lot of our friends on this matter. I would make a rough estimate that between 60 and 70 governments support what we are doing in South Vietnam and wish us well. There are more than 30 governments that are providing some sort of assistance, some of it too small, in our judgment, for the effort in South Vietnam. There are about 25 governments that are genuinely indifferent or neutral, and another 25, many of them in the Communist world, that are opposed to what we're trying to do. The underlying fact is that most of the hundreds of small countries of the world have a stake in the right of a small country to live at peace even though it is within reach of a great power. And I have no doubt that if we could bring this to a successful conclusion, on the basis of throwing back this effort to take over South Vietnam by force, that more than a hundred small countries would clap their hands and say this is a new day in the life of the world.

Mr. KENDRICK. In our efforts, to get a negotiation now, we have asked the United Nations to do what it can. Now why didn't we go the whole way and put the case formally to the United Nations?

Mr. RUSK. We have been in touch with the Secretary General and the members of the United Nations many times on many occasions on that matter. The problem is relatively simple. As you know, the General Assembly has not been functioning in the last year or so because of a very difficult constitutional issue involved in the financial problems of the U.N. The Security Council is the principal agency in which this matter might arise.

In the Security Council nothing could be done except by agreement among the Big Five. There is a veto in the Security Council. Now the question is really whether it is desirable to have a highly acrimonious, eye-gouging kind of debate there, if at the end of the trail there is going to be no action by the Security Council. It would be far better to sound this out quietly behind the scenes, as is going on and has been going on for a long time, to see whether there is some action which the United Nations can take that would help the situation.

Now we could easily, I suppose, meet the views of those who say, oh, take it to the U.N. by putting on one or two demonstrations—let it go there. Let a resolution be vetoed, have the U.N. break up with no capacity to do anything about it, no agreement, and then come away and say well, they've had their fling at it. Well, this is a little irresponsible to deal with it that way. What we would like to do is to find some way in which the United Nations can contribute positively to the solution of the problem of South Vietnam, and not necessarily just to a further inflammation of the issues involved.

Mr. REASONER. Mr. Secretary, getting back to the military situation for a moment, you have said from time to time that the conditions for peace are an end to the aggression, but Ambassador Lodge once suggested that perhaps it might happen in a different way with just on a given day less fighting. Have you got such a major operation mounted now that you would know if this were happening? Can you stop what you've started there?

Mr. MCNAMARA. Oh, yes; and I don't think there is any conflict between what I have said is the condition of peace and end of aggression and Ambassador Lodge's statement that on a given day there simply may be fewer instances than the day before and a gradual reduction. That is the way the guerrilla war ended in Greece and it may well end that way in South Vietnam. We're very sensitive to the level of activity. We measure very carefully the effort expended by North Vietnam in supporting the Vietcong, in the manner in which the Vietcong apply that support and effort, and we would be quick to sense any change in policy or objective, or capability, and our effort would drop accordingly. We have stated many, many times we do not seek to assign U.S. military forces permanently in South Vietnam. We have no desire to develop military bases there for our use. We will bring our forces back as promptly as the external aggression ceases.

Mr. REASONER. Do you risk, or do you get into the situation where you make one decision because of the previous one where you have lost control? In other words, you put in 100,000 men because you put in 50,000?

Mr. MCNAMARA. No, certainly not. The number of men we have there is a direct function of the level of aggression carried on by North Vietnam. It was necessary for us to put in combat troops only because the North Vietnamese introduced sufficient forces to overpower the antiguerrilla forces—those of the Government.

Mr. KENDRICK. Sir, on this question of decisions, aren't they now making themselves, or aren't the Communists making them for us? Really, they are the ones who are deciding what shall be the nature and the stature of the war, so to speak, and we are responding to that. We are putting in more men because of what they do. Therefore, basically, the decision as to what we do in the future is in their hands, isn't it?

Mr. MCNAMARA. Certainly what we do in the future will be influenced by what they do. The price they're paying is increasing. At some point it will reach a level they're unwilling to pay. At that point they'll stop and they'll withdraw. How soon that will come, I can't tell you. How much force we must apply before they make that decision, I can't tell you.

Mr. KALISCHER. Mr. Secretary, you mentioned before that Dr. Quat told you it was absolutely necessary now——

Mr. MCNAMARA. Yes.

Mr. KALISCHER (continuing). To get more American troops in, otherwise the Government forces could not continue to fight effectively against the increased infiltration from North Vietnam. But you also said earlier in this program that the majority of the Vietcong were South Vietnamese. Now, what keeps the Vietcong fighting and fighting so effectively with what is a great degree smaller amount of goods and arms and cadres coming in through the Ho Chi Minh trail, and by sea, against Government forces which are reinforced by 125,000 Americans and a blank check on arms?

Mr. MCNAMARA. Well, a part of it is an ideological motivation, a religion, if you will; they believe in communism. There is no question about that. A part of it is the terror that is imposed upon them by their officers, by their noncommissioned officers, by the acts that have been directed against their villages and their wives and their families.

Mr. KALISCHER. Don't we in a sense, exercise terror also?

Mr. MCNAMARA. Not to my knowledge and certainly not in that fashion. I don't think we should close our eyes to the fact; the fact is that in 1964, in the 12 months that ended December 31 of last year, the Vietcong killed or kidnaped 1,500 civic officials in that country and they killed or kidnaped 9,700 other civilians. This is approximately 11,500 civilians killed or kidnaped. Now that's the level of terror that is being directed against that population and despite that level of terror, only 25 percent of the people remain in areas controlled by the Vietcong. About 300,000 refugees have left those areas in recent months. An army, that on our terms, is equivalent to 12 million Americans continues to fight the Vietcong and they are absorbing fatalities as I say, at rates higher than we have ever experienced in our history, so I don't think we should fail to recognize the degree of allegiance, if you will, of the people to not only their Government, but to their own independence——

Mr. KALISCHER. Sir, but suppose——

Mr. MCNAMARA (continuing). And the degree of pressures placed on those supporting the Vietcong. There is one group, a minority group, that is ideologically motivated. There is another group that represents the government of Hanoi—politically and militarily. There is a third group—I believe the largest group—which is fighting because they have no physical alternative open to them.

Mr. KENDRICK. Is it possible that a Saigon government—not this one—might in the future negotiate terms with North Vietnam and ask us to leave and if it is possible what would we do?

Mr. RUSK. Well, I think the question there, Mr. Kendrick, turns on Hanoi's attitude toward their own program. In that sense the aggressor always has a certain initiative. It is my impression that Hanoi at the present time is living on three prospects: One, that they can succeed militarily in South Vietnam. Now that is going to be denied to them. So that can be put aside. Secondly, that international opinion somehow will build up in such a way as to cause the United States to change our commitment to South Vietnam. That will not occur. And, third, that internal differences among the American people might cause the United States to change its course. I do not believe that will occur.

We do have in this country a vigorous and thriving and sometimes tumultous democracy and it is quite right for us to debate actively and vigorously all great issues of public moment. But it is quite true that Hanoi lives on expressions of dissent or disagreement here within our own society. I think the repeated demonstration of unity in this country is very important in persuading Hanoi that they cannot rely upon differences here at home to cause us to pull away from our commitment to South Vietnam.

So, I think on those three, those three elements that seem to sustain the hope of Hanoi, they must come to the awareness that these are unrealistic and that they must, in fact, come sometime to the idea of a peaceful settlement. But, this is the key thing. We have had dozens upon dozens of contacts in every conceivable form, fashion and forum, in order to find out whether there is any interest on the part of the other side in a peaceful settlement.

Those contacts continue. We would know very quickly if they had concluded that they are prepared to bring about peace in southeast Asia and it is important that those contacts continue open, as I can assure you they are open.

Mr. KALISCHER. Mr. Secretary, what about recently——

Mr. RUSK. The contacts continue quite apart from what we ourselves do, which is considerable, and I can assure you that our diplomacy is not inactive on this matter. The world is filled with volunteers who would be glad to come in and make contacts with both sides, to see if they can find some peace here, so there is no lack of contact.

Mr. REASONER. Has there been any sign at all of interest on the other side?

Mr. RUSK. Well, Secretary McNamara mentioned Ho chi Minh's statement that they are in this if it takes 20 years. My own understanding of that statement is that they know very well they are not going to win this war this year or next year, and I think there are some serious problems on the other side. We, in all of these crises in the postwar period, quite rightly, concentrate upon the problems we have on our side. We sometimes forget about the fact that there are some very serious problems on the other side. Now, in each one of these crises in the past there came a moment where a casual word or a passing comment or a little sign or a little signal opened the door to peace. This happened in Korea. It happened with the Berlin blockade. It's happened in other circumstances. All I can say at the moment is we do not yet feel we have had that crucial sign that peace is open, but we are looking for it and we will continue to look for it while we make it clear that we are not going to be driven out of South Vietnam.

Mr. REASONER. Secretary Rusk, I think Americans sometimes have—while they support this policy—have trouble understanding just what we mean when we speak in the pattern of having to defend it here or we'll have to fight in some less suitable place. To be hypothetical, what would happen if Secretary McNamara announced that we had done all we could and we were now withdrawing because he needed the boys at home and we left? What do you think would ensue?

Mr. RUSK. Well, I think that it would not be for me to answer that one directly. But imagine yourself to be a Thai, and ask what the American commitment to Thailand would mean to you under those circumstances. Think of yourself as a West Berliner and ask yourself what the American commitment to you would mean under those circumstances. At the very heart, gentlemen, of the maintenance of peace in the world is the integrity of the American commitment under our alliances.

Mr. KENDRICK. Is it possible that it's an overcommitment?

Mr. RUSK. Well, that can be argued, but it should have been argued at the time—at the various stages. I personally do not think so, but—because we have made 42 allies, as you know, in this postwar period and at the time it seemed to be in the vital interest of the United States that these alliances be formed.

Now I can tell you that we are not out drumming the bushes for more allies, and we are not necessarily cutting ourselves in on every dispute or problem that arises in any part of the world. We have gone some distance in getting others to take part in problems involving violence to settle them in other forums, and without our direct presence.

For example, the Organization of African Unity has taken hold of some of the problems in Africa and has moved to settle them within an African context. That is first class from our point of view. So we do not have a worldwide commitment as the gendarme of the universe, but we do have 42 allies, and South Vietnam is a protocol state of the southeast Asia treaty, and it does have a commitment from us. Therefore, the nature of that commitment is fundamental here if we're to maintain peace in the years ahead.

Mr. REASONER. Are we overcommitted from your standpoint, Mr. Secretary? Can you handle everything you foresee?

Mr. MCNAMARA. I believe so. The military forces of this country have been built up in strength, as you know. We do have 45 percent more combat-ready divisions today than than we did 3 or 4 years ago. We do have nearly 50 percent more tactical fighter squadrons today than we did then. We have been building up our inventories of men and equipment. I think the question is really more fundamental than are we overcommitted. The question is what kind of a world will we and our children live in if we failed to carry out the commitments we have or sought to reduce them.

Mr. REASONER. Can I guess what would be a good final question? You spoke about Ho Chi Minh's 20-year war and you referred to it. Can the Americans stand a 5-year war, or 10-year war, or 20-year war? Can we stick it out?

Mr. KENDRICK. More in terms of stamina and stomach, let's say, than in terms of materiel?

Mr. MCNAMARA. Well, I think I should ask you perhaps. I can answer yes without any qualification. I speak for 2¾ million of them who are in the Armed Forces today who I can guarantee can stand it, and I think the 180 million that stand behind them can stand it, but I don't think we should fail to recognize what it is that lies ahead. The road ahead will be long. It will be tortuous. It will be frustrating. And if we're to travel that safely—and I underline the word "safely"—and if we're to travel it successfully, we will require courage and we will require imagination, and we will require patience. And perhaps that's what you meant by stamina. Without it we shouldn't start the road. We certainly wouldn't be able to continue it.

Mr. RUSK. I can't escape the recollection, Mr. Kendrick, that I was a student in college when Manchuria was invaded in 1931 and I lived through those periods before World War II when the forces of democracy were were not able to organize the defenses of democracy. And that led the men of my generation—your generation—into World War II. We could not find the answer to the problem of tempting thieves. Now, in this postwar period we have encountered a number of threats. The free world with U.S. leadership has moved to meet those threats. We have had a remarkable success in fending them off without a general war. I am deeply convinced myself that the American people have thought long and hard about the kind of world in which we want to live and that when they know that something has to be done, and that all of the alternatives are being and have been fully explored to find out if peace is possible that we need not worry about the stamina and the determination of the American people. It has been proved too often—too often—and the very life of the Nation depends upon it.

Mr. REASONER. Gentlemen, I would like to thank you very much for coming here. I assume there will remain in the United States some difference of opinion on your policies but I am sure that this part of your job, to come and talk to the American people you have done very well and we thank you.

Tonight we have examined the military and political decisions involved in the U.S. policies in Vietnam. Next week at this time in the second of our four-part series on "Vietnam Perspective," we will examine the problems in securing a military victory in South Vietnam. Our guests will be Gen. Maxwell Taylor, the former Ambassador to South Vietnam, and Gen. Earle G. Wheeler, the Chairman of the Joint Chiefs of Staff.

Thank you and good night.

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

Mr. PROXMIRE. I yield.

Mr. SPARKMAN. I am delighted that the Senator has obtained the transcript of the broadcast and has placed it in the CONGRESSIONAL RECORD. I fully endorse his statement on the particular program to which he has made reference.

It might be well to note that there will be two subsequent programs along the same line, with different personages involved. One will be on next Monday, the 16th of August, and the next one on the following Monday, the 23d of August.

Persons who are interested may wish to watch these two programs, also, to get a complete discussion of the whole program.

I believe the Senator has performed a real service in calling attention to this subject.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Alabama. CBS deserves great credit for bringing this program to the Nation at a time—10 o'clock in this section of the country, 9 o'clock in the Midwest, and so on through the Nation—so that everyone might have an opportunity to hear the ablest and most competent and authoritative spokesmen speak out on this important subject.

Mr. SPARKMAN. I share the feeling the Senator has expressed, that Secretary Rusk and Secretary McNamara are most able and best prepared to speak on this particular subject and to discuss it with the American people. They are to be commended and congratulated on the clarity with which they presented the program at that time.

I wonder, while I am having this colloquy with the Senator, if I might not ask the Senator if he believes, as I do, first of all, that under our constitutional form of government the primary responsibility for our international relations is the responsibility of the President of the United States?

Mr. PROXMIRE. I do, ineed.

Mr. SPARKMAN. Does the Senator not also believe that the President is surrounded by a group of able advisers in this field?

Mr. PROXMIRE. Yes. I was most impressed on Monday afternoon when we went to the White House—I am sure the Senator was there.

Mr. SPARKMAN. I was there.

Mr. PROXMIRE. At that meeting I was greatly impressed and heartened by the lineup which the President had there. Present were not only Secretary Rusk and Secretary McNamara, but also other very capable people, like Ambassador Goldberg and Ambassador Lodge and Mr. Black.

Mr. SPARKMAN. That is Eugene Black?

Mr. PROXMIRE. Yes; Eugene Black.

Mr. SPARKMAN. Who is seeking to organize the Southeast Asia Development Co., or whatever the name of the organization is.

Mr. PROXMIRE. He is trying to organize economic development over there.

Mr. SPARKMAN. And Ambassador Goldberg.

Mr. PROXMIRE. Yes; Ambassador Goldberg also, whom I mentioned.

Mr. SPARKMAN. And Ambassador Harriman.

Mr. PROXMIRE. Yes. I neglected to mention Ambassador Harriman.

Mr. SPARKMAN. And Ambassador Taylor.

Mr. PROXMIRE. Also Ambassador Taylor. Of course, he has concluded his services. Nevertheless, he will be on hand to advise and consult with the President and the State Department and the Defense Department. Also present were such able persons as McGeorge Bundy, and others, who are working on this problem.

Mr. SPARKMAN. Does not the Senator feel that Ambassador Taylor gave us a very fine, objective report, balancing the pluses against the minuses quite well?

Mr. PROXMIRE. I thought that was one of the most extraordinary parts of the meeting. It started with an exposition by Ambassador Taylor, which, as the Senator has said, was balanced and objective. He made no attempt to make us believe that our task will be easy, or that we are ahead or winning. He indicated that there were some serious minuses involved, as well as some strengths. I believe his analysis was most informative and helpful to a clear understanding of what we have to do.

While I believe that some, like Speaker McCormack, carried away an optimistic feeling, I believe the reason he did so, and the reason why many of us did so, was not that the situation there was easy, but because of our feeling that our leaders had a realistic and thorough understanding of all the problems, and the resolution to meet them.

Mr. SPARKMAN. Mr. President, I do not wish to leave this subject without also referring to the very fine and clear statement that was made by Ambassador Harriman, who has had longer service in that field, I suppose, than any of the others.

Mr. PROXMIRE. Yes, indeed. Mr. Harriman served under four Presidents over many years. He is a man of great ability, and a man who has recently returned from a most important discussion with several crucial people in Europe and elsewhere. I thought his report was very helpful.

I thank the Senator.

PATIENCE, COMPETENCE MAKE RUSK GREAT SECRETARY OF STATE

Mr. PROXMIRE. Mr. President, with tensions mounting throughout the world, the Secretary of State—as the foreign policy spokesman of the most powerful Nation of the Western World—must work under the burden of constant stress. The decisions which he must make are difficult and often unpopular. Therefore, the office of the Secretary of State has long been a frequent target of criticism. However, the man who holds this position of tremendous responsibility must be able to maintain restraint and dignity no matter how sharp the darts of critics may be.

Secretary of State Dean Rusk must be commended for the tact and wise reserve with which he has handled the recent attacks made upon him by thoughtless domestic critics. In the way he met these irresponsible personal criticisms, Mr. Rusk has again manifested his recognition of the tremendous responsibilities of his office and the selfless dedication to duty which have characterized his entire career.

His policy of firmness and decisive action—even in the face of foreign and domestic criticism—has blunted determined Communist expansion in Berlin, Africa, Latin America, and the Far East.

Mr. Rusk's integrity and quiet strength have gained him the highest respect and confidence of his counterparts throughout the world, a respect which can only be surpassed by that which his colleagues in government and the American people have for him. The steadiness of his hand at all times and his skill at quiet diplomacy—unspectacular but most effective—have served the interests of our Nation well.

I ask unanimous consent that an editorial entitled "Secretary Rusk" from the Baltimore Sun of August 4, 1965, which calls attention to Mr. Rusk's competence and poise even when subjected to irresponsible criticism, be printed in the Record at this point.

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

[From the Baltimore (Md.) Sun, Aug. 4, 1965]

SECRETARY RUSK

Dean Rusk is not a mysterious figure, but he is a man of marked reserve, and the public has never felt it knew him well. It has learned a bit more about him, perhaps, after his press conference on Monday.

As had been expected, Mr. Rusk was asked about the published statements of Arthur M. Schlesinger, Jr., historian and once an assistant to President Kennedy, to the effect that Mr. Kennedy had "reluctantly" decided to get another Secretary of State, and that he found the Department of State "formless and impenetrable."

As to the first, Mr. Rusk made it plain that his own memoirs would not be published until the Presidential papers of the period become available—until, that is, no damage could be done to the then-current workings of the country's affairs. In any case, he said, such issues as that raised by Mr. Schlesinger would have to be left to future historians, examining "with a compound eye * * * of many facets" the whole and various records of these times.

To this fine historical figure of speech Mr. Rusk added quite tartly, and most pertinently to the present, that his associates in Government and his "colleagues abroad can rest on the assurance that when they deal with me on the basis of confidence that confidence will be respected."

One further quotation:

"It is the purpose of the Department of State to bring about what some people will call a boring situation—that is, a period of peace. * * * Now there are times when some wish us to act with more drama, but there are problems about dramatizing issues if drama gets in the way of settlement. * * * There are times to move and times to delay. The art of the business is deciding when to move and when to delay."

These remarks, we believe, reveal something of the balance, steadiness, and sharp intelligence that caused Mr. Kennedy to choose Mr. Rusk as Secretary of State in the first place, and Mr. Johnson to keep him and rely on him.

TRIBUTE TO SENATOR BREWSTER

Mr. LONG of Louisiana. Mr. President, one of the finest organizations in the United States is the Disabled American Veterans. It is composed of men who have fought valiantly—and at great personal cost—for their country.

Last week, the State of Louisiana was proud to be host to the annual convention of the Disabled American Veterans in New Orleans.

The chief address at the convention was given by an outstanding member of the DAV, the senior Senator from Maryland [Mr. Brewster]. Senator Brewster earned his membership in the Pacific in World War II. He was the youngest commissioned officer in the entire Marine Corps in the earlier days of World War II. He commanded a company in battle before he was 21; he was wounded some seven times in four different engagements; he received the Purple Heart, the Gold Star in lieu of a second Purple Heart, and the Bronze Star. Here in the Senate, my colleague has been a consistent advocate of legislation benefiting the disabled veteran.

His remarks on veterans' legislation and on America's position in world affairs, I feel, are worthy of the attention of my colleagues here in the Senate.

Mr. President, I ask unanimous consent that Senator Brewster's speech to the convention be printed under morning hour business in the Record.

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

My friends and fellow delegates, it is a great honor for me to address you here tonight. Two years in the Marine Corps in the South Pacific, and the wounds I received there have earned me the privilege of membership in this great veterans' organization.

I am proud of the DAV and proud to be a member. As a U.S. Senator, I must face the electorate repeatedly. As a life member of the DAV, my future is secure.

I arrived here today to enjoy and help celebrate our national convention. Already I am much in your debt for the privilege, the experience, and the good times.

Your national commander, William G. Dwyer; your national senior vice commander, Claude Callegary from Chapter 16 in Baltimore; and the many others responsible for this affair deserve the deepest and warmest thanks from us all.

We have much to celebrate. DAV membership has grown by 9,000 during the past year. Our financial strength and the organizational skill of national adjutant, Denvel Adams, have permitted the construction of a new national headquarters building in Cold Spring, Ky.

My remarks this evening will be brief: A report on legislation of interest to DAV members, some comments on world problems, and American preparedness.

Since your last convention, the talents and efforts of your legislative committee, headed by Chet Huber, have helped to liberalize the

provisions of national service life insurance for the disabled veteran and protect him from reductions in his rated disability.

Legislation equally important to our membership is now pending before this session of the 89th Congress.

1. Increases in disability compensation up to $75 per month. Compensation increases enacted by the 87th Congress in October of 1962 were welcome but the overall increases have never equaled the increases in the cost of living.

We have come to recognize an annual income of $3,000 as a standard bordering on poverty. Current compensation rates for the totally disabled are exactly $3,000 a year. Peacetime rates for the totally disabled are $2,400 a year, or well within the poverty bracket.

At a time when the administration and the Congress are embarked on a massive attack on poverty, it is only fitting that we guarantee members of our society, those who have given so much to protect that society, a fair share in its abundance.

2. A judicial review bill which would establish a special court is long overdue. The right to appeal is a basic constitutional right of all our citizens—it is a cornerstone of the American system, and its denial to one group or any group is indefensible.

3. An increase in the educational allowances paid to children of veterans permanently disabled has been urged by Senator KENNEDY of Massachusetts and myself. I expect passage of this measure before adjournment.

4. An expansion of the GI bill to include veterans who have served since the Korean war has already passed the Senate.

I supported each of these programs. I hope they can become part of the law before your next convention, and I pledge you now my full support.

If I were to attempt to catalog additional legislation affecting the disabled veteran, we should be here for a very long time.

Let me remind you that the real specialists in explaining the benefits available to disabled veterans, their dependents, widows, and orphans, are the members of the DAV national service group. The headquarters of the national service program of the DAV is in Washington. It directs a nationwide program of information on civil service employment, military and naval affairs, insurance, and appeals. It supervises approximately 125 national service offices employed full time and stationed at the VA regional offices across the country.

The national service officer is a disabled veteran who has been trained at American University. Many of these men have 20 years of experience in assisting our members in applying for benefits from local, State, and Federal governments, preparing applications, processing claims, and representing us before the VA Board.

During the past year, these national service officers handled more than 256,000 cases, represented our members before the Board in 130,000 cases, and obtained favorable awards in more than 93,000 cases.

The advice of these officials is free of charge and the DAV spends over $1 million annually in providing it. These men of the national service program are truly the "heart" of our organization in every sense of that word.

This, then, is what the Congress is doing for the most deserving of all Americans, our disabled veterans.

What are we doing for the men who have taken our places in the frontlines of freedom? I believe that these valiant men have two positive needs and that the Congress is moving rapidly toward providing for both.

The House has now passed a military pay bill providing for an increase of 10.7 percent. Senate hearings were held last week, and I am confident that the Senate will join the House in enacting a very substantial pay bill.

I have given my strong support to this measure in the Senate Armed Services Committee. The increases are warranted and are long overdue. We can expect them to measurably improve both our enlistment and retention rates. We can expect them to substantially improve the quality, skill, and experience of our military forces. The strength of our services depends on the men who serve.

Essential to the effectiveness of the men who serve, is the equipment provided. Here, too, the Congress is moving to insure that each of our fighting men is equipped with superior weapons of the very latest type. The Senate preparedness subcommittee has just completed a 6-month study of the condition of readiness of men and equipment in the Army.

The Senate Armed Services and the Appropriations Committees met jointly with Secretary McNamara on Wednesday morning to hear a report on his recent visit to Vietnam and to discuss with him the need for additional appropriations to insure that our military forces do not lack for weapons, equipment, and supplies necessary to fulfill our commitments in southeast Asia and elsewhere around the world.

On the basis of the reports which we have received from the committee staff and the Secretary, I believe that very substantial additional appropriations will be required to keep our units at home and overseas at full combat readiness.

Secretary McNamara has asked us for an additional appropriation of $1.7 billion for the remainder of this calendar year. This sum is essential to the rapid retirement of overaged equipment, prompt procurement of replacements, and adequate stockpiling of spare parts.

I have already announced my full support for it. The President has stated his determination to meet all the needs of our commanders and troops in the field. I know the Congress will support him.

I believe that any policy short of this is both unfair and unwise. The men who are fighting in freedom's frontline have our respect and our gratitude. They must have an equal measure of tangible support.

The Government and the taxpayer must make sacrifices, too, for what is at stake in Vietnam is the ability of the free world to block Communist armed aggression and prevent the loss of all of southeast Asia.

The Communists have chosen to make South Vietnam a test of their policy of national liberation. The intensive guerrilla operation being mounted against South Vietnam is controlled by Hanoi and supported by Red China.

Mao Tse-tung has placed the prestige of his Communist government on the line. He is intent on proving his own proposition that "political power grows out of the barrel of a gun," and that violent revolution is essential to the victory of the proletariat.

If Communist aggression is not stopped in Vietnam, as it was in Korea, the confidence of small nations in America's pledge of support will be weakened. Many of them, in widely separated areas of the world, have lost their faith, even their will to resist.

Recently the hand of Hanoi and the commitment of China have become more obvious. The flow of weapons from North Vietnam has included the latest arms and equipment from the Chinese arsenal. Personnel infiltration over the past 18 months has included more than 10,000 North Vietnamese drafted into the army for duty in the South. We now believe that the entire 325th Division of the North Vietnamese Army is deployed for combat in the central highlands of South Vietnam.

Add this to the hard core Vietcong strength of 70,000, an irregular strength of 100,000, and a political cadre of 30,000, and you get a clear picture of the real strength of the enemy.

To meet that strength, the United States has already responded with some 75,000 military personnel. This number, including combat units, will soon be raised to 125,000 with the deployment of the air mobile division and certain other forces. I would be less than honest if I did not confess that additional U.S. combat forces will be required in the months ahead.

The Secretary of Defense has already laid plans to activate one division force, three brigade forces, a large number of helicopter companies, and their combat services support units. Deployments to South Vietnam will soon require an increase of 235,000 in the personnel strength of the Army, an additional 30,000 for the Marine Corps, and 35,000 for the Navy. This will require the raising of the current draft call rate from about 17,000 per month to approximately 34,000 per month.

Between the combat unit and the civilian stands the Reserve. The need to tailor the Reserve to the requirements of national security is obvious. The Cuban and Berlin crises—typical in their demand for rapid response—provided a test for the selective call-up of Reserve units. This test placed in bold relief certain facts about the structure and equipment of our Reserve forces.

It was apparent that a serious imbalance existed between Reserve manpower and Reserve equipment; that at a Reserve strength of 700,000, only about 450,000 men were adequately equipped. The other half of our Reserve forces were in units of 60 percent strength, marked with low priority, without either skills or equipment needed for modern mobilization.

Secretary McNamara's proposal to merge the Army Reserve and the National Guard is designed to correct these deficiencies. It has raised a storm of protest. While the Congress may not agree to the reorganization this year, I am convinced that preparedness is our protector; that being prepared to fight the last war is not being prepared at all.

In the forties and fifties, the oceans gave us time. They permitted us to come from behind and to catch up—to muster our forces over many months. Today the Military Establishment must be ready to react in an instant. It must serve to deter through a strength in being and in evidence. It must be capable of mobilization and deployment within 4 to 8 weeks.

Both the Guard and the Reserve have come a long way on "make do—can do" spirit. I believe that there is no practical limit to what they are capable of if organized efficiently and equipped accordingly, I believe that we must be prepared to make the policy decisions which will produce, at the right time, the numbers and kinds of units in a state of readiness required by current defense planning.

Ladies and gentlemen of the DAV, let me return now to another subject. I spoke earlier of membership in the Senate and membership in the DAV; of the strength of the enemy and the expansion of our forces. The subject deserves more than the brief reference.

Membership in the Senate depends on the passing, and sometimes fickle fancy of the voter. Elections are won and lost, there's always another chance, and the game is not for keeps. Membership in the DAV has a deeper meaning. Those who are elected have campaigned in the jungle of war. They have met an enemy whose weapon is the bullet, not the word. They have put not just their ambition but their lives on the line and they have been elected permanent members of this company through service and sacrifice.

Ladies and gentlemen, an increasing number of our young men are being elected. They are becoming eligible for membership in our

organization by virtue of their service and their sacrifice in Vietnam.

The United States is stuck with a dirty, ugly situation there. The alternatives are clear—to press for a settlement which would leave South Vietnam independent, or to abandon a free people to the Communists. Such an abandonment would ratify the action of the aggressors. It would strengthen the militant position of the Chinese Communists, and perhaps encourage similar Communist-dominated insurrections around the world.

To withdraw now would be to abandon these people to the mercies of a group of terrorists, who have shamelessly bombed crowded restaurants, and murdered innocent women and children. We cannot withdraw, we must not lose, and we should not broaden the conflict. We must gage our response, and measure our opponent. We must maintain an absolute control over the hostilities. We must combine our unlimited resources with unlimited patience and direct the war effort toward the peace table.

Last week, President Johnson called on this Nation to prepare for greater sacrifices in the pursuit of peace and the struggle for freedom in southeast Asia. I am hopeful, as I know you are, and I know he is, that our determination to stand firm and our willingness to negotiate will end the conflict and discourage future acts of aggression in Asia.

Members of the Disabled American Veterans: The struggle for justice and freedom will enlarge the rolls of our organization.

Let this convention mark a renewal of our commitment to the cause of freedom and the care of casualties in this noblest of all undertakings.

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

Mr. LONG of Louisiana. I yield.

Mr. MANSFIELD. I join the distinguished Senator from Louisiana in what he has had to say about our distinguished colleague, the Senator from Maryland [Mr. BREWSTER]. I am glad that the Senator from Louisiana cited the outstanding war record in the Marine Corps of the Senator from Maryland. While in the Marine Corps, he engaged in numerous campaigns. He was wounded several times—seven, I believe—and made a record which even in the Marine Corps was distinguished and outstanding. His record in this body is just as good.

Mr. LONG of Louisiana. I appreciate the statement of the majority leader, who himself had a very fine and outstanding record as a member of the Marine Corps. I was a member of the U.S. Navy and did not have the opportunity to serve in the Marine Corps. But I have the highest regard for the Marine Corps from what I saw of that great service.

I should like to add to the statements made that the Senator from Maryland was not only one of the great fighting men of our country, but also he is a great Senator and is much beloved by every Member of this body.

PEACE CORPS ACT AMENDMENTS—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a 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. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Aug. 5, 1965, p. 19117, CONGRESSIONAL RECORD.)

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

There being no objection, the Senate proceeded to consider the report.

Mr. JAVITS. 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. JAVITS. 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. JAVITS. I should like to ask the Senator from Alabama [Mr. SPARKMAN] a question and make two points which will settle the problem before the Senate.

I have come to the conclusion in regard to the controverted amendment I proposed with respect to the holding of two high posts by Sargent Shriver, which was dropped in conference, that it would be more advisable to raise the question on the proposed amendments to the poverty bill, which will be coming before the Senate very shortly. Such a course would avoid putting Senators in the embarrassing position of having to reject a conference report related to the Peace Corps, in which I believe and in which I think the Senate almost unanimously believes.

I came to the conclusion that such a choice would be unfair, in respect to a question of that sort, which is not directly involved with the Corps, its success, and its desirability, as much as I am opposed to what is being done about the appointment of Mr. Shriver to those two high offices. I did not feel it was fair to Senators to make them vote yea or nay on a conference report which would have had to be turned down in order to raise the question. I concluded instead to consider seriously raising the issue on the poverty amendments which have been ordered reported by my own committee, the Committee on Labor and Public Welfare, and which will soon come before the Senate. Then the issue could be raised specifically. Such a procedure will be much more fair to the issue as well as to the Senators who will be called upon to consider the question.

However, I would appreciate it if the Senator from Alabama, in his presentation, would discuss the question for a few minutes. I would appreciate it if the Senator from Alabama would tell the Senate why the amendment was dropped and how the House Members felt about it.

Mr. SPARKMAN. I shall do that; and I appreciate the action proposed by the Senator from New York.

Mr. President, the conference report on the Peace Corps bill represents a fair and equitable settlement of the differences between the Senate and the House.

We took the House language relating to a tax situation. We submitted that tax situation proposal to the Committee on Finance.

The amendment to which the Senator from New York refers was a Senate amendment. It was agreed to in the Senate. The House had no such amendment. Most of these differences were minor or technical in nature. There was no dispute over the amount to be authorized. Both bodies approved an authorization of $115 million for the 1966 fiscal year, which will increase the Peace Corps volunteer and trainee strength from an estimated 13,710 at the end of this month to 15,110 by that time next year.

I will mention only the more significant items agreed to by the conferees. The Peace Corps had budgeted $1,400,000 for research this fiscal year. The Senate placed a limitation of $500,000 on the amount the Peace Corps could obligate for research, but the House did not limit this activity. The Senate's limitation was adopted by the conference committee.

Under the Senate bill two associate director positions would be made subject to Presidential appointment, but the House did not authorize upgrading of these positions. The Senate conferees receded on the issue.

The Senate Conferees on the Peace Corps bill to accept a provision in the House version which provides special tax treatment for the readjustment allowances paid volunteers upon completion of their tour of duty abroad. It would, in effect, restore the tax treatment of these allowances in the manner contemplated by Congress in passing the original Peace Corps Act. The tax provisions of that act were inadvertently repealed by the tax revision law enacted last year. The Committee on Foreign Relations considered this item during its work on the Peace Corps authorization bill and there was no objection to it. But since it was a tax matter, it could not be initiated by the Senate.

The language in the House bill which was accepted by the Senate conferees has been cleared with the Senate Finance Committee. I ask unanimous consent to have printed in the RECORD at the end of my remarks a letter concerning this matter which the chairman of the Foreign Relations Committee has received from the chairman of the Committee on Finance.

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

(See exhibit 1.)

Both the Senate and the House bills contained new authority for appointment of domestic-based Peace Corps personnel to either the Foreign Service Reserve or staff in order to give the Peace Corps greater flexibility in personnel management. But the two bodies differed over the length of time for which the appointments could be made. The Senate placed a maximum limitation of 5 years on appointments and stipulated that the individual would not be eligible for reappointment until the expiration of a period equal to his previous tour of duty with the Peace Corps. The House

bill would have allowed 5-year appointments with an extension of up to 5 years with the approval of the Director of the Peace Corps. Their version would also have allowed reappointment after a minimum of 1 year. The conferees agreed to a limitation of 5 years with a 1-year extension upon the approval of the Director. Reappointments would not be permitted until the expiration of a period equal to the individual's previous period of service, the Senate's original provision.

The item before the conferees that has aroused the most interest was the amendment of the senior Senator from New York that would have prevented Mr. Shriver from serving as both Director of the Peace Corps and as Director of the Office of Economic Opportunity.

When the amendment was adopted by the Senate there was no discussion of the possible constitutional issues involved. Since that time, Assistant Attorney General Schlei has rendered an opinion to William Josephson, the Peace Corps General Counsel, that the prohibition on Mr. Shriver's holding two Federal positions is unconstitutional. Briefly, he takes the position that this is an unconstitutional attempt to remove from office an officer in the executive branch and that Congress cannot impose qualifications for office retroactively so that it has the effect of removing the incumbent from office.

Mr. President, I ask unanimous consent to have the opinion printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPARKMAN. Mr. President, in the light of this opinion and the adamant position taken by the House conferees, the Senate receded on the amendment.

The Senate conferees believe that the conference report is a reasonable compromise of the issues between the Senate and the House and recommend that it be adopted.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON FINANCE,
July 9, 1965.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested by your letter of June 25, the members of the Finance Committee have reviewed that feature of H.R. 9026 which relates to the tax treatment of readjustment allowances of Peace Corps volunteers. This feature provides that the amount of such allowances is to be considered as income for Federal tax purposes as of the time it is transferred from authorized funds to the specific fund from which the allowances are paid.

This insures that the tax treatment of these volunteer readjustment allowances continues to be treated, for tax purposes, in the manner contemplated by the Committee on Finance (and the Congress) when the legislation authorizing the Peace Corps was enacted in 1961. You correctly point out that the 1961 amendment was inadvertently deleted from the Internal Revenue Code last year during revision of the averaging provisions of the tax law.

The Committee on Finance agrees with the objective of this feature of H.R. 9026 and does not object to its inclusion in the bill. It would be appreciated, however, if you would make this letter a part of the legislative history of the bill.

With kindest regards, I am,
Faithfully yours,

HARRY F. BYRD,
Chairman.

EXHIBIT 2

DEPARTMENT OF JUSTICE,
Washington, June 18, 1965.

Mr. WILLIAM H. JOSEPHSON,
General Counsel,
Peace Corps,
Washington, D.C.

DEAR MR. JOSEPHSON: This is in reply to your request for my views concerning the constitutionality of the Javits amendment to S. 2054, 89th Congress, 1st session, a bill to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes. That amendment, which has been adopted by the Senate, would add to section 4(a) of the Peace Corps Act the following sentence:

"The Director [of the Peace Corps] shall hold no other Federal office of equivalent rank."

The purpose of the proposal, in the words of its sponsor, was "to provide that the Director of the Peace Corps, Sargent Shriver, shall not be, at one and the same time, Director of the Peace Corps and Director of the Office of Economic Opportunity, administering the antipoverty program." (CONGRESSIONAL RECORD, June 2, 1965, p. 12281.)

It is my conclusion that this amendment would constitute an unconstitutional attempt by Congress to remove from office an officer of the executive branch in a manner not authorized by the Constitution. Under the Constitution, the power to remove an officer of the executive branch is vested exclusively in the President. Congress can oust such an officer only by the process of impeachment or by abolishing the office. And while Congress can impose reasonable qualifications for civil offices, it may not impose such qualifications retroactively so that its action has the effect of removing the incumbent from office.

The Constitution provides that the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint the officers of the United States, except those inferior officers whose appointments the Congress may vest in the President alone, in the courts of law, or in the heads of departments. The Congress, during a famous debate of 1789, recognized that the power of removing the officers of the executive branch was vested in the President alone and that the Congress could not limit this power, by providing that removal, like appointment, required senatorial advice and consent. The constitutional principle that the power of removal of executive officers is vested in the President alone was judicially recognized in *Myers* v. *United States*, 272 U.S. 52 (1926).[1] The only constitutional way in which Congress can bring about the removal of an executive officer, without abolishing his office, is by way of impeachment—a process which involves a trial by the Senate and conviction by two-thirds of the Senators present.

The Presidents have on several occasions successfully defended from congressional encroachment their exclusive power to remove executive officers. When, in 1924, in connection with the Teapot Dome scandal, the Senate passed a resolution calling for the removal of Secretary of the Navy Denby (65 CONGRESSIONAL RECORD, 2245), the President declined to comply with that request. He stated:

"The dismissal of an officer of the Government, such as is involved in this case, other than by impeachment, is exclusively an executive function. I regard this as a vital principle of our Government" (65 CONGRESSIONAL RECORD, 2335).

In December 1930, the Senate confirmed the nomination of three members of the Federal Power Commission and ordered that the resolution of confirmation be forwarded to the President, who thereupon appointed those officers. After the Christmas recess, the Senate voted to reconsider the nominations and asked the President to return the resolution of confirmation. President Hoover refused to comply with that request. He said:

"I am advised that these appointments were constitutionally made, with the consent of the Senate formally communicated to me, and that the return of the documents by me and reconsideration by the Senate would be ineffective to disturb the appointees in their offices. I cannot admit the power in the Senate to encroach upon the Executive functions by removal of a duly appointed executive officer under the guise of reconsideration of his nomination" (74 CONGRESSIONAL RECORD, 1929–30).

The Supreme Court upheld the President's refusal to permit the removal by the Senate of validly appointed officers.[2]

Section 304 of the Urgent Deficiency Appropriation Act of 1943, 57 Stat. 431, 450, provided that no funds could be used to pay the salaries of three named Government officials. When President Roosevelt signed the bill, he stated:

"The Senate yielded, as I have been forced to yield, to avoid delaying our conduct of the war. But I cannot so yield without placing on record my view that this provision is not only unwise and discriminatory, but unconstitutional.

* * * * *

"This rider is an unwarranted encroachment upon the authority of both the executive and the judicial branches under our Constitution. It is not, in my judgment, binding upon them" (89 CONGRESSIONAL RECORD, 7521).

In *United States* v. *Lovett*, 328 U.S. 303, the Supreme Court held that this attempt to remove the three officials by cutting off their salaries was unconstitutional. While the Court relied on the bill of attainder clause of the Constitution, which would probably not be applicable in the present case, its reasoning rested in part on the proposition that the legislative branch has available to it only one procedure; namely, impeachment, for the removal of officers of the executive branch.

When the Economic Opportunity Act was before Congress last year it was generally known that Mr. Shriver would be appointed to administer that act; when Mr. Shriver was appointed Director of the Office of Economic Opportunity it was known to the Senate that he would hold the two offices. Had it wished to do so at that time, Congress could have provided in the legislation that the Director of the Office of Economic Opportunity could not be Director of the Peace Corps at the same time, or the Senate could have refused confirmation for that reason. For Congress may impose reasonable qualifications, applicable prospectively, upon those who would hold executive posts it has created. But if

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[1] Congress can limit the President's power to remove quasi-legislative or quasi-judicial officers. *Wiener* v. *United States*, 357 U.S. 349; *Humphrey's Executor* v. *United States*, 295 U.S. 602. The offices of the Director of the Peace Corps and of the Office of Economic Opportunity do not, however, fall into those categories.

[2] *United States* v. *Smith*, 286 U.S. 6; see also 36 Op. A.G. 382. The opinion of the Court deals primarily with interpretation of the Senate rules rather than with the question here involved.

Congress could impose qualifications retroactively, thereby ousting the incumbent, it could remove any officer whose performance however satisfactory to the President, was unsatisfactory to it. The Constitution is certainly not susceptible of any such interpretation.

In view of the fact that Mr. Shriver has been appointed, by and with the advice and consent of the Senate, to both of the offices which he now holds, the Congress may not constitutionally undo either appointment by legislation. So long as both posts continue to exist, Mr. Shriver can be removed only by Presidential action or by impeachment.

Sincerely,

NORBERT A. SCHLEI,
Assistant Attorney General,
Office of Legal Counsel.

Mr. JAVITS. Mr. President, I have been among the first to say that Mr. Shriver is a distinguished public servant and an outstanding administrator. I do not want to let him go from Government service. But neither do I want to break his back with two full-time jobs. Nor do I want to jeopardize either of the positions in which he is engaged. Yet those are the effects of giving him the two jobs.

It is unique in the Federal Government to have one man head two great agencies, both critically important to the Nation. I am especially concerned about having Mr. Shriver hold the particular office of Director of the Office of Economic Opportunity while, at the same time, he is trying to carry the responsibility of the Peace Corps.

I questioned him about this. He makes two points. The first is that this is not his choice; it is the President's choice. I placed in the record of hearings before the Labor and Public Welfare Committee a letter from Mr. Shriver to that effect. I ask unanimous consent that it be made a part of these remarks, as well. The letter is dated March 15, 1965.

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

PEACE CORPS,
Washington, D.C., March 15, 1965.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter which I received on March 8 concerning my responsibilities as Director of the Peace Corps and as Director of the Office of Economic Opportunity.

My response to your question can be brief: It is my obligation to continue to do my best at both tasks as the President has requested.

Obviously, I am not spending the same amount of time at either job as I did with the Peace Corps when that agency was my sole responsibility in its early days. Perhaps this is not a valid comparison, however. We have an experienced, tough-minded Peace Corps staff at work at home and abroad. Our programs are established and successful. As well, we have gained much knowledge from the Peace Corps efforts which has helped in our organization and initial implementation of programs in the war on poverty. This is a special advantage which continues.

Moreover, the staff at OEO is extraordinarily competent, experienced and hard-working. It's encouraging that so many outstanding men and women have rallied to this cause. They bear most of the burdens and certainly deserve the largest part of the credit for our success.

You have asked me also whether I "have been able to give effective and satisfactory direction" to both programs. I am not the one to judge. That's the President's job. He is the Chief Executive. All of us in the executive branch do our best to help him bear the immense burdens of his office in the ways he asks us to serve. That's all I'm doing. But in doing it I'm encouraged and rewarded by the extraordinary popularity of both the Peace Corps and the Office of Economic Opportunity with the people. It was not always so, especially in the early days of these agencies. But, now even public opinion polls and a recent survey of economists made by the Chase Manhattan Bank reveal widespread support for and satisfaction with our efforts.

I do not ask, however, to be continued in either of these positions personally satisfying though they both are. I shall continue only to perform to the best of my ability in the responsibilities asked of me by the President as long as he requests me to do so, and my continued good health and other responsibilities permit.

Sincerely,

SARGENT SHRIVER,
Director.

Mr. JAVITS. Mr. President, in his letter, Mr. Shriver said:

It is my obligation to continue to do my best at both tasks as the President has requested.

I think this arrangement is most ill-advised. There is no domestic program in the Federal Government that is more sensitive than is the antipoverty program to the possibilities of abuse through politics. Poor people are the targets of the program; there is an enormous Federal disbursal of money, of the magnitude, in the new bill, of more than $1.5 billion a year; the funds in the most significant component, the community action programs, are disbursed largely through citywide committees to small projects on the neighborhood level, with the danger at every step of political influence and the possibility of charges of such influence throughout the country, which is exactly what has happened and will continue to happen.

We want a director who is sensitive and keen to this danger and who, in addition, will be concerned with the possibilities of every type of abuse, fraud, and deception, as well as mismanagement and outright stealing. These are not unknown dangers in Federal programs in which a vast number of Federal employees are involved all the way down to the local level, as this one must be if it is to be effective.

So we want an Administrator who is as smart as Mr. Shriver and who is able to ride herd on the agency every minute. That is the least assurance that Congress should have.

In respect to the Peace Corps, we want a Director who has the same evangelism, the same exciting quality that Mr. Shriver brought to the Peace Corps and which helped to bring this fine idea of the Peace Corps to the point where it has become a favorite of Congress.

As a member of the Committee on Labor and Public Welfare, I see terrible dangers in the poverty program. We need a full-time Director of the most able kind. On top of that, he must be directing the agency every minute. As one who has been concerned with foreign affairs all my life, including membership on the Committee on Foreign Affairs of the other body, I am aware of the importance of maintaining that evangelism, that excitement, that fire which has inspired American youth to go into the Peace Corps.

We hear from authoritative sources disquieting reports about the Peace Corps. Some weeks ago, I invited the attention of the Senate to a column written by Roscoe Drummond, in which he said that excitement and enthusiasm in the Peace Corps are faltering because of part-time direction. I placed that column and another by Edwin J. Safford in the RECORD of April 26, 1965. Because they are so pertinent to this particular discussion, I ask unanimous consent that they be made a part of my remarks today.

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

[From the New York Herald Tribune, Apr. 25, 1965]

PEACE CORPS FALTERS

(By Roscoe Drummond)

WASHINGTON.—The Peace Corps isn't what it used to be and is getting less so.

It is running down.

It is growing old—prematurely.

Something will have to be done soon to restore its verve, vitality, and vision.

I make this report as one who has viewed the Peace Corps with admiration. It is one of the most creative and constructive initiatives of the Kennedy administration. It provided a superb channel for the high idealism of American young people and very practical aid to many underdeveloped nations. Sargent Shriver launched it with great zest and with skill as a get-things-done administrator.

But the get-things-done spirit is slipping away.

Somebody has got to make something happen soon or the Peace Corps is going to get completely stuck in administration glue. As this happens, it will lose its flair, its fun, and its appeal to the most qualified volunteers.

Perhaps no one outside the agency itself can pinpoint what's gone wrong. But something has gone out of the Peace Corps and I believe the explanation is to be found in these circumstances.

1. For 14 months Sargent Shriver has been devoting all of himself to two full-time jobs—the war-on-poverty programs and the Peace Corps. He has devoted all of his energies for long hours every day at two full-time jobs. He has been almost succeeding at both. But not quite. The Peace Corps has been suffering; it is flagging; it is feeling lonely and somewhat neglected.

2. For 16 months the Peace Corps has been without the services of its generative Deputy Director Bill Moyers, President Johnson's young Texan aid, who was loaned to the White House for a few days right after the assassination—and hasn't been back since. Thus, for 14 months the Peace Corps has had only a part-time Director and for 16 months no Deputy Director. The team of Shriver and Moyers has been split too many ways.

At one stage Moyers tried to lend a helping hand at the Peace Corps. He set himself to attend regular staff coordinating meetings and, when he found he could only get to two out of the first six, he gave up.

3. Others may see it differently, but it seems to me that the Peace Corps has made one grave mistake in administrative policy. It has been racing into expansion for its own sake; it has engaged itself in a numbers game which is hurting the quality of its volunteers and impairing its work abroad. It has been unwisely setting unattainable goals of more volunteers in more countries in more kinds of activity year after year.

It started out the first year after its congressional authorization with the manageable goal of 3,500 volunteers. There were plenty of applicants qualified and eager to join.

Now the Peace Corps is asking Congress funds for a 17,500-man Peace Corps. But the truth is it can't expand to 17,500 without beating the bushes on every campus, without pleading for volunteers, and without resorting to a hard-sell recruitment which dilutes the very volunteerism of the Peace Corps itself.

In some countries abroad the Peace Corps people are running into each other and running over each other.

Let's be clear on one point. You can slice Mr. Shriver down the middle and I admit you will get a good one-and-a-half people. But not two for two full-time jobs.

The Peace Corps needs either all of Sargent Shriver or somebody like him soon—or else.

[From the Long Island Star-Journal, Apr. 22, 1965]

RECRUITMENT WOES PLAGUE PEACE CORPS

(By Edwin J. Safford)

WASHINGTON.—A recruiting program that did not grow as fast as hoped has forced the Peace Corps to lower its planned growth rate.

Reliable Government sources have indicated the agency's Director, Sargent Shriver, later this spring will ask Congress for less money than originally planned.

Although the new request, $115 million, is an increase of nearly $11 million over last year's congressional appropriation, it is still an admission that the Corps cannot field as many volunteers in its next recruiting year as called for in a 5-year schedule dictated by President Johnson.

Johnson wants 20,000 corpsmen in the field by 1969.

Currently the Corps is striving to meet its target of 13,710 by the end of this August.

The Peace Corps recruiting year roughly coincides with the school year because many projects involve teachers.

If present estimates hold, the Corps will have 15,110 volunteers abroad by August 1966, the end of its next recruiting year. This means it will have to step up recruiting if it is to meet the President's target, Peace Corps officials acknowledge.

Spokesmen for the Corps say recruiting is their No. 1 problem. Shriver has made the entire professional staff of the agency's Washington office available to the recruiting division.

Almost every ranking staff member at one time or another has found himself on a college campus speaking to potential volunteers and administering placement tests.

The Corps' Associate Director for Public Affairs, Robert L. Gale, says the Corps gets an average of $23 million a week in free advertising from national advertising agencies and news media. In 1964, he said, the Corps was the third largest recipient of public service advertising time and space.

Yet the acceptance rate on applications for the past 12 months is only slightly higher than for the previous 12 months. Corps officials concede they had hoped for a 20-percent increase.

The quality of the new corpsmen, spokesmen stress, is higher than in previous years. They hold more college degrees, but have somewhat less professional experience than their predecessors. Their average age is lower, having dropped from 25 to 24.

But the original enthusiasm which President Kennedy generated seems to have dissipated. There is less excitement about the Corps on college campuses—the main source of volunteers, recruiters report.

Recruiting also has been hurt by reports that returning corpsmen are having trouble findings jobs.

Although the problem exists and was publicly explored in a conference held in Washington this year, the Corps says it was blown out of proportion. Most returned corpsmen are gainfully employed or have returned to school, Corps officials say.

Potential male volunteers are still wary of the draft, not wanting to yield 2 more years of their lives. Although the vast majority of returnees have been exempted, a few have been drafted. One draft board, a Corps spokesman noted sadly, has conscripted every eligible returnee.

Mr. JAVITS. Mr. President, I have questioned Mr. Shriver. He says he works around the clock. He says he does his best. He will not say whether in his judgment he does both jobs adequately or not. The best he can say is that that is what the President wants him to do, and he is doing it. He feels that he has the physical energy and stamina to carry them on. Somehow or other, whether he does the Peace Corps work at the Office of Economic Opportunity or does Office of Economic Opportunity work at the Peace Corps, he gets the job done, he says.

It is our job to see that these offices are conducted with the full participation of executive personnel to which each is entitled. I deeply feel that the present arrangement is an anomaly which I do not understand and that I believe no one else can understand.

Why the stubbornness about having Sargent Shriver hold both jobs? Is it merely to glorify him into being the toughest, biggest Samson in American public life? What is the reason? Why does he carry both responsibilities? Is there no one else to carry them? That is ridiculous. Clearly there are others who could do one of the jobs. The fight on this matter must be continued.

As I said a while ago, because I realize the embarrassment to me and to every other Member of the Senate involved in being asked to vote against an authorization for the Peace Corps, which I and many other Senators like, I have decided that it would be more appropriate to consider this matter in relation to the antipoverty bill, which is in the process of being reported to the Senate by the Labor and Public Welfare Committee. Such an amendment would specifically raise the question: Shall Sargent Shriver hold these two jobs or shall Congress say to him, "You cannot hold the Peace Corps directorship so long as you hold the directorship of the Office of Economic Opportunity"?

If I could make the choice, I should like to see Mr. Shriver in the Office of Economic Opportunity, because at the moment, in my opinion, that is a much more sensitive and harder job.

As to the law, I have seen Mr. Schlei's opinion. Let us remember that he is a lawyer just as am I and many other Members of the Senate. The opinion is his opinion; that does not make it correct. We have the opinions of a number of law professors which are exactly the opposite of Mr. Schlei's opinion.

It is my own honest judgment—and I would not press the matter if it were not my honest judgment—that my proposal is perfectly constitutional, for this reason: The whole thrust of Mr. Schlei's opinion is that what is proposed is some kind of bill of attainder against Mr. Shriver. But the amendment which was adopted by the Senate is no such thing. It is not directed at Mr. Shriver. It does not say that Mr. Shriver shall be deprived of his office or salary. It sets a condition, which Congress has an absolute right to set, as to the qualifications of the person it expects to hold the job. In this case, it set in the Peace Corps bill a condition regarding the position of Director of the Peace Corps, that the Director not hold any other Federal office of equivalent rank. In the other instance, it will be in the Office of Economic Opportunity bill, setting the same condition as to the qualification of the person holding the position of Director of the Office of Economic Opportunity.

Congress has imposed many statutory qualifications on Federal executive officeholders. We have based them on citizenship, on residence in a particular State or territory, on occupational experience, on political affiliation, on age, and on other factors, including membership in a certain body, such as a military corps or the Public Health Corps. Congress has not hesitated to do that.

This is a job without term. The term is indeterminate. If Mr. Schlei is correct, it would mean that every time the President appointed an official to a position for an indeterminate term, Congress would have lost its power to change the qualifications for that job. That is what Mr. Schlei's opinion means.

It means that from then on, so long as the President keeps an official in a position, the person is effectively frozen in that position, and Congress cannot move unless the job is vacant. It is only in that twinkling of a second, when the job is vacant, that Congress could change the qualifications, if Mr. Schlei's opinion is correct. That would certainly raise hob with the constitutional system.

Congress sets the qualifications by law; therefore, Congress can change the law by which it sets qualifications. Or if Congress has set inadequate qualifications, it may reset them.

If those qualifications are reasonable, in my judgment the legislation would be absolutely sustained on the ground that it represents an appropriate utilization of the power which we have under the time-honored case of McCulloch against Maryland, to make the necesary and proper laws to carry into execution the unique power we possess. We select the means. It is the President who selects the personality.

Mr. President, I cannot conceive of the Constitution preventing us from acting in the field of the qualifications of a public official while there is a public official in the job. Yet, that is what the Attorney General wants us to believe.

As my view is sustained in very authoritative quarters, I shall consider most seriously placing this question before the Senate again when the amendments to the antipoverty act are before the Senate.

This is not a happy position for me. I like Mr. Shriver personally. I believe

that he is a fine public servant. However, I believe that this arrangement which we are allowing to continue is a very bad idea. I do not know the reason for permitting it to continue.

Be it remembered, too, that the amendment which has now been dropped was accepted on the floor of the Senate. Notwithstanding the charge made by many people that the Senator in charge of the bill did not know what he was doing, he knew it very well. I believe that represents the general view here, that no one understands why this practice should persist. I hope very much that those who make these appointments will take some notice of the feeling expressed upon this subject.

I close by calling the attention of the Senate to the fact that if this multiple appointment can stick, one man can be—as is the case in some governments which follow a practice frowned upon by us—the Secretary of State, the Secretary of Defense, and the Secretary of Commerce. Why not?

The minute that we subscribe to the proposition that it is entirely up to the President and that he can prevent us from acting once he makes the appointment, we can have any kind of proliferation in government that he desires. I do not believe that it is right. I do not believe that Congress can accept this practice.

It is for that reason that I have pressed the matter and shall continue to press it.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

BIG BROTHER—COMMENDATION OF INTERNAL REVENUE SERVICE

Mr. LONG of Missouri. Mr. President, fair is fair. I have inserted a number of articles and letters in the RECORD which have been critical of the Internal Revenue Service. I recently received one letter which is highly complimentary of IRS. It is from a lawyer in Los Angeles, Mr. Caryl Warner.

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

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

LAW OFFICES, CARYL WARNER,
Los Angeles, Calif., July 26, 1965.

JUDICIARY COMMITTEE,
U.S. Senate,
Washington, D.C.

GENTLEMEN: Please let us voice an objection to the testimony of a Boston lawyer before the committee, that IRS is above the law.

There is simply nothing to this so far as southern California is concerned. Looking back over some 36 years' dealings with the IRS, we have found this organization to be of the highest type, and is rendering great public service.

Yours truly,

CARYL WARNER.

HARVEY SCHERMERHORN, REA LEADER, TO RETIRE

Mr. NELSON. Mr. President, Wisconsin has been fortunate over the years because of the Rural Electrification Administration that originated in 1935. The REA movement has been successful in my State for many reasons. One of them is that is has been blessed by the services of such men as Harvey Schermerhorn.

Mr. Schermerhorn has been associated with electric cooperatives almost from their beginning. He has served for 25 years as public relations director for the Wisconsin Electric Co-operative. Gary Rettgen, farm editor for the Capital Times in Madison, writes in a recent story of Mr. Schermerhorn's role in the electric co-op movement in Wisconsin. He writes that he was hired full time in 1940 by the Wisconsin Electric Co-operative, and "Since that time he has devoted his life to rural and cooperative electrification and its establishment as a yardstick for comparison with consumer prices of public utilities."

Mr. Schermerhorn is planning to retire at the end of this year. His career in the electric co-op field is worth noting.

Mr. President, I ask unanimous consent that the article by Gary Rettgen on Mr. Schermerhorn 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:

For 25 years Harvey Schermerhorn, public relations director for the Wisconsin Electric Cooperative (WEC), has been a major voice for electric cooperatives in the United States.

Schermerhorn will retire at the end of this year.

In his 25 years with WEC, the lifelong Wisconsin resident, a former Grant County editor and publisher, has watched over and worked for the raising of the mammoth U.S. phoenix—agriculture—from its ashes of the 1930 depression.

Not many believed strongly in the success of a farmer-owned electric cooperative system in the 1930's.

"It was 1935," Schermerhorn recalled recently at his desk in the South Park Street WEC office, "when I first read the announcement that a Rural Electrification Administration (REA) was to be formed.

"I was interested. I felt it could be the salvation of rural America, Wisconsin, and rural Grant County, in fact."

The American farm and rural community scene in 1935 was not a place for optimism. Years of droughts, dust storms, floods, and finally, the depression, had brought farming America to new lows, socially, economically, and in morale.

At the time, Schermerhorn, a native of Ontario, Wis., was managing editor and co-publisher of the Grant County Independent, in Lancaster.

"I wrote editorials supporting REA. I patterned their style after the travelogues of William Evjue, because I felt I could better deal with individual problems in that way."

When the first electric co-ops were formed, Schermerhorn assisted the organizations' officers in editing their monthly newsletters.

Then in 1939, Les Nelson, a leader in the Wisconsin rural electric co-op movement, approached Schermerhorn for help with a proposed joint publication for four co-ops in southwestern Wisconsin.

Schermerhorn, his copublisher, Charles D. Rosa, and the four co-op managers from Crawford, Grant, Trempealeau, and Vernon Counties met in the shade of an apple tree near Gays Mills to discuss printing arrangements.

Hearing of the joint newsletter idea, seven more cooperatives at a State co-op convention decided to join the publishing effort.

The first joint publication came out in July 1940, with a circulation of 13,050, going to the 4 original co-ops, and to Chippewa Valley, Dunn, Jackson, Lafayette, Oakdale, Oconto, and the Taylor County organizations.

WEC hired Schermerhorn as a part-time editor.

"From June 10, 1940, until November 1940, I edited both the Grant County Independent and the new Wisconsin REA (later changed to REC) News," Schermerhorn says. A weary remembrance of commuting daily between Lancaster and Madison creeps into his voice.

In November 1940, he disposed of his Lancaster newspaper interests when he was hired full time by the WEC. Since that time he has devoted his life to rural and cooperative electrification and its establishment as a yardstick for comparison with consumer prices of public utilities.

From that moment in November 1940, Schermerhorn's life story becomes a national-international one.

In 25 years, Schermerhorn has traveled from one end of the country to the other, has worked with the Cooperative League, the National Rural Electric Cooperative Association (NRECA), the American Institute of Cooperation; has been a featured speaker at every national electric co-op convention, and has been an acquaintance of U.S. Presidents.

The Ontario High School graduate is a member of the board of directors and a lecturer at the International Cooperative Training Center, located on the University of Wisconsin campus.

He claims his advanced education came in "the school of hard knocks."

His chance to prove himself came in the 1940's, a critical time in the U.S. rural electrification program.

Over 25,000 miles of utility poles had been set by the rural cooperatives, but no company could supply the co-ops with aluminum conductors in wartime America.

What little was available, according to Schermerhorn, was being delivered to the stockholder "public" power companies.

The small cooperatives, individually, had difficulty finding supplies. The Rural Electrification Administration and the NRECA attempted to help the desperate organizations, but delivery dates offered by manufacturers were from 4 to 5 years.

W. V. Thomas, manager of WEC, appointed Schermerhorn to follow up rumors that a Louisville, Ky., manufacturer of aluminum conductor could be negotiated into selling cooperatives their "missing link."

The former publisher succeeded. But the company had asked WEC to guarantee a $6 million order, which represented the State's total worth. Determined, the Wisconsin co-op felt the risk was worth it.

The rest is history.

Because of WEC's negotiation experience, the State group was prepared to distribute conductor, and later other electric materials on a nationwide scale.

Other State co-ops joined the Wisconsin organization. Today WEC has associate co-op members in 14 States, including Texas, Wyoming, Pennsylvania, and the State of Washington, with branch offices in Kansas City, Mo., and Moorehead, Minn.

The fact that electrified farms were able to substantially step up production for the war effort undoubtedly played a part for victory in World War II, as well as today's food-for-peace plans.

When Harvey Schermerhorn retires at age 65 he will have more than memories to live with.

"I've had six job offers so far," Schermerhorn says, "but I haven't officially decided which to take."

Should he decide to take none—spend the rest of his life relaxing, the Schermerhorn voice in public relations would not be retired.

Both his sons have followed their distinguished father's footsteps: John is a well-known local television personality. Richard Schermerhorn is in public relations at Credit Union National Association (CUNA).

IMPACT OF VIETNAM SITUATION ON BUSINESS AND FINANCIAL COMMUNITY

Mr. TALMADGE. Mr. President, Eliot Janeway, the influential New York economist and nationally syndicated financial columnist, has been an acute and accurate observer of economic and political events for many years. In his column, "Point of View—Janeway," published in the Chicago Tribune of August 5, Mr. Janeway has added a new dimension to our understanding of the impact of the Vietnam situation—its impact upon the business and financial community as measured by its impact upon the New York stock market. Mr. Janeway reports that my distinguished colleague, the Senator from Indiana [Mr. HARTKE], wisely recognizing the significance of the Wall Street barometer "went so far as to tell a select group of New York investment people that the stock market has taken over from the opinion poll and the pollsters as the most reliable and sensitive indicator of changes in public psychology."

As Mr. Janeway continues:

There's no doubt that the stock market has become subject to Vietnam drag.

The fact that the stock market has not been responding to the continued, unprecedented economic expansion which our Nation has been enjoying is cause enough for concern. The fact that this failure is attributable to the troubling situation in Vietnam makes even more clear the magnitude of the impact which this war is having in every area of American life.

I ask unanimous consent that the Chicago Tribune article, "Main, Wall Streets Sharing Viet Worry," by Eliot Janeway, be printed in the CONGRESSIONAL RECORD.

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

[From the Chicago Tribune, Aug. 5, 1965]

POINT OF VIEW—JANEWAY—MAIN, WALL STREETS SHARING VIET WORRY

(By Eliot Janeway, Consulting Economist)

NEW YORK, August 4.—Politically, Vietnam is now the big issue. Intellectually and morally as well, the question of what to do and what not to do about Vietnam dominates debate—and not only within the United States.

It's news, too, that the stock market is just as scared of Vietnam as the politicians are. In fact, Indiana's Senator VANCE HARTKE went so far as to tell a select group of New York investment people last week that the stock market has taken over from the opinion polls and the pollsters as the most reliable and sensitive indicator of changes in public psychology.

There's no doubt that the stock market has become subject to a Vietnam drag. Its action certainly suggests that Main Street and Wall Street are for once worrying about the same risks and at the same time.

Normally, when times are good, the prevailing political attitude is to coast along on the assumption that the "ins" are safe because nobody ever wants to shoot Santa Claus. Not so in today's tense and tricky new atmosphere of crisis. Times have never been better; and they're certain to stay very good. Nevertheless, every politician in office who has ever survived a political storm, from Johnson on down, is running scared of Vietnam backlash. Candidates preparing for 1966 are thinking more about mothers and first voters than about purse strings.

PUT FIRST THINGS FIRST

The stock market is saying that politicians, who are in this frame of mind are putting first things first. It's no exaggeration to say that, if each and every one of the money worries that have been bothering the stock market were to be settled quickly and to the satisfaction of the investment community, the Vietnam drag would still hold it back.

The same goes for Wall Street's obvious fears on the steel-labor front. Not so long ago, a live-and-let-live settlement, without a strike, without the flashing of brass knuckles from Washington and with operations at a high level, would have been enough to send the stock market into a new upsurge. But that was before the Vietnam drag deflated the bullish arithmetic of earnings and dividends.

Every economic factor which the stock market can count adds up to an argument for bullishness. But the Vietnam risks which no one can count are jamming the computers—appropriately so. For Vietnam is a riddle. In fact, it's a jungle. As in every jungle, sophisticated computers are excess baggage there, and primitive feel is at a premium.

QUALITY OF GENIUS

This is the very quality which gives Johnson his distinctive political genius. But, instead of relying on it in Vietnam, he has allowed Secretary of Defense Robert McNamara to take over as playmaker plenipotentiary. And Secretary McNamara is "Mr. Computer."

President Johnson, despite everything that has been said about his vanity on the trivial side and about his instinct for power on the serious side, is not a confident or secure man—denizens of the judge know better. Johnson lacks the sense of security which shallower extroverts like Truman and Eisenhower had.

It is in character for Johnson to defer to an aggressive claimant for authority like McNamara. But the stock market is putting the President on notice that he may have sold himself short in his all-out gamble on McNamara.

MOVES WITH TIDES

Senator HARTKE may be right in advising us to use the stock market for sense-making as well as money-making. Since Korea it has moved with the political tides, belying its historical reputation for being out of step with majority opinion. In fact, Wall Street has rated our President about the way Congress has. First with Eisenhower and then, with Kennedy, a honeymoon confidence boom foundered and ran out of steam. As the President settles down to the post-election task of governing in his own right, the stock market is asking the same question as Congress: Will his confidence boom go the way of Eisenhower's and of Kennedy's?

If Johnson had let a "Martin market" develop on the money front, it's clear that the bears would have had a field day. And now the wary action of the stock market is serving notice that, if he lets a "McNamara market" materialize, the bullish contingent will even panic before the bear growls at them.

REPRESENTATIVE KING'S CONTRIBUTION TO THE VOICE OF AMERICA PROGRAM

Mr. MOSS. Mr. President, 6 years ago, when my distinguished Utah colleague, Representative DAVID S. KING, was in his first year in the other body, the Voice of American made the discovery that he was fluent in French. VOA asked Congressman KING if he would be willing to make his talent available for broadcast work, and the Congressman graciously consented to help. For 6 years now, he has been making a generous and rather regular contribution to the Nation's international communications work, through this work.

In his first 4 years in Congress, the gentleman from Utah appeared occasionally in Voice of America news programs on French-language stations, offering timely commentary on the activities in Congress and Washington. In the 2 years he was not serving in his House seat, Congressman KING accepted a Voice of America request to prepare a major broadcast series on the American Constitution. The series of 13 broadcasts, on which the gentleman from Utah spent more than 600 hours in research and writing, commemorated the 175th anniversary of the ratification of our inspired Constitution. Hundreds of millions of listeners, in countless lands, have heard Congressman KING speak for his country, in both French and English.

He is now playing the key role in another major series on Voice of America. The series is an intimate glimpse of the Member of Congress at work on Capitol Hill. This series, entitled "A Congressman's Diary," is the subject of a featured article in Voice of America's latest program schedule for Europe. I proudly commend my Utah colleague on the splendid contribution he is making to the cause of freedom through his Voice of America work, and I invite the attention of the Congress and the Nation to the article from VOA's August–October schedule for Europe.

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

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

CONGRESSMAN'S DIARY

Unusual jobs are not difficult to find in Washington, but there are 535 men and women who occupy a special niche. They work long hours, often from early in the morning to late at night. One hundred of these men and women are Senators. Four hundred and thirty-five are Congressmen. They represent over 190 million Americans in the legislative branch of the U.S. Government. One of these Congressmen—DAVID S. KING from the western State of Utah—is the subject of a biweekly Voice of America program. Other Members of Congress will appear on the program from time to time.

Each year the Voice of America receives letters from its listeners all over the world who are curious about the duties of a Congressman. They want to know how and why he votes on specific legislation, whether he is bound to the policy of his political party, how he keeps in contact with his constituents who may live thousands of miles from his Washington office. These and other

questions are being answered by "A Congressman's Diary," a series of programs based on the actual experiences and intimate observations of DAVID KING.

Mr. KING is now beginning his third term as a Congressman. He was first elected in 1958 by the people living in and near Salt Lake City, Utah. His congressional district consists of over 400,000 people. In 1960 they reelected Mr. KING, but 2 years later he was not returned to office. However, last November, Mr. KING, a Democrat, received a majority of the votes and once again was given the responsibility of representing his district in Washington.

Letters are one of the primary means of communication between a Congressman and his constituents at home. Mr. KING reports that when important legislation is being considered by the Congress, he is likely to receive as many as 600 letters a day. People write to suggest new legislation, to argue with the Congressman's point of view, to commend him on action he has taken, to ask for his help in dealing with other branches of the Government—even to recommend hotels in Washington when they visit the city.

Reading and replying to such letters occupies a considerable amount of Congressman KING's time. That, along with his other duties such as working on specialized congressional committees, leaves him little time for other matters. Concluding the first program in the "Congressman's Diary" series, Mr. KING observed: "By nightfall, the Congressman might try do some last-minute work, but he sees then that he has just time to rush and catch the train that will enable him to get home in time for supper. And I might add that frequently he never gets home for supper. He gets home much, much later and even into the early hours of the morning. So, I can only say that my sincerest regret is that there are only 24 hours in a day in which I can do the work that is assigned to me as a Congressman."

IN DEFENSE OF A FEDERAL SYSTEM OF WORLD GOVERNMENT

Mr. TYDINGS. Mr. President, the only total victory mankind can look forward to is the total victory of peace.

Each passing day makes this clearer and clearer. The utopian beginnings of the Federal Union we call the United States of America has ever inspired mankind in the hope that a world under law can be founded on that premise of federalism.

The United World Federalists of America have been working toward the noble goal of world peace through world law. The Arms Control and Disarmament Agency, the test ban treaty, and many other ideas of merit have come from their thoughtful and quiet leadership.

On May 5 I had the pleasure of presenting to this Congress, Federalist Paper No. 1 by accredited U.N. Observer Marion McVitty, on a permanent U.N. peace force. Today I am happy to present to you Federalist Paper No. 2, "In Defense of a Federal System of World Government" by Hyman Weber, a New York attorney.

While there may be parts of this paper that some of us in this Congress may not agree with, it is vital to our existance that we grapple with these thoughts.

I, for one, am intrigued by the idea that just as the Communists export their political ideology, this Nation may export its ideology of federalism. The concept of federalism has been and remains a dynamic, vital political philosophy which has enabled this Nation to grow. With these thoughts in mind, I ask unanimous consent to insert at this point in the RECORD, Mr. Weber's thoughtful paper.

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

IN DEFENSE OF A FEDERAL SYSTEM OF WORLD GOVERNMENT

(By Hyman Weber)

Shortly after World War II, United World Federalists proclaimed that a lasting peace could be secured only by strengthening the United Nations through a revision of its charter and by instituting a Federal form of world government. UWF also holds that with the advent of nuclear power the reservation by individual nations of the right to maintain arms and to wage war has become an intolerable form of international anarchy which threatens all human survival. Despite the fact that the world has twice gone to the brink of nuclear war in recent years, many influential voices are still heard calling for peace through national strength and for an unconditional cold war victory. It would be useful in these circumstances to reemphasize the validity of UWF's position by a careful examination of the arguments that are used against UWF's internationalist view.

PEACE THROUGH STRENGTH

There are those, who, while invariably viewing themselves as prophets of realism, proclaim that peace can be secured only through strength. Their conception of what that strength should be indicates that they are the dreamers, wishful thinkers who believe that stone age diplomacy can insure survival in a nuclear age. Peace does require strength but not the strength of individual nations. It requires the strength of a world government so organized that no one nation will have the power or the right to dictate the conditions under which the world will be permitted to remain at peace. Past wars, it should be stressed, did not occur, because some nations were unable or unwilling to meet the threat of aggression. They occurred because all nations were permitted to retain the means and the right to wage war.

General rearmament and the formation of military alliances can only lead to self-defeating retaliatory responses by opposing nations. Arms races sap the vitality of both sides without materially affecting the relative strength of either. In today's cold war, NATO, the Western military alliance, is matched by the Communist Warsaw Pact Alliance. The nuclear stockpiles of the United States and the Soviet Union have only achieved a nuclear stalemate of mutual deterrence—a balance of terror that can insure peace and survival only in the absence of accident, miscalculation, or the reckless act of a third party.

NEGOTIATING FROM STRENGTH

The concept of negotiating from strength seems compeling at first blush—no nation would be likely to settle or compromise an outstanding issue with a weaker opponent. When one nation rearms, however, the inevitable arms race that ensues, while it may create a delicate and precarious balance of power, will serve mainly to intensify the hostile attitudes between the contending powers. Should such powers then seek to negotiate their differences, they will too often attempt to apply the leverage of their strength in a futile effort to wrest concessions that their opponents are not likely to concede.

As a matter of fact, it is worth reexamining the general proposition that there can be meaningful bilateral negotiations between nations with conflicting economic needs and political aspirations. In their negotiations, disputing nations may profess a desire for peace, but this is eclipsed by the ideological preconceptions, conditions, and pressures each brings to the conference table, and by the reluctance each has to appear to seek compromise in the face of the opponent's strength. Negotiations between disputing nations would be more promising if conducted between those nations and an international agency competent to settle or adjudicate the issue and empowered to enforce its decision. The American nuclear buildup should accordingly not be viewed as a means of insuring fruitful negotiations with the Soviet Union. It can be morally justified only as a means of deterring Soviet aggression and as an instrument for persuading our adversaries to join us in the creation of adequate international machinery for the settlement of our differences.

Many proponents of peace through strength buttress their position by pointing out that previous efforts at disarmament have failed. Their contention is correct, but their conclusion is incorrect. Arrangements after World War I for disarmament or reductions in arms did indeed fail, but only because no international agency was given the power to enforce them. Like all bilateral agreements they were honored only as long as they served the purposes of the signatory powers. Similarly, the interminable disarmament negotiations at Geneva since World War II have failed to achieve any tangible or meaningful results. They will continue to fail as long as the problem of disarmament is approached apart from the overall problem of establishing a viable form of world government, and as long as the major contending powers see no inconsistency in negotiating for disarmament while intent on maintaining a delicate balance of military power and on seeking to gain political and strategic advantages in the continuing cold war struggle.

THE COLD WAR

Efforts to create public support for world government have been most seriously hampered by an insidious cold war psychosis. For the past 18 years the American people have been subjected to a massive campaign, mounted by the communications media, civic and veterans groups and government officials, that has convinced them that world peace can be achieved only through a cold war victory. World peace and a cold war victory, however, are inconsistent and mutually exclusive goals. To hold otherwise is to imply that the cold war can be won without actually going to war. This, of course, is nonsense. It is imperative that both major cold war antagonists reject, once and for all, as the most dangerous kind of wishful thinking, the idea that their opponent will conveniently permit himself to suffer an economic or political collapse, or that he can be talked into voluntary surrender at the conference table, or that he can be intimidated into abandoning his hated ideology by a threatened nuclear attack.

Our more inflexible cold warriors argue stubbornly that world government is impossible because the Communists can't be trusted. The fact is, however, that in today's nuclear stalemate we do, no matter how reluctantly, trust the Russians not to launch a preemptive attack. We are also entrusting our very survival, in defiance of the laws of probability, on the chance that a nuclear holocaust will not be set off by error, miscalculation, or mechanical failure. The ardent cold warrior will, of course, minimize these possibilities. The internationalist, on the other hand, must argue that no matter how slight the chance is, we must embrace it because its alternative is too hideous to contemplate. The point that is missed by our cold warriors, however, is that under world government, with appropriate provisions for inspection and enforcement, a nuclear world war would be impossible and

the security of all nations would no longer depend on the trust they would have in each other, but rather on the mutual security provided by the world government.

Despite growing stockpiles of thermonuclear weapons and continuing research to develop ever more horrible instruments of mass destruction, the general public continues to remain apathetic and complacent about survival in this nuclear age. This may be attributable in part to two vocal but opposing points of view, both of which arose out of the passions of the cold war, and neither of which can be readily acceptable by rational individuals.

MAINTAIN MILITARY SUPERIORITY

There are those who hold that the only answer to Communist expansion and military buildup is to respond in kind by seeking to spread free enterprise capitalism and by maintaining military superiority over the Communists. They reject all historical evidence that such competition has always resulted in war. The extremists of this point of view state that they would rather be dead than red.

UNILATERAL DISARMAMENT

There are those, on the other hand, who recognize that arms races have always led to war and who conclude, therefore, that war can be averted only by unilateral disarmament. These advocates fail to recognize that although unilateral disarmament may prevent an immediate East-West confrontation, it offers no assurance that the Communists may not eventually find a convenient rationalization for attacking us. Nor can our unilateral disarmament reduce the possibility of future wars erupting in the many trouble spots on our globe such as Formosa, Israel, and the many new states in Africa and Asia. The extremists of this point of view state that they would rather be red than dead.

The concepts of national military strength and unilateral disarmament should both be rejected. Being dead or red are not the only alternatives available to us. The proponents of peace through strength will, of course, protest that victory over communism is the only acceptable alternative. But it must be pointed out again that although victory without war may be possible it is extremely unlikely. To risk our survival on a policy that will accept only victory is to take a risk we cannot afford, for if nuclear war resulted there would be no victors.

SOLUTION IN NUCLEAR WAR

It is necessary at this point to comment parenthetically on a variation on the theme of peace, through strength, which holds that a future war need not necessarily result in total annihilation. This view, which purports to make the unthinkable thinkable after all, is also based on a deadly form of wishful thinking. It would have us believe that nations lacking the wit and ingenuity to outlaw war will, nevertheless, somehow find the means to restrict war, when it does come, to conventional or limited nuclear weapons, and that a major power would accept military defeat without resorting to its full arsenal of nuclear, chemical, and biological weapons of mass destruction. Perhaps this may come to pass but, again, we would be extremely foolhardy to risk our survival on that possibility.

USING THE UNITED NATIONS

If we then reject the uncertainty and possible defeat implicit in unilateral disarmament and if we reject nuclear war as mankind's final solution, then we must recognize that the only alternative that can assure world peace and survival is to find the means to implement the promise embodied in the Charter of the United Nations.

We must clothe the U.N.—which has been referred to quite properly as humanity's last, real hope—with the judicial and executive attributes necessary for maintaining international law and order. This will require a double-barrelled campaign, aimed not only at a strengthening process for the U.N. but also at liquidating the cold war by putting off the settlement of outstanding cold war issues until such time as they can be disposed of under U.N. auspices.

PEACE ON EARTH

In his precedent-shattering encyclical message, "Peace On Earth," Pope John XXIII wisely refused to view the cold war as a struggle between absolute good and absolute evil and stated that the public authorities of the indidivual political communities are no longer capable of facing the task of finding adequate solutions to today's international problems. He went on to express his earnest wish that the U.N. become ever more equal to the magnitude and nobility of its task. President Johnson, in his first address to the U.N. General Assembly after assuming the Presidency, and in the spirit of President Kennedy's American University address, called for an end to the cold war and for a world safe for diversity.

But how can the cold war be ended if not by rejecting the counsel of those who pay lipservice to the U.N. and to world government yet persist in demanding a cold war victory as a precedent condition? Demands for the immediate reunification of Germany and for self-determination for the captive nations of East Europe are cases in point. The two Germanys are today armed and active members of opposing military alliances. Can either side be expected to permit a military ally to go over to the enemy camp while the cold war is still raging? The nations of East Europe together with East Germany comprise the Warsaw Pact Alliance, which is one side of the delicate East-West military balance. It is futile to hope that the Soviet Union can be cajoled or frightened into permitting free elections in those nations while the cold war continues. Nor can we hope to compel such elections by the use of force short of nuclear war. If we can bring ourselves to forgo the attempt to resolve these and other vexing cold war issues by methods which historically have proven inadequate, and if we concentrate instead on the establishment of universal disarmament under a rule of law, we can create an international climate where no nation, including the Soviet Union, will have the need or the means to impose an unnatural division or an unwanted economic system on any other nation.

IS WORLD GOVERNMENT UTOPIAN?

There are those who view world government as a utopian dream—who point out that the League of Nations failed and who claim that the U.N. has never been more than a debating society and a sounding board for cold war propagandists. It is not tender-minded or utopian to hold war in a nuclear age unthinkable and to seek means to avoid it. In the face of irrefutable historical evidence to the contrary, it is sheer folly to support or accept the notion that international peace can be maintained by national strength in a framework of international anarchy. The League of Nations was the first halting attempt to replace that anarchy with a semblance of international responsibility for peace. It failed because it could not make binding decisions without the power to enforce them, and because it was not a universal organization but was conceived and organized on the basis of a limited membership.

The U.N., on the other hand, although it has not yet achieved the degree of strength necessary for its purpose, has not as yet failed. Its membership now is, except for mainland China and now Indonesia, essentially universal, and it has played no small part in preventing a major East-West confrontation. It cannot be denied that at times it has indeed been no more than a debating society or a sounding board. But, obviously, the U.N. is not yet a sovereign body capable of rendering and enforcing its independent decisions. It has been as strong and effective as its member nations permitted it to be. It can assume and employ only those powers that its member nations will deign to give it—and this is, of course, precisely the question that confronts us today. Will we give the U.N. the power it needs to keep the peace, and more urgently, will we do so before nuclear war—the infernal Sword of Damocles that hangs over humanity—makes the question academic?

AN END TO STRIFE

There are also those who maintain that world government cannot end strife in a world where millions of people suffer social and economic injustice and political repression. There can be no question that reforms are essential in many places. Such reforms, however, can be implemented only in a world at peace and in a world that is not exhausting its material resources in preparations for war. And these reforms, important as they are, do not have a greater urgency than the need to outlaw war, which in a nuclear age can impose annihilation—the ultimate and eternal injustice—on all humanity.

NATIONAL SOVEREIGNTY

There are finally those who reject world government because in their view it would encroach on their nation's sovereignty. This is only partially true. The purpose of world government is, of course, to deny nations the right to engage in hostile unilateral acts against each other. This is as it should be, for freedom, whether based on individual or sovereign rights, is reciprocal. To insist on our sovereign right as a free people to maintain arms and to use war and the threat of war as instruments of our foreign policy is to assure a similar right to all other nations, including those with whom we are not in sympathy. Limitations on such activities, therefore, would encroach only upon external sovereign rights. There would be no interference with the sovereign right of any nation to conduct its internal affairs in accordance with its own traditions and individual philosophy. This was implicit in President Johnson's reiteration of his predecessor's call for a world safe for diversity. It is also implicit in the Federalist approach to world government. What is envisioned is a world where nations with conflicting political and economic philosophies can live together in peace, and where the responsibility for settling all differences, whether they be ideological, economic, or territorial, will rest not on the disputing nations but on a duly constituted world authority.

IS WORLD GOVERNMENT PRACTICAL?

To those who ask whether this can be achieved, the only possible answer is that it must be done, and quickly, if we are to survive. To those who dismiss this goal as impractical idealism, the only logical answer is that when practical means become intolerable and when only idealism can insure survival then it must follow that only idealism is practical. To those who simply say it cannot be done, the only compelling answer can be to assert that society did not evolve from the tribe to the modern nation-state only to proclaim that this is the end of the road, that this is the best of all possible worlds, and that man's eternal quest for betterment must now inexplicably cease.

Members of United World Federalists firmly believe that their organization's goal of "world peace through world law" is both necessary and possible.

TRIBUTE TO JOHN W. GARDNER AND ANTHONY J. CELEBREZZE

Mr. INOUYE. Mr. President, it was Aristotle who said that service to the state is man's highest calling. As one who has dedicated his life to public service, I share that view, and I believe that President Johnson shares that view.

Certainly in his recent appointments, the President has done his utmost to insure that those who enter this high calling will be men of elevated stature.

John W. Gardner, whom the President recently named to succeed Anthony Celebrezze as Secretary of Health, Education, and Welfare, is a man of such stature: a leading educator, a competent executive, and a man of wide fame. He follows a beloved and successful predecessor, whose service fortunately will not be lost to the Nation—for Tony Celebrezze will be a fitting ornament to the Federal judiciary. I submit for entry in the RECORD an excellent editorial on this subject: "Change in Command," from the Los Angeles Herald Examiner of August 5.

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

CHANGE IN COMMAND

One good man is leaving a Cabinet post and another good man is succeeding him.

President Johnson announced simultaneously the resignation of Anthony J. Celebrezze as Secretary of Health, Education, and Welfare, and the appointment of John W. Gardner, a Republican.

Mr. Celebrezze, who was brought to this country as a child from Italy, is slated for a Federal judgeship in Ohio. He was a longtime mayor of Cleveland. He played a leading role in persuading Congress to approve this year the general aid to education bill, and has been strong in support of medicare, now signed into law by the President.

Mr. Gardner has been for 10 years president of the Carnegie Foundation that administers the philanthropies initiated by Andrew Carnegie. His interest in education is profound. He was chairman of a special Presidential task force on education last year, which helped prepare the President's legislative proposals in that field.

His appointment is indication that the President's search for excellence extends beyond partisan considerations.

TRIBUTE TO FRANCES TESNY

Mr. LAUSCHE. Mr. President, on Sunday, August 15, 1965, the members, officers, and friends of the Association of Polish Women in the United States will honor Frances Tesny, president of the association. The fact that Frances Tesny has served as president of this association for the past 25 years speaks most richly of the character and qualifications which she possesses.

She has energetically performed her work, courageously expressed her honest judgments, unselfishly set aside her personal interests.

Mr. President, I gladly pay tribute to this great patriot of the Polish Women and of our United States.

MICHAEL REUSS

Mr. NELSON. Mr. President, many of us have been following, with some anxiety and considerable pride, the harrowing experiences undergone by a young man from Wisconsin, Michael Reuss. These experiences have received even more attention in the press than might otherwise have been the case because the young man's father happens to be a member of Congress—Representative HENRY S. REUSS, of Milwaukee, Wis.

Despite rather unusual harassments, Michael Reuss has decided to remain in Mississippi and continue with the important work he has been doing. Both Representative REUSS and all of the people of Wisconsin have a right to be proud of this courageous young man.

Earlier this week Leon Hughes of the Milwaukee Journal and Michael Lerner of the Washington Post both published interviews in which Michael Reuss described the work he has been doing, and gave the reasons for his decision to remain in Mississippi in the face of great personal danger. I ask unanimous consent that these two interviews be printed in the RECORD at the conclusion of my remarks.

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

TROUBLES DON'T DETER YOUNG REUSS

(By Leon Hughes)

WEST POINT, MISS.—Although he decided to stay and work in the civil rights movement here, fear for his own safety prompted Michael Reuss Sunday to move out of the ramshackle rural shanty in which he has been living since July.

Reuss had lived on canned food in the shack—which has no indoor plumbing—with a Negro rights worker, Eddie Brooks, 20, of Sledge, Miss.

When Brooks returned to the three-room shack Saturday night, Reuss said, he saw a car filled with white men in the driveway. Because of this, the two decided to move out—Brooks to the home of a friend, and Reuss to the Freedom Democratic Party headquarters in a Negro section in West Point.

The accommodations were not much better at the headquarters, which consists of a frame lean-to attached to the side of a brick garage.

THREE TINY BEDROOMS

There are three tiny bedrooms equipped with bunk beds, where 8 to 10 civil rights workers, men and women, Negro and white, stay. The men and women are separated. Reuss slept on a mattress on the concrete floor Sunday night.

After his arrest Friday, Reuss said, he had considered going to another part of the State to continue his work.

"But I decided that there was too short a time left this summer to accomplish anything in a new area," he said.

Reuss said that his father, Representative HENRY S. REUSS, of Milwaukee, had urged him not to stay.

"As any father would be, he was concerned for my safety and thought it would be best if I would leave," young Reuss said.

What causes a privileged youth like Reuss—a Stanford University student and Congressman's son—to undergo the great personal inconvenience and indignity that are the lot of the white civil rights activist in Mississippi?

"It's not right for me to be safe when others aren't," he said Sunday night. "I have my rights, but so many people are stepped on, pushed around, walked over. That is why a person demonstrates.

FORTUNATE TO BE WHITE

"It is fortunate that it was me, a white person, who was singled out for the manslaughter charge Friday when the State investigator died of a heart attack in the county jail. If a Negro had been charged, he would not have gotten justice."

District Attorney Harvey S. Buck dropped the charge Saturday and said Reuss was not to blame for the death of the investigator, B. Cowart, who collapsed after removing civil rights buttons from the shirts of Reuss and other demonstrators.

Reuss said he never touched Cowart and did not even see him fall. He said he was dumfounded when officers at the jail yelled: "You killed a man."

The Congressman's son has been here since early July teaching in freedom schools, encouraging Negroes to register to vote and trying to get Negro parents to enroll their children in previously white schools.

West Point and Clay County have scheduled desegregation of the first two grades of school in the fall, but Reuss said it would only be token integration in some communities because Negro parents were afraid to register their children at the white schools.

Many Negroes, until recently, also were afraid to register to vote, he said.

"A year ago there were only three or four Negro voters in Clay County," he added.

VOTER SIGNUP GAIN

His father said here earlier Sunday that there were 11,000 Negroes of voting age in the county.

"As of a few weeks ago, only 21 had been registered," the Democratic Congressman said.

Young Reuss and other civil rights workers said Negroes had registered without difficulty in the last 2 weeks, since a Federal court suit was filed against the registrar and because the State legislature had passed a constitutional amendment removing obstacles to registration. The amendment is subject to ratification in a referendum, but the State attorney general had told registrars to put the amendment provisions into effect.

A West Point newspaperman said that at least 200 Negroes had registered in the last 2 weeks.

Young Reuss said many Negroes at first did not believe that they could register and would not try.

"Some of them would even lie to us about registering," he said.

He said their reluctance diminished, however, when they learned that their neighbors or friends had registered without losing their jobs or otherwise being punished.

DOESN'T WEAR BEARD

Reuss is less militant than some of the white students in the movement here. Strict nonviolence is the only proper approach, he said.

He also keeps his hair cut neatly and his face shaven, unlike some of the others.

"If we wear a beard, there is a much greater chance of being killed," he said. He noted that Michael Schwerner, one of the three civil rights workers killed in June 1964 near Philadelphia, Miss., wore a beard.

It is not always easy for Reuss to remain well groomed. He had been living in a rural shack that has no indoor bathing facilities. He frequently bathed in a farm pond. Sunday he moved into West Point—into another rundown area.

Some white residents here said they had noticed that Reuss stood out from other civil rights workers because of his good grooming and good manners.

White townspeople have been critical of the fact some of the men and women civil rights workers live unchaperoned in the same houses.

Reuss said they had separate rooms, but that the organization could not afford separate quarters.

"The local residents won't approve of anything we do anyway," he added.

SON OF REUSS DISAVOWS ANY DESIRE FOR HEROICS

(By Michael Lerner)

What kind of a person is the Congressman's son who decided to continue his work in a Mississippi town, despite shotgun blasts aimed at coworkers and his own harrowing arrest on a false manslaughter charge?

Michael Reuss, 18, is a cleancut, wellshaven, levelheaded boy with no desire to engage in heroics. All he wants to do is continue his work as a teacher in a rural freedom school outside West Point, Miss., until he returns as a sophomore to Stanford University in September.

The son of Congressman HENRY S. REUSS, Democrat, of Wisconsin, he has had his share of the brushes with southern law-enforcement officers that are part of most civil rights workers' experience.

He spent 8 days in jail in Jackson, Miss., before he arrived in West Point. He had been arrested with other demonstrators on charges of breach of the peace and resisting arrest.

His second spell in jail followed the incident Friday, when he was arrested during a march protesting the previous arrest of 53 Negro schoolchildren.

Reuss does not find any glory in his arrests. And the 157-pound former prep-school wrestler does not enjoy the punches—one behind the left ear and one in the face—which he received from law enforcement officers during the course of his arrest.

"But I know that if I react in any way to what they do, then it is all over," he said. "I really am convinced of the need for me to be nonviolent, because it is the only way we will get anything done."

QUARTERS IN SHACK

Until his arrest last week, Reuss had been living in a shack in Section, a rural Negro community 3 miles outside West Point, with a fellow worker, Eddie Brooks, 20, from Sledge, Miss.

Together they rented the building for $10 a month. They cleaned out hornet nests from the rafters, flattened cardboard boxes to cover the crevice-lined wooden floor, and papered the walls. They covered the open windows with transparent plastic sheets.

Then Brooks began his task—political canvassing of the community to raise petitions for better roads and to ask farmers to register to vote.

Reuss started a school in one of the community's two churches. The church, Old St. Peters, is a white frame Baptist church. He teaches young children and talks to teenagers about what they can do to bring about compliance with new Federal laws.

SOME OF DIFFICULTIES

In the afternoon he walks 3 miles to another Negro community where he has started another school.

"It's hard to say how effective these schools are," Reuss said. "Some of the younger kids are so shy and backward that all I can get them to do is draw.

"One little girl wouldn't say anything to me the first day She just drew circles. But she trusts me, and now she's beginning to talk a little.

"I think what we can help these people achieve, above all, is the knowledge that they can do something for themselves—against 100 years of proof that they can't."

For example, Reuss and Brooks are trying to persuade some Negro farmers to run for the Agricultural Stabilization Control Board, which tells farmers how many acres of cotton they can plant.

ANSWERED CALL

Why did he go down to Mississippi? "The people down here asked for volunteers, and I'd been thinking about this for a long time. I don't enjoy the risks, but there's too little time to get started anywhere else this summer, and a lot left to do here."

Like other workers with the Student Non-Violent Coordinating Committee, Mike lives on $15 a week. His shack has no refrigeration, so he and Brooks eat out of cans—beans, salmon and more beans.

Local residents give them supplies of corn, potatoes, flour, and okra. "We're invited out to dinner a lot, too," Reuss said.

FONG GIVES VIEWS ON PACIFIC STATE PLAN

Mr. FONG. Mr. President, I am pleased to call the attention of my colleagues to a recent interview in which I discussed the proposal for annexing the Pacific Trust Territory to the State of Hawaii. Mr. Harrison Humphries, of the Associated Press, who has covered congressional affairs affecting Hawaii for many years, posed a number of questions to me as a result of my intention recently announced in this Chamber, to submit a resolution soon in order to obtain a consensus of the Congress as to the feasibility and desirability of the annexation proposal.

Mr. Humphries' questions are similar to those which have been put to me by numerous persons in official and private life. Therefore, I am delighted that the answers I furnished Mr. Humphries have been released nationally through the Associated Press. For it is evident that considerable public information and discussion on the subject will be both necessary and useful in order to acquaint more Americans with the peoples and problems of Micronesia.

I have every confidence in the wisdom of the approach I am recommending to prepare all parties concerned for the time when the question of the eventual destiny of the Trust Territory peoples will have to be decided.

I ask unanimous consent to have printed in the RECORD the interview printed in the Honolulu Star-Bulletin of August 9, 1965.

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

FONG GIVES VIEWS ON PACIFIC STATE PLAN

(By Harrison Humphries)

WASHINGTON.—Statehood for the U.S. Trust Territory of Pacific Islands, which lie roughly 3,000 miles west of Hawaii, was described today by Senator HIRAM L. FONG as "realistic and logical."

FONG is drafting a resolution for introduction in Congress to authorize a study that could lead to annexation of the islands to the State of Hawaii as an alternative to independence. The islands have been under U.S. trusteeship for the United Nations since World War II.

An interview with FONG produced these questions and answers concerning the future of the islands:

Question. Senator FONG, is your proposal to annex the Trust Territory of the Pacific Islands to the State of Hawaii aimed at giving residents of the islands greater self-government responsibility?

Answer. Yes. The purpose is to integrate them into a sovereign State so that they may exercise the ultimate in American citizenship.

Question. Would they automatically become citizens of the United States and the State af Hawaii, with the right to vote for President and Governor and to travel and move without restriction any place within the United States?

Answer. This would be by action of the U.S. Congress. All of this predisposes that Congress would pass the necessary enabling legislation for Hawaii to do it and to grant citizenship.

Question. Would you envision that the islands of the trust territory would form a single and separate county government?

Answer. The 2,141 islands and atolls, of which 96 are inhabited, are now broken up into six districts, with their own district councils. They are the Marshall Islands district, Ponape district, Truk district, Yap district, Palau district, and Mariana Islands district.

With 87,000 people, they might be constituted into two or three counties, or one big county. This is so far away I haven't given any real thought to it.

The distances are great, and because of the tremendous distances, maybe the retention of six districts would prove most feasible. The trust territory embraces an area, including water, as large as the United States.

Question. Would Hawaii's State-financed public school system be extended to the territory?

Answer. At present the Federal Government is spending about $17.5 million a year for schools, roads, public health, and other public services in the trust territory islands. I believe equity will induce the U.S. Congress to help in this regard, for a period of years at least.

Question. Could the State of Hawaii assume financial responsibility for these services without continued Federal assistance?

Answer. That would be quite a burden. It would add nearly 10 percent to Hawaii's budget.

Question. Do you think the people of Hawaii and the trust territory would favor annexation?

Answer. I don't know. This is all exploration at this point. I think the first reaction of the people of the trust territory would be against it in the belief they would be giving away some of their local autonomy. Yet, if they give the matter some thought, instead of having the Congress of Micronesia they would have representation in the State of Hawaii Legislature.

The United Nations trusteeship is a temporary political existence and it was hoped that they would be taken out of their present status, which is more of a colonial status, and be given independence.

Now, independence to these groups of islands would be very, very burdensome, as the economies there will be unable to sustain this form of government.

Landwise, we are talking about 687 square miles with 87,000 population. I believe the ultimate aspiration of these people would be to be part and parcel of the United States of America, and annexation by Hawaii would be realistic and logical.

That this question is now under discussion is a very good answer to the Soviet charges that we have been derelict in our duty to these people in preparing them for self-government and economic independence. If they ever bring up the subject again, we will ask: Do you object to giving these people first-class citizenship?

Question. Would this annexation be of any benefit to Hawaii?

Answer. I think this would be good for Hawaii. It would broaden our horizon. Ethnically, the people of these islands are related closely to our own people—Polynesians and Micronesians. We have always talked brotherhood and giving our neighbor a helping

hand. Here's our chance to do something to make all of these islands a series of stepping stones between East and West.

Question. What would be the prospect for similar annexation of Guam, American Samoa and other Pacific island possessions of the United States?

Answer. My first step here is to work on the trust territory. Guam, with its own legislature now, may want to consider this matter later. I can understand their immediate reaction to shy away from the proposition. Samoa, with its communal land system, would need further study. This question of land tenure also is a problem in the trust territory. I hope we may work out a scheme whereby the lands could not be taken away from those occupying them.

Question. Isn't this going to take a long time?

Answer. We understand that this will take years to consummate. With 96 inhabited islands in the trust territory, it is likely that some will want to come in and some may not. But some day, we have to start looking into this problem. And that's what I'm proposing that we do now.

PEACEMAKING IN VIETNAM

Mr. CHURCH. Mr. President, one of Washington's youngest nationally known correspondents is Joseph Kraft. His column, "Insight and Outlook," is appropriately titled, for Joseph Kraft possesses both the "insight" of a scholar and the "outlook" of a newsman. His education includes training in modern history at Columbia and the Sorbonne, and Princeton's Institute for Advanced Studies. Articles under Joseph Kraft's byline have appeared in national magazines and newspapers such as Look, the New Republic, and the London Observer, and he has served as Washington correspondent and public affairs columnist for Harper's.

I believe his August 2 column entitled "Peacemaking in Vietnam" is a thoughtful analysis of the negotiated approach to peace in southeast Asia which I have repeatedly advocated. I ask unanimous consent to have this column, which appeared in the Washington Post, printed in the RECORD.

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

[From the Washington Post, Aug. 2. 1965]

INSIGHT AND OUTLOOK: PEACEMAKING IN VIETNAM

(By Joseph Kraft)

One of the most pernicious official myths floating around Washington is the notion that if the other side was ready to come to terms in Vietnam peace could be arranged in a jiffy.

Actually peace in Vietnam can probably come only at the end of a long, slow, tortuous and highly uncertain process of negotiation. And the chief charge that can be levelled against American diplomacy to date is that it has not given enough free play to any of the uncertain chains of events that might lead to agreement.

To understand why it is going to be so hard for the other side to make peace, it is enough to see the travail the President of the United States has to go through when he wants to talk about peace. He has to contend with allied governments, with a political opposition, with entrenched officials in his own administration and with a military and diplomacy bureaucracy. Many of these, for one reason or another are committed to war.

Turning this mighty establishment around is not only a formidable job; it is a job that has to be done behind closed doors through sly hints delivered in whispers by almost invisible men moving on tiptoe in sneakers. For if the secret becomes known prematurely, the President is exposed to murderous charges that he is selling the pass to the enemy.

The same pattern applies on the other side, only much more so. The Peiping government, resolutely opposed to any negotiation, is prepared to denounce those who would promote peace in Vietnam as imperialist stooges betraying the revolution. The three parties that together with Peiping make up the other side in Vietnam are, because they are themselves divided, extremely sensitive to the Chinese charges.

The Russians, for instance, plainly have little stomach for the Vietnamese war. Pravda did not even announce it when the Soviet missiles knocked down American planes. But because of the leadership struggle in Moscow, no one is strong enough to disengage from the Asian commitment. If anything, the missile incident seems to have been timed to take away some of the play from the Chinese at a moment when Communist leaders from all over the world were foregathering at the Rumanian Party Congress in Bucharest.

The North Vietnamese Government in Hanoi also seems to have some partisans of negotiated agreement. When President Ho Chi Minh talks of fighting for 20 years that does not exactly mean he expects victory tomorrow. But he must move cautiously for there are important figures in his government who have ties to Peiping, and who argue that a military victory can be won easily.

Similarly, with the Vietcong rebels in South Vietnam, the fighting men on the ground, like all guerrilla forces, think they are on the verge of victory. They are highly suspicious that deals may be made behind their backs by their political leaders. For that reason, the political arm, or liberation front, of the Vietcong, while not nearly so confident of complete victory, also has to move with care.

The obvious approach to this dicey business is to draw the Vietcong into talks of some kind. Once the fighters on the ground are engaged, moderate forces in Hanoi and Moscow can assert themselves without being exposed to the charge of having sold out the revolution. At that point Communist China either has to go along or be left out.

Engaging the Vietcong, of course, is not easy. The position of the Chinese and their grip on the other parties in the Communist camp rules out a direct approach. Neither is anything apt to come from groups so distasteful to the Chinese as the United Nations or the Indians; nor from such markedly pro-American figures as British politicians or Canadian diplomats.

On the contrary, the initial engagement will probably have to be arranged on some almost irrelevant pretext. The first intermediaries will most likely be unknown figures, mistrusted by both sides. And one of the really interesting questions is whether President Johnson, so accustomed as a builder of consensus to manipulate other men's commitments, can now relax to the point of allowing other men to manipulate his commitments.

If nothing else, precedent, that angel of Anglo-Saxon progress favors a relaxed approach. People tend to think that the Vietnamese peace of 1954 was arranged at the Geneva Conference. They forget what opened the door to Geneva. It was a cryptic clause in an obscure interview given by Ho Chi Minh to—of all irrelevant things—a Swedish newspaper.

A MENACING POWER PLAY

Mrs. NEUBERGER. Mr. President, an editorial in the Washington Post this week discloses a serious attack upon the regulatory protections to America's electric consumers. An effort is being made by some electric utilities with the support of some State regulatory officials to bring an end to the Federal Power Commission's program of wholesale rate regulation which benefits hundreds of small, independently managed electric distribution systems throughout the country. The Post says, and I quote: "If the lobby of State regulatory officials and private power companies is successful, the Senate will enact a measure that would for all practical purposes end the control which the Federal Power Commission now exercises over electric power rates."

This proposal, which the electric utilities wish to tack on to another bill dealing with rural electric cooperatives which are subject to effective regulation by the REA Administrator, was considered and rejected by the Senate Commerce Committee. It is not in the public interest. As the Post concludes, passage of such exemptions for the electric utilities "would utterly destroy the Federal regulation of electrical rates and revive an era of abuse that was ended with the passage of the Wheeler-Rayburn Act in 1935."

Mr. President, I ask unanimous consent to the inclusion of the Washington Post editorial of August 10, 1965, at the conclusion of these remarks.

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

A MENACING POWER PLAY

If the lobby of State regulatory officials and private power companies is successful, the Senate will enact a measure that would for all practical purposes end the control which the Federal Power Commission now exercises over electric power rates. And without effective rate regulation by the FPC, there will be a sharp increase in the $14 billion electric bill that is now paid by the Nation's households, business enterprises, Government agencies and nonprofit institutions.

Sponsored by Senators HOLLAND and SMATHERS, the lobby's bill consists of two provisions, both embodied in single sentences of inordinate length. First, the bill states that a utility which is not "directly connected" with an interstate power network is to be exempt from the regulations of the FPC "as a matter of local concern." A second provision repeals the FPC's jurisdiction over wholesale transactions, sales of electrical power from one utility to another when the utility making the sale has "substantial" retail revenues in the State in which the sale is made.

If there is any logical or functional justification for the provisions of the Holland-Smathers bill, it is elusive. Under the first provision, a giant utility which generates power and sells it in its home State would be exempted from FPC regulation even though that power is resold to utility companies in a dozen other States. To treat such transactions as matters of "local concern" is an absurdity that can only undermine the public welfare. The second provision cuts into the Federal protection afforded small customers in wholesale power transactions, the small private utilities and municipal cooperatives which cannot stand on an equal footing in bargaining with the large sellers

that participate in the great interstate power grids.

As a strategic ploy, the supporters of the Holland-Smathers measure are threatening to attach it as a rider to a bill (S. 1459) that would exempt Rural Electrification Administration cooperatives from regulation by the FPC. The latter bill is neither necessary nor especially wise, but its fate is of small consequence. What is important is that every effort be made to defeat the Holland-Smathers bill. Its passage would utterly destroy the Federal regulation of electrical rates and revive an era of abuse that was ended with the passage of the Wheeler-Rayburn Act in 1935.

RUNNER-UP AWARD OF THE GOLDEN QUILL AWARD TO THE ARGUS-CHAMPION

Mr. McINTYRE. Mr. President, recently, the Argus-Champion, an independent weekly newspaper at Newport, N.H., was selected as one of the runners-up for the Golden Quill Award of the International Conference of Weekly Newspapers.

The announcement was made at the annual Sigma Delta Chi convention in July.

Edward DeCourcy, editor and publisher of the Argus-Champion, won the award with his editorial entitled "The Great Society and Newport," which appeared in the January 21 edition.

Mr. President, I should like to commend Mr. DeCourcy and the paper for this very excellent editorial, and for the fine award in this international competition, which included winners in Great Britain and Canada.

I should like to ask unanimous consent to have a copy of this editorial printed in the CONGRESSIONAL RECORD.

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

The Argus-Champion editorial, entitled "The Great Society and Newport," appeared January 21.

It said: "Newport ought to fare well in the Great Society.

"Her social problems are starkly real, but proportionately less widespread than they are in many other communities. This can make us glad we have chosen Newport for our hometown, but as long as one Newport person is the victim of one social problem we all carry the burden with him, and we all carry responsibility of trying to eliminate the problem.

"This is the way to the Great Society, where poverty and ignorance shall be no more and living will be measured not in quantity but in quality.

"Newport has alcoholics. Nobody knows for sure how many. Some authorities claim there are 25,000 in New Hampshire, although how they count the secret drinkers remains a mystery. But if some Newporters are victims of this disastrous disease, their number is proportionately fewer than it is in many a more wealthy community.

"Newport has some juvenile delinquency—too much—but proportionately less than most American communities. This is no reason to excuse what does happen.

"Flags have been stolen from the Legion Elm within hours after being placed there. Children guzzle beer, slipped to them by still wet adults. Beer-numbed children drive cars, punch innocents in the nose, fight with cops. Haserlat Park has been vandalized. Bystanders have walked coldly away from human suffering. Summer cottages have been burglarized.

"All this is delinquency. It should be stamped out. But there is proportionately less of it here than in most communities.

"Newport has unwed mothers, broken homes, loneliness, inadequate housing for the elderly, seasonal unemployment, disease, mental illness, families strained by economic stress, school dropouts. It has most of the social ills to be found in the normal American town, but not in the some proportion.

"If we have social liabilities, however, we also have assets, good ones, Newport has one of the best libraries of any town its size anywhere, and the library is a powerful weapon in the battle against social ills. Newport has recreation facilities, except for those who lack imagination. We have winter sports, a good skating rink, plenty of skiing (when nature favors us with snow), hunting that city boys pay plenty to enjoy, tennis, bowling, and an ambitious baseball program.

"These are not enough.

"The battle against social ills can be won only by an all-out attack on all fronts, and there is room for every Newporter to enlist. The zoning program, revealed last week by the town planning board, is a weapon against social ills. Its purpose is to promote the wholesome growth of Newport, growth that will nourish our economy and discourage the cancerous growth of slums.

"The program for bringing our schools up to the strength they need is an essential sector in the fight. A strong school system will not only diminish dropouts, it will also send forth youngsters better equipped to overcome the social ills that could attack them.

"We need creative leadership to help provide adequate homes for the elderly and adequate loving kindness for the lonely, and to provide new vigor in our youth leadership.

"We need the services of a family counseling agency, which because of the nature of our social problems and our economic capacity to support such a service, will have to be shared with neighboring communities.

"We need new muscle in our churches, and there is evidence that it is coming.

"Finally we need to set good examples.

"And when we do these things we can play a part in making Newport a part of the Great Society."

TRIBUTE TO THE LATE ADLAI STEVENSON

Mr. TYDINGS. Mr. President, Adlai Stevenson's death has produced a great deal of eloquent oratory. None of us can match his gift with words, but his untimely death inspired us to try.

One of the more moving tributes to Adlai Stevenson that I have read was delivered by the Honorable Theodore R. McKeldin, mayor of Baltimore, on July 18, 1965, at the Episcopal Church of Ocean City, in Ocean City, Md. I ask unanimous consent that it be reprinted in the RECORD for the benefit of my colleagues and the country.

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

TRIBUTE TO ADLAI E. STEVENSON BY MAYOR THEODORE R. MCKELDIN, DELIVERED AT THE EPISCOPAL CHURCH OF OCEAN CITY AND THE METHODIST CHURCH EVENING SERVICE ON SUNDAY, JULY 18, 1965, OCEAN CITY, MD.

On rare occasions in American public life a man appears of such extraordinary quality that he does not fit into any of the pigeonholes by which we are accustomed to classify our leaders. We never know quite what to do with such men, because we seldom appreciate their quality until they are gone; and too often we have wasted them, to our shame and loss, by thrusting them into some petty job that gave no scope to their talents.

Today we are mourning the death of a man of this type, but for once I think we have no cause to lament the waste of a great mind. Adlai E. Stevenson, as our representative at the United Nations, was the right man in the right place. There he could defend freedom unhampered by the gyves and fetters of partisan politics; and how well he defended it is attested by the plaudits of an admiring and grateful world.

Twice he was denied the highest office within the gift of the people, and for that reason some narrow minds have chosen to sneer at him as a failure in politics. If the sole measure of success in politics is the gathering to oneself of honors and dignities, then perhaps he was a failure; but I repudiate with indignation the suggestion that the public service is directed to an end so sordid. On the other hand, if true success in politics means bringing to the public service some accretion of intelligence, integrity and industry, this man was one of the most successful politicians of our time.

Wise men have always agreed that the true measure of success is not the list of a man's achievements, but the extent to which he actually did what he aspired to. If he proposes to build a cottage, we do not call it a failure that he did not build a cathedral. Adlai Stevenson has been quoted as saying that his highest ambition was to raise somewhat the level of political dialog in this country—to make it more realistic, more truthful, more intelligent. It was, in fact, a towering ambition; but his success in this achievement has been remarked by every competent observer in every party, and almost in every faction.

Superficial observers deny that this is statecraft. It wrote no famous statute. It erected no monumental pile. It conquered no foreign territory, and sent no alien tribes under the yoke as the imperial Caesars did. It is a thing altogether of the spirit; but to the extent to which our political discussion adheres more closely to reality, truth, and sense, so will our statecraft approach more nearly to justice, wisdom, and honor. "A song," said Horace, "is more lasting than bronze; and words of wisdom send echoes down the corridors of time far beyond the point where the babble of fools has died away."

I am, therefore, not concerned to recite the list of the political and personal achievements of the leader whose loss we deplore. It is a long and distinguished list, I know, but all that is over and done with. I prefer, instead, to invite your attention to the contribution he made to the dignity and decency of American politics, for that is not finished and gone. On the contrary, it has, as I hope and believe, only begun to exert its beneficent influence upon our lives and upon the history of our Nation.

I have not introduced this topic merely because it is timely, in everyone's mind for the past few days. I have introduced it because I consider it highly appropriate on this occasion and in this place. It is modern evidence of the ancient truth that "man shall not live by bread alone." Neither shall man be honored for his material possessions alone, nor for his success in contesting with other men for place and privilege.

"Not by bread alone"—so it was written in the Old Dispensation, in the Book of Deuteronomy; and so it was quoted by the Master in the New Dispensation, in St. Matthew and St. Luke. "Not by bread alone, but by every word that proceedeth out of the mouth of God." God is truth, and the true word is the word that proceedeth out of His mouth. So any man who brings into our earthly dealings with each other a little more truth, a little more honor, a little more justice, lives a life that is not dependent

upon bread alone, and is not subject to the dominion of death and the grave.

The spiritual gift is the only gift whose value is everlasting. He that ruleth his spirit is not only better than he that taketh a city, he is the only successful man whose success detraction cannot reduce and that the passage of time burnishes, rather than tarnishes. For his reward is not of the earth, earthly; it is not gold, nor power over menials, nor imperial pomp, nor any of the things for which men too often sell their souls, but that prove to be only tinsel trinkets in the end. His reward is a share in life everlasting.

If you ask any authority for speaking thus on the Lord's day in the house of the Lord, I cite you the words of the Apostle to the Gentiles: "Whatsoever things are true, whatsoever things are honest, whatsoever things are just * * * whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things." For thinking on such things is itself a religious exercise, acceptable unto the Lord.

Death, the necessary end of our mortal state comes to one and all, and when it comes to a man whose wisdom and strength have commanded our admiration and trust, a period of solemn contemplation is only a decent recognition of our mortality. But we are recreant to the faith if we make it no more than a period of wailing and lamentation. For the great dead who have not lived by bread alone have not died the death of a beast of the field. The gifts that they gave us of the things of the spirit still live—live not in the Celestial City, but here on this earth, and in them the givers live with a life that shall last until the great globe itself shall pass away.

This is the foundation, the very bedrock of our faith. It is hard to remember when tragedy strikes, but it is precisely then that it is utterly necessary to remember it. For it is not in the sunlight of golden days, it is when we walk in the Valley of the Shadow that there is significance, that there is triumph in the cry of the faithful, "O death, where is thy sting? O grave, where is thy victory?"

Think on these things. It is a form of worship to do so; for as we meditate on the gift of a great soul put for an allotted time in the body of a mortal man, our thoughts must turn to the Giver of every good and perfect gift. For great lives are not of our making; they are shaped by an Almighty hand. Yet once lived, when their mortal frame has passed away, they become our possession forever, to be our comfort and our stay in every dark hour through all our days.

There is pain in the loss of a great man, and a tribute of tears in his due. But to the Christian it is not tragic, for the gifts of the spirit he gave us remain with us, never more vividly alive than when we seem to walk in gloom and peril. For as we consider them and remember whence they were derived, "then shalt thou have thy delight in the Almighty, and shalt lift up thy face unto God; * * * and the light shall shine upon thy ways."

LATIN AMERICAN COMMON MARKET PROPOSALS

Mr. JAVITS. Mr. President, yesterday, when I spoke on the subject of a "Latin American Common Market," through an inadvertence a document which I had intended to have printed in the RECORD was omitted. I therefore ask unanimous consent that there be printed in the RECORD at this point a document published by the Inter-American Development Bank entitled "Proposals for the Creation of the Latin American Common Market."

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

PROPOSALS FOR THE CREATION OF THE LATIN AMERICAN COMMON MARKET

(Published by the Inter-American Development Bank)

INTRODUCTORY NOTE

On January 6, 1965, Eduardo Frei, President of the Republic of Chile, addressed a letter to four prominent inter-American leaders asking them to present their views regarding methods of speeding up the economic integration of Latin America.

As a result of this request, the four economists—Raúl Prebisch, Director General of the Latin American Institute for Economic and Social Planning; José Antonio Mayobre, Executive Director of the United Nations Economic Commission for Latin America; Felipe Herrera, President of the Inter-American Development Bank, and Carlos Sanz de Santamaría, Chairman of the Inter-American Committee on the Alliance for Progress—drafted the following "Proposals for the Creation of a Latin American Common Market."

PROPOSALS FOR THE CREATION OF THE LATIN AMERICAN COMMON MARKET

I. THE NEED FOR A GREAT ECONOMIC BASE

Community of effort

Latin America is failing to face resolutely a course of events which is jeopardizing the pace and the very meaning of its economic and social development and shaking its political life to its foundations.

Never before have we seen such a population explosion; nor has the very legitimate desire of our people for a better life been so strikingly expressed. But neither have we witnessed, until recently, the enormous possibilities that modern technology can offer for the eradication of poverty and its accompanying evils.

We have understood these possibilities. We admire the stupendous rise in the living levels of the long-industrialized countries. And we have been impressed by the experience of others which have, within a short time, gathered great economic momentum in their recent development. From both these categories of countries, the technological revolution is striving to spread out to the rest of the world. We are awaiting impatiently what this revolution has to bring us in order to fulfill that desire for a better life, but perhaps we have not perceived the many and complex aspects of what this process inevitably requires.

If we remain disunited, we shall not be able, in our desire to reap the full benefits of contemporary technology, to meet such requirements, among them the need for great economic bases: 95 percent of the industrial output of the more advanced countries is produced within large markets which, even though each of them has immense and varied resources, reach out further in a constant search for more trade.

Our countries, nevertheless, attempt to develop in an area arbitrarily divided into numerous watertight compartments with very little intercommunication. By thus dispersing their efforts in isolated action, these countries cannot carry the weight they should in a world where, in addition to the countries that were already large, vast economic blocs have emerged. The full advantages of industrialization will not be secured if the Latin American countries, thus thrown back on themselves, persist in trying to produce every type of goods and doing, within their own frontiers, everything that the others are doing within theirs.

This mutual isolation is not confined to the economy: it applies to a wide range of activities. Scientific and technological research, and the training of complex skills in these fields, are very haphazard because of the limited range and dispersal of effort. And so far as culture is concerned, creative activity suffers and languishes because of the same limitations of national horizons. Moreover, incapacity to combine resources has been partly responsible for these countries being so far unable to acquire those powerful technical media of expression and dissemination which are available to others. Accordingly, there have prevailed in Latin America certain outside elements of dubious value which not only fail to contribute to the enrichment of the common cultural heritage but are also incompatible with the purpose of enhancing our native values and moulding the true image of our personality.

Technology will be of ever greater influence in our time. We must adapt it to the realities of our own situation and resolutely master it, if we are not to subordinate the essence of our existence and our brotherly relationship to it. We shall not succeed in this if we continue to use up our strength in isolated effort.

We must learn to work together; we must form the community of Latin American peoples. Up to now we have been unable to undertake this great task to any meaningful extent, because we have not been able completely to escape from the pattern in which our development began in the 19th century. Thus separated one from another, without active relationships closely binding them together, each of our countries in those days was attracted, in isolation, toward the world's major economic, political, and cultural centers. We lived in the reflection of those centers, and this has had a far-reaching effect not only on Latin America's past but also on its present. Many features of this pattern continue to exist; we must rid ourselves of them, given the facts of the world's evolution and the growing tensions within our own process of development.

In order to overcome these and other obstacles which stand in the way of Latin America's development, we must combine our forces and harness them to the achievement of major common objectives. It is not enough for us merely to respond to the requirements of technology, or to work together to create a great economic base and widen our cultural, scientific, and technological horizon. Our action in this sense must also be for the purpose of securing greater political influence internationally.

In this context, a new historical dimension is emerging—the dimensions of the developing world. Despite the striking differences that distinguish us from other regions, we have a series of common denominators which inevitably spur us to common endeavors, without detriment to the personality of each of us. We have already set out on this road and must continue along it with tenacity of purpose. We should try, not to set ourselves up against the major centers in sterile and fruitless competition, but to secure better understanding with them, to strengthen our capacity for effective negotiation so as to place the policy of international cooperation on a new basis.

The extraordinary prosperity of the advanced countries and the opulence which some of them are attaining should open a broad path toward this new policy of international cooperation. This is a matter of urgency. Markets for the traditional export of our primary commodities are shrinking and closing, without new ones being offered for our manufacturers. The trend toward imbalance in foreign trade is placing a serious brake on the economic development of many of our countries. And deterioration of the terms of trade is materially reducing the positive contribution of international financial resources to our development.

It is not enough to identify the problems or to talk about the attitude of the major

countries toward the lot of the smaller. We must organize our common action in order to secure a constructive response from the former in all fields—in trade, finance and our primary commodities in regard to which a sound policy to uphold values and expend markets is urgently required.

A lesson for all this can be drawn from the United Nations Conference on Trade and Development, held at Geneva in 1964, and from the preparatory meetings of our countries, held at Brasilia and Altagracia. Without joint action we can make no headway toward solving these grave problems at the international level. The more we coordinate our own efforts at this level, the better Latin America will be able to help this action to develop effectively and responsibly—a process that is not incompatible with, but on the contrary strengthens, the regional action defined in the Charter of Punta del Este.

The policy of Latin American integration, regional action and, in general, international cooperation are not alternatives to reforms in our own economic and social structure. Such reforms are inevitable. They are already going forward and must acquire great scope in the vast movement to modernize our countries. But it will be much less difficult to cope with this Herculean task in an economy that is growing at a faster pace, with all the inspiration of a bold and clear-sighted policy of integration and of continental and international cooperation. This policy must be applied concurrently with and not after such reforms if we are to avoid frustrations fraught with dangerous consequences.

The need for political decisions

All of these changes require major political decisions at different levels. Conscious of this pressing need, President Frei has urged the authors of this document to offer suggestions for accelerating Latin American economic integration.

We share the concern of the Chilean President. We also associate ourselves with his desire to further a process that has already begun. The Latin American Free Trade Association, established at Montevideo at the beginning of 1960, is a very important step toward the common endeavor, as is also—and from an earlier date—the happy initiative of the Central American countries.

The Central American nations are proceeding resolutely toward the formation of the common market, under favourable conditions of which their governments took advantage with laudable determination.

The same is not true as regards the broader trend toward Latin American economic integration. What has been done until now, while important, is not enough. We are still far from achieving the goal that the same Latin American countries set for themselves, in August 1961, in the Charter of Punta del Este. There our countries undertook to work during this decade, which is already so far advanced, in order: "To strengthen existing agreements on economic integration, with a view of the ultimate fulfilment of aspirations for a Latin American common market that will expand and diversify trade among the Latin American countries and thus contribute to the economic growth of the region."

The integration objectives are not being fulfilled at the pace required by the magnitude of the problem. The practical obstacles are great but not insuperable.

The slow pace of integration is not, of course, due to the Montevideo Treaty itself, but to the fact that no general integration policy has yet been formulated that clearly and distinctly establishes the desired objectives, the methods to be used, or the time required to attain these objectives, and because not all of the countries of the area have acceded to the treaty.

The treaty has placed in the hands of governments the preferential instrument necessary for applying the trade measures required by this general integration policy. Hitherto it has only been used in limited commodity-by-commodity negotiations, and although this initial experience has been very useful and instructive, it is now becoming imperative to pass on to a new stage of commitments that will lead to a common market in the form described below.

Other instruments are also available: the Inter-American Development Bank, which has been defined as the "bank of integration," will have to participate on a major scale in the promotion and financing of sectoral integration agreements and of other multinational or national programs that are in keeping with the needs of overall integration policy. The Inter-American Committee for the Alliance for Progress and the Panel of Nine, in view of their important functions as regards Latin American development and the coordination of its financing, must make a major contribution toward insuring that national plans, in their pertinent aspects, follow the lines just mentioned. In short, the machinery already available must be fully utilized.

Other important steps are also indispensable. Agreements to supplement the Montevideo Treaty are necessary: instruments are required for the programing and promotion of investments at the regional level; a compensatory payments and reciprocal credit system is lacking; it is necessary to define more precisely, in the light of experience, the principle of reciprocity, special treatment for the relatively less developed countries, procedures to correct the dislocations that could emerge from the liberation of intraregional trade, and the fundamental role of the Latin American entrepreneur in the overall context of the common market.

This general integration policy cannot be carried out without an institutional system which has the powers and resources essential for its independent functioning.

While, for understandable reasons, the proposals presented here respond to the need for a general integration policy that will give a powerful impetus to the constructive work initiated in LAFTA, they are not limited to the geographical area of LAFTA. On the contrary, they are also based on the need to extend this policy to Latin America as a whole. It would therefore be advisable in addition to seeking the incorporation of other nonmember countries, to negotiate the integration of the Central American Common Market in the whole system as a single economic entity. It would thus have to be granted the advantages advocated here in favor of the relatively less developed countries. The fact that Central America is moving more rapidly toward a common market is not an obstacle but rather an advantage as regards implementing the general policy of integration. It would likewise be an advantage if other Latin American countries were to decide on general or specific objectives in order to advance rapidly toward this goal within the framework of the Latin American Common Market.

In this great movement we need the fullest support of our peoples, the active and resolute participation of workers and entrepreneurs, of technicans and researchers, in short, of the Latin American people at all levels.

The idea of a Latin American Parliament is already becoming a reality. It could be an efficient means of giving integration the broad base of popular support that is so essential for its vigorous advance.

The common market that will take shape as integration policy proceeds does not imply that a country should neglect its own development efforts. These efforts remain the prerogative of each country, and to direct them properly will be its individual responsibility. Nevertheless, the common market will provide a favorable environment for national development efforts to be made with the maximum use of our productive resources, thanks to the direct or indirect effects of reciprocal trade and to the possibility of increasing exports to other countries within the system, always provided that imports from the others grow at the same time.

Hence there is no incompatibility between the common market and national development. On the contrary, the common market is one of the means—and certainly a very powerful one—of carrying out a design that is shared by us all; namely, the achievement of vigorous national development. It is a common design in that the national aspect harmoniously expands to cover the entire range of our countries. If our history and our feeling are not sufficient by themselves to demonstrate this, there are inescapable events creating a growing sense of community, of a genuine Latin American community, which, in addition to its vital intrinsic importance, will enable us to guide our relations with the other developing countries and the great industrial centers along the proper lines.

Industrialization, exports and the common market

Even when conceived in its broadest terms, integration is only one aspect of a vast effort to reform and modernize methods of production and the economic and social structure of the Latin American countries.

This must be done in the face of the serious and growing social tensions in our countries, tensions which largely derive from the lack of internal integration, from rapid demographic growth, from the progressively more conspicuous and disturbing presence, in our countrysides and towns, of swarms of people in occasional employment with precarious incomes who are denied the opportunities for a progressively better life that are offered by modern technology. These problems tend to become worse before they are solved and offer clear proof of the present inadequate dynamism of the Latin American economy to absorb, at rising income levels, the steadily increasing human potential.

It is imperative to incorporate this impressive potential into economic activities of higher productivity. Within this process, industry must play a role of the utmost importance, together with services that grow with general economic development, because, the more technology penetrates into the backward agricultural sector and the outdated marketing of its products, and the more that primitive forms of production disappear, the greater must be the the part played by modern industry—and services—in absorbing the surplus manpower which is no longer necessary in those activities where technology is making inroads.

All of this requires considerable capital, which stands in clear contrast to the scarcity of available resources. And here we really touch on the core of our problem, because we are wasting a considerable amount of capital which, if properly employed, would enable growth to be expedited and thereby greatly increase the volume of goods available for Latin American consumption and investment.

We are producing much less than we are capable of, because of the present fragmentation of what should be a large market. It is well known that a large market, the great economic base, is indispensable if production is to be efficient and low cost, even in the most densely populated countries of Latin America. This need is evident both for reasons deriving from productive technology and for other reasons connected with the process of competition.

Modern technology requires large-scale plant; it requires a division of labor, and a specialization that often is not feasible within the narrow limits of national markets. Latin American industrialization is far from having met this requirement. Within each

country all kinds of industries have been, and continue to be, established regardless of their economic viability. Moreover, if we continue industrializing in watertight compartments, this evil will tend to grow worse instead of being remedied. But, since it is not possible to interrupt the establishment of new plants while awaiting a new integration policy that is slow in taking shape, the need to formulate such a policy becomes progressively more urgent.

To understand the importance of these considerations, it is sufficient to cite some figures which indicate the order of magnitude of the problem in the iron and steel industry. If a rational integration program were to be brought into existence, it has been calculated that, of the probable increase in output of some 15 million tons of iron and steel by 1975, savings of some $3,700 million could be made as regards the investments required if each producing country continued making, by itself, all the items for its own consumption. This would represent an annual saving in direct production costs of more than $400 million by 1975, i.e., a considerable proportion of the total steel cost by that date.[1]

The considerations regarding competition are also very important because it is closely related to the private enterprise system. In our countries, the scale of competition is usually small or nonexistent owing to the high barrier of tariffs and restrictions behind which industrialization has developed.

This situation conspires against technical progress and greater productivity. And even in those plants that could attain an adequate scale, especially in the larger countries of Latin America, the small extent of competition—or the lack of it—frequently leads to inadequate utilization of capital and other productive resources. Moreover, the establishment of new plants, added to those already producing the same items, does not usually stimulate competition but frequently leads to tacit or explicit understandings that, far from lowering costs and prices, often raises them arbitrarily.

Close communication between markets in a single economic area is essential for industry to feel itself continuously spurred on by competition among the Latin American countries. From the point of view of economic viability, this process will have two main effects. Firstly, it will lead to sectoral complementarity or integration agreements, especially in the major import-substitution industries. To a large extent, products that are now imported from the rest of the world would be replaced by others of Latin American origin in intraregional trade. Secondly, competition will give a powerful impetus to the modernization and readjustment of existing industries.

Of course, the great differences in productivity between our countries and the technically more advanced industrial centers make it necessary to continue protecting our industries. Nevertheless, it will be necessary gradually to reduce this protection, as productivity increases and as the persistent tendency to external disequilibrium prevailing in Latin America is gradually corrected. But, are there any reasons for not promoting active competition among our countries through tariff reductions and the elimination of restrictions?

The reduction of industrial costs, obtained through complementarity and integration agreements and by the effects of reciprocal competition, would further the other objective that must be achieved at the international level, in order to help, together with import substitution, to correct the phenomenon of disequilibrium just mentioned. This objective is an increase in our industrial exports to the major centers. Even if we can achieve rational import substitution—and it is not rational today—we shall still have to continue importing a growing quantity of goods, particularly all those that cannot be produced economically within the common market. Our imports, especially of capital goods, of intermediate products, and of new consumer items, will have to go on growing intensively even though there will be continuous changes in their composition.

We can only obtain these industrial goods in adequate quantities if we export other goods, also of industrial origin, to the major centers. It will not be possible to rely upon primary commodities, since exports of them generally tend to grow slowly whereas the demand for industrial imports tends to develop at a relatively faster pace.

But how are we to increase our exports of manufactures on a large scale if our costs continue to be high? At the abovementioned Geneva Conference, we strongly urged the major centers to change their trade policy toward the developing countries and we asked them to grant tariff preferences for our manufactured goods. Nevertheless this by itself will not be sufficient for our industrial exports to expand to the extent required. Inevitably we must cut our production costs in order to take advantage of these preferences and be capable of existing without them when the period for which they have been granted has expired. This brings us to another of the decisive reasons for creating a common market.

Imports of certain manufactures from developing countries will certainly require adjustments in the industrial structure of the major centers.

Similarly, as a result of reciprocal competition, adjustments will be required in Latin America, together with the safeguards later mentioned in this document. If we are not prepared to make these adjustments to expedite growth, how can we expect the major industrial centers to agree to do so? Will we have the authority to impress upon them the need to transform the traditional structure if we do not show our decision to do likewise in the reciprocal trade between our own countries?

II. INTEGRATION POLICY

As has been previously mentioned, this document conceives the general policy of Latin America integration to be a series of measures covering commercial policy, regional investments, monetary and payments policy, and certain basic principles required for the proper functioning of the common market. Each of these aspects will be dealt with separately in the following pages.

Trade policy

It was already stated that the Montevideo Treaty has put a very important trade policy instrument in the hands of the signatory governments. It would not be fair to examine the best way of using that instrument for the gradual attainment of the Common Market without a frank and explicit recognition of the significance of everything that has been accomplished at Montevideo during the nearly 4 years of the treaty's existence.

A common list of products has been agreed upon with a firm commitment to eliminate completely, by 1973, the customs duties and other restrictions on zonal trade in these products. That common list is subsequently to be gradually enlarged every 3 years. In addition, the annual negotiations have resulted in the inclusion in the national lists of a much larger number of products for which lower duties of differing degrees have been established. All this has created favorable conditions for encouraging industrial investments in the next few years. And reciprocal trade has grown by 38 percent in the 3-year interval between 1959–61 and 1962–63, even though the $950 million recorded in 1963 still represents only a small proportion of the total trade of the LAFTA countries.

At the technical level, very useful work has been carried out, such as the adoption of basic criteria and the clarification of various problems regarding the definition of the origin of goods and others connected with customs technique, and progress is being made with the standard customs nomenclature, without which progress toward a common external tariff vis-a-vis the rest of the world is impossible.

Within LAFTA a group of technical advisers has been established, and private enterprise has been encouraged to establish representative bodies to collaborate in carrying out the treaty. Moreover—and this is particularly important for the future—a capable and efficient Secretariat has been formed with a strong sense of its responsibilities.

Some very commendable results have therefore been achieved. But if these are evaluated in terms of the major objectives of the common market, as previously defined, the enormous field of action still to be covered can be clearly seen.

The Montevideo Treaty constitutes an important step toward the establishment of the Latin American common market, and member governments have declared their intention of doing their utmost to create favorable conditions for attaining that purpose. But the immediate objectives and the commitments assumed have so far been primarily those required in order to create the preferential instrument to which reference was previously made, within the juridical context of a free-trade area, by means of selective negotiations on a commodity-by-commodity basis.

This cumbersome procedure of miniature negotiations is showing itself to be incapable of bringing about a substantial liberalization or an important expansion of trade. As the stage of easy concessions comes to an end, it has become increasingly more difficult to include new products in the lists. Moreover, in each negotiation vested interests exert pressure on governments to exclude products that could be exposed to competition from the rest of the area. As a general rule, the selective procedure limits tariff reductions to a specific number of items and makes it almost impossible to achieve the general liberalization of reciprocal trade. This is even more important if account is taken of the high barrier of tariffs and restrictions on the area's trade. The tariff barrier is largely a result of the improvisation to which our countries have frequently been forced to resort in trade policy under critical pressure from outside. It is estimated that the average tariff level of the LAFTA countries exceeds 100 percent, and duties of 200 and 300 percent are frequent.

Perhaps it would not have been possible to choose any procedure other than these commodity-by-commodity negotiations during the initial stages of the treaty. Still, it was foreseeable, from the experience of the European Common Market, that the procedure would be inhibited by fear of the dislocations which might transpire when the market was gradually opened up to competition from other countries of the system. It might have been seen, in the light of the European experience, that this fear was without foundation, but nonetheless it has been impeding the advance toward the reduction and elimination of tariffs.

Today it is generally recognized that such a system of negotiations will have to be replaced by another, in which reductions take place automatically. Within LAFTA itself, the secretariat has been studying ways and means of achieving that purpose.

[1] Estimates based on studies by the secretariats of ECLA, IDB, and the Latin American Institute of Economic and Social Planning.

In order to strengthen the integration process, it is essential to determine clearly and distinctly the point to be reached within a given period of time. Accordingly, it is considered necessary for the Latin American countries to assume four closely interrelated commitments to be fulfilled within a period of 10 years: Firstly, to establish quantitative targets for the desired maximum level of customs duties—including restrictions of equivalent effect—to be attained and to adopt a gradual and automatic mechanism for the application of such a system; secondly, to eliminate gradually the application of quantitative and other nontariff restrictions on intraregional trade; thirdly, to establish a common tariff vis-a-vis the rest of the world; and, fourthly, to establish a system of reciprocal preferences for member countries to enjoy in their intraregional trade pending the establishment of the definitive preferences in the common tariff.

As to the first commitment, it is proposed that, at the end of the specified period, participating countries should not be able to levy customs duties in their intraregional trade exceeding 20 percent of the cost, insurance, and freight value of each product, with the exceptions that are explained later, particularly with respect to the relatively less developed countries. For obvious reasons, those reductions should not be left until the end of the period, but should be introduced annually. Once this idea is accepted, the technicians should present appropriate formulas for bringing this quantitative target into effect within the established time-limit.

Application of this gradual and automatic process would mean that, at the end of the first half of the period concerned, i.e., at the end of 5 years, all customs duties not now exceeding 100 percent would be reduced to levels equal to or lower than 50 percent, which is considered a reasonable minimum target for the first part of the period mentioned. The case of customs duties now higher than 100 percent is different, and it would therefore be advisable to intensify their reduction in such a way that, at the end of the first half of the period, none of them exceeds 50 percent.

In this way the differences in customs duties that now exist between countries and even within the same country for various products would be gradually eliminated until the target is reached; this is an indispensable requirement if a common market is to be attained. It should be borne in mind that the proposed system does not exclude the desirability of continuing those commodity-by-commodity negotiations that help to accelerate the tariff reduction process.

Furthermore, establishment of the common market implies the total elimination of customs duties, and not merely a quantitative target for reduction. It would not, however, be advisable to try to do this immediately. This should rather be left for the final stage, when decisions should be taken in the light of the experience gained during the initial stage when a substantial reduction of tariffs would be obtained.

Clearly it will be necessary to anticipate the difficulties that may arise in fulfilling these commitments. For this purpose, as is explained later, the system would also include adequate safeguard clauses that would make it possible effectively to deal with such situations or possibly to correct any trade disequilibria that might arise. Moreover, countries could introduce internal taxes affecting national production and imports alike for the purpose of restricting consumption of certain items, especially luxuries.

As for the second commitment, quantitative and other nontariff restrictions on intra-regional trade—other than safeguard clauses—should also be gradually and automatically eliminated within the same period in accordance with formulas proposed by the technicians. These formulas should enable the above-mentioned restrictions to be converted into customs duties that would be subject to the other commitments proposed in this section.

As regards the third commitment, a common external tariff, which is an essential element for the creation of a common market, should be gradually worked out. Nevertheless, the greatest efforts should be made both to attain uniform tariffs as soon as possible for raw materials and intermediate products, in order not to dislocate competition among countries of the system, and to establish common external tariffs in the sectoral complementarity or industrial integration agreements, in order to obtain a reasonable degree of protection against external competition.

With regard to the fourth commitment, until the common external tariff is achieved, a system of preferences should be introduced for products of member countries when the preferences resulting from the process of tariff reduction are insufficient to satisfy the principle of reciprocity.

Regional investment policy

It would be a mistake to assume that the efficient manipulation of the trade policy instruments described above is enough to put the integration policy suggested here into effect. The play of economic forces alone, stimulated by tariff reductions, would not by itself lead to this result. It would be imperative to exercise some control over those forces, in order to attain the objectives of that policy.

It is not merely a question of reducing or eliminating duties and restrictions, of creating preferences, of foresightedly introducing safeguard measures to ward off or remedy dislocations, or of having corrective expedients available. It is much more than that. Integration also requires constructive action. Trade policy measures could not be a substitute for it; their function is solely to establish an adequate framework in which integration can be attained.

This constructive action should be translated primarily into a stimulating common market investment policy. Within the broad context of development, this policy must include, in particular, a series of activities relating to integration—first and foremost, the large import-substitution industries which, in addition to their importance in the development process, must help to overcome the external imbalance which is a feature of the more advanced countries of Latin America and which will soon appear in the others if current external trade trends continue.

As is well known, the import substitution process is entering a new stage. Easy substitutions are wholly or nearly exhausted in the more advanced Latin American countries and technically complex industries are beginning to be set up requiring large investments and a sizable market. None of our countries, no matter how large or vigorous, could begin or continue this stage of industrialization on its own in economically viable conditions.

It is therefore necessary to plan the development of these industries on a regional scale. This planning refers principally to iron and steel, some nonferrous metals, some groups of heavy chemical and petrochemical industries, including the production of fertilizers, and the manufacture of motor vehicles, ships, and heavy industrial equipment. This involves a limited number of industries which, in addition to being import-substitution industries, cover fields of vital importance for strengthening the economic structure and accelerating the pace of our countries' development. It is precisely in such fields that economies of scale, the advantages of suitable siting, the utilization of productive capacity and better operational efficiency will be most strikingly achieved. One of the paradoxical situations existing side by side with the Treaty of Montevideo has been that some of these industries have been established or expanded in various countries without regard to the objectives of an integration policy.

It would be appropriate for the governments to decide now to conclude these sectoral agreements in such industries so that a start can be made without delay on the studies needed for carrying out the relevant negotiations.

One result of the investment policy in all these industries might be the conclusion of a series of sectoral agreements within the next few years. Although these agreements are provided for in the Treaty of Montevideo, very few of them have so far been concluded, and those that exist do not relate to the industries that are of basic importance. One circumstance which may have contributed to this situation is the view originally taken that these agreements should conform to the most-favored-nation clause. This has just been corrected by a decision of LAFTA which provides that tariff reductions negotiated under an agreement will not automatically extend to the countries not party to the agreement in the absence of the compensatory measures stipulated.

As a general rule, complementary agreements would have to start from a more rapid and radical reduction in customs duties than would result from the gradual and automatic lowering of tariffs. In most cases, it might be possible for tariffs to be completely eliminated even before the end of the initial period of 10 years. This, of course, does not exclude the possibility of import quotas being established for limited periods so that the industries of some countries might be able to maintain a certain volume of production until such time as they became competitive with the common market.

In order to prevent combinations which, in the execution of the agreements, would restrict competition, it would be desirable to provide for a gradual and reasonable reduction of tariffs vis-a-vis the rest of the world as soon as the Latin American industries had been strengthened.

These sectoral agreements should be based on development plans for the various industries. Each plan should set out the production targets which would enable demand to be met and some or all of the relevant imports to be replaced. In addition, the necessary financing would have to be provided, and the broad lines of the policy to be adopted would have to be determined, especially to forestall any substantial difficulties which might arise from competition.

From another point of view, such agreements should not be exclusive or impede any other action that might be effective in the areas covered by the agreements. The scope of the agreements should, in this regard, be limited to providing incentives—particularly fiscal, technical, and financial incentives—that would direct the flow of investment in accordance with the aims of each plan but would not discourage new forms of action not benefiting from such incentives.

Apart from the sectoral agreements, the regional investment policy should concentrate on the countries that are relatively less developed and on any country in which the process of integration might give rise to substantial difficulties.

On the other hand, it must be recognized that in other branches of the consumer or capital goods industries, too, the progressive integration of markets may require special measures as regards promotional activities, reorganization and both technical and financial assistance, which would differ in degree and kind according to the particular circumstances and be complementary to the action taken to reduce tariffs.

Agriculture presents its own very special problems. Generally speaking, agricultural production has not expanded fast enough

to keep pace with a growing population and its needs. Latin America as a whole continues to import a large volume of agricultural products from the rest of the world, whereas its exports are expanding at a slow rate. Imports currently amount to $600 million, about $200 million of which is represented by U.S. agricultural surpluses.

There are thus three objectives to be achieved: an increase in production to improve the diet of the people and supply raw materials for industry; a reduction in the proportion of imported food and raw materials for internal consumption; and the encouragement of agricultural exports as a means of helping to eliminate the external bottleneck.

It is obvious that the solution of this problem cannot be left entirely to the corrective action of a trade policy. The problem is a complex one that has not yet been attacked in its full breadth and depth. What possibilities does Latin America have of achieving these objectives if it takes energetic action to increase productivity? In what form and to what extent will the various countries be able to take part in this action? In what way could the agricultural trade balance of each country be modified in relation to the rest of the Common Market? How far would it be possible to adjust whatever imbalance might arise from purely agricultural trade?

It must be confessed that the lack of systematic research in this matter makes it impossible to give any satisfactory reply to these questions. Nothing more can be done than to make certain very general statements of principle which may serve as a guide to the technicians. One paramount consideration in this regard is that the land of each country and the factors of production related to the land must be employed in the most economically efficient manner possible and that there can be no such thing as chronic unemployment, insofar as these factors are concerned, which cannot be corrected through their absorption in other sufficiently productive types of activity.

What is needed for the achievement of all these things is a program for developing Latin America's production and agricultural trade, a program in which special attention must be given to price policy. Such a program would also have to make provision for the investment necessary to put it into effect.

As to the infrastructural investment of the Common Market, special attention must be given to investment in transport and communications and, in some cases, to investment in power production and distribution. It is not intended that a single program should embrace the entire range of investments to be made in these fields by the countries belonging to the system; the aim is rather to coordinate this investment and to concentrate on carrying out those measures that require joint action.

With regard to air transport, the fragmentation and lack of coordination among the large number of Latin American airlines obviously impairs their efficiency and ability to compete with the airlines of the more advanced countries. This situation will become much more serious than it is now when supersonic aircraft come into use in the near future.

Joint action is also needed in the matter of shipping, which is affected by numerous complex problems ranging from the participation of Latin American fleets in traffic both inside and outside the area to the possible organizing of multinational shipping companies and the establishment of an adequate port régime.

Existing communications are generally poor and inefficient, and the need for improving, expanding and linking the various systems is obvious. The technological revolution in communications resulting from the use of satellites makes it even more imperative to unite efforts that would otherwise continue to be weak and ineffectual.

Investment policy should likewise encourage efforts for the integration of frontiers so as gradually to eliminate the consequences of an artificial division in regions where development calls for a common approach.

The Inter-American Development Bank should channel a considerable part of its resources into these investment programs without thereby giving any less attention to the financing of national development. As the integration policy gathers momentum, however, more extensive resources will have to be forthcoming, either from additional contributions made to the Bank for this purpose, or from funds from other sources. The ICAP is destined to play a leading role in coordinating these various kinds of financing.

Monetary and financial policy

It must be recognized that the inflation prevailing in some Latin American countries is a serious obstacle to integration, besides disrupting their economic and social development.

The struggle against inflation is a long and difficult one and the policy that is being carried out in this connection should be pursued resolutely and persistently. It would not be possible to wait for it to bring about monetary stability before putting the integration policy that is advocated in this document into effect.

In addition to the measures which are mentioned later in this document for dealing in particular with the exchange discrepancies that inflation usually causes, it would be very useful if the Latin American central banks could coordinate their efforts in considering the problems of monetary policy in the context of integration and, more particularly, in examining the phenomena of temporary or permanent disequilibrium in intraregional payments and in trade relations with the rest of the world.

Such joint efforts on the part of the central banks would be important as an expression of the sense of collective responsibility inherent in the policy of integration. This same attitude should prevail in discussions of the domestic measures of one country which might affect other countries and it should also strengthen the joint support of the efforts made by the Latin American countries in the relevant international organizations with a view to solving their balance-of-payments problems.

These movements toward regional unity will be of undoubted importance in the approach that Latin America should take as regards the revision of the world monetary system that has been recently begun. The fact that we and other developing countries are not taking part in the study of problems of international liquidity that is being made by the group of 10 highly industrialized countries is further evidence of the urgent need to strengthen our capacity for international negotiation.

On the other hand, there is no doubt that the lack of an adequate system of reciprocal and multilateral payments and credits is a considerable drawback in the policy of reducing tariffs and eliminating trade restrictions among the Latin American countries. This effort, and, generally speaking, the whole policy of integration, would be largely frustrated if there was no payments union, i.e., no system under which the operations of each country can be compensated by those of the other member countries and reciprocal credits can be granted to cover the balances resulting from regional trade. It is therefore necessary to provide for the periodical liquidation in convertible currencies of the balances which exceed the limits of the established credits and for the adoption of substantive measures to eliminate the causes of the continuing disequilibriums.

In this connection, the idea that has been discussed again recently of forming a joint reserve fund of the central banks should be encouraged, for various reasons, one being that it would help in mobilizing the external resources needed for the proper operation of the payments union.

A general compensatory machinery, designed to simplify payments and to enable sizable economies to be made in currencies and operational costs, would not preclude the establishment of smaller compensatory boards of groups of countries that have close trade relations.

In this regional plan it would be necessary to use the services of the existing commercial banks and, with their close cooperation, to promote the development of a system of short-term commercial loans to encourage Latin American trade.

With regard to the need to establish machinery for the medium-term financing of exports of certain types of goods, the Inter-American Development Bank has already taken a very important step in organizing a regional system for the financing of intraregional exports of capital goods. This system should be made more flexible and should be supplemented by regional machinery for insurance and reinsurance.

III. OTHER RECOMMENDATIONS FOR THE SYSTEM OF INTEGRATION

In the foregoing pages we have considered the measures of trade policy, investment policy and monetary policy that would have to be adopted in order to promote the establishment and smooth functioning of the common market. It would, however, be advisable also to establish clear criteria for other aspects which, if disregarded, might hamper progress toward this great objective. To this end, the following recommendations are put forward concerning the principle of reciprocity, the treatment to be accorded to the relatively less developed countries, the measures needed to deal with the internal dislocations that might arise in the process of liberalizing trade, and measures designed to stimulate Latin American private enterprise within the common market.

The principle of reciprocity

Reciprocity of advantage within the common market is an essential principle for its smooth functioning. No country will be able to go on deriving greater advantages than it grants to others.

It is impossible to lay down specific rules for maintaining this type of balance. Information on the additional trade which each country gains as a result of the reductions and elimination of tariffs and restrictions and of the specific integration agreements will, of course, be an important factor in assessing those advantages. Each specific case, however, will have to be examined carefully, for the disequilibrium working against one country will not always be due to the other countries not having granted it sufficient advantages. It might also have its source in the actual conduct of the country in question—its exchange system, for example, or the lack of adequate action to encourage exports, or other reasons. If that were not the case, however, it would be the responsibility of all to ensure that it obtained due reciprocity. Investment policy is of the utmost importance in the fulfillment of this collective responsibility, which is vital for the proper functioning of the common market, but in order to ensure reciprocity it will be necessary also to adjust tariffs.

In this sense, the countries which persistently gain greater advantages from the Common Market than do the others should speed up the reduction of customs duties and elimination of restrictions, insofar as the imbalance is not due to the attitude or policy of the less-favored countries. Those

countries will also have to offer a greater margin of preferences in order to promote their imports from the region in all cases where the reduction of customs duties and the preferences already granted are not sufficient.

This corrective action might prove necessary irrespective of the countries' level of development. The case of the less-developed countries of Latin America, however, would have to be given preferential attention, in accordance with the following general criteria.

The relatively less-developed countries

If integration is to succeed, all the countries must have in actual practice equal opportunities to profit from the establishment of the Common Market. For that reason, the relatively less-developed countries require preferential attention and special treatment, particularly in three fundamental aspects: Trade policy, technical and financial assistance, and regional investment policy.

With regard to the execution of trade policy, the less-developed countries should have longer periods in which to reach the quantitative goals set for the reduction and elimination of customs duties and other trade restrictions and to establish the corresponding preferential margins for intraregional imports. This system would have to be applied in relation to the actual expansion in the volume that these countries manage to export to the Common Market, on the understanding that the less-developed countries will continue to fulfill the obligations they have contracted only insofar as they go on gaining specific advantages from the Common Market.

There is no doubt that the incorporation of the less-developed countries in the regional integration process will require a special effort of technical and financial assistance. As far as technical assistance is concerned, the international organizations, the industrialized countries, and the more developed countries of the region must coordinate their efforts in programs with well-defined objectives that will enable the respective projects to be prepared in good time. Moreover, for the financing of the necessary investments, consideration must be given to external financial assistance on flexible conditions and favorable terms.

The regional investment programs must also give preferential attention to the less developed countries, especially in connection with power supply and the linking of those countries with the rest of the region, with regard both to means of transport and to communications systems. Similarly, the economic integration programs of the less developed countries—as in the case of the Central American countries—and the border programs between those countries and between them and the relatively more developed countries must be given special impetus. Lastly, particular attention must be given to the problems that arise in the less developed countries as regional competition becomes stronger. In this aspect, the action to be taken in order to improve or adapt established industries that are not sufficiently efficient is of special importance.

Measures of protection and readjustment

It is understandable that countries should be reluctant to enter into agreements providing for substantial reductions in tariffs and other trade restrictions until they have a clear picture of what protective measures they will be entitled to take if their imports should involve them in serious and persistent economic difficulties. Reference has already been made to the fact that technical and financial cooperation is needed for the readjustment of any activities which may be affected. While this process of readjustment is going on, it is essential that member countries should have at their disposal defensive measures which they can take in cases where their compliance with the agreements entered into jeopardizes activities of obvious importance to their national economy, or seriously affects their balance of payments or level of employment. Such measures could consist, for example, in the provisional imposition of import quotas or tariff rates higher than those agreed upon.

These measures could not be left to the sole discretion of the importing countries; they would have to be authorized by the competent organs of the common market, indicated above, so that the exporting countries would have some guarantee that measures of this kind would not be arbitrary, or be continued beyond the reasonable period necessary to bring about the required readjustment.

In this connection, the disturbing effects on trade resulting from inflation give rise to justified concern.

Until monetary stability is achieved throughout the region, any marked disparities between internal price levels and the external value of currencies will have to be avoided. Such disparities, whether they take the form of monetary overvaluation or of undervaluation, affect the entire process of trade and the entire payments system, not only our intraregional trade.

Where a country's currency is overvalued, the harmful effects are felt by the country itself, which can rectify them by altering its rate of exchange. However, it is conceivable that the country in question could be authorized to take certain transitional measures to correct the effects of the overvaluation of its currency on its trade with the other Latin American countries.

Where a country's currency is undervalued, the harmful effects are felt by the other countries members of the system. Accordingly, these countries should have at their disposal measures to protect their internal production and their exports until the exchange discrepancy is rectified. These measures, of course, would have to be expressly authorized whenever the country whose currency was undervalued failed itself to take measures of readjustment or compensation, as would be highly desirable.

In any event, the governments concerned will have to avoid or correct these disparities until such time as success has been achieved in removing their causes, whether these are to be found in inflation or in any other phenomenon.

Difficulties may also be caused by the varying tariff treatment given by different countries to imports of raw materials and intermediate products, since this gives rise to cost and price differences which interfere with normal conditions of competition. Until a common tariff—the fundamental solution to this problem—has been achieved, authorization could be given for transitional measures of a compensatory character.

The problem of stimulating Latin American initiative

The signatories to this document share a concern which is extremely widespread in Latin America: that in the most complex and investment-attracting sectors of the common market—i.e. in basic industry—private initiative in the great industrial centers enjoys so great a technical and financial superiority that it may well acquire a predominant position, to the decided detriment of Latin America entrepreneurs. This serious problem, while not the sole problem of the common market, may prove an obstacle to its progress.

Accordingly, solutions must be sought which will effectively dispel this concern. Two types of solutions may be conceived: the formulation of a statute providing a clear and uniform definition of the terms offered by Latin American countries and the Common Market to extraregional investors; and the adoption of a policy providing regional entrepreneurs with solid technical and financial support.

Proposals were recently made for the establishment of an international system to do away with the conflicts of interest which face foreign investors. In refusing to support these proposals, the Latin American countries have implicitly assumed responsibility for creating a system of their own offering practical and stable safeguards, within a code of principles rooted in an entire tradition of independent life.

Foreign capital undoubtedly has an important part to play in the development of our economies, particularly when it operates in association with local entrepreneurs in industries which are so technically complex or so capital-intensive that access to them is difficult for Latin American entrepreneurs alone at their present stage of development. Foreign firms generally have considerable exporting experience, and this experience, in conjunction with the efforts of our own entrepreneurs, could be of great use in insuring better exploitation of the opportunities offered by the Common Market, and, particularly, in promoting the export of industrial goods to the rest of the world. There are already a number of highly positive examples of these forms of association in various Latin American countries.

If the Latin American entrepreneur is to be enabled to take an efficient and equitable part in this type of association, the rules for foreign investment will have to be founded on the principle that the regional market must be an instrument to strengthen the position of our entrepreneurs and confirm their paramount role in the development of Latin America.

Thus foreign investment must be brought into line with the fundamental objectives; that is, it must bring with it modern techniques of production and it must serve increasingly as an efficient vehicle for the transfer of such techniques to our technicians and entrepreneurs and their genuine incorporation in the processes of business management.

But if the Latin American entrepreneur is to be able fully to fulfill his function, this is not enough; he must also be given solid technical and financial assistance. This is a responsibility which will have to be shared by the actual countries concerned and by the international organs and industrialized countries which are participating in the development of Latin America. The former will have to organize themselves with a view to mobilizing their own technical personnel—frequently dispersed among a variety of secondary activities—and setting up credit instruments and capital markets which will be of help in the preparation of projects and will contribute to financing the local costs of the resulting investments.

External financial assistance is a fundamental element in our development process. While the tremendous progress made in the last decade in the volume and quality of international financial cooperation—particularly in the financing of public investment—must be recognized, much remains to be done to create credit instruments by means of which similar finance can be rapidly channeled into the private sector. This is a problem demanding urgent attention, for until it is solved the very high proportion of total investment in Latin America represented by private investment will for the most part go to financing suppliers, frequently in respect of purchases of capital equipment at prices higher than the market prices and on amortization and interest terms incompatible with the capacity to pay of the lending countries. To solve this fundamental problem, concerted and tenacious efforts on the part of all international financial organs and the active cooperation

of the competent authorities of the capital-exporting countries will be essential.

IV. THE INSTITUTIONAL MACHINERY OF THE COMMON MARKET

In order to pursue systematic integration policy culminating in the establishment of a Latin American common market, it is necessary to set up institutional machinery which will make use of the various agencies and facilities already in operation and will thus make it possible to coordinate all action taken in connection with the objectives and general criteria stated above.

Council of Ministers

The supreme power of decision should vest in a Council composed of a Minister of State and an alternate representing each member country. The Council would hold regular meetings at least twice a year and special meetings when circumstances so required. When specialized subjects were under examination, the competent Secretaries of State should be present. Without prejudice to the foregoing, the alternates would meet more frequently in order to keep one another informed and to facilitate the work of the Executive Board and specialized bodies referred to below.

It would be desirable that the right to veto the Council's decisions should be restricted from the outset.

It would also be desirable for the Council to have the help of advisory committees composed of high-level technical officials from the member countries, and that of a committee composed of representatives of the workers, entrepreneurs, universities and technical and professional organizations.

Executive Board

The executive authority of the common market would vest in a Board composed of a Chairman and a limited number of members—preferably four and in any case no more than six—appointed by the Council. The Chairman and members of the Board should be nationals of member countries, would be eligible for reappointment and should be selected mainly on their technical qualifications.

The members of the Board would represent, not the Governments appointing them in the Council, but the community itself. They would accordingly be forbidden to receive orders or instructions from countries individually and would be required to exercise complete independence of judgment in the performance of their duties.

The principal functions of the Board would be: to insure that the objectives of the integration policy were attained and that the general criteria of that policy, including the principle of reciprocity and the necessary tariff-adjustment and preferential measures, were applied; to propose to the Council measures designed to accelerate that process; to promote the negotiation of sectoral complementarity agreements; to promote, or to have carried out under its direction, the studies required for the application of the general policy of integration; to decide on the application of safeguards and readjustments when required; to act as a court of first instance in disputes on interpretation; and lastly, to coordinate activities relating to commercial and investment policy, monetary and payments policy and foreign trade financing policy.

In addition, the Board should promote or carry out studies designed to coordinate the action of the Latin American countries in negotiations for the expansion or diversification of exports, should protect the prices of products exported to the rest of the world, and should play an effective part in devising other measures of international cooperation.

Latin American Parliament

The establishment of a Latin American Parliament, composed of representatives of the region's Parliaments, would give great impetus to the integration process. At the recent meeting at Lima, Latin American parliamentarians gave this fundamental decision their unanimous support. The Latin American Parliament would be a regional forum in which the major currents of public opinion would converge to elucidate the most important problems of integration. A climate of opinion would thus be created which would be favorable to the political decisions needed to set the process in train and to maintain steady progress toward regional integration.

Instrument for the promotion of regional investment

In the matter of regional investment policy, the Board should reach agreement with the Inter-American Development Bank on the establishment of an instrument which would actively promote the preparation of studies and projects in connection with the regional market, taking advantage of the work already being done in this direction by various organizations and drawing upon the experience they have gained. This instrument should form part of the IDB system and be under the joint direction of representatives of IDB and of the Board.

Its main function would be to carry out preinvestment studies and to prepare programs and projects in the following fields: basic industry; border programs; regional infrastructural investment; and investment in relatively less-developed countries, or investment designed to correct maladjustments.

These studies and projects in its possession, the Board would be able to promote the sectoral complementarity agreements required to negotiate the financing for the required investment. It should be made clear that the choice of functions for this body implies no disregard of the important contribution currently being made in this field by organizations of the inter-American system and by international agencies. On the contrary, the aim should be to encourage closer collaboration among all concerned, so that their efforts may be put to better use.

Conciliation procedure

Disputes on interpretation may arise in the course of the integration process. Problems not solved by direct negotiation between the parties should be referred, in the first stage of the conciliation procedure, to the Board. If no agreement were to be reached, the problem would be solved by an ad hoc conciliation committee acting as a supreme court; its members would be drawn by lot from a list of persons designated for the purpose by the member countries beforehand. This experiment might lead to the establishment of a regional court of justice.

V. FINAL OBSERVATIONS

These are the proposals which are being submitted to the Latin American governments for their consideration. What is needed, more than technical studies, is a definition of major objectives and the adoption of political decisions at the highest level. However, once these decisions are taken by governments, there will have to be technical discussions on the best means of translating them into specific agreements and commitments which will insure their implementation. Without these prior political decisions, there is a danger that the technicians will unduly prolong their deliberations for want of a complete picture of the aims and objectives to be achieved.

These proposals call for a vast program of work. Our countries must set about this program without delay, however, much effort this may require of them, and resolutely mark out the path of Latin American integration. It would be useless to seek another solution. None exists, nor will one appear with the passage of time; indeed, time will make the task more difficult.

Integration is not something that can equally well be done or left undone. It is of fundamental importance for expediting Latin America's economic and social development, which is so gravely threatened by internal and external factors which must be dealt with most decisively.

We must realize, however, that the solutions which will lead us to that goal are not simple or easy ones. Ever since the great world depression, we have been seeking such simple and easy solutions, but we have not found them. Nor shall we find them, for our ills do not respond to contingent or transitory factors. They are basic ills, and they require basic remedies. In those earlier times, we lacked the experience to undertake this task on a regional scale. To fail to try now, after a long succession of frustrations, would be unpardonable.

Nevertheless, we must not underestimate the serious obstacles barring the way to these solutions. A multitude of immediate problems urgently demand the attention of our governments, leaving little time or energy to attack their fundamental causes. Thus, we are caught in a vicious circle. The immediate problems are becoming more serious and more acute because no basic decisions have been taken, while such decisions are not being taken because of the constant pressure of the immediate problems.

An extraordinary effort is required in order to break this vicious circle, and it is an effort which can no longer be postponed.

There is no doubt that the course of action advocated here—action leading to a common market—is fraught with dangers. However, there are also risks in inaction, and they are far greater. It would be the height of folly to run the risks of inaction in a Latin America which is in the throes of such profound social upheaval.

Moreover, the risks of action should not be exaggerated. There is no risk in the advance toward economic integration which cannot be averted or overcome, nor is there any dislocation which cannot be corrected. Why should the emphasis be placed on all these things rather than on the positive aspects of this great policy? Will it not offer our countries the most promising opportunities for action? Indeed, confined within the narrow limits of a national market, that action lacks broad horizons. Its frontier must be extended so that it can develop as effectively as possible until it reaches the 230 million inhabitants of Latin America.

We must also extend the frontier at the higher levels of Latin American educational and technical and scientific development as an essential part of the vast integration process.

This represents a tremendous challenge. It is a challenge to Latin American statesmen. It is a challenge to entrepreneurs with a spirit of determination and pioneering. And it is also a challenge to the Latin American workers, to technicians, and to the new generations which will find a great vital stimulus in the eager effort to create a Latin American community.

All this must be done now, without delay and with broad vision and constructive boldness. For a great deal is at stake. It is not simply a question of markets and competition. What is threatened in Latin America, given the imperious social demands of development, is the dynamic effectiveness of the system under which we live and the survival of our own values. What is at stake is our ability to step up the pace of development in order to achieve, on an impressive scale, a better life for the entire community through the vast potentialities of technology, within the broad and promising framework of an integrated Latin America which is conscious of its destiny and of the weight it carries in the modern world.

The recommendations appearing in this document represent the unanimous opinions

of the authors and are their own and exclusive responsibility. They wish to point out that they had the cooperation of various persons, including the very valuable collaboration of Mr. Angel Alberto Solá, Executive Secretary of LAFTA.

RECOGNITION FOR LARRY O'BRIEN

Mr. CHURCH. Mr. President, Lawrence F. O'Brien, special assistant to Presidents Kennedy and Johnson, is described in an August 4 article by William S. White, as having performed brilliantly both in making President Johnson's transition to the White House a successful one and in guiding the administration's program through the 89th Congress. I would like to add my praise to these kudos for Larry O'Brien and for his contribution to the record of this Congress.

I ask unanimous consent that this column, which appeared in the Washington Post, be printed in the RECORD.

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

JOHNSON PROGRAM—O'BRIEN'S CONTRIBUTION

(By William S. White)

There are two incredible realities about President Johnson's program in Congress, and it is a close question as to which is the more improbable.

One is the profound and unexampled scope of the legislation that has moved so sedately and surely through the Senate and House. What Congress under Mr. Johnson's spur is doing in all fields of social legislation is in depth and total meaning beyond what any Congress has ever done for any President in any like period—not excluding Franklin D. Roosevelt at the top of his power.

The other unreal reality is that all this is being accomplished with so quiet, so casual, an air of professional competence that the country is hardly aware of the immense alterations being made in the whole fabric of its collective life.

Five enactments of historic significance have already followed one another in orderly and ordained sequence, as steadily and calmly as a trained squad of men filing by in quickstep. Four of these—aid to the Appalachian region, Federal assistance to education in a fundamental way, medicare and Negro voting rights—had been in one way or another sought for decades—for two to three decades in some instances, for 10 decades in the case of civil rights.

A fifth, the measure not merely to broaden Government-aided housing but also to provide Government rent subsidies to tenants, is so far reaching as never before to have been proposed at all.

In any Congress one had known in the past any one of these huge bills would have provoked a struggle to shake the very walls of the Capitol. This time, each one has gone forward in about the atmosphere of strife and drama a postman might stir in making his rounds in the suburbs.

Perhaps history will have to determine the ultimate degree of wisdom or unwisdom in these unprecedented congressional actions. Some onlookers, including this onlooker, will not wait so long. They cannot down grave anxieties as to whether we ought to have gone so far so quickly in some of these many directions. Anyhow, we have gone there.

So, how was it all done? Primarily, of course, it was done by an occupant of the White House whose skill in leading and prodding Congress is matchless in our time. But the White House shelters more than one man; and the No. 2 man in this performance is entitled to a great share of credit or blame.

This No. 2 man is Lawrence O'Brien, the President's principal agent in liaison with Congress, and before that, a member of what the eggheads around President Kennedy were pleased to call, with a certain condescension, "Kennedy's Irish Mafia." O'Brien, who loved Mr. Kennedy as well as the next fellow, also loved the causes and the country he was supposed to represent. So those causes and that country—and President Johnson, too—he has served with signal loyalty and high competence. If the record of the first session of the first Johnson Congress is extraordinary—and all can agree on that much, at least—extraordinary has been O'Brien's contribution to it.

No man has so ably embodied the transition from the Kennedy to the Johnson era. And no man has done his full duty with less cocktail-circuit posturing and self-promotion. The reason is not dreadfully hard to find. O'Brien is a true professional; he is concerned with results and not with doctrinal hair splitting and ideological hissing matches.

And so nobody has had to draw him a little map of the trails through that tough terrain where the bureaucratic jungle merges with the legislative jungle up on Capitol Hill.

FAIR TREATMENT FOR FARMERS

Mr. DOUGLAS. Mr. President, one of the primary fears of the proponents of the Dirksen amendment was that State legislatures reapportioned in accordance with the Supreme Court decisions would not support or protect rural interests. I have long maintained that this is not necessarily the case. An editorial published on August 4 in the Oklahoma City Times supports my contention that legislatures reapportioned on a population basis can and do deal justly with the needs of the rural segments of the electorate. Mr. President, I ask unanimous consent that this editorial be printed in the CONGRESSIONAL RECORD.

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

FAIR TO FARMERS, TOO

One of the bugaboos voiced against reapportionment was that it was going to damage the farmers.

As the U.S. Senate now debates the Dirksen amendment aimed at scuttling reapportionment, it should review the record in those legislatures reapportioned to date.

So far as we have heard, the farmers and rural folk have not been hurt, in any reapportioned legislature.

In Michigan, for instance, high officials in the Grange and the Farm Bureau have admitted to reporters that reapportionment has not harmed them and that the farmer was well treated in the first session of their legislature redistricted on a one-man, one-vote basis.

Certainly the experience in the reapportioned Oklahoma Legislature bears this out.

The 1965 session, for example, repealed the sales tax on fertilizer, something for which farm groups in Oklahoma had fought in vain for years.

The point is that under reapportionment all will be treated fairly, the farmer quite as much as his city cousin.

AN OBJECTIVE JUDGMENT ON THE RAMPART DAM

Mr. GRUENING. Mr. President, in the May issue of the Atlantic Monthly there appeared what I deemed to be a somewhat lurid article on the subject of the proposed Rampart Canyon Dam in Alaska. It was written by Paul Brooks, editor of Houghton-Mifflin, and was entitled "The Plot To Drown Alaska." The editor of the Atlantic Monthly offered to give me approximately one-half the space given to Brooks' article for reply, which appeared in the July issue under the title "The Plot To Strangle Alaska," to which Mr. Brooks appended a further reply, and I, in turn, wrote to the Atlantic Monthly requesting that my reply to Brooks' reply be printed, which I hope will be the case in a forthcoming issue. Reprints appear in the CONGRESSIONAL RECORD issue of July 21.

Meanwhile, an objective comment on the pros and cons of this debate have appeared as an editorial in the Washington Teamster for July 9. I ask unanimous consent that this judgment on the dialog on the subject of the Rampart Dam between Mr. Brooks and myself be printed in the RECORD at this point.

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

ONE MAN'S SWAMP, ANOTHER MAN'S SHALLOW WATER

You take two fluent experts with similar interests but different viewpoints and set them to writing about the matter closest to their hearts, and you will get a chance to expand your world.

Say one man is a Senator and the other is the editor in chief of Houghton-Mifflin Co. and an author. Say the Senator is a former editor also, and unusually independent as a writer and a politician.

You have then two men who should be able to give you an honest and instructive explanation of the issues involved in a current controversy. No matter how big the problem, these men should be able to reduce it to simple terms if it is something within their competency.

FINDING THE RIGHT

Further, they should be able to separate feelings from facts, and give their audience the information straight, so each man can decide for himself where right is. And when each man has read for himself, he will know definitely that one side has it over the other. There will be no taking the easy course; readers will not be led to say that truth is somewhere in the middle and neither is right. That reaction comes when the reader is a coward or excessively prudent, or when the reader has lost the thread of the argument. If the reader has given his full attention to the writers, he should be able to decide definitely, perhaps with some reservation, but, nevertheless, conclusively.

This is true even if the controversy is as big as Alaska, for size isn't the deciding element.

If the writers are Senator ERNEST GRUENING and Paul Brooks, a person should be able to follow the course of their exchange with profit.

With that conditional premise, we set out to discover the most important things that these two men know about the proposal to build a dam at Rampart Canyon on the Yukon. The Atlantic Monthly has made it easy to discover what they know by devoting 11 pages to their arguments for and against the dam.

QUALIFIED TO JUDGE

After reading Brooks' argument against building the dam, under the title "The Plot to Drown Alaska," and GRUENING's counter argument, with a title identical except for "Strangle" in place of "Drown," we can say that the premise holds up. Before reading

the exchange, we had no opinion on the issue. It would be hard to imagine a more perfect judge. As we say this, we admit to one predilection. We generally favor dams.

On the other hand, we favor conservation, in a general way. If nature isn't hurting anyone, then leave it alone. That's the attitude we take into disputes coming from proposals to blow up, divert, cover, or dam something that has been here longer than man.

Both GRUENING and Brooks identify themselves as conservationists. But GRUENING is concerned about values that conservationists sometimes ignore. On this point, GRUENING wins the argument.

GRUENING put it this way:

"Where I differ with some of my fellow conservationists is that in their zeal for the preservation of every feathered, furred, or scaled creature, they sometimes overlook the requirements of people. Man, too, requires a habitat, and unless it has an economy that will enable him to subsist, it is not a viable one. Let me amplify by saying, by way of example, that we should not preserve moose (or any other wildlife) for its own sake, but so that man may continue to see moose, photograph moose, hunt moose, always in perpetual supply. Wise utilization, not mere preservation, is the essence of sane conservation."

REBUTTAL TO BROOKS

This argument is a reaction to Brooks' contention that damming the Yukon River at the Ramparts in east-central Alaska would wipe out moose, martins, wolverines, weasel, lynx, muskrat, mink, beaver, and otter.

GRUENING maintains that moose are too numerous, that they are all over Alaska. There are so many, he says, that they have become a problem to farmers in the Matanuska Valley, where they eat what was planted by man for man.

This isn't the only issue involved in building a dam that will create the world's largest lake, but it is an issue that arouses the emotions of a lot of articulate people, and one that has to be resolved whenever a proposal is raised to change the face of the earth. The political action that precedes the appropriations for dams comes easier when the conservationists have been satisfied or appeased. It comes hardest when they are ignored.

COVERING ALL POINTS

The debate wages over the other questions common to proposals for building dams: Is the power needed? Will the families displaced by the lake lose their means of livelihood? How many families will be displaced by the new lake? How will fish runs be affected?

On each of these points, GRUENING presents the better argument. He observes that a study by the Development and Resources Corporation of New York, a nationally known hydro consulting firm then headed by David Lilienthal and others who organized and directed the Tennessee Valley Authority, showed that all of Rampart's power would be in demand as soon as generated.

GRUENING notes that only a few natives live along the river behind the proposed dam, and these are on a bare subsistence economy. He points out that 20 native villages have moved voluntarily from their aboriginal location to secure a better environment.

THE LAND AS LAND

There is yet another point to be resolved. It comes from seeing the land as part of all creation.

In some instances, this is the primary consideration. Those who oppose the proposal to dam the Colorado River in the Grand Canyon have right on their side because the dam would mar one of the most inspiring sights on earth. J. B. Priestley has described the Grand Canyon as "a sort of landscape Day of Judgment." "It is not a showplace, a beauty spot," he has written, "but a revelation."

Now, not all men are inspired by views of land uninhabitable in its natural form. Some will think of it as wasteland, and speculate on how it can be changed.

Perhaps every man has to determine for himself whether the land inspires him or makes him despair. Pending the day when every man can be flown to sites of controversy so he can measure the effect himself, all of us will be dependent on relayed reports and pictures.

LITTLE TO INSPIRE

From what we have seen and heard of the Yukon Flats, the area behind the proposed Ramparts Dam, man will lose little that is inspiring if the landscape is changed. Although Brooks writes fondly of the area, his thoughts are mostly on the birds, fish, and animals. He calls the water that covers the area "shallow." GRUENING describes the area to be flooded as "a mammoth swamp." He says, "Scenically it is zero. In fact, it is one of the few really ugly areas in a land prodigal with sensational beauty."

If man could keep things just as they are and still meet his needs, we would agree that the Yukon Flats should be left a swamp. Even a swamp has some inspirational value, when seen from a plane; it has some when seen from a boat, under favorable conditions. But the inspiration is low key: a person may feel a challenge, he may find himself overcome with an urge to brave the swamps.

There is no shortage of this kind of challenge and will not be as long as there is ice at the poles.

Let the dam be built.

SUPERPOWER FOR RADIO STATIONS IS NOT IN THE PUBLIC INTEREST

Mr. NELSON. Mr. President, today I have added my name to Senate Resolution 88. This resolution was submitted by the junior Senator from Florida [Mr. SMATHERS] and by the chairman of the Senate Small Business Committee [Mr. SPARKMAN]. The resolution expresses the sense of the Senate that the Federal Communications Commission should not adopt or promulgate rules to permit any radio station operating on a frequency in the standard broadcast band to operate on a regular or other basis with power in excess of 50,000 watts.

This resolution will have the Senate reaffirm a longstanding position. Fifty thousand watts is the limitation which has been imposed for more than 30 years on all standard broadcast operations in the United States. It was in 1938 that the Senate established its position when it passed Senate Resolution 294. The Senate has never changed that policy. It is time that we reaffirm our stand.

The House of Representatives in 1962 passed House Resolution 714 which states that, notwithstanding the Senate resolution of 1938, it is the sense of the House that the FCC may authorize the use of power in excess of 50,000 watts on any one of the 25 class I–A clear-channel frequencies in the standard broadcasting band, if the FCC determines that such action will serve the public interest, convenience, or necessity.

Eight stations that are now in the so-called class I–A clear-channel category have requested that the FCC grant them licenses to operate with as much as 750,000 watts of power.

The Commission, in a letter to me has said that it has the authority to deny the applications seeking higher power, and could amend or refuse to amend its rules so as to permit it, without further congressional action.

With these applications pending and the existence of House Resolution 714, I believe it is essential for the Senate to express its wishes to the Federal Communications Commission.

The opposition to granting this superpower to these clear channel stations has been almost unanimous in my State of Wisconsin.

The Wisconsin Broadcaster's Association, which represents 92 percent of Wisconsin's broadcasting stations, is opposed to granting this superpower to the clear-channel stations. The association contends that authorizing additional power would result in widespread interference with the signals of smaller stations and give the few clear-channel stations unjustified dominance in a wide area. This, it seems to me, is a valid objection.

So strong has the opposition of the association been that on November 21, 1964, it adopted a resolution in which it registered unconditioned opposition to granting super power to the clear-channel stations.

Mr. President, I ask unanimous consent that a copy of that resolution 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 OF WISCONSIN BROADCASTERS ASSOCIATION

Whereas the Federal Communications Commission is now considering the granting of power as high as 500,000 or 700,000 watts for the 12 remaining class 1 clear-channnel stations; and

Whereas seven radio stations that presently operate with the maximum of 50,000 watts have requested licenses to operate with as much as 750,000 watts; and

Whereas the granting of superpower of this order to these stations or to any clear-channel station, would give them a dominant voice in the radio medium in dissemination of news, information, and viewpoints, and an overall competitive advantage in coverage, listeners, and potential advertising revenues; and

Whereas this action would result in widespread interference with the signals of smaller stations and adversely affect the local public service potential of smaller stations everywhere; and

Whereas this action in the present current industry environment seems unwarranted, unnecessary, and impractical even for purposes of emergency defense communications: Now, therefore, be it

Resolved, That the Wisconsin Broadcasters Association, joins the many other State associations, independent industry groups (Association on Broadcasting Standards, Daytime Broadcasters Association, and others), in registering unconditioned opposition to this proposed granting of superpower by the FCC; and further be it

Resolved, That a copy of this resolution be forwarded to the Federal Communications Commission, to the Committee on Interstate and Foreign Commerce of the U.S. House of Representatives, to the Committee on Commerce of the U.S. Senate, to the members of the congressional delegation from the State of Wisconsin, and to any other appointed or elected officials or groups interested in this action.

Mr NELSON. I have heard the arguments of the Clear Channel Broadcast-

ing Service for granting the proposed increase in power, and I have heard the arguments in opposition.

The arguments favor the position of the Wisconsin Broadcasting Association. I think it would be bad policy for the FCC to grant these great increases in power.

Let me just indicate some of the feelings of the individual stations in my home State.

George Comte, general manager of radion station WTMJ in Milwaukee, Wis., wrote:

There is no clear-channel station in the State of Wisconsin. Any increase in service by the (clear-channel) stations through an increase in power will be far overshadowed by the decrease in service your constituents are now offering. The side band (adjacent wave length) interference will cause a disastrous decrease in the signal potential of such stations as WTMJ and the many other stations serving their respective communities in Wisconsin.

Parks Robinson of radio station WISV in Viroqua, Wis., wrote:

This superpower will give this small number of stations an unfair advantage over the rest of the radio stations in the country. This increased power would cause increased interference for many of the small town radio stations. Most of the United States receives adequate radio coverage through the many local stations.

Eugene A. Halker, president of WATW Inc. in Ashland, Wis., wrote:

It is the frank opinion of this writer that to allow this unwarranted increase in power would be a further step in allowing small businesses to be sacrificed to the selfish interests of the large corporation.

I ask unanimous consent that the full text of these letters I have quoted along with copies of other correspondence I have received in connection with this issue be prined in the RECORD at the conclusion of my remarks.

In summary let me say that I am pleased to cosponsor this resolution. I trust that it will be given favorable consideration by this body.

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

WBIZ,
Eau Claire, Wis., July 16, 1965.

Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: WBIZ, Eau Claire, Wis., wishes to register a protest concerning some considerations for superpower radio stations.

We have become aware of some expressions of interest in the use of superpower (perhaps as high as 750 kilowatts) by certain clear-channel AM stations.

Creation of superpower, even on an experimental basis, could easily mean the end of service for many smaller stations. Regional networks, especially sports networks, would become unnecessary. The loss of national, regional, and even local revenues would be a grave hazard to the existence of most smaller stations.

Technical problems are sure to arise in the already crowded broadcast band.

The proposal is not in accord with the standards of the International Telecommunications Convention, of which the United States is a member.

There seems to be no real need for such experimentation.

Because of these factors, we express our opposition for further consideration of superpower for broadcast stations.

We ask that you speak in our behalf and in the interest of all smaller stations on this matter.

Sincerely,

WBIZ, INC.,
JACK O'FARRELL,
Station Manager.

WATW, INC.,
Ashland, Wis., November 25, 1964.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: Within the very near future the Federal Communications Commission will decide whether or not to allow 13 class 1–A clear-channel radio stations to increase their power from 50,000 watts to 750,000 watts.

It is the frank opinion of this writer that to allow this unwarranted increase in power would be a further step in allowing small businesses to be sacrificed to the selfish interests of the large corporation. Although this may be the historical pattern our Nation and our economy is following, it is not necessarily the right step if we believe in the preservation of a competitive economy.

More specifically (and I speak with a selfish interest), if these 13 stations were allowed to increase their power, radio station WGN in Chicago, operating on 720 kc., would undoubtedly wipe out the coverage of WXMT in Merrill, Wis., which operates on 730 kc. Local radio service to this area would be lost. Businessmen and women would be robbed of an important means of advertising. Six full-time and five part-time jobs would be destroyed, the city of Merrill would lose a taxpayer. It is easy to extend the damage caused to the local area if this increase is allowed.

I, and every other broadcaster in the State, ask your immediate support in fighting this proposed expansion.

Thank you,

EUGENE A. HALKER,
President.

P.S.—Attached is a letter recently received from the Association on Broadcasting Standards, Inc. which I am sure you will find of interest.

RADIO STATION WISV,
Viroqua, Wis., October 27, 1964.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: The Federal Communications Commission is considering the granting of super power to 12 of the large radio stations in the United States. The clear-channel stations are now urging the FCC, through Congress, to authorize an experiment or several of these.

This super power would give this small number of stations an unfair advantage over the rest of the radio stations in the country. This increased power would cause increased interference for many of the small town radio stations. Most of the United States receives adequate radio coverage through the many local stations.

In the interest of the radio stations of Wisconsin, and their listeners, will you investigate this situation?

Very truly yours,

PARKS ROBINSON.

WKTY RADIO,
La Crosse, Wis., October 27, 1964.

Senator GAYLORD NELSON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: The purpose of this letter is to voice our strong opposition to Congress or the FCC granting superpower to any clear-channel stations in the United States. We are against any granting of superpower because of:

1. The unfair competition it would create for other stations.
2. The embarrassment it would cause the United States in its current efforts to stop superpower in Central American nations.
3. The excessive adjacent channel interference it would cause.
4. The hindrance it would be for the development of smaller stations throughout the country.
5. Superpower is not necessary because new AM and FM stations are already adequately serving the sparsely settled areas of the country.

I hope you will agree with us in this matter and vote against any such superpower proposals.

Thank you.

Yours truly,

HERBERT H. LEE,
President.

WGEZ, RADIO,
Beloit, Wis., October 28, 1964.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

Hon. SENATOR NELSON: Currently there is an effort by a handful (12) of radio stations in the Nation to acquire superpower, on a so-called experimental basis. These stations specifically requesting this "superpower" are essentially stations currently operating under a clear-channel franchise. The objective here we believe is to dominate a region even more than they presently claim.

As owner-operator of WGEZ our objections are as follows:

1. Superpower for a handful of stations will cause overwhelming competition for the other AM and FM stations in the country.
2. Superpower will embarrass the United States in its current efforts to stop superpower AM proposals in two Central American nations.
3. Superpower will cause excessive adjacent channel interference to smaller U.S. stations, mostly the daytimers.
4. Superpower for a few AM stations will hinder the full development of FM.
5. Superpower is unnecessary because new AM grants and FM stations serve the so-called underserved white areas.
6. Superpower experimental operations proposed by the applicants will violate the FCC's own rules by allowing the scheduling of regular programs and unlimited hours.
7. The superpower experimental applicants obviously understand the great economic advantage of such operation since they propose to raise their rates to pay for the added costs. This clearly presupposes that advertising revenues will be syphoned away from other stations.

Please note that under objection No. 7, there is an economic factor involved. There is the distinct potential that with this superpower these 12 stations, which are the only ones eligible, would blanket the Nation, and their respective radio pitches to advertisers would be based on this fact without greater service than now offered to local communities. These revenues that now normally are detailed to local stations would be nonexistent. With this loss of revenue, the basic promise for a local operation possibly may be curtailed.

We strongly urge you to vote against the power grab, when it comes before Congress on an experimental basis.

Should you desire more information on the subject, may I suggest you contact the office of Association on Broadcasting Standards, Inc., 1741 De Sales Street NW., Washington, D.C. Telephone 202–393 7742.

Thank you for your attention to this subject.

Cordially,

C. & J. BROADCASTING, INC.,
RAYMOND W. GRANDLE, *President.*

WTMJ-TV, WTMJ, WTMJ-FM,
Milwaukee, Wis., May 19, 1964.

Senator GAYLORD NELSON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: Since writing you on April 28 relative to requests for superpower for certain radio stations, I have had a further report from our engineering personnel. Attached is a copy of this report exactly as it was presented by various staff members to our engineering manager, Mr. Phil Laeser.

Sincerely,

——— ———,
General Manager of Radio and Television.

ESTIMATE OF THE EFFECTS OF THE PROPOSED 750-KILOWATT OPERATION OF CLASS 1-A CLEAR-CHANNEL STATIONS ON STATIONS LOCATED IN WISCONSIN

Nearest clear-channel frequency to WTMJ is 640 kilocycles which has KFI, Los Angeles, as the class 1-A station. FCC rules allow for interference ratios of 1 to 30 for signals 20 kilocycles removed. This would allow for a signal of 15 mv/m at WTMJ's 0.5 mv/m contour. With 750 kilowatts KFI's ground wave field at WTMJ's 0.5 mv/m contour would be less than 6 mv/m (microvolts) (the minimum on the FCC charts). Skywave interference ratios for stations 20 kilocycles removed are not specified in the FCC rules. From this we could conclude that WTMJ would not receive objectionable interference from KFI operating with 750 kilowatts.

Other stations in Wisconsin related to this situation are listed as follows:

I-A CLEAR-CHANNEL STATION AND WISCONSIN STATION AFFECTED

WGN Chicago, 720 kc.: WDSM Superior, 710 kc.—5 kw. day and night.

WGN Chicago, 720 kc.: WXMT Merrill, 730 kc.—1 kw. daily.

WBBM Chicago, 780 kc.: WEAQ Eau Claire, 790 kc.—5 kw. day and night.

WBBM Chicago, 780 kc.: WDUX Waupaca, 800 kc.—1 kw. daily.

KOA Denver, 850 kc.: WFOX Milwaukee, 860 kc.—250 watts daily.

WWL New Orleans, 870 kc.: WFOX Milwaukee, 860 kc.—250 watts daily.

WLS Chicago, 890 kc.: WATK Antigo, 900 kc.—250 watts, daily.

WLS Chicago, 890 kc.: WDOR Sturgeon Bay, 910 kc.—1 kw., daily.

KDKA Pittsburg, 1020 kc.: WSPT Stevens Point, 1010 kc.—1 kw., daily.

WHO Des Moines, 1040 kc.: WECL Eau Claire, 1050 kc.—1 kw., daily.

WHO Des Moines, 1040 kc.: WLIP Kenosha, 1050 kc.—250 watts, daily.

KMOX St. Louis, 1120 kc.: WISN Milwaukee, 1130 kc.—50 kw., daily; 10 kw., day and night.

KSL Salt Lake City, 1160 kc.: WAXX Chippewa Falls, 1150 kc.—5 kw., daily.

WCAU Philadelphia, 1210 kc.: WHBY Appleton, 1230 kc.—1 kw., day; 250 watts, night.

WCAU Philadelphia, 1210 kc.: WCLO Janesville, 1230 kc.—1 kw., day, 250 watts, night.

To illustrate how the 750-kilowatt operation would affect Wisconsin stations, the situation for WXMT 730 kilocycles (daytime only) at Merrill, Wis., can be taken as an example. The FCC rules allow for a 1-to-1 ratio between desired and undesired signals for stations on adjacent channels. WXMT would normally be protected to its 0.5 mv/m contour. This means that the interfering signal should be limited to 0.5 mv/m at this contour. However, if WGN should operate with 750 kilowatts, the WGN field at this point would be about 0.8 mv/m. This is for ground wave signals under daytime conditions.

This would result in a reduction of the present WXMT protected coverage area. A new contour for a 1-to-1 ratio for the desired to undesired signals would consequently be 5 miles less distant from station WXMT and represent a limiting signal higher than 0.5 microvolt per meter.

Another example would be in the case of WEAQ at Eau Claire, Wis., on 790 kilocycles. With WBBM using 750 kilowatts, their signal at the WEAQ 0.5 microvolt per meter contour would be 4.63 microvolts per meter for daytime conditions which is very close to the limit specified by the present rules.

WEAQ also operates at night so they would also receive skywave interference from WBBM. The nighttime interference signal received at Eau Claire from WBBM would be about 114 microvolts per meter. However, since the interference, at locations on a station's protected contour, is due to several of the stronger interfering signals on the same and adjacent channels, an interferring signal of 114 microvolts per meter would considerably contribute to the total interference received by WEAQ.

While the two examples used above are of stations which would encounter the greatest interference from the 750 kilowatts operation, all of the Wisconsin stations listed will be affected to a detrimental degree.

E. L. CORDES,
Chief Engineer, WTMJ-TV.
G. L. DAVIDSON,
WTMJ Transmitter Supervisor.

WTMJ-TV, WTMJ, WTMJ-FM,
Milwaukee, Wis., April 28, 1964.

Re super power for certain radio stations.

Senator GAYLORD NELSON,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: Of recent date radio stations WWL, New Orleans; WJW, Cincinnati; WGN, Chicago; WJR, Detroit; WHO, Des Moines; and KSL, Salt Lake City, requested the FCC to raise power on their clear channels from 50,000 to 750,000 watts.

It is our hope you will exert whatever influence is appropriate to deter the granting of their requests.

There is no clear-channel station in the State of Wisconsin. Any increase in service by the above stations through an increase in power will be far overshadowed by the decrease in service your constituents are now offering. The side band (adjacent wave length) interference will cause a disastrous decrease in the signal potential of such stations as WTMJ and the many other stations serving their respective communities in Wisconsin.

Warmest regards.

Sincerely,

GEORGE COMTE,
General Manager of Radio and Television.

POLLUTION THREATENS LAKE ERIE

Mr. KENNEDY of New York. Mr. President, I had the opportunity to testify yesterday before the Buffalo session of the Federal Water Pollution Conference for Lake Erie. This Conference, called by Secretary Celebrezze, is determining the exact causes of water pollution in Lake Erie and will recommend ways in which this pollution can be eliminated. Lake Erie is in danger of destruction from pollution unless prompt action is taken now. Cooperation between Federal and State Governments is required if this action is to be taken.

I ask that, with unanimous consent, an editorial appearing in the New York Herald Tribune on August 10, 1965, concerning the dangers to Lake Erie, be printed in the RECORD.

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

LACOCIDE ON LAKE ERIE

Five States—New York, Pennsylvania, Ohio, Michigan, and Indiana—are collectively killing one of the Great Lakes of the United States and of the world—Lake Erie. The facts regarding this shocking case of lacocide (to coin a word) have been pretty well established at the Conference which the Federal Department of Health, Education, and Welfare is currently holding with representatives of the five guilty States. They indicate, in effect, that the billions of gallons of sewage being dumped into the lake every day are turning it into a dead, polluted sea.

Now that the extent of the problem has been generally recognized, the next stage, to be considered at subsequent meetings, is to devise an interstate program for cleansing and protecting the lake's waters. Once the program is drafted, the painful question of meeting the huge cost will arise.

The different States may argue over their respective share of the blame and responsibility. Is Detroit a greater or lesser culprit than Buffalo, Cleveland, and Erie? New York already has suggested that its pollution is being drawn eastward into the Niagara River and toward Lake Ontario (which would only shift, not eradicate, the evil), but Federal scientists are quite certain that our contaminants are also moving westward and mingling with others in the lake.

The fact is that all five States have a stake in the lake, and all five will have to bear a share of the cost—however the share eventually is determined. If the States should prove unable to come to an agreement, then they would simply be inviting Federal intervention to force a decision. Lake Erie, its life ebbing away, cannot wait forever.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1966

The Senate resumed the consideration of the bill (H.R. 8639) 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.

Mr. DIRKSEN. Mr. President, I say to Senators who are present that I never want to detain the Senate at this hour of the day. Senators are quite free to go. I have assured the majority leader that, at the end of my remarks, I would move to adjourn the Senate.

Mr. President, there has been a tendency to believe in some quarters that, because 39 Senators, more than the necessary one-third, managed to defeat Senate Joint Resolution 2, to amend the Constitution of the United States, that ended the fight. The fight has just begun. If a person has convictions on a subject, he is not so lightly deterred from those convictions.

When Lincoln was a flatboat man on the Illinois River, and, at that time, first saw slavery, he said, "I will strike at that institution." From the day of that remark until destiny elevated him to the Presidency, many things happened,

including the issue of the preservation of the Union.

Both of those issues were finally resolved. Not only was slavery abolished, but the Union was preserved.

I am not so presumptuous as to think that this resolution will in any wise invoke conflict in this country. I only say that perhaps others who have written these rather facile things, that the measure is now interred, that it is buried, had better revise their views a little.

Tonight I propose to introduce a modification of the amendment which I first offered. I have already asked the chairman of the subcommittee of the Committee on the Judiciary for a meeting so that the new text might be considered.

Mr. President, first of all, I introduce a resolution and ask that it be printed in the RECORD and that it lie at the desk for the next 2 or 3 days so that any Senator who wants to cosponsor it may do so.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD and held at the desk, as requested by the Senator from Illinois.

The joint resolution (S.J. Res. 103) proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States, introduced by Mr. DIRKSEN (for himself and Mr. HRUSKA), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That, the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress, provided that each such legislature shall include one house apportioned on the basis of substantial equality of population in accordance with the most recent enumeration provided for in Section 2 of Article I:

"ARTICLE —

"SECTION 1. The legislature of each State shall be apportioned by the people of that State at each general election for Representatives to the Congress held next following the year in which there is commenced each enumeration provided for in section 2 of article I. In the case of a bicameral legislature, the members of one house shall be apportioned among the people on the basis of their numbers and the members of the other house may be apportioned among the people on the basis of population, geography, and political subdivisions in order to insure effective representation in the State's legislature of the various groups and interests making up the electorate. In the case of a unicameral legislature, the house may be apportioned among the people on the basis of substantial equality of population with such weight given to geography and political subdivisions as will insure effective representation in the State's legislature of the various groups and interests making up the electorate.

"SEC. 2. A plan of apportionment shall become effective only after it has been submitted to a vote of the people of the State and approved by a majority of those voting on that issue at a statewide election held in accordance with law and the provisions of this Constitution. If submitted by a bicameral legislature the plan of apportionment shall have been approved prior to such election by both houses, one of which shall be apportioned on the basis of substantial equality of population; if otherwise submitted it shall have been found by the courts prior to such election to be consistent with the provisions of this Constitution, including this Article. In addition to any other plans of apportionment which may be submitted at such election, there shall be submitted to a vote of the people an alternative plan of apportionment based solely on substantial equality of population. The plan of apportionment approved by a majority of those voting on that issue shall be promptly placed in effect."

Mr. DIRKSEN. Mr. President, I have not asked a single Senator to cosponsor this measure. As I recall, 38 Senators cosponsored the original resolution. I believe that there has been some rethinking on this issue in some quarters. The country is rather alert to the matter. After a while, I shall have some editorials printed in the RECORD.

Mr. President, in behalf of the new resolution, let me say that old soldiers, says the old Army ditty, never die. They just fade away. Unlike old soldiers a basic issue neither dies nor fades away. It remains—as challenging and provocative as ever and must be met unless the people are content to see a very substantial change in our entire Federal-State system of government.

The legislative reapportionment issue—that is to say, the Supreme Court decision which compels both branches of every State legislature to be apportioned on the basis of population alone without regard to any other factor, is still here. A little more than one-third of the Senate refused by their votes to send this issue to the people of the various States, but in so doing the issue was neither solved nor killed. It has only been sidetracked.

For anyone to contend that the issue will fade away as more and more State legislatures comply with the order of the Court is to completely miss one of the most essential points involved, and that is the right of the people of this country to fashion the government under which they live by determining the form and the content of the Constitution.

In some States it may well be that after both branches of the State legislature have been set up on a population basis only they may not wish to consider other factors, such as geography and political subdivisions. If so, there can be no quarrel with the people's decision, but it must be their decision if the essential nature of self-government is to be preserved.

But a choice will be there if the amendment which I and others have proposed is adopted and ratified and if the people of the various States care to use it.

I may or may not try at this session to attach this constitutional resolution—I want to emphasize that, Mr. President; I said I may or may not attach this constitutional resolution to other legislation. That consideration will come later.

I think I have revised my ideas about adjournment. I think we are going to be here a little while, and there are going to be some opportunities.

Instead I shall introduce a modified version of the resolution and will ask the chairman of the Subcommittee of the Judiciary Committee handling constitutional resolutions to convene a meeting for the purpose of considering and reporting the new draft. It may be that it does not call for further hearings. The number of witnesses who appeared at the earlier hearings and the number of statements filed approximates nearly 200. The debate on this floor was detailed and exhaustive.

In the modified version I have taken into account every valid contention that was made against the original Senate joint resolution which bore my name and that of 37 other cosponsors. Let me, therefore, examine these contentions one by one and see how we have undertaken to meet them.

But first, let me say that I take the text of my argument from the opinion of Mr. Justice Stewart who was joined by Justice Clark, a man who has served in two of the three branches of this Government—as Attorney General, and now as a Justice of the Supreme Court. It was said in their opinion that:

> It is important to make clear at the outset what these cases are not about. They have nothing to do with the denial or impairment of any person's right to vote. Nobody's right to vote has been denied. Nobody's right to vote has been restricted. Nobody has been deprived of the right to have his vote counted * * *. Second, these cases have nothing to do with the "weighting" or "diluting" of votes cast within any electoral unit.

That is the language of the two Justices of the Supreme Court.

Then they define the concept of representative government:

> Representative government is a process of accommodating group interests through democratic institutional arrangements. Its function is to channel the numerous opinions, interests, and abilities of the people of a State into the making of the State's public policy. Appropriate legislative apportionment, therefore, should ideally be designed to insure effective representation in the State's legislature, in cooperation with other organs of political power, of the various groups and interests making up the electorate. In practice, of course, this ideal is approximated in the particular apportionment system of any State by a realistic accommodation of the diverse and often conflicting political forces operating within the State.

Now I have two grandchildren living in the State of "Estes the bestes'." Estes the bestes' and I were often in disagreement, but I have a fond affection for him which was not diminished one whit by our disagreements. We disagreed openly, we stated our arguments, and then we voted. The majority vote decided the matter. Had I been denied an opportunity to speak and argue in the councils of government even though I may have lost in the voting, or

had that right been denied to "Estes the bestes'," we would not have had that affection for each other which grew out of the fact that we could disagree and yet resolve our disagreement by majority vote whether we were in the majority or the minority of that vote.

I want to preserve this way of resolving the issues under our form of government for my grandchildren, and for the grandchildren of every Member of this Senate and of every person in this country. This is a representative form of government and for it to exist there must be representatives of all the people present when public policy decisions are being made. They must have the opportunity as Members of the representative legislative body to argue their points in debate with the representatives of other viewpoints. And when that is done the issue must be determined by majority vote.

We cannot honestly, and we should not constitutionally, deny to members of minorities the opportunity to select and send to the legislative halls persons to represent their viewpoint. Yet, this is what could happen if population-only is the sole standard for legislative apportionment for State legislatures. Ten percent, twenty percent, or even forty-nine percent of the people of a State could be denied any representation in the State legislature. The purpose of the amendment which almost two-thirds of this body favors is simply to provide that if that 10 percent, or 20 percent, or whatever other fraction it may be, moves together in a common geographic area, or in a political subdivision, so that in that area they form a majority of the voters, then they can elect a representative of their viewpoint and send him to the halls of the State legislature.

That is what Justice Stewart and the distinguished Justice Clark, were arguing for. That is what I am arguing for. That is what the vast majority of the Members of this body voted for. And that is what the people of this country want for themselves and for their grandchildren.

Now let us take the arguments which were raised by certain Members of this body in opposition to such an amendment. I asked the Library of Congress to prepare an analysis of the Senate debate on this matter, and they have done so. It is 73 pages long. It sets forth in unbiased fashion the arguments made by each Senator as the debate progressed.

I ask unanimous consent that this analysis may be made a part of my remarks at the end of my discussion.

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

(See exhibit No. 1.)

Mr. DIRKSEN. Let us take those arguments advanced against the proposal and see how they have been met in this revised draft, because it has been my intention and my desire to contrive a fair and workable amendment.

Now the first argument that was raised was that the amendment would permit one house of a State legislature to veto pending legislation. That is true, and the real truth is that that is an argument in favor of the revised amendment which expressly provides that the house of a State legislature apportioned on the basis of population has a veto power not only over the ratification of such a Constitutional amendment but over any plan of apportionment which the legislature may wish to submit to the people.

A plan cannot be sent out to the electorate without the voice of both bodies, one of which is based on population. Thus, if any proposal does not suit the representatives of the people who are elected on a population-only basis, it is dead as a dodo. What greater protection can the majority have?

The next argument that was raised is that unless a State legislature is apportioned completely on the basis of population some citizens will not have the right to an equal vote. But let me ask you, what about the right to an equal vote in the State legislature for the minorities in the State. They may have no right to vote at all if they are denied the right to have a representative in that legislature. The next point raised by that same Senator was that the right to an equal vote is as precious as the right to free speech. With that I agree. The right of a minority to a representative who can debate and vote is as precious as the right of free speech to that minority. And the third point of that same Senator was that there was no evidence that allowing minorities to have representation in one house of a State legislature produced better State government. While I try to understand the varying views and concerns of all of the people, I am only human and I find solace in the fact that viewpoints which I do not comprehend will be stated by Members who have been elected to represent people holding differing views. I think it far better that we get all of these views before us and then make our decision by majority vote. That is true representative government, and that is the way we approach the true democracy in which each man can have his say even though we have grown so large that he must do it through a representative.

I think that the point of reform of the original State constitutions has been belabored sufficiently, but there are apparently some who still persist in looking at only half a provision. One of the great concerns of those who have prepared State constitutions, as well as of our forefathers who drafted the Federal Constitution, was that the State and Federal Governments should be truly representative of all the people. Thus, time after time in apportioning representation, even though it be based on population, there was a provision that each county should have at least one representative in the State legislature. And even for the other body of this Congress which has always been apportioned on the basis of population there was written into the Constitution of this country the express provision that "the number of Representatives shall not exceed 1 for every 30,000, but each State shall have at least 1 Representative." Population was to be the standard, but each State, regardless of its population, was entitled to at least one Representative. And for this body our forefathers provided two Senators from each State, whether large or small and provided in article V dealing with amendments to the Constitution that the only provision in the Constitution which could not be amended in the fashion set forth was "that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

Representation, that is the key. The people under our form of government must be represented, and that means all of the people—not just the majority.

I might say that I cannot take solace in the argument which was made by that same Senator that when a county grew too big the State legislature would have new lines drawn and in that way create another county. Indeed, I believe just the opposite is true. The growth of that great city in my State, with its millions of inhabitants has not prompted the legislature to divide Cook County into many parts to create better representation. Nor has it been true in California, or in other States.

Then the point was made that some State legislatures have not reapportioned as required by their own State constitutions. I condemn such a practice, and this present draft of a constitutional amendment requires as a Federal matter the reapportionment of State legislatures every 10 years at the least. Thus, the people of a State have a constitutional remedy if the State legislature refuses to act.

That happened in Tennessee. That was the reason for the Baker case. For 70 years the legislature evidently did not pay any attention to the voice of the people.

I am one of the first to condemn that kind of practice.

I do not propose to debate the argument that malformed legislatures are unlikely to vote themselves out of office.

The PRESIDING OFFICER. The Senator will suspend to receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the 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."

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1966

The Senate resumed the consideration of the bill (H.R. 8639) 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.

The PRESIDING OFFICER. The Senator from Illinois may resume.

Mr. DIRKSEN. Mr. President, may I intrude, parenthetically, in what I have to say, by indicating that the Senate

joint resolution passed by the House and Senate rings a bell, as the saying goes. It really was Senate Joint Resolution 66. I do not know whether 66 is a more captivating number than 100 but, in any event, that is the resolution to designate the first week in September as American Legion Baseball Week, and it was to that first vehicle that I attached my proposal as a complete substitute.

I assured the distinguished Senator from South Dakota that we would get it done in time, and so now the joint resolution assures South Dakota, the American Legion, the Legionnaires everywhere, that there will be that championship game; and I hope that hundreds of thousands of people turn out to enjoy the spectacle.

Mr. President, I can only advise any Member who may hold to that belief that if his constituents feel that they are not satisfied with the manner in which he has acted on such an issue, they will vote him out of office. That is the wonderful thing about this.

Why were Members of the House given a 2-year term under the Constitution and a 6-year term for Senators, with the power to confirm ambassadors and appointments, to have power over treaties; and the President to have a 4-year term in between?

Why were not Members of the House of Representatives given a longer term?

There is now pending a resolution for a 4-year term. There was a reason for it. The reason was simple. With the 2-year term the House of Representatives was given exclusive power to initiate tax legislation. Those oldtimers were wise enough to know that a Congress could place an onerous tax burden upon the people, and they said, "All right; we will give them 2 years. And if that period is too long, we can haul them out of office at the next election."

That was the real reason for the 2-year term. That is true of a legislature where one branch is on a population basis; we can haul them out of office. That is the one-man, one-vote principle in whatever the district is.

I have had some sympathy with the argument that this constitutional amendment should not be ratified by a State legislature which does not properly reflect the views of a majority of the population of that State. It has been suggested that the way to achieve this is to require both houses of a State legislature to be apportioned on the basis of population-only before such a State could ratify this amendment, but that is not necessary. It is sufficient unto the purpose to provide that the amendment cannot be ratified unless that ratification is approved by the house of the State legislature which is apportioned on the basis of population. And by that I mean on the basis of the most recent census, so that a State must provide a legislative body which properly reflects the majority will, and the amendment must have the approval of that body.

A curious argument was raised by one of our colleagues that this amendment would make the franchise less democratic. Indeed, the opposite is true. It will make the franchise more democratic because it will insure the appropriate representation in the State legislature of the 49 percent of the people who might otherwise be denied representation.

I believe that is an answer too, to the argument that there is no clear and compelling reason for adopting this amendment. Certainly, the protection of minority representation is a most clear and compelling reason.

The argument was made that if the proposed amendment were enacted, a State could continue with a malapportioned legislature, but the Senators making that argument are advised to read this new draft carefully, because it states that not only must any malapportionment be corrected in the house based upon population, but also that the adoption of any plan of apportionment based on geography or political subdivisions for the other house must be approved either by the house apportioned on population or by the courts, and also be approved by a majority of the voters in preference to an alternative plan of apportionment based on population. The issue is one for the majority of the people and their representatives to determine. Thus, I adopt the text of a critic of this amendment, but I say instead that this amendment supports the position that our democracy is based on the conception of majority rule and the preservation of minority rights.

Another of our colleagues argued that this type of constitutional amendment would permit a bare majority of the voters to deny individual citizens the right to equal protection of the laws. Indeed, his amendment would, instead, cure the present situation in which a bare majority of the voters can deny representation in the State legislature to all other individuals. This amendment will insure that population, geographic, and political subdivisions may all be taken into consideration by the people in determining State apportionment. It will protect racial and religious minorities who may be living in the same geographic area or political subdivision.

I find that I do not share the feeling of those who oppose this constitutional amendment on the rather strange ground that a majority should not be permitted to govern the lives of all persons, or any one person. Whether we have a direct democracy or a representative form of government, we must rely on the concept of majority rule. What this amendment does provide, as I have repeatedly said, is for minority representation in the halls of government.

Another curious argument has been made that the Constitution cannot be amended in regard to this matter, and so I must remind those who are so disposed to read article V of the Constitution again. It is that article which provides the manner in which the Constitution may be amended, and the only provision which cannot be amended is stated to be the equal suffrage of each State in the Senate. It is my hope that the people of this country will never be misled into modifying the Constitution to take away any of the basic protections which it contains; but they have that right, and we run a greater risk that such an event may come to pass unless we provide for adequate representation of divergent viewpoints in our legislative bodies. That is the best and most effective check upon a rampant majority.

I would venture only one comment at this point on the argument that this amendment would permit the disenfranchisement of suburban voters. Why, within only a few miles of this building, there is an attempt being made by the advocates of the population-only argument to disenfranchise suburban voters by including bits and pieces of suburban areas in city election districts in order to perpetuate city election districts which would otherwise be wiped out because of a lack of population.

I do not believe I have to mention the name of the town, but it is in an adjoining State, and the newspapers have been full of the subject so, those suburban residents who were a part of a cohesive majority would be turned into an unrepresented minority, all under the banner of one man, one vote.

Let me make just one comment on the apportionment of a unicameral legislature which would be provided by this amendment. Where there is a unicameral legislature any plan of apportionment to become effective must have been approved by the courts prior to the election at which it is submitted to the people for their vote. So, I believe we have taken care of this point.

Let me also comment on one other point while it comes to mind. It has been suggested that this type of amendment should be properly ratified by State conventions in order to insure that the will of the people is properly expressed. I would have no quarrel with this, but I find that only some of the States have provisions for the holding of State conventions, and rather than blindly pursue this path, it seemed desirable to be to provide for ratification by State legislatures with the provision that this ratification must include approval by the House apportioned on population only according to the most recent census.

Then there was the argument made that a transient majority in a State could lock up the apportionment of the State legislature for 10 years to the detriment of the individual citizen's voting right. Well, let us think that through. Under the population-only standard advocated by the very Senator who made this argument, it would be possible for a transient majority to lock up State apportionment for 10 years and deprive individuals of their right to participate in self-government by selecting representatives for their viewpoints. It is a purpose of this amendment to cure this very problem by permitting the majority to grant representation in the legislature to other individuals. It would be a voluntary grant. And if the majority did not wish to make such a grant, the Reynolds against Sims rule would apply. Thus, the amendment permits the majority to protect individual rights where under the present situation they cannot create such protections.

I might also say that this amendment provides for judicial review of the constitutionality of an apportionment plan before it is submitted to the people unless

it has received the approval of the House of the legislature apportioned on population only. Yet this same Senator talks of the chaos which would be created by judicial review. It seems he is neither willing to trust the wisdom of the majority in making a grant to protect minority rights nor is he willing to submit the constitutionality of apportionment plans to the review of the courts. It must be an unhappy position indeed to trust neither the people nor the courts.

And then there is that argument advanced by one of my good friends, with whom I sometimes disagree, that the reapportioned legislature of his State had not run roughshod over the rural elements. I am content to believe that this is true because I have seen no evidence that the growth of cities, on the other hand, has been impeded by legislatures under the guidance of rural representatives. There is a give and take in our form of government which has worked well and which will continue to work well so long as we take care to provide that all of the people are fairly and effectively represented in the various legislative bodies. If only the majority is represented, or if the majority is overrepresented and the minorities are underrepresented, the stage will not be set for the necessary give and take which makes our system of government work.

And so I conclude my comments on the arguments which were raised in this debate, as they were set out by the Library of Congress. In this draft of a constitutional amendment which I now introduce, every effort has been made to insure that the will of the majority of the people of a State will govern not only the ratification of such an amendment, but also the form and content of any plans of apportionment submitted to the people by a bicameral legislature. In all other circumstances a plan must be found by the courts prior to the election at which it is submitted to the people to be consistent with the provisions of the Constitution, including this article of amendment.

Next, I have tried to provide language which would give fair consideration to the representation problems within each State, and, to this end, I have adopted the language set forth in the opinions of Justices Stewart and Clark. This language also provides the standard against which such plans of apportionment will be tested by the courts or by the representatives of a majority of the people in the case of the submission of a plan by a bicameral legislature. I have also provided as a minimum requirement of the Federal Constitution that State legislatures must be apportioned at least every 10 years on the basis of the most recent census.

So I believe we have continued our labors to produce a constitutional amendment which meets all the challenges which have been directed against it. We have hewn in the forest and we have fashioned on the workbench an instrument of government which will insure the protections which our forefathers sought to achieve when they came to this country—the right to participate in their government whether they be weak or strong, small or great in numbers.

I beseech the chairman of the Subcommittee on Constitutional Amendments to give this proposal his most speedy and careful attention so that the people from his great State of Indiana and the people from all of the other States of this Union will not realize too late that the protections which were thought to be afforded to individuals have somehow been so swept away that, even if it should wish to do so, the majority can no longer provide them. If there are any Members of this body who have comments or suggestions for improving the language of this amendment, I hope they will speedily present them to me and to the chairman of the subcommittee, for I stand ready and willing with an open mind, a willingness and a clean heart to consider such suggestions and to make any modifications that may be desirable. But it is necessary that we proceed with dispatch in this matter lest the people feel that the will of the majority of this body, as their representatives, is being defeated by just over one-third who are willing to oppose but not to work toward the goal of truly representative government for our States.

Mr. President, after this statement and the joint resolution, I ask unanimous consent to insert in the RECORD as a part of my remarks an editorial from the New York Herald Tribune, captioned "DIRKSEN's Rule of Reason."

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

DIRKSEN'S RULE OF REASON

Defeat of the Dirksen amendment in the Senate this week almost certainly ends, for the present, at least, any hope of returning to the States some part of the right of self-government stripped away by the Supreme Court last year. And it may well end it forever—though it is conceivable that a few years from now, when emotions have cooled, a quiet move to let reason rather than mathematics determine the composition of State legislatures might gain favor.

The fight over the Dirksen amendment was widely pictured as simply a rural-versus-urban battle, with proponents seeking to preserve rural domination—and to some extent it was. But it was also much more. It was an effort to restore some of the balances so carefully built into our political system, and thus to guard minorities from the very real tyranny of the majority—and let it be remembered that there are other kinds of minorities than racial.

The rationale of a bicameral legislature is to provide, as does the U.S. Congress, for different bases of representation in each of the two houses, thus more effectively representing the variety of diverse interests that make up the body politic. The Court summarily vetoed this concept, though in American political practice it antedates the Court itself. What the Dirksen amendment would have done would have been to let the people of a State, by referendum, choose to apportion one house of a bicameral legislature on other criteria than population—a limited form of a broader right they had always had until the Court took it away. Surely this would be no more than to apply a rule of reason to an area thrown into confusion by the Court.

Mr. DIRKSEN. Mr. President, in connection with my remarks, I have before me five editorials from the Buffalo Evening News, which I ask to have printed in the RECORD. They are dated August 3, 4, 5, 6, and 7. They are extremely well written, and just a little caustic at times, but certainly in behalf of the amendment.

I could add other editorials, because the scrapbook is full of them. However, I shall try to be selective and spare the CONGRESSIONAL RECORD as much as possible.

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

[From the Buffalo (N.Y.) Evening News, Aug. 3, 1965]

DIRKSEN AMENDMENT—I: LET THE PEOPLE CHOOSE

The Senate is engaged in a great debate this week on a basic principle of American government—and it is a pity that New York's Senators seem to have nothing more useful to contribute to it than catering to the political exigencies of a New York City mayoral campaign.

The principle at stake is whether the people of any State shall have a limited right to choose what kind of representation they want in their statehouses. This is what the Dirksen amendment debate is all about.

The Supreme Court has read the Constitution to mean that both houses of every State legislature must be apportioned with population the only controlling yardstick. If Congress now affirms this reading and leaves the Constitution unchanged, it will be slamming the door, probably forever, on any contrary apportionment plan which the people of any State may prefer.

But the Dirksen amendment would give the people some element of choice—between a population-only apportionment and one which bases one house on population but gives some weight to political subdivisions or geographic area in the other.

The U.S. Senate itself, of course, with two Members from each State, is the perfect example of the very kind of representation the Supreme Court forbids any State to adopt for itself. The sole purpose of the Dirksen amendment is to give the States a chance to adopt the Federal plan if their people so desire.

A year ago, New York had two Senators pledged to support this approach. One, Kenneth Keating, was defeated. The other, JACOB JAVITS, has turned turtle on this issue and announces that, if the Senate will not accept his own heavy-handed rewrite of the Dirksen amendment, he will vote against it. For all practical purposes, he thus alines himself in the crucial showdown with his junior colleague, ROBERT KENNEDY.

Both Senators apparently are greatly influenced by the pressures of New York City's labor, liberal, and civil rights spokesmen who see the whole issue in the grossly oversimplified terms of downstate masses versus upstate acres.

Their propaganda repeatedly has pictured the Dirksen amendment as an instrument for "continued rural domination." Our Senators, of course, know better.

They know, because they have heard its every nuance debated a dozen times, that the amendment could not be a vehicle for minority rural domination because it expressly lets the majority prevail.

And they know that it could not be a vehicle for racial discrimination either, as some civil rights leaders charge, for it expressly leaves untouched all the antidiscrimination clauses of the Constitution.

The Dirksen amendment, in short, puts its trust in the voters. It would let them opt for a checks-and-balances plan of representation in any State where the majority of the voters so desire.

But New York's two Senators are against this. By opposing the Dirksen amendment, they would leave all the States forever barred from making this choice. They are saying that the very voters who elected them to represent the whole of New York State in the Senate cannot be trusted to know what kind of representation is best for them in Albany.

We just don't see how either Senator could square such distrust of the people with his pretensions to liberalism.

[From the Buffalo Evening News, Aug. 4, 1965]

DIRKSEN AMENDMENT—II: WHAT IT IS—AND ISN'T

Few issues before Congress have been so grossly distorted by their opponents as the Dirksen amendment, now undergoing Senate debate.

To understand what is at stake, it is as important to be clear about what it does not do as to know what it does.

First, it does not reverse the Supreme Court's one-man, one-vote rule on legislative apportionment; it only gives the people of each State an option of modifying the rule for one house of their legislature if they so desire.

The amendment as presently phrased likewise does not take away any of the Supreme Court's jurisdiction over apportionment questions. Nor does it, by any reasonable reading, modify any present Federal constitutional or statutory protection against racial discrimination.

On this point—just because the Dirksen amendment has been so badly distorted by some civil rights spokesmen—let us call to witness Senator THOMAS KUCHEL, of California, one of the leading sponsors of both the 1964 and 1965 civil rights acts (Senator DIRKSEN himself, of course, was also a leading sponsor and architect of both those milestone laws).

To "those who have deliberately attempted to introduce" a fear that the Dirksen amendment might somehow undermine certain new strengths in the civil rights area, Senator KUCHEL's answer is categorical:

"Nowhere in the language of the proposed amendment, nor in the intent of the authors, will be found the slightest bit of support for such a completely groundless charge. * * * The guarantees of the 14th and 15th amendments as well as all other relevant provisions of the Constitution would continue in force. * * * This amendment, as with other parts of the Constitution, would be subject to judicial review. There would be no removal of apportionment questions from the jurisdiction of Federal courts."

So much for what the Dirksen amendment does not do.

What it does do, very simply, is this: It permits the people of any State, by majority vote, to apportion one legislative house by giving such weight to "population, geography or political subdivisions" as they deem appropriate.

But before any State plan can deviate from the population-only standard even to that extent, it must win a majority vote at a referendum where the people have had a chance to vote simultaneously on a population-only plan.

Thus, it is only if a majority clearly prefers the checks-and-balances approach that it could take effect. And even after it is adopted, the voters would have to reaffirm their preference after each succeeding census.

The issue, then, is not which kind of apportionment plan is best for every State. It is simply whether the so-called Federal plan of apportionment—using population only for one house but giving some weight to area and political subdivisions as well as population for the other—shall remain at least available to any State where the people wish to use it.

Or, as Senator KUCHEL has put it to the Senate: "The basic choice now before this body is: Will we let the people decide? I hope that we will." So do we.

[From the Buffalo Evening News, Aug. 5, 1965]

DIRKSEN AMENDMENT—III: COURT-MADE LAW STANDS

While its supporters vow that their fight is not over, the Dirksen amendment to modify the harsh impact of the Court-made law of one man, one vote for all legislative apportionments looks very sick, if not dead, today, as a result of last night's failure to muster two-thirds passage in the Senate.

It was a valiant effort, and we could hope that the seven votes still needed might somehow be won. But with virtually every Senator now having taken a hard position, it would seem a vain hope for this Congress—and by the time a new one is elected, most States will have been forced to conform to the Court-made law and there will be a new urban-dominated vested interest in preserving the new status quo.

Although his hopes may be slim—in what is, after all, the most urban-minded, leftward leaning Senate in 30 years—Senator DIRKSEN plans to keep fighting, perhaps by trying to tack his amendment to something the liberal bloc wants badly, such as repeal of section 14(b) of the Taft-Hartley labor law. Congress also remains under another kind of pressure on this issue—a movement among the States which is now only a half-dozen States short of forcing Congress, at the petition of 33 State legislatures, to call a constitutional convention under a never-before-used amending procedure.

Actually, as the voting breakdown vividly showed, the issue was never one of small States against large ones, or urban versus rural. Rather, it was a matter of internal concern and division in every State. Thus, 14 States, including some of the biggest and some of the smallest, divided their Senate votes. Twenty-two others, including the biggest of all (California) and the two smallest (Nevada and Alaska) gave the amendment all their votes. Senators from 13 States (including New York at one extreme and Rhode Island at the other) were as solidly against it.

Thus, the Senate vote, like the issue of legislative apportionment itself, cuts across all ordinary political lines. And yet the problem of defining fair representation is not as different for New York and Nevada, say, as it may seem. For in each case, there is a dominant metropolis (New York here, Las Vegas there) with which the rest of the State has to maintain some kind of live-and-let-live relationship. In State after State, the situation is similar.

In Colorado, it is Denver versus the rest of the State; in Utah, Salt Lake City; in Oregon, Portland; in Michigan, Detroit; in Maryland, Baltimore. Or there may be, as in Pennsylvania or Missouri, two great cities with many smaller ones and a rural hinterland strung between.

Probably no two States, left to their own devices, would develop precisely the same answer to the question: What is fair representation? But in State after State where the issue has come to a clear choice, referendum results over the years have shown a preponderant tendency to reject apportionments based on population only when the alternative was a reasonable check-and-balance compromise along lines of the Federal House-Senate compromise.

But as the law now stands, such a choice is arbitrarily denied to the States. They must apportion all districts in both houses on the basis of substantial population equality, even where a majority clearly prefers to give some weight to area as well as population in one house. The sole purpose of the Dirksen amendment was to restore this limited right of choice to the people of any State.

It was a nice try, but barring political miracles, it has failed. Majority rule, which the Supreme Court has denied to the States in choosing their own plans of legislative apportionment, has ironically been frustrated again in the Senate. For here, too, the majority clearly favored the Dirksen amendment—but, falling seven votes short of two-thirds, the majority lost. What do our two New York Senators make of that, we wonder, as an example of the sanctity of the principle that everyone's vote must count alike?

[From the Buffalo (N.Y.) Evening News, Aug. 6, 1965]

DIRKSEN AMENDMENT—IV: UPSTATE LEFT VOICELESS

By voting to kill the Dirksen amendment, New York's Senators KENNEDY and JAVITS may both have scored some liberal points in the New York City mayoral campaign, but they certainly did nothing to win the gratitude of the upstate constituency which they also were elected to represent.

For this was not, as we noted yesterday, an issue of big States versus small ones. It is a matter of far-reaching internal consequence within each State. And within the State of New York, the killing of the Dirksen amendment—if in fact its death is final—means, in the long run, just one thing: Virtually total and unchecked downstate domination of New York State politics.

Until now, the relative power and influence of downstate and upstate have generally been kept in rough balance—with downstate votes by far the most important in presidential, gubernatorial, senatorial, and other statewide elections (including statewide referendums); but with upstate influence generally serving as a restraining influence in the legislature.

This last has been accomplished by what is actually a far more modest degree of weighting of legislative representation than is generally supposed. For despite all the years of downstate crying about "rural domination," the truth is that the vast population of metropolitan New York has long held, and now holds, an unchallenged majority in both houses of the legislature. The weighting has only moderated that majority by making the small-county minority somewhat larger than the one-man, one-vote standard forced upon us by the Supreme Court.

But if this new rule is the one we must now live with forevermore, one need hardly conjecture about the likely effect. This year's legislature, indeed, gave a pretty fair foretaste, with its Republican gubernatorial budget catering to every downstate (city and suburban) spending whim, and bloc-voting bossed delegations of downstate Democratic legislators supplying the votes for passage. This, even without reapportionment, was enough to warn every upstater of both parties how it will be when downstate domination becomes more complete and permanent.

For it is not just the passage of money bills, but total control of the constitutional amending process and of every other parliamentary and procedural check on the "tyranny of the majority" that goes with it.

It is this to which our Senators have committed us by their vote to kill the Dirksen amendment. Senator KENNEDY, it may be said, was against it from the start and never gave anyone any reason to expect otherwise. But Senator JAVITS was an 11th-hour switch—and, by his very switching, he may have influenced enough other wobblers to be crucial in depriving the amendment of the bare seven votes it needed for two-thirds passage.

The whole performance, when you think about it, was one of the most biting ironies of our time: Here is the U.S. Senate engaged

in a great debate over fair representation, and the 7 million people of upstate New York—a bigger constituency than 86 of the 100 Senators represent, and with as vital a stake in the outcome as can be imagined—haven't a single voice raised, or a single vote cast, in their behalf.

One man, one vote, indeed.

[From the Buffalo (N.Y.) Evening News, Aug. 7, 1965]

DIRKSEN AMENDMENT—V: IT ALL BEGAN A YEAR AGO

The Senate's failure to muster two-thirds passage of the Dirksen amendment has nipped off—whether temporarily or finally—a great debate of much more recent origin than may be generally supposed.

Its genesis can be precisely dated to a little more than a year ago: June 15 1964. That was the day the Supreme Court laid down the arbitrary law that every State must forthwith "construct districts in both houses of its legislature as nearly of equal population as is practicable."

Six State apportionment plans were slapped down that day, including New York's. But it was the Colorado case in particular decided 6 to 3, which—as we said the following day—sickened those, like us, who believe that the people of a State should have some right to decide for themselves how they want their legislatures apportioned.

For, in Colorado, the voters had voiced a clearcut preference for a balanced apportionment plan, but the Court said they could not have it—the equal protection clause of the 14th amendment, it held, left them no such option.

That's what triggered the quest for what rapidly evolved into the Dirksen amendment. And the Court's decision, of course, also generated the great new liberal lobby that sprung up to defend the new rule of Court-made law. To hear the cries of historic outrage raised by opponents of the Dirksen amendment, one might have supposed that one man, one vote were some kind of sacred doctrine written in blood by the Founding Fathers themselves.

But the truth is that most of the 39 Senators who finally rallied to the defense of that beleaguered decree were as surprised as its opponents were shocked last year when the Court first proclaimed it. For this suddenly discovered doctrine had, as dissenting Justice Stewart wrote at the time, "no support in the words of the Constitution, in any prior decision * * * or in the 175-year history of our Federal Union."

In that same dissent, Justice Stewart went on to denounce the court's "draconian pronouncement" as binding on every one of the 50 States "without regard and without respect for their many individualized and differentiated characteristics."

The new mandate, he said, "forever freezes one theory of political thought into our Constitution, and forever denies to every State any opportunity for enlightened and progressive innovation * * * so as to accommodate * * * the interests and aspirations of diverse groups of people without subjecting any group or class to absolute domination by a geographically concentrated or highly organized majority.

"Throughout our history," he continued, "the apportionments of State legislatures have reflected the strongly felt American tradition that the public interest is composed of many diverse interests, and that in the long run it can better be expressed by a medley of component voices than by the majority's monolithic command.

"What constitutes a rational plan will vary from State to State, since each State is unique, in terms of topography, geography, history, heterogeneity and concentration of population, variety of social and economic interests, and political institutions."

It is those who voted to kill the Dirksen amendment who flouted this tradition of diversity. It is they who would "forever deny to every State any opportunity for enlightened innovation." And it is those who still insist that the court's arbitrary law cannot be final, that the one-man, one-vote rule must yet be modified, who carry the torch of true liberalism, fighting for the right of the citizen majority in each State to have at least some limited choice as to the plan of representation it deems best suited to that State's needs.

Mr. DIRKSEN. So, Mr. President, I conclude as I began. As the old Army ditty says, "Old soldiers never die; they just fade away."

This issue, unlike an old soldier, does not die, and it will not fade away, so help me, if the Lord gives me strength.

The doctors say I am in far better shape than ever before. I was in the hospital again this morning. I want the whole world to know it. The doctors punched me around and said to me, "You are in topflight condition." Fighting at 178 ringside, at my age, I promise a fight, because my heart and my soul are in it; I believe in it.

So let all be admonished as to where this fight may lead. If I get a fair shake, we will get it out of the subcommittee and the full committee, and we will have it here in the form of a joint resolution.

If not, the rules provide that I can hook it onto another joint resolution. The rules also provide that I can offer it as a complete substitute for any other bill that is called up.

I make no threat, but I am going to monitor this issue and see where we go, because we have just begun to fight.

EXHIBIT 1

[All references are to the CONGRESSIONAL RECORD for 1965]

JULY 22, 1965

Senator DIRKSEN moved to call up Calendar No. 436, Senate Joint Resolution 66, to designate a period as "National American Baseball Week" (p. 17843).

Senator DOUGLAS inquired if it was the intention of Senator DIRKSEN to substitute his constitutional amendment on reapportionment once the Senate agreed to make Senate Joint Resolution 66 the pending business before the Senate. Senator DOUGLAS commented that the objective of the Dirksen amendment was "to reverse the decision of the Supreme Court in the Alabama case" (p. 17843).

Senator DIRKSEN agreed that Senator DOUGLAS correctly stated the situation with one exception and that is that the Dirksen amendment would not be a reversal of the decision of the Supreme Court (p. 17843).

Senator DOUGLAS observed that Senator DIRKSEN, being unable, in his judgment, to secure a majority of votes on the Judiciary Committee, decided to bring the measure directly to the floor. Observed that this was unfortunate that as a result of these tactics, the Judiciary Committee did not adequately consider the proposal.

Commented that it requires control of only one house of a State legislature to veto pending legislation. Said that in Illinois, the Illinois House has passed a great deal of legislation in the public interest only to have it defeated in the Illinois Senate (p. 17843).

Senator HOLLAND. The Dirksen amendment is a civil rights step. (Cited States such as Nevada, Arizona, Hawaii, and Alaska, where under the Supreme Court decisions, both houses of the State legislature will be under the domination and control of either one county as in the case of Arizona and Hawaii, or in two counties as in the case of Alaska and Nevada.) The people of the open spaces of these States will be left virtually unrepresented in the absence of such an amendment as Senator DIRKSEN proposes (p. 17844).

Senator DOUGLAS congratulates Senator DIRKSEN on being able to get a measure, not approved by the Judiciary Committee, to the floor of the Senate (p. 17844).

Senator DIRKSEN sent to the desk an amendment to Senate Joint Resolution 66 striking out everything after the resolving clause and substituting the modified language of Senate Joint Resolution 2 (p. 17845).

At Senator DOUGLAS' request, the clerk read the amendment (p. 17845).

Senator DIRKSEN stated if he is defeated in the present endeavor to get his amendment approved, he will "hook it on to" the bill to repeal section 14(b) of the Taft-Hartley law when it comes before the Senate (p. 17846).

Senator MURPHY tenders Senator DIRKSEN his support (p. 17846).

Senator BAYH would have preferred that the measure go through the normal committee procedure (p. 17847).

Senator DIRKSEN expresses "fidelity to the State-Federal system * * *" and the belief that "there is such a thing as sovereign power in the States, and that there are some rights in the States" (p. 17847).

Submission of amendments: Senator DIRKSEN's numbered amendment No. 366, Senator JAVITS' amendment to Senator DIRKSEN's amendment numbered amendment No. 367.

Order for recognition of Senator DIRKSEN following the morning business tomorrow (July 23) agreed to (p. 17880).

JULY 23, 1965

Senator DOUGLAS read into the RECORD a column by Roscoe Drummond, "Dirksen Amendments 1 Man-10 Votes." Commented on the column (p. 18028).

Senator PROXMIRE. The column referred to could also have been called "One Man, One-Tenth of a Vote" (p. 18029).

Senator DOUGLAS. In some cases it would be one man-a thousand votes (p. 17367).

Senator PROXMIRE refers to three questions raised in Drummond article supra: (1) under the Constitution every eligible citizen has the right to vote for State as well as Federal officials. Should this right be diluted by any action which has the effect of saying that, while every citizen has the equal right to vote, some citizens are not to have the right to an equal vote? (2) Is not the right to the equal vote as precious as the right to free speech? Should the Constitution be amended to deprive a citizen of any of these fundamental rights? and (3) Is there any evidence that allowing unequal representation in one house will produce any better State government? Advocates of Dirksen amendment have produced no such evidence (p. 18029).

Senator FANNIN speaks in support of Dirksen amendment. Refers to decisions of the Supreme Court in *Baker* v. *Carr* and *Reynolds* v. *Sims* and observes that with these decisions, the Court usurped the power of the people to determine how their State legislatures shall be apportioned.

The Dirksen amendment "will simply provide a means of repairing the damage which has been done * * *. All this amendment does is restore to the people a right which the Supreme Court has wrongfully taken away from them" (p. 18056).

Refers to Justice Frankfurter's dissenting opinion in Baker against Carr to the effect that the Court had no business interfering in an essentially political question. Says there is only one basic constitutional question at stake "who has the right to determine how State legislatures shall be apportioned" and answers the question "only the people of the States have that right" (p. 18056).

Refers to those who consider State governments as obsolete and unnecessary appendages to the body politic. According to this view, "all we need anymore is the Federal Government and a local disbursing bureaucracy at the community level" (p. 18057).

Refers to those who downgrade the competency and achievements of State governments and says, in his opinion, the State governments have led the way and the Federal Government has followed with many measures as women's suffrage, some labor legislation as workmen's compensation. Comments that the States could accomplish even more if the Federal Government did not preempt available revenue sources.

Questions the thesis that the Dirksen amendment would lead to "rotten boroughs" and asks for one specific example, where this situation would result from the adoption of the amendment.

Refers to the corruptness of the one-party, boss-dominated machine politics of some large cities. Refers to a statement made by the Chief Justice of the U.S. Supreme Court when he was Governor of California to the effect that many California counties are more important to the State than their population bears to the entire population of the State and for that reason, he was not then in favor of restricting their representation in the State senate to a strictly population basis. Also refers to statement of Senator LAUSCHE who served as Governor of Ohio as well as mayor of Cleveland with respect to city bosses. Says the amendment would protect the people "against evils spawned by rotten political subdivisions where government so often becomes a vicious game of pitting one racial minority against another * * *." For these reasons, we need a system of checks and balances which will protect minority groups against "the shifting winds of superficial political change."

The opposition to the amendment reflects a distrust of the democratic process of letting the people decide. The amendment provides safeguards to insure its fairness. It specifically states that no apportionment plan can be based on race or color, and it further provides for automatic and continuing resubmission to the voters every 10 years. Since a statewide referendum is required, before any plan is instituted, the one-man, one-vote principle is protected.

There is only one basic question: "Who has the sovereign power to determine how legislators shall be apportioned and how the diverse interests of a State can best be represented? Is it the people of the State? Or is it the Supreme Court? I submit that only the people have this power" (p. 18057).

Senator DIRKSEN refers to the number of witnesses who testified before the subcommittee, and the fact that the measure was voted out of the subcommittee by a vote of 6 to 2. Refers to the fact that when the matter came before the full committee he was not able to vote the proxies he had, and that the matter was to be put over for a vote in a week or two (pp. 18058–18059).

Senator TYDINGS refers to comments that the Supreme Court never rendered a decision similar to *Reynolds* v. *Sims*, and observes that every State which was admitted to the Union from Maine in 1790 to Montana in 1890 was admitted under a constitution wherein legislative apportionement was based substantially on population. Also refers to the Northwest Ordinance which provided for admission of States into the Union and made a basic requirement of each State constitution for representation in State legislatures based substantially on population (p. 18060).

Senator DIRKSEN. Does the provision in the Northwest Ordinance refer to both houses of the State legislature?

Senator TYDINGS read from the ordinance: "The inhabitants of said territory shall be always entitled to the benefit of * * * an apportioned representation of the people in the legislature * * *" (p. 18060).

"Is it not a fact that the problem of malapportionment of State legislatures did not begin until the latter part of the 19th century, when the industrial revolution caused a great migration of people off the farms into urban and suburban areas? Until that time the legislatures were almost without exception based substantially on population. When a county grew too big, as has been the case in my State of Maryland, the legislature would have new lines drawn and in that way create another county. The real problem of malapportionment did not begin until the latter part of the 19th century and the early 1900's" (pp. 18060–18061).

Senator DIRKSEN. I did not find out anything about the legislative branches in the Northwest Ordinance (p. 18061).

Senator BAYH refers to language in the Indiana Constitution which requires that both houses of the legislature be apportioned by population only.

Senator DIRKSEN. But it was done by the people of Indiana.

Senator BAYH. That is correct (p. 18061).

Senator DIRKSEN. That is all I ask. But it is not what the Senator from Indiana asks. The Senator desires to do it under the aegis of the Supreme Court, and the Senator wishes to take the right away from the people of Indiana (p. 18061).

Senator BAYH pointed out that despite the language of the Indiana Constitution the State legislature for 40 years ignored similar provisions in their State constitutions. Had the State legislators attended to their responsibilities, the U.S. Supreme Court would not have had to act.

Senator DIRKSEN. The people of Nebraska voted on the terms of their constitution and the U.S. Supreme Court disapproved it. Same was true in Colorado where the provisions for apportionment were approved by the people but rejected by the U.S. Supreme Court.

Senator TYDINGS. What can the people of a State do when the State legislature refuses to act? (p. 18061).

Senator DIRKSEN. The State constitution, the initiatory powers of the legislature and the people of the State should respond to correct these abuses (p. 18061).

Senator TYDINGS. Members of malformed legislatures are unlikely to vote themselves out of office.

Senator DIRKSEN. All State legislatures are not necessarily malapportioned. Two professors from Ohio testified that their State had the best representation in the country.

Senator BAYH. When a minority of the people has the majority of the votes in a State legislature it is very difficult to do anything. In California, as an example, 8 percent of the people decide who is to be elected to one house of the legislature (p. 18062).

Senator DIRKSEN. The argument advanced is academic. (Read into the RECORD an editorial, "Apportionment in the Real World," published in the Wall Street Journal.) One of the arguments there advanced is that under the Court's rule, having districts of equal population will not necessarily insure that every man's vote will be reflected equally in the State capitol. If the winner takes all in his district, the citizen whose vote was for the loser is not reflected at all in the legislature. Legislative control requires half of the seats presumably representing some 50 percent of the citizens. But to win those seats it is enough to win a majority within each of the districts comprising that 50 percent or something less than 26 percent of the statewide vote. The theoretical percentage could be substantially lower if more than two candidates ran in some districts or if some had very low voter turnouts.

Senator BAYH. The argument just made is weak. For it to stand it must be assumed that in those legislative districts of the minority, the majority does not get any vote at all. This would be most unusual (p. 18063).

Senator DIRKSEN. In actual practice, no party's votes are so ideally concentrated, but legislative control with some 40 or 45 percent of the popular vote is possible. It is especially possible and distressing where reapportionment gives decisive weight to a large city oppressed by a tight political machine. One could take the largest county in Illinois and add five other counties to it and these six counties would dictate what the remaining 96 counties would have to do (p. 18063).

Senator BAYH. The mayor of Chicago testified that under the present apportionment conditions the opposite is true, that the largest city in the State, which comprises almost half of the people of Illinois, is at the mercy of the less populated areas.

Alternative: What I desire is to find a compromise which would start out with an equitable population basis, and then give each State some leeway with which to adjust to conform to its needs (p. 18063).

Senator DIRKSEN. In the Illinois election 2 years ago, a ballot with 236 names was submitted for the lower house, all running at-large, from which 177 were to be elected. The outcome could be predicted long before the election. The Democratic majority is so great that there was no doubt as to their getting control over the general assembly and in control of that party is the city of Chicago (p. 18063).

Senator BAYH. The Illinois situation demonstrates why the State legislature should have reapportioned then there would not have been a statewide referendum (p. 18063).

There has been a great deal of discussion as to whether "monolithic metropolitan areas" are to penalize rural areas. Does Senator DIRKSEN know if in the last legislative session in Illinois when the assembly was controlled by the large metropolitan area if any punitive legislation was imposed on rural areas? (pp. 18063–18064).

Senator DIRKSEN. It is not a question of punitive legislation. It is a question of asking for things for themselves that will ultimately constitute a burden upon other areas of the State. An illustration, the mayor of Chicago testified that he wanted special tax authority for the city. Who is to pay the bill for all these taxes? (p. 18064).

Senator BAYH. The people of Chicago would have to pay the special taxes, not the people in other parts of the State (p. 18064).

Senator SIMPSON (speaking for the amendment). Our first consideration should be to achieve fair representation and this cannot always be done by one-man, one-vote. Restraints and balances are necessary rather than full reliance on majority rule. The country is too large and diverse to rely on any single set of standards for State representation. Many of the States with the best record of urban renewal, area redevelopment, manpower training, and so forth are those which have legislatures based on other than strictly population factors (p. 18064).

Without this amendment, the political machines of one or two big cities will dominate some of the States. In other States, there will be combinations which will be so strong that they need not heed the minority desires. (Points out what would happen if the U.S. Senate were to be based on population) (p. 18065).

Senator SIMPSON. For 175 years no one ever thought of challenging the State pattern of apportionment (pp. 18065–18066).

Senator TYDINGS. A county is a creature of the State legislature. The legislature can change county lines. No one can change State lines with the exception of Texas (p. 18066).

Senator SIMPSON. In many States, particularly in the West, a county cannot be divided without the consent of the county. Nearly every State is attempting to reapportion but this is not easy to do. The people should have an opportunity to be heard and to vote in a referendum (p. 18066).

Senator SYMINGTON. Under present proceedings, we are not now considering the merits of the proposed constitutional amendment, rather whether to accept the subsitute offered by Senator DIRKSEN to Senate Joint Resolution 66. This should be discussed thoroughly on the floor (p. 18073).

JULY 26, 1965

Senator PROXMIRE says letter in Sunday New York Times summarizes historical arguments against the Dirksen amendment. Says 9 of the 14 amendments to the Constitution following the Bill of Rights deal with making the franchise more democratic. The Dirksen amendment would be the first to reverse the trend (p. 18183).

Senator BREWSTER (speaking against the amendment). There is no clear and compelling reason for amending the Constitution in this way. The States were badly malapportioned before *Baker* v. *Carr*, but after that decision, the situation began to improve. The apportionment system in 32 States were ruled unconstitutional last year. Ten of the legislatures voluntarily reapportioned themselves. The courts did it in three other States. Twenty-four States are currently under orders to reapportion before the next election. The amendment proposed would undo this trend toward fairer reapportionment. Cites conditions in Maryland where the Senate is badly malapportioned (pp. 18216–18217).

Senator NELSON. If the proposed amendment were to be enacted could the State of Maryland continue with its malapportioned senate? (p. 18217).

Senator BREWSTER. Yes; malapportionment would continue if the Dirksen amendment were adopted.

The great shift in population necessitates changes in State legislatures. The Dirksen amendment would perpetuate the long-outmoded dominance of the rural minorities over the growing urban majorities. The amendment would inhibit the capacities of State governments to deal with the pressing problems these new populations bring, it would frustrate and stalemate responsible State government. Congress has enacted many statutes which should have been within the province of State government. The States could not act because their legislatures were not responsive to the need of their citizens and the Federal Government had to step in to fill the void. Far from taking away rights from the States, one man, one vote will strengthen States.

The proposed amendment is not necessary to protect rural minorities. Other minorities, racial or religious, are not granted the right to have their ballots carry disproportionate weight to protect their minority interests.

Urban voters do not form a monolithic group having identical interests. What is at stake is that the diverse urban interests have a vote equal to that of rural interests.

In answer to the question why, if a majority of the people of a State wish to apportion one house of the legislature on a nonpopulation basis they should not be allowed to do so, he argued that to have an equal vote is a basic constitutional right as are the first amendment rights. Our democracy is based on the conception of majority rule and the preservation of minority rights. The people of a State cannot divest themselves of their basic constitutional rights.

The Federal analogy is not applicable (pp. 18217–18218).

Senator BAYH asks Senator BREWSTER to comment on procedure followed in circumventing the committee.

Senator BREWSTER. Should not have followed the course of taking the matter outside of the committee system (p. 18220).

Senator BAYH. Amending the Constitution is so important that it should not be undertaken without the most careful consideration. The issue is of resolving State's rights and majority rule. One basic item not accepted by Senator DIRKSEN is that before a legislature could submit to the people a plan to apportion one house on factors other than population, the legislature must itself first be apportioned on the basis of population in both houses. Thus the body which frames the proposals to be submitted to the referendum will be more apt to word them fairly. Also, this proposal recognizes that there may be States where there are unique problems caused by geography, communications or otherwise which indicate that there should be some deviation from population equality. There is dicta in the decisions which indicates that this leeway may be permitted. This proposal also recognizes the decisions of the Supreme Court as the law of the land (pp. 18221–18223).

It is my opinion that the problem needs further study and that this can best be done in committee rather than on the floor of the Senate (p. 18224).

There have been changes already made because of deliberations in committee. The original language which contained the implication of the first sentence that Supreme Court review was precluded, the use of all factors with nothing to preclude factors as race, religion, no provision for periodic review, were all shortcomings which have been deleted (p. 18224).

JULY 27, 1965

Senator MONDALE. The Supreme Court correctly ruled that the equal protection clause of the 14th amendment requires substantially equal legislative representation for all citizens of the State. Proposed amendment, in seeking to change that holding, seeks to limit the elective franchise; it would restrict or reduce the rights guaranteed by the Constitution.

The proposal has two basic defects. (1) It would permit a bare majority of the voters participating in a referendum to deny to individual citizens the right to equal protection of the laws. (2) It would continue or make possible in practice minority rule over State governments by giving control of one house of the legislature to an overrepresented area, interest groups, or class of people.

It is impossible to represent interests considered separately from the people having those interests. By making interest representation primary, the proposal would discriminate against some people and in favor of others.

The proposal would make possible great discrimination against rural people. It would permit an urban majority the power to draw population lines or geographic lines or political subdivision lines which would give the urban majority unequal and superior representation in their State legislatures. This possibility would be enhanced if a suggested amendment is adopted to require a legislature to be apportioned on population before it is able to submit a nonpopulation plan.

The Federal analogy is inapt.

Adoption of proposal would weaken the American system by continuing ineffective and stalemated legislatures so that the proper role and responsibilities of the States continue to slip away and the people turn more and more to the Federal Government.

Malapportionment would strike hard at Negro rights.

Not enough time has passed to permit an assessment of the effects of reapportionment (pp. 18355–18360).

JULY 28, 1965

Senator KUCHEL. The proposal is being considered after long and careful analysis and extensive discussion. It merits passage.

Baker v. *Carr* was a welcome decision. It provided a judicial forum for people who had been wronged. *Reynolds* v. *Sims* also righted a wrong and was correct.

But the Colorado decision inflicted a wrong rather than righted one. The heart of the issue is not what type of reapportionment but what type of representation is desired at the State level. The people of Colorado had decided. The proposal merely seeks to reinstate this right to decide.

The amendment is permissive only; it does not force anything on anyone.

The slogan "one man, one vote" is disingenuous. Proposal does not deprive any one of the right to cast his vote; it preserves that right.

The civil rights issue is a smokescreen. The proposal would not allow racial discrimination. It does nothing to affect constitutional guarantees against discrimination because of race.

The proposal merely allows the long used and understood Federal plan to remain available to the people of any State if the majority of the people of that State so desire.

The people of California desire to have the choice. Their system has worked well there and both parties as well as liberals and conservatives wish to preserve it.

The amendment affirms the right of the people to decide how best to determine the composition of their own legislatures (pp. 18548–18552).

Senator PROXMIRE. Contrary to Senator KUCHEL, one man, one vote is issue because of disparity of population in districts possible if amendment is adopted.

Senator KUCHEL. Disparity in population of districts would be so if people on a one-man, one-vote basis voted to provide for such a system.

Senator CASE. People do not always make wise decisions. There are times when a transient majority ought not to be permitted to govern lives of all persons or any one person.

Senator KUCHEL. People collectively make mistakes as do people individually. But opportunity is provided for correction of any mistake and over the long run people make right decisions.

Senator HRUSKA. People would be given opportunity to vote on issue after every Federal census. Could vote plans in or out.

Opponents of proposal totally deny the people the opportunity to pass on the issue and that is paradox of their one-man, one-vote slogan. Opponents of amendment do not have one man, one vote in adopting the amendment because it has to have approval of two-thirds, and it is not one man, one vote in ratification because three-fourths of States have to approve. So opponents of amendment benefit by absence here of one-man, one-vote requirement.

Senator CASE. Question is whether or not a majority of the people have right to vote away an inalienable right given to even one citizen.

Senator HRUSKA. Analogy is inapt. We have Bill of Rights for example which was put into Constitution by means provided for and we have a radical new interpretation of the 14th amendment good only since June 1964 (p. 18566).

Senator PROXMIRE. There is civil rights issue involved (and cited Burke Marshall), (pp. 18572–18577).

JULY 29, 1965

Senator DOUGLAS. Purpose of the proposal is the perpetuation of the rotten borough

system of apportioning legislatures. There is great haste to pass the amendment because the opponents of fair representation know that the cause is lost unless malapportioned legislatures have the controlling hand in presenting to the voters the questions under the amendment.

Proposal would be fundamentally unwise even if Senator BAYH's "prior compliance" amendment were added.

There is no chaos in the States on apportionment. Reapportionment is hard, especially if members lose jobs thereby, but progress is being made.

Before the decisions, there were few citizens whose rights to equal representation had not been infringed (citing examples).

The issue is whether we are going to have the substance of representative government or merely the appearance of it. With this amendment, we would only have the appearance.

The argument that the people should be permitted to decide has several fallacies. (1) The right to substantially equal representation is both inalienable and basic to the 14th amendment. It is not the right of any majority to impair this right. (2) The referendum idea is faulty in that: (a) no direct referendum is to be held on ratification or rejection of the constitutional amendment, this being accomplished by malapportioned legislatures or conventions; (b) the decision of the people in any referendum would be that of voting on a question framed by a malapportioned legislature and it can be expected that the legislature will approach the task concerned with preserving itself; (c) the referendum has failed to live up to expectation and those conducted under this proposal would have the same defects of extremely low voter participation (citing examples) and the inability of the average citizen to understand cleverly framed questions. The mass media have enormous influence thus in misleading the voters and have done so (pp. 18849–18861).

Senator INOUYE. To argue that if the decision in *Reynolds* is not reversed it will ultimately be applied to the U.S. Senate is wrong. A reading of the Court's decision shows that it accepted equal representation of States in the U.S. Senate and held that this form of representation could not be extended to the States. Moreover, any such extension would have to be ratified as a constitutional amendment.

We must protect the inalienable right of all Americans to have an equal and meaningful vote. The proposal would impair that right.

Legislatures must be so comprised as to effectively represent the entire mass of voters. The argument of minority rights is a misleading one. The proposal would not protect those rights, it would give them dominion.

The amendment would be a dangerous precedent. It might lead to the overturning of other rights (pp. 18865–18868).

Senator PROXMIRE. Provision relating to nonpopulation apportionment of unicameral legislatures presents opportunity for disfranchisement of urban and suburban voters (p. 18869).

JULY 30, 1965

Senators DIRKSEN and MANSFIELD announced the intended submission of a tentative unanimous consent agreement for voting on the substitution of the constitutional amendment and all amendments thereto, early in the following week (pp. 18898–18899).

Senator JAVITS (p. 18899) announced his intention to make his constitutional amendment, in the nature of a substitute, the pending business on Monday, August 2.

Senator JORDAN of Idaho (pp. 18945–18946) announced his support for the proposed constitutional amendment of Senator DIRKSEN.

Stressed, (1) "crazy-quilt" pattern of court actions on reapportionment in the States; (2) need for the adoption of an apportionment guideline as a means of preserving fair apportionment in the States.

Described the "frustrating" Idaho experience of concomitant legislature and court action.

Described the situation in the Western States and the "need" for balanced representation.

Described a "rising tide of concern" among voters over the question of fairness of representation and urged that the people in each State be given the right to decide the matter for themselves through appropriate referendums.

Inserted a memorial to Congress from the Idaho Legislature seeking the calling of a constitutional convention.

Senators CHURCH and SIMPSON (p. 18946) associated themselves with the remarks of Senator JORDAN.

Senator PROXMIRE (pp. 18947–18948) expressed concern about a referendum in a State enshrining a minority in control through the possibility of establishing a unicameral legislature with geographic representation.

Expressed concern that a referendum would not be fair were a malapportioned State legislature to frame the question.

Expressed concern that southern legislatures might limit Negro representation by means of malapportionment.

Senator COOPER (p. 18948) challenged the last statement by Senator PROXMIRE about racial gerrymandering, citing the Supreme Court decision in *Gomillion* v. *Lightfoot*, 364 U.S. 369 (1960).

Senator PROXMIRE (p. 18948) raised the question of the possible subordination of a large Negro vote in a major urban county such as Los Angeles if apportionment on an area basis allotted only one State senator to the county.

Senator COOPER (p. 18948) stressed newness of one-man one-vote doctrine as a result of *Reynolds* v. *Sims*, 377 U.S. 533 (June 1964). Alleged that the Supreme Court did not have it in mind when deciding *Baker* v. *Carr*, 369 U.S. 186 (March, 1962), and that the U.S. Solicitor General did not argue a population basis for bicameral legislatures before the Court in that case.

Urged that the people in the States should have the right to determine, in a referendum, a fair system of apportionment for their particular State.

Senator PROXMIRE (pp. 18948–18949) declared that population-based apportionment was a civil rights issue; that it was traditional in the Nation as indicated by statements from the Founding Fathers and by the Northwest Ordinance of 1787.

Senator GRUENING (p. 18949) supported the constitutional amendment of Senator DIRKSEN.

Described the careful consideration given to the apportionment of the Alaska Legislature to insure representation of minority groups in at least one House while requiring votes of over 40 percent of the voters to elect majorities in each House.

Urged that to the majority of the voters in each State be left the determination of the apportionment of the legislature, subject to periodic reviews; and, that apportionment be secured without the contravention of individual rights guaranteed by the Constitution; that a referendum with majority decisions would not be a deprivation of the constitutional rights of a majority, but rather would be a moderate forgoing of such rights in the interests of minorities.

Expressed concern that the one-man, one-vote principle was a danger to States like Alaska where the people had recently determined that it was not suited to their particular situation.

Senator PROXMIRE (p. 18950) referred to statements by Founding Fathers in answering Senator COOPER's earlier statement that the philosophy of *Reynolds* v. *Sims* was of recent vintage.

Asserted that while he believed in majority rule, it could not be utilized to "destroy" constitutional rights of individuals.

Senator GRUENING (p. 18949) suggested that one man one vote would be harmful to States like Alaska which had apportioned the legislature to insure some minority representation, a possibility that would not exist under a one-man one-vote formula.

Senator AIKEN (p. 18950) referred to quotes by Senator PROXMIRE as coming from Franklin, Hamilton, Jefferson and Madison, whose States had relatively large populations and who thus supported a population-basis formula.

Senator COOPER (p. 18950) stressed his arguments that the question was not a civil rights matter since the *Gomillion* decision had been delivered 4 years before the *Reynolds* opinion, and, that the one-man one-vote concept had not been embraced legally until the *Reynolds* decision; that the concept of the U.S. Senate and the example of the apportionment of numerous State legislatures refuted the argument of population-basis being traditional.

Senator PROXMIRE (p. 18951) asserted that States had generally been apportioned on population until 1900, after which many States changed.

Senator HOLLAND (p. 18951) stressed the difficulty of applying population apportionment to a State like Hawaii.

Senator PROXMIRE (p. 18951) asserted that some of Hawaii's leading political figures favored population apportionment.

Senator HOLLAND (pp. 18951–18952) stated that the *Reynolds* decision was a misreading of the 14th amendment; that the amendment would never have been ratified if the States had believed that it related to legislative apportionment.

Colloquy between Senators HOLLAND and PROXMIRE (pp. 18951–18953) on the need for representation of rural interests and of urban interests and of the possible overrepresentation of rural interests. Senator HOLLAND pointed to States such as Arizona and Nevada which had one or two relatively large population centers that could dominate the rest of each of the respective States. Senator PROXMIRE, in answer to the argument "leave it to the people," asserted that the question was one initially for the Senate and the House to determine as representative bodies.

Senator MURPHY (p. 18953) stated that leadership of both parties in California believed the question to be one that should be left "to the people."

Senator TYDINGS (p. 18954) alternative: Mentioned the defeat in the Judiciary Committee of his amendment to have the amendment of Senator DIRKSEN ratified by State conventions representing the people rather than by malapportioned legislatures.

Stressed the fact that the Reynolds decision did not require "precisely equal" population districts, that geography and other factors could be taken into account so long as apportionment were based substantially on population.

Senator PROXMIRE (p. 18954) asserted that if the people decided the "civil right" of one man one vote, by a majority vote, all other questions, i.e., taxes, education, civil rights, could logically not be left to representative majorities in the legislatures.

Senator DOMINICK (p. 18954) discussed the Colorado situation where the voters adopted a "little federal" plan.

MONDAY, AUGUST 2, 1965

Senator TYDINGS (p. 19029) inserted in CONGRESSIONAL RECORD, an article by President (then Senator) Kennedy from the New

York Times of May 1958, opposing "rottenborough" system in the States.

Senator LAUSCHE (pp. 19031–19032) supported the constitutional amendment of Senator DIRKSEN.

Cited travails of State legislatures over apportionment problems. Cited three occasions in Ohio history, 1913, 1933, 1953, when the voters, in effect, voted down constitutional amendments for population apportionment in both houses.

Supported concept of "federal" system for both Federal and State Governments.

Supported right of "self-determination" by the people in each State on the matter.

Senator HOLLAND (p. 19032) supported referendums under the proposed constitutional amendment which provided for alternative proposals to be submitted to the people in each State. People could not be misled.

Senator LAUSCHE (pp. 19034–19035) stressed his concern that the principle of the Reynolds decision led to tyranny of the masses (and big-city "boss" control) and could lead to majority election of the President. Cited the initiation of several suits (Arkansas, Delaware) in this respect.

Expressed concern about legal basis for challenging composition of the U.S. Senate (p. 19034).

Illustrated how U.S. Senate might look if Senators were apportioned on population.

Described differing treatment by U.S. district courts of apportionment problem in Hawaii, Oklahoma, Georgia, Washington, and California. Stressed resulting confusion.

Senator PROXMIRE (p. 19035) asserted proposed constitutional amendment would not be ratified by the people but by malapportioned State legislatures, and that the latter would frame the eventual referenda questions for the people were the amendment to be ratified; that the option in the proposed amendment was unreal in that the "one man—one vote" option could lead to unwieldly elections of entire State legislatures at large.

Stressed fact that proposed amendment was "unique" in that State legislators who would be called upon to ratify it had a vested interest in it—thus it should be submitted to conventions in each State for ratification (p. 19036).

Senator LAUSCHE (p. 19036) stressed that State legislatures memorializing Congress represented all points of view, indicative of bipartisan feeling toward the issue.

Senator PROXMIRE (p. 19036) alternative: Have ratification by popular conventions.

Stressed that urban centers would not benefit from "one man—one vote," but that suburbs would, where population shifts had occurred.

Argued that population representation would revive State governments (p. 19038).

Senator MORTON (p. 19038). "One man—one vote" is destructive of checks and balances in State government.

"In addition, it could lead to population apportionment of the U.S. Senate." The Senator described the Senate if it were so apportioned.

Asserted that population apportionment would give only token, not real representation to various interests in the States.

Senator JAVITS (p. 19040) called up his substitute for the amendment by Senator DIRKSEN. Indicated its difference from the latter.

Alternative: Apportionment in the second house would be a mixture of population, geography or political subdivisions, but would be required to bear a reasonable relationship to the needs of the State.

The question of "reasonableness" could be determined judicially.

No discrimination on grounds of race or color could be accomplished since all other existing provisions of the Constitution would be enforced by the courts.

Population, as part of a "mix," would have to be given some consideration in apportionment of the second house.

Any referendum under it would have to be statewide with every voter having an equal vote.

Resubmission would be required every 10 years as in Senator DIRKSEN's proposal.

Resubmission would include alternative proposals, that is, a "little federal" and a population plan.

Some of his language was more clear than in Senator DIRKSEN's proposal, he asserted.

Stated that his proposal would commit the problem to the courts under a standard set out in the amendment; that he was uncertain that Senator DIRKSEN's proposal would clearly permit judicial review where final decision was vested in a majority of the voters.

Asserted that his amendment would follow a path indicated by the Supreme Court but which it was powerless to delineate in view of its construction of the equal protection of laws clause in its *Reynolds* decision. That both was one of some flexibility. However, lower courts have been constrained to follow a strict population interpretation and it will be years before the courts will have spelled out what an acceptable formula will be.

Asserted his amendment, with its concepts of "mix" and relation to "reasonable needs" of each State constituted a flexible formula to carry out the Supreme Court's intent and one which would allow the Court to work out more flexible, appropriate apportionments than would be possible under the *Reynolds* decision as strictly interpreted.

Senators MANSFIELD, JAVITS, DOUGLAS, PROXMIRE, and CLARK (pp. 19042–19046) proposal and acceptance of a unanimous-consent agreement to provide, on Wednesday, August 4, for 1 hour debate on any amendment, motion, or appeal relating to the Dirksen substitute, to be equally divided, except that the debate on the Javits amendment would be 2 hours, 1½ to Senator JAVITS and one-half to opponents, plus 4 hours of debate on the Dirksen substitute, to be equally divided.

Senators CLARK and JAVITS engaged in a discussion as to the meaning of the phrase "consistent with the provisions of this Constitution, except for the provisions of this article" in Senator JAVITS' proposal, the one Senator alleging the phrase would cancel the amendment out, the other that it would mean that all provisions of the Constitution would be applicable to apportionment except the equal protection clause of the 14th amendment insofar as it was modified by Senator JAVITS' amendment (pp. 19046–19047).

Senator JAVITS (pp. 19048–19049) asserted that there was some need for reasonableness and flexibility in State apportionment which his proposal would provide, whereas uniform application of the "one-man one-vote" proposal in all States would be very detrimental to some.

His proposal, he stated, would implement the "reasonable" formula spelled out by Mr. Justice Stewart in *Lucas* v. *Colorado*, 377 U.S. 713 (June 1964) (p. 19050).

Senator CLARK (p. 19052) inserted in the CONGRESSIONAL RECORD various documents relating to apportionment in Pennsylvania.

TUESDAY, AUGUST 3, 1965

Senator GRUENING (p. 19083) inserted in CONGRESSIONAL RECORD article by James J. Kilpatrick supporting Senator DIRKSEN's amendment.

Senator MCNAMARA (p. 19095) opposed Senator DIRKSEN's amendment on the ground that it would abridge the integrity of the vote of the American citizen.

Cited legislative accomplishments of reapportioned Michigan legislature (pp. 19095–19097).

Cited "abuses" under malapportioned system in Michigan (p. 19096).

Asserted that any suggestion of inequality be rejected—the Nation was moving past that point (p. 19096).

Cited dangers of any deprivation of rights of a group—that it might in the future turn around and inflict the same treatment on those given control today.

"Only way to make sure that fairness to all will result is to accept population representation," he asserted.

"Adjustment is being made—the proposed amendment would turn back the clock," he stated.

Senator RIBICOFF (p. 19097) saw the issue as a "vital" one of "the right of individual citizens to be represented equally in the legislature."

Asserted adoption of the proposed amendment would constitute the first time that the Constitution had been amended to infringe upon the "fundamental rights of American citizens."

Cited U.S. history as supporting equal rights, free franchise, population apportionment (p. 19098).

Denied any analogy between composition of the Federal Government and that of States.

Opposed any majority, urban or rural, setting aside "fundamental" rights of citizens (p. 19099).

Discussed difficulties in referenda—long ballots, confusion of issues, preparation of the question by malapportioned legislatures, low turnout of its electorate (p. 19100).

Discussed development of malapportionment in Connecticut over long period during which apportionment formula remained unchanged while the population shifted (p. 19100).

Spoke of constitutional convention in Connecticut now in session (pp. 19101–19102).

Asserted State legislatures should be able to reflect needs of the times—revitalize federalism (p. 19106).

Cited examples of inattention to urban needs by "rural dominated" State legislatures (p. 19107).

Cites possible dangers to racial groups through malapportionment (p. 19108).

Senator ALLOTT (p. 19109) discussed Colorado situation and decision by voters in 1962 for balanced representation, for a "little federal" system.

Stressed voluntary aspect of the amendment—did not compel any State to adopt a second house apportioned on factors other than population. The decision would be left to the people of each State (p. 19109).

Asserted that adoption of the amendment would in no way infringe on the movement for civil rights for the Negro. Cited States like Colorado and New York, with "little federal" systems that were in the forefront of civil rights movement (p. 19110).

Stressed difficulty of securing apportionment guidelines from the courts and necessity to adopt the amendment to provide some (p. 19111).

Refuted referenda statistics by Senator DOUGLAS by showing that minority of voting age citizens also elected public officials in Colorado (p. 19114).

Senator DOMINICK (p. 19114) expressed support for the amendment and for the right of the people to choose.

Senator TYDINGS (p. 19115) discussed several dictionary definitions of "geography" (as a factor in apportionment under the proposed amendment)—described it as being very broad and inclusive.

Senator ALLOTT and Senator PROXMIRE discussed whether the 1962 referendum in Colorado involved a "loaded" question or a "loaded" situation (pp. 19116–19117).

Senator COOPER (p. 19117) reasserted this belief that population-based apportionment had not been generally accepted in the Nation heretofore.

Referred to some of the extreme arguments used by opponents of the amendment (p. 19118).

Asserted that fair representation of people and interests would be provided under the proposed amendment (p. 19118).

Senator JAVITS (p. 19118) expressed concern at the speed by which Senator DIRKSEN's somewhat nonflexible proposal was being pushed. Felt the proposal should be more flexible or else more study should be given to it.

Senator TYDINGS (p. 19119) expressed concern that "transient majority" in a State could lock up apportionment therein for 10 years, to the detriment of the individual citizen's voting right.

Stressed panic by which amendment was being pushed—noted absence of extended consideration.

Expressed regret that the word "reasonable" as applying to apportionment of unicameral legislatures had been dropped from final version of Senator DIRKSEN's amendment (p. 19120).

Asserted there were virtually no limits in the amendment to the extent that nonpopulation factors could be considered in apportioning a second house.

Reiterated his argument that if the people were to decide they should be given the right to decide on ratification of the amendment through State conventions (p. 19121).

Reiterated the argument that uninhibited majority rule to the destruction of individual rights was not constitutional.

Senator COOPER (p. 19121) argued that adoption of the amendment would not deprive the courts of jurisdiction to determine if an apportionment plan on factors other than population were rational and fairly representative.

Senator TYDINGS disagreed.

Senator MONDALE (p. 19122) expressed his belief that courts could do little about apportionment plans for the second house adopted under the amendment.

Senator TYDINGS (p. 19123) reiterated his argument that the proposal was considerably different from Senate Joint Resolution 2 and that further hearings and study should be given to it.

Expressed his objection to the "cumbersome" referenda procedure (p. 19123), the lack of alternatives after the first, the chaos from judicial review and pending lawsuits to the stability of plans, etc.

Senator CASE (p. 19174) expressed opposition to the amendment as an abridgement of the equality of the voting right; its "assumption" that virtue is inherent in geographic areas with few people; its effect of enabling current minorities now "enjoying" the "veto" power to perpetuate it.

Has not detected any great "groundswell" of support for the amendment (p. 19175).

No kind of amendment to the Dirksen amendment could change the inherent aspects of the latter in resulting in inequality of the voting right based on geographical considerations (p. 19176).

Senator FONG (p. 19177) supported the amendment.

Discussed the travail of Hawaii in attempting to meet the problem.

Expressed concern with "logical extension" of the *Reynolds* doctrine to the U.S. Senate, under which result 34 of the 50 States would be shorn of representation in the Senate (p. 19179).

Also cited "logical extension" of the decision to the electoral college to the detriment of the small States (p. 19180).

Stressed American doctrine that government derives its just powers from the consent of the governed (p. 19180), and that the system of differing bases of apportionment for a legislature has worked.

Senator HART (p. 19181) expressed his opposition to the amendment; reported that the reapportioned Michigan legislature had not run "roughshod" over the rural elements. Cited Massachusetts, Oregon, and Wisconsin, as other population apportioned States where the same results occurred (p. 19182).

AUGUST 4, 1965

Senator SCOTT. Opponents of the proposal are creating a dangerous situation because if only a few more States petition Congress a convention must be called. Once it is called, no one can be sure of what will be forthcoming (pp. 19311–19313).

Senator JAVITS. The substitute differs from the Dirksen proposal is a number of ways. (1) It requires that population be the base but allows the factors of geography or political subdivision to be given consideration, whereas the Dirksen proposal gives the people the option among the three factors.

(2) It retains court jurisdiction to see if population has been used as a base with the other two factors being also utilized, while the Dirksen amendment does not tie the choice of the people to any standard which a court may consider.

(3) It creates a standard that the plan must bear a reasonable relationship to the needs of the State, which standard the courts will pass upon, while the Dirksen amendment keeps the courts out. The standard is one the courts should have no trouble applying.

A court could pass upon the nonpopulation plan before it was submitted to the electorate.

(4) The substitute makes clear that only the Court's interpretation of the 14th amendment in *Reynolds* is being altered and that no other provision or interpretation is being altered. That is the meaning of "is consistent with the provisions of this Constitution except for the provisions of this article."

(5) The substitute makes clear that a referendum vote must be statewide while the Dirksen amendment does not so state in so many words.

(6) The substitute provides for the submission of a population plan each time a nonpopulation plan is submitted to the voters whereas the Dirksen proposal merely requires such the first time.

The issue is whether Congress is to allow any measure of flexibility to the people of a State who wish to adopt the Federal analogy.

The substitute recognized and seeks to effectuate the dictum of the Court that some divergences might be based upon legitimate considerations incident to the effectuation of a rational State policy (pp. 19308–19311, 19313–19315).

Senator DOUGLAS. What is wrong with the substitute, as well as with the principal proposal, is that it is based on the assumption that something is wrong with the apportionment decision. That decision does not demand mathematical exactness and is being reasonably followed. Substitute would introduce the possibility of great misinterpretations (p. 19315).

Senator BAYH shares Senator JAVITS' regret that Court had to do what it did but there was no other course.

Alternatives: The States should be allowed some leeway, but not without adequate safeguards which the Dirksen amendment does not have. The "reasonable necessity" test of Senator JAVITS is a possible safeguard as well as the "prior compliance" amendment Senator BAYH had considered offering (p. 19318).

Senator MILLER. Court has permitted multimember districts, but has stated that under some circumstances it might not. Therefore, offers and amendment to require subdistricting of multimember districts. Such action would prevent discrimination against minorities and prevent litigation (pp. 19319–19321).

Senator TOWER (p. 19322) supports the Dirksen amendment. Sees loss of system of checks and balances with adoption of one-man, one-vote formula.

Expressed concern over political power being wielded by "transient pluralities" under one man, one vote; that is, by pluralities within the majority party, probably "big city bosses."

Senator SMATHERS (p. 19323) supports the amendment in its revised form; emphasized possibility of judicial review under the amendment, and periodic review.

Stressed possibility of "boss" control under one man, one vote (p. 19325).

Senator ANDERSON (p. 19325) expressed opposition to the amendment, and presented apportionment situation in New Mexico and discussed population changes in the State and their relation to representation.

Senator KENNEDY of New York (p. 19327) discussed examination of one-man, one-vote issue by the Kennedy administration and President Kennedy's general support of the proposition.

Inserted in the RECORD a list of comparative legislative activities by Legislatures of Colorado, Delaware, and Michigan, before and after reapportionment.

Discussed possible racial implications of the amendment since, he argued, under it a malapportioned plan, based, for instance, on geography, discriminating against Negroes could be put into effect now before they are fully registered to vote, the result of which could be to shut them out for some time from effective representation (p. 19329).

Senator HRUSKA (p. 19330) stressed constitutional manner of presenting the amendment for adoption and ratification.

Stressed its possible protection of minorities.

Stressed chaos and confusion resulting from court decisions. Asserted need for a standard (p. 19331). Inserted in the RECORD examples of "mess" arising from litigation in selected States.

Senator BIBLE (p. 19332) supported the amendment.

Declared that the *Reynolds* decision struck at checks and balances and State sovereignty.

Referred to practical problems in each respective State relating to apportionment. The amendment offers a middle ground between extremes and enables the people to make the decisions (p. 19333).

Senator MORSE (p. 19333) opposed the amendment. Contended that dynamic federalism was supported by the *Reynolds* decision.

Argued that judicial review would be abrogated by its adoption.

Senator SMITH (p. 19334) supported the amendment. Expressed concern about the possible extension of the *Reynolds* doctrine to U.S. Senate.

Senator SIMPSON (p. 19335) supported the amendment along prior lines of debate.

Discussed reapportionment travails in Wyoming.

Senator STENNIS (p. 19336) supported the amendment.

Contended that the equal protection clause was not intended to be interpreted as in the *Reynolds* decision nor the *Baker* v. *Carr* decision.

Senator YOUNG of Ohio (p. 19337) stated that the reapportionment amendment was a civil rights question. Argued for the equality of the vote for all citizens within a State.

Senator DOUGLAS (p. 19338) argued that the implications of the *Reynolds* decision could not extend to the U.S. Senate since the Constitution provides that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Senator CLARK (p. 19338) argued against the procedure of substituting the amendment for the American Legion Baseball Week

bill; that it constituted a nongermane amendment procedure.

Senator KENNEDY of Massachusetts (p. 19339) opposed the amendments as opening the door to legislative apportionment that would seriously "dilute" the vote of Negroes in all parts of the Nation.

Senator BAYH (p. 19341) stressed the need for some consideration of geographic and local political subdivision factors as well as population in the apportionment of one house, but suggested—

Alternative: That before any State deviates from population-based apportionment it must first reapportion itself so that all States could start from the same base, and, given some leeway, establish a system to fit the needs of each separate State.

Contended that further committee study was necessary on the amendment.

Senator DODD (p. 19341) opposed amendment; action is too swift following the *Reynolds* decision and no State has yet shown any injury to it as a result of the decision; the amendment failed to receive committee consideration and was not reported from committee.

Contends that no constitutional right can be made the subject of popular referendum.

Senator AIKEN (p. 19342) supported the amendment because it would permit the people in each State, on a "one-man, one-vote basis" to determine the framework of their State government.

Senator HICKENLOOPER (p. 19343) supported the amendment because it would preserve the right of self-determination in the people of each State and would implement the *Reynolds* decision by allowing the voters in each State to make that determination on a "one-man, one-vote" basis.

Contends that in this sense, the amendment would be a bridge between the past and the future.

Asserted that Iowa, with a malapportioned legislature, had adequately met the needs of that State.

Contended that rejection of the amendment would lead to a resurgence of city boss control of State legislatures, a trend that had been broken.

Senator MILLER (p. 19345) supported the amendment, along lines of prior debate and stressed reserving to the people the ultimate power of decision.

Senator DIRKSEN (p. 19346) stated his intention to carry on the effort for his amendment even if it were rejected at the termination of the current debate.

Reviewed the history of the amendment.

Argued for the right of the people to decide, for the continuation of the Federal system and State authority.

Stated that the amendment did not constitute an attack on the Supreme Court, but that the *Reynolds* decision could constitute a barrier to effective State-exercised authority and that it would some day have to be altered in response to demands by the people.

Senator DOUGLAS (p. 19351) opposed to "subtracting from the equality of citizens under the law."

Contended that "letting the people decide" was "deceptive."

(1) The amendment provided for its ratification by "malapportioned" legislatures.

(2) such legislatures would propose the plans to be submitted in referenda.

(3) The provision for periodic review would leave control in the hands of a malapportioned legislature since only an alternative "little federal" plan was called for.

Reiterated arguments on low voter participation in referenda, confusion among the voters, and susceptibility to manipulation by pressure groups.

Contended that "minority" control of one house was sufficient for control of a State legislature since it would possess a veto.

Senator HRUSKA (p. 19353) presented an amendment to change the three factors in the proposal, i.e., population, geography, and local subdivision as factors to be considered in apportionment of the second house, from disjunctive to conjunctive, thereby requiring that all three be included in such apportionment.

His second amendment was to reinsert "reasonable" in relation to the apportionment of a unicameral legislature as had appeared originally in Senate Joint Resolution 2.

His third amendment would require that alternative plans be submitted to the voters at all referenda, not just the first, that is, one for a "little federal" plan and the other for population basis.

The proposal of Senator DIRKSEN was so modified by the three amendments (p. 19353).

Senator BOGGS (p. 19353) submitted an amendment to provide that any plan for apportionment of a second house would not reduce the representation of voters in rural areas in that house to less than they might have under a one-man, one-vote apportionment.

Senator DIRKSEN opposed the amendment on the ground of its being ambiguous and difficult of administration (p. 19354).

The amendment of Senator BOGGS was rejected (p. 19354).

On the vote for the substitution of Senator DIRKSEN's amendment, as modified, for the American Legion Baseball Week bill, those in favor were 59, those against 39 (p. 19355).

Senator PROUTY (p. 19355) supported the amendment, relying, in part, on Mr. Justice Harlan's dissent in the *Reynolds* case.

Suggested the possibility of Congress legislating under article IV, section 4 of the Constitution (guaranteeing to each State a republican form of government) so as to repeal as "unrepublican" reapportionments of State legislatures brought about by judicial "coercion" (p. 19357).

Senator SYMINGTON (p. 19358) supported the modified amendment; argued for the right of the people to choose, the fairness of providing alternative plans in each referenda, and the continuance of judicial review.

Senator HARRIS (p. 19358) supported the modified amendment on lines of prior debate and presented story of reapportionment in Oklahoma.

Senator BURDICK (p. 19358) opposed the modified amendment on grounds of revivification of State legislatures and recognition of the Supreme Court's necessary and reluctant action. Described situation in North Dakota.

Senator CURTIS (p. 19362) supported the modified amendment in line with arguments of Senators DIRKSEN and ALLOTT and presented Nebraska's travails with the popular will being obviated by the courts.

Senator MCGOVERN (p. 19364) opposed the modified amendment in line with arguments of Senator CASE and others and presented South Dakota's history of general adherence to population apportionment.

Senator MURPHY (p. 19366) supported the modified amendment in line with prior debate and presented history of California's experience with and rejection of "one man, one vote" for both houses.

* * * * *

On the question of agreeing to the proposed constitutional amendment, as modified, the vote was, in favor 57, against 39, and it failed to secure the two-thirds support necessary under the Constitution (p. 19373).

ADJOURNMENT

Mr. DIRKSEN. Mr. President, if there are no further observations to be made, under the order previously entered, I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 58 minutes p.m.), the Senate adjourned, under the previous order, until tomorrow, Thursday, August 12, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 11 (legislative day of August 10), 1965:

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with date of rank to be prescribed by the Secretary of the Air Force:

To be captains, USAF (Medical)

John D. Best, AO3112587.
Victor A. David, AO3140056.
Ronald S. Green, AO3141329.
Edwin R. Orr III, AO2295716.
John G. Short, AO3126183.
James D. Strong, Jr., AO3140237.
Aubrey M. Worrell, Jr., AO3127075.

To be captains, USAF (Dental)

Clair W. Andrus, AO3091656
Gerald H. Grayson, AO3125591.
Robert L. LaBarge, AO3111159.

To be first lieutenants, USAF (Dental)

Joseph A. Camamo, AO3140811.
Raymond A. Ceresoli, AO3165179.
James C. Comis, Jr., AO3141244.
John J. Forgach, AO3140855.
Robert L. Jackson, AO3140705.
Wilfrid M. Keaton, AO3141326.
Charles R. Killingsworth, AO3140415.
Thomas A. Marquardt, AO3140843.
Warren H. Marttala, AO3141286
David L. Powell, AO3140197.
Donald R. Quick, AO3140272.
William P. Schellhase, AO3165772.
John T. Stamps, AO3140257.
Thomas H. Tatum, AO3140369.
Steve H. Zulawnik, AO3140412.

The following Air Force officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force:

To be captain

Robert E. Barretta, AO3037228.

To be second lieutenant

Howard B. Newton, AO3155834.

Subject to medical qualifications and subject to designation as distinguished military graduates, the following distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force:

Walter D. Alexander, Jr.
Michael E. Anderson
Stephen E. Bennett
Lawrence J. Biever
Stephen W. Brown
Arlen E. Diamond
William G. Eager III
Leon F. Ellis, Jr.
John L. Emigh
Kevin B. Farrell
Warren T. Harrison
Stephen M. Hunt
Ronald D. Jefferies
David J. Jones, Jr.
Robert H. Jones II
David H. MacLeod
Terrence M. Nelson
Walter D. Ozley
Larry N. Prose
Bernard G. Ragsdale, Jr.
David L. Routhier
Willits A. Smull
Michael F. Trahan
Michael R. Watts

CONFIRMATIONS

Executive nominations confirmed by the Senate August 11 (legislative day of August 10), 1965:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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

U.S. SUPREME COURT

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

TREASURY DEPARTMENT

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

DEPARTMENT OF JUSTICE

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

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

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.

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

Luther B. Eubanks, of Oklahoma, to be U.S. district judge for the western district of Oklahoma to fill an additional position created pursuant to the provisions of title 28, section 372(b), of the United States Code.

Oren Harris, of Arkansas, to be U.S. district judge for the eastern and western districts of Arkansas, to fill a position created by Public Law 87-36, approved May 19, 1961.

Sylvan A. Jeppesen, of Idaho, to be U.S. attorney for the district of Idaho for the term of 4 years.

John O. Garaas, of North Dakota, to be U.S. attorney for the district of North Dakota for the term of 4 years.

David M. Satz, Jr., of New Jersey, to be U.S. attorney for the district of New Jersey for the term of 4 years.

Anson J. Anderson, of North Dakota, to be U.S. marshal for the district of North Dakota for the term of 4 years.

Robert F. Morey, of Massachusetts, to be U.S. marshal for the district of Massachusetts for the term of 4 years.

Frank W. Cotner, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years.

Forrest F. Walker, of Virginia, to be U.S. marshal for the eastern district of Virginia for the term of 4 years.

Doyle W. Foreman, of Oklahoma, to be U.S. marshal for the northern district of Oklahoma for the term of 4 years.

COMMISSION ON CIVIL RIGHTS

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

U.S. SOLICITOR GENERAL

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

EXTENSIONS OF REMARKS

The Civil Air Patrol's International Air Cadet Exchange Program

EXTENSION OF REMARKS

OF

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 11, 1965

Mr. WOLFF. Mr. Speaker, on Tuesday evening, August 10, I was privileged to attend a dinner sponsored by Pan American World Airways, Inc., honoring the Civil Air Patrol's international air cadet exchange program. A measure of the importance of such programs, which encourage youth to enter the great adventures of the air and space age, was a letter sent by President Johnson, who was unable to attend.

I would like to insert this fine letter in the RECORD, and to add my congratulations to those of the President to all the young men of the free world who have chosen to participate in man's greatest adventure—the conquest of the universe.

The letter follows:

THE WHITE HOUSE,
Washington, August 10, 1965.

Although I am unable to be with you tonight, I want to express to you my personal greetings through my able assistant, Mike Manatos, on the occasion of your annual pan-American dinner honoring the foreign cadets of the international air cadet exchange.

It is always heartening to welcome young men from abroad to visit the United States and participate in the many activities arranged by our Civil Air Patrol. I am confident that this brief sharing in the family life of your hosts has been a mutually rewarding experience and has encouraged a feeling of cooperation and good will for both you and them. I have no doubt that our representatives to your countries have found their visits equally rewarding.

The enthusiasm, dedication, and self-sacrifice of the Civil Air Patrol members with whom you have visited attest to their strong desire to serve, through their program, a useful purpose in a troubled world. I know that your own programs, which made this visit possible, are enabling you to serve your own countries with equal dedication and gratifying success.

May each of you have a pleasant trip home and may next year's international air cadet exchange sustain the exemplary record which you have set.

LYNDON B. JOHNSON.

Death of Casey M. Jones

EXTENSION OF REMARKS

OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 11, 1965

Mr. TEAGUE of Texas. Mr. Speaker, it is my sad duty to announce the death of Casey M. Jones, who for a number of years was a professional aid to the Committee on Veterans' Affairs.

Casey was first named to the committee staff in January of 1947, by the late chairman, the Honorable Edith Nourse Rogers. He served continuously with the committee until his retirement a number of years ago and made a real and lasting contribution to the accomplishments of the Committee on Veterans' Affairs during the period he was employed by the committee.

Casey had a distinguished record in World War I, in which he served as an intelligence officer, and had the distinction of serving with Teddy Roosevelt, Jr., and also with two former Members of Congress, the Honorable Jesse Walcott and Clarence Kilburn.

For a number of years Casey was associated with the Veterans of Foreign Wars, and was always keenly interested in the work relating to the needs and responsibilities of the veterans of this country. For a number of years he had been in poor health, and in recent months had found it necessary to be in the hospital almost continuously. He will be sorely missed by his many friends, and to his wife and other members of his family I extend my own sympathy and that of other members of the committee and the Congress who were privileged to know him.

Bolivia Celebrates 140th Anniversary

EXTENSION OF REMARKS

OF

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 1965

Mr. COHELAN. Mr. Speaker, on August 6, 1825, a congress of delegates meeting in the city of Chuquisaca formally declared the independence of Upper Peru, later to be renamed Bolivia. A review of this action, which climaxed years of struggle in that country and throughout all of South America, can help us renew our faith in the desire of all men to obtain freedom from outside control. So on the 140th anniversary of that historic date, which was celebrated last Friday, I rise to pay tribute to the courageous men of Bolivia who fought and gave their lives so that their offspring could enjoy the benefits of a national state.

Bolivia has always been a country rich in natural resources, but before 1826 it was not free to use them herself. The Spanish conquered Bolivia in 1532, and it quickly became one of their most valued possessions. The discovery of silver around Potosi made the area known around the world. In 1559 Bolivia was made part of the Viceroyalty of Peru, but the seeds of unrest were already growing. Creoles—Spaniards born in the New World—were denied the right to hold high office, while the Indians were assigned tracts of land to cultivate and were forced to work in the mines.